CONSTITUTIONAL PROVISIONS
CONDUCT RULES
VIOLATION OF CONDUCT RULES

• PUBLIC DUTY

• A DUTY IN THE DISCHARGE OF WHICH THE STATE, THE PUBLIC OR THE COMMUNITY AT LARGE HAS AN INTEREST
PUBLIC SERVANT

• ALL GOVERNMENT SERVANTS ENGAGED IN PERFORMANCE OF PUBLIC DUTY

• ANY PERSON IN THE SERVICE OR PAY OF LOCAL AUTHORITY CORPORATION OR BODY OWNED OR CONTROLLED OR AIDED BY GOVERNMENT ……………
PUBLIC SERVANT

• OFFICE BEARER OR AN EMPLOYEE OF EDUCATIONAL, SCIENTIFIC SOCIAL, CULTURAL OR OTHER INSTITUTION WHICH RECEIVE FINANCIAL AID FROM GOVERNMENT – STATE, CENTRAL, LOCAL OR OTHER PUBLIC AUTHORITY
CONSTITUTIONAL PROVISIONS GOVERNING SERVICES

• **Art. 309**: Powers to frame rules governing the service conditions of persons serving the government – Legislature/head of the Country/State

• **Art 310**: Tenure of the persons serving the government during the pleasure of the head of the Country/State
CONSTITUTIONAL PROVISIONS GOVERNING SERVICES

• **Art 311:**
  - Reasonable opportunity of being heard
  - No dismissal or removal except
    by authority competent to appoint

• CCA Rules framed on this principle

• **Art 312:** All India Services
APCS (CONDUCT) RULES

• APPLICABILITY
• MOSTLY DONTs AND A FEW DOs
• A SET OF CHECKS AND CONTROLS
• RESTRICTIVE PROVISIONS
• RESTRICTION ON FUNDAMENTAL RIGHTS /PRIVATE LIFE
• MISCELLANEOUS
Conduct Means

- Behavior
- Management
- Carry out
- Guide
- Manner
MEMBER OF FAMILY OF THE GOVERNMENT SERVANT

- **SPOUSE**
- **SON/DAUGHTER** – including step children
- **Any other person** related to and residing with and wholly dependent
CONDUCT RULES - DOs

• 1. DEVOTION TO DUTY
• 2. ABSOLUTE INTEGRITY
• 3. DISCIPLINE
• 4. IMPARTIALITY
• 5. SENSE OF PROPRIETY
• BEST JUDGEMENT
CONDUCT RULES - DOs

• PROMPT & CURTEOUS
• ENSURE INTEGRITY & DEVOTION OF SUBORDINATES
• SUBMISSION OF STATEMENT OF ALL IMMOVABLE PROPERTY & MOVABLE PROPERTY EXCEEDING Rs.1,00,000
• OBTAINING PRIOR PERMISSION IN ACQUIRING OR DISPOSAL OF PROPERTY
• DECLARATION OF FOREIGN CURRENCY/GOODS EXCEEDING Rs.10,000
APCS(CONDUCT) RULES

• DONTS:
  • NOT TO BEHAVE IN A MANNER
  • i UNBECOMING OF GOVT. SERVANTS
  • ii. DEROGATORY TO:
  • THE INTERESTS OF THE GOVT
  • THE PRESTIGE OF GOVT.
  • iii. EMBARASSMENT TO OFFICIAL POST
APCS (CONDUCT) RULES

- UNMANNERLY ATTITUDE
  - (unsuitable, indecorous, improper)
- INSUBORDINATION
- LACK OF DECORUM
- LAZINESS
- CORRUPT PRACTICES
- SHIRKING OF RESPONSIBILITY
RESTRICTIONS ON FUNDAMENTAL RIGHTS

• TAKING PART IN POLITICS & ELECTIONS
• JOINING AND FORMING ASSOCIATIONS
• DEMONSTRATIONS AND STRIKES
• CONNECTION WITH PRESS AND RADIO
• CRITICISM OF GOVT
• ACQUISITION AND DISPOSAL OF PROPERTY
RESTRICTIVE PROVISIONS ON PRIVATE/PERSONAL LIFE

• TRADE & EMPLOYMENT
• INVESTING, LENDING AND BORROWING
• COLLECTION OF SUBSCRIPTION
• ACCEPTANCE OF GIFTS
• FELICITATIONS, TROWL ETC
• PUBLIC DEMONSTRATIONS
• VINDICATION OF OFFICIAL ACTS
RESTRICTIVE PROVISIONS ON PRIVATE/PERSOmal LIFE

• RECEIPT OF FOREIGN CURRENCY/GOODS
• CANVASSING OF OUTSIDE INFLUENCE
• BIGAMOUS MARRIAGES
• CONSUMPTION OF INTOXICATING DRINKS
MISCELLANEOUS

• PROMOTION & MANAGEMENT OF COMPANIES
• APPOINTMENT OF NEAR RELATIVES
• FAMILY MEMBER IN PRIVATE FIRM
• PUBLICATION OF BOOKS
• EVIDENCE BEFORE COMMITTEES
• DEALING WITH OWN CASES
• SEXUAL HARASSMENT
• PROLONGED ABSENCE
• SMOKING
VIOLATION OF CONDUCT RULES

• VIOLATION OF CONDUCT RULES CAN BE CLASSIFIED INTO 4 CATEGORIES
  • NEGLIGENCE
  • MISCONDUCT
  • CRIMINAL MISCONDUCT
  • MORAL TURPITUDE
NEGLIGENCE MEANS

• Lack of Care
• Carelessness
• Slackness
• Lack of Attention
• Laxity
• Casualness
Misconduct Means

• Bad Behavior
• Wrong doing
• Law breaking
• Bad Management
• Intentional doing of something wrong recklessly
Criminal Means

- Illegal
- Unlawful
- Illicit
- Immoral
- Illegitimate
- Dishonest
- Prohibited
Moral Turpitude

• A reprehensible Act contrary to the accepted notions of right or customary code of conduct accepted by the Society
PREVENTION OF CORRUPTION Act 1988

• Incorporates:
  1. PC Act 1947
  2. Criminal Law amendment Act 1952
  3. Sections 161 to 165 of Indian Penal Code
P.C.ACT - MAIN FEATURES

- Public Duty - Sec 2 (b)
- Public Servant - Sec 2 (c)
- Obtaining illegal gratifications - Sec. 7
- Obtaining valuable thing - Sec. 11
- Abetment of Secs 7, 11 - Sec. 12
- Gratification for influencing Public Servant - Sec. 8&9
- Abetment of Sec. 8&9 - Sec. 10
- Habitual commission of Sec 8,9,12 - Sec.14
- Criminal Misconduct - Sec 13
P.C.ACT - MAIN FEATURES

• Criminal Misconduct:
  • Sec 7 & 11
  • Dis honestly or fraudulently misappropriating or allowing to Misappropriate
  • Dis proportionate Assets
  • Attempt of Sec. 13 - Sec. 15
  • Presumption of Motive or reward - Sec. 20