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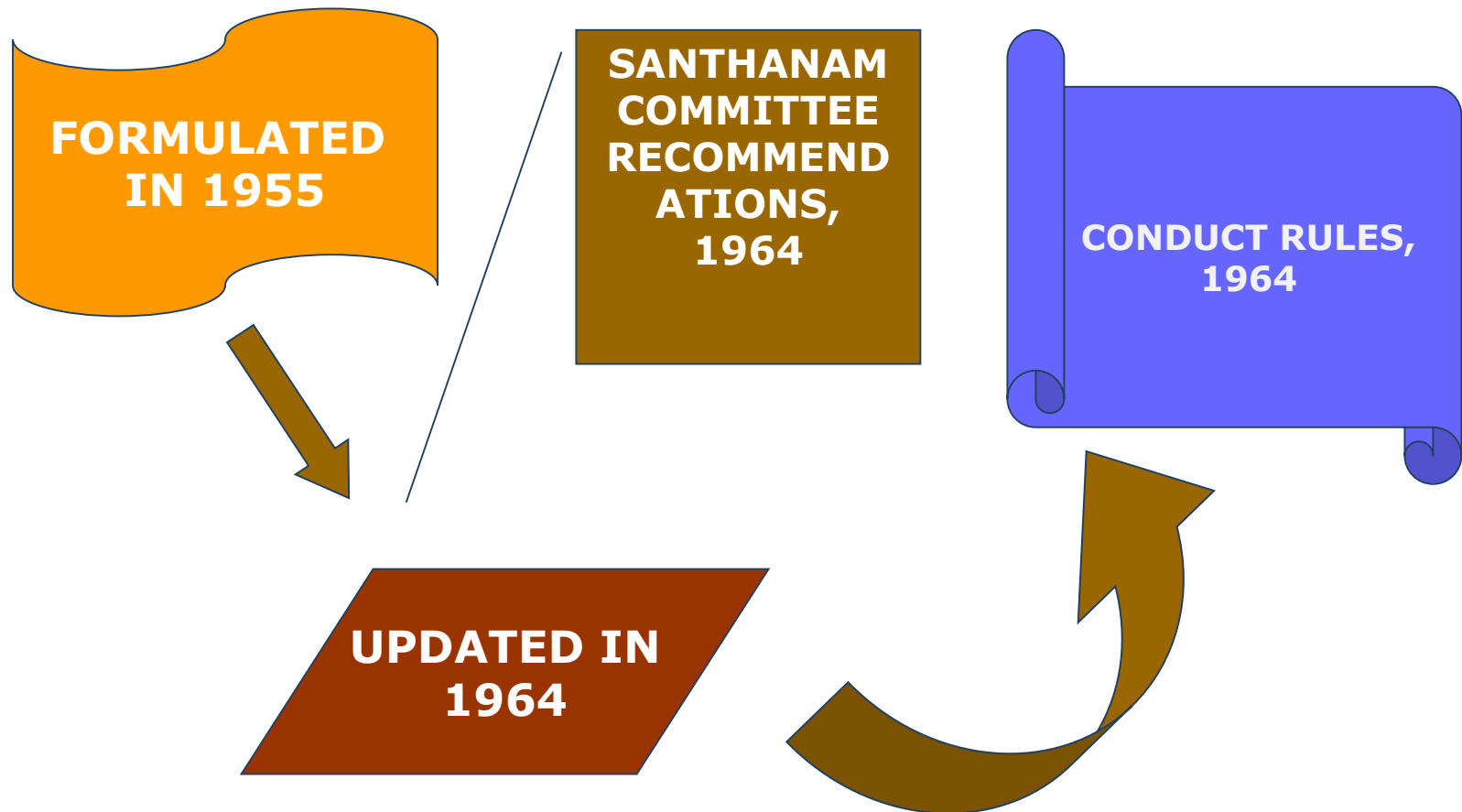


AUTHORITY - Article 309 of the Constitution

“subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State”



EVOLUTION – CONDUCT RULES





NEED FOR CONDUCT RULES

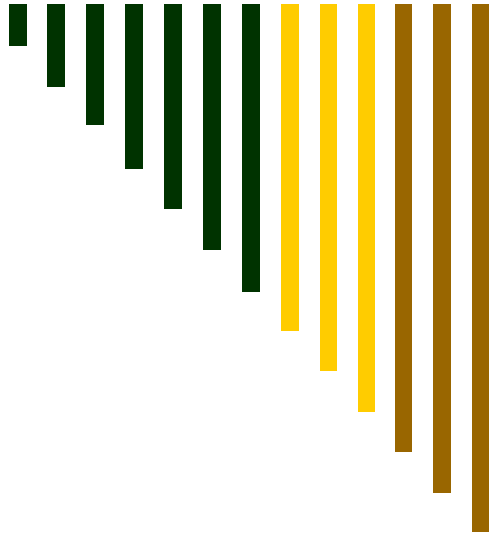
Government servants are responsible towards

- **the Government**
- **the public with whom they come into contact in their public dealings**



NEED FOR CONDUCT RULES

- The essence of Government service
- sense of discipline to which all Government employees are subject to
- the privileges to which they, in general are entitled.



OBJECTIVE

Building a sound conceptual base of the various provisions of the conduct rules and their appropriate applicability in general and specific cases



RULE 3

- Most operative Rule in the Code of Conduct
- The fundamental requirements of this rule are integrity, honesty, efficiency and good behaviour of a public servant
- It also takes the form of residuary Rule when no specific Rule of the Code of Conduct is applicable in a given case



RULE 3

Every Government servant at all times to -

- maintain absolute integrity;
- maintain devotion to duty; and
- do nothing which is unbecoming of a Government servant.

→ MOST OF THE DISCIPLINARY PROCEEDINGS ARISE OUT FROM THE BREACH OF THIS RULE



RULE 3 Contd....

- supervisory post to take all possible steps to ensure the integrity and devotion to duty of his subordinates;
- Employee to act in his best judgement in the performance of his official responsibilities, except when he is acting under the direction of his official superior;
- Direction of the official superior should be in writing. Where oral direction is unavoidable, this should be followed up by the official superior in writing soon after;
- employee who has received oral direction from his official superior should seek confirmation of the same in writing as early as possible whereupon it shall be the duty of the superior to confirm the direction in writing.



RULE 3

- *Rule 3 (B)* - deals with promptness and courtesy
- *Rule 3(C)* - concerns the prohibition of sexual harassment of working women



GOI Decisions on Rule 3

- ❑ Dishonest employee not to be placed in a position where there is considerable scope for discretion.
- ❑ Employee to observe due courtesies and regard in their dealings with MPs/MLAs.
- ❑ Avoid Participation in proselytizing activities
- ❑ Take care of his wife and family
- ❑ Avoid practice of untouchability
- ❑ Do not act in a discourteous manner
- ❑ To observe proper decorum during the lunch-break
- ❑ To obtain permission from competent authority before leaving station/headquarters



RULE 3A

□ *Joining Of Associations*

- Not to join any association activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality

□ *GOI Decision*

- In cases of violation of the rule disciplinary action to be taken by the Head of the Department



RULE 3 Sub Sec(6)

Prohibition regarding employment of children below 14 years of age

- No Government servant shall employ to work any child below the age of 14 years



Rule - 3C

Sexual Harassment Includes

- physical contact and advances;
- demanding sexual favours;
- passing sexually coloured remarks;
- showing pornography; or
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.



RULE 5

Demonstrations and strikes by Government servants

- Not to participate in any demonstration or strike prejudicial to the interest of the Government

GOI Decisions

- Defines strikes **as** *refusal to work or stoppage or slowing down of work by a group of employees*
- Not to 'Gherao' any public servant
- Violation may attract disciplinary action



RULE 5.

Public Demonstrations in honour of Government servants

- No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend in a meeting or entertainment held in his honour

GOI clarification

- Not to accept awards or monetary benefits instituted by private trusts/foundations



RULE 06

Gifts

- no Government servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift – cash or kind
- avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations
- “Gift” includes free transport, boarding, lodging or other service or any other pecuniary advantage



RULE 7.

Subscriptions

- No Government servant shall except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of any funds

GOI decisions

- not to sponsor the raising of funds from the public for any purpose
- can freely collect subscription for
 - Flag day collections
 - National Foundation for Communal Harmony



RULE 8.

Investments, lending and borrowing

- speculate in any stock, share or other investments
- make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties
- either himself or through any member of his family
- Lend or borrow or deposit money as a principal or an agent, to, or from or with, any person or firm or private limited company
- Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid



RULE 8 Contd...

GOI decisions

- Not to enter into transactions regarding moveable/immoveable property without the previous sanction of the prescribed authority
- All officers should be advised not to approach their subordinates for standing surety for loans taken from private sources either by them or by their relatives or friends



RULE 8 Contd...

Insolvency and habitual indebtedness

- A Government servant shall manage his private affairs by avoiding habitual indebtedness or insolvency
- If any legal proceeding is instituted for recovery of any debt due from him or for adjudging him as an insolvent, he shall forthwith report the full facts of the legal proceedings to the Government



RULE 9.

Sub-letting and vacation of Government accommodation

- No Government servant can sub-let, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him
- after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority



RULE 9.

Movable, immovable and valuable Property

- Every Government servant is required on his first appointment to any service or post submit a return of his assets and liabilities giving full particulars of
 - immovable property
 - shares, debentures and cash including bank deposits
 - other movable property
 - debts and other liabilitiesinherited by him, or owned or acquired by him or held by him on lease or mortgage

- No Government servant shall accept without the previous knowledge of the prescribed authority acquire or dispose off any immovable property by lease, mortgage, purchase, sale, gift



RULE 9 Contd...

- **Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc**
- acquire, by purchase, mortgage, lease, gift or otherwise
- any immovable property situated outside India
- dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India
- enter into any transaction with any foreigner, foreign Government, foreign organisation or concern



RULE 10.

Private trade or employment

- Without prior permission not to engage directly or indirectly in any trade or business
- hold an elective office
- canvass in support of any business of insurance agency

Exceptions – no permission required for

- honorary work of a social or charitable nature;
- occasional work of a literary, artistic or scientific character;
- participation in sports activities
- Taking part in the registration, promotion or management of a literary, scientific or charitable society or of a club



RULE 10 Cont..

- report to the Government if any member of his family is engaged in a trade or business or owns or manages in insurance agency
- no Government servant may accept any fee for any work done by him for any private or public body

GOI Decisions

- *Acceptance of part-time employment of Examiner-ship of examination papers set by recognised Universities is allowed*
- Acceptance of part-time employment of Government servants after office hours ordinarily not allowed



RULE 14.

Unauthorised communication of information

- Not to communicate directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorised to communicate

GOI Decisions

- not necessary to disclose the identity of the superior officer who made adverse remarks
- duty of all Government servants to safeguard the security of all classified information to which they have access



RULE 15

Connection with Press or other media

- Not to conduct or participate in the editing or management of, any newspaper or other periodical publications or electronic media

GOI decision

- No permission necessary for participation in A.I.R. programmes and receiving of honorarium



RULE 17.

CRITICISM OF GOVERNMENT

- Abstain from criticizing the policies of the Government

GOI Decisions

- To avoid passing resolutions/ making statements and/or expressing opinion on issues
- To avoid being signatories or parties to resolutions, etc., passed by service associations/unions/federations



RULE 18.

Evidence before Committee or any other authority

- Government servant not permitted, except with the previous sanction of the Government, to give evidence in connection with any inquiry conducted by any person, committee or authority

GOI Decision

- Not to apply - who appear before the Pay Commission on behalf of service associations



RULE 19

□ *Taking Part In Politics And Elections*

- Not to take part in politics, not do canvassing
- Not to allow even family members to participate

□ *GOI Decisions*

- Employees to maintain political neutrality
- Not to attend political meetings



RULE 20

Vindication of acts and character of Government servant

- No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the Press for the vindication of any official act
- Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity



RULE 20 - GOI Directions

- Government servants seeking redress of their grievances arising out of their employment or conditions of service should, in their own interest and also consistently with official propriety and discipline, first exhaust the normal official channels of redress before they take the issue to a court of law
- Government servant who may be convicted in a criminal court, to inform his official superiors of the fact of his conviction and the circumstances connected therewith



Rule 22

- **Employment of near relatives of Government servants in companies or firms**
employee debarred from participating in business or using his influence in procuring employment for family members
- **GOI decision**
All employees (except Group 'D') under the Government of India on first employment should furnish information in respect of their close relations



RULE 24

Canvassing of non-official or other outside influence

- No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government



RULE 24 Contd..

GOI decisions

- *Representation of service matters by relatives should be discouraged*
- *Prohibition on bringing any political or outside influence in respect of matters pertaining to service under the Government*
- *further their service interests through non-Governmental influence*



RULE 25-A

Dowry

- give or take or abet the giving or taking of dowry;
- demand directly or indirectly, from the parent or guardian of a bride or a bridegroom, as the case may be, any dowry

GOI decision

- violation of the provision of Dowry Prohibition Act, 1961
- institution of disciplinary proceedings



RULE 25.

Restriction regarding marriage

- *No Government servant shall enter into, or contract, a marriage with a person having a spouse living*

Provided that

- *such marriage is permissible under the personal law applicable to such Government servant*
- *there are other grounds for so doing*
- *A Government servant who has married or marries a person other than of Indian nationality is required to forthwith intimate the fact to the Government*



RULE 25 Contd...

GOI decisions

- The first point to be scrutinized when an application for permission is received, is whether such marriage is permissible under the personal law applicable to the applicant
- Restrictions against bigamy will apply to female Government servants also
- Form of declaration to be obtained from new entrants regarding their having one or more than one wife



RULE 26 :-

Consumption of intoxicating drinks and drugs

- ❑ Strictly abide by any law relating to intoxicating drinks or drugs in force in any area
- ❑ not be under the influence of any intoxicating drink or drug during the course of his duty
- ❑ refrain from consuming any intoxicating drinks or drugs in a public place
- ❑ not use any intoxicating drink or drug to excess

GOI Decision

- ❑ Drinking in the lodging room in a hotel will not attract the provisions of Rule 22



MISCONDUCT - meaning

-contd.

Not capable of precise definition, its reflections receive its connotations from the context, the delinquency in its performance and its effect on the discipline and the nature of duty. It may involve moral turpitude; it must be improper or wrong behaviour, unlawful behaviour, wilful in character; forbidden act, a transgression of established and definite rule of action or code of conduct but not mere error of judgement, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character



MISCONDUCT - meaning

Its ambit has to be construed with reference to the subject-matter and the context wherein the term occurs, regard being had to the scope of the statute and the public purpose it seeks to serve



MISCONDUCT - *illustrations*

The act or conduct amounting to MISCONDUCT

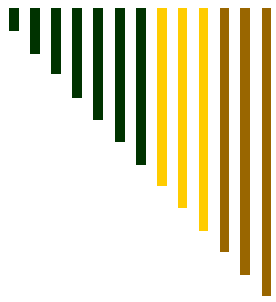
- ❑ Prejudicial to the interests of the master
- ❑ master cannot rely on the faithfulness of his employee
- ❑ Habitual neglect or negligence of work
- ❑ If the Government servant is Abusive or if he disturbs the peace of the place of his employment



MISCONDUCT - *illustrations*

ALSO INCLUDES

- Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior
- Infidelity, unfaithfulness, dishonesty, untrustworthiness, theft and fraud
- Strike, picketing, 'gherao'
- Riotous and disorderly behaviour
- Habitual late attendance
- Inconsistent or incompatible with the due or peaceful discharge of his duty to his master, ETC.



THANK U
WISH YOU
ALL THE BEST