

# 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/PERSONAL 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 IN TO 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 reprehensive 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