

# A.P.C.S.(Conduct) Rules, 1964

- **WHY CONDUCT RULES ARE REQUIRED**
- **The efficiency of Government depends on the conduct of the Government servants in the discharge of their duties and on their behavior with public.**
- **Discipline is the foundation of any orderly State or society.**
- **Because it the public that are affected by any misconduct on the part of Government Servant.**

# A.P.C.S.(Conduct) Rules, 1964

- Since any misconduct of the Government servant reflects on the Government itself, it is essential that the Government should regulate the conduct of the Government servants to see to the interest of the Government as well as safeguard the interest of the public.
- Therefore the Govt. framed conduct rules for its employees which they should not only obey in discharge of their official duties, but also they should observe certain standard in dealing with public and also in their private life.

# MISCONDUCT

- Misconduct is not defined in any conduct rules
- Dictionary meaning is: ‘It is a violation of definite law; a forbidden act.’
- Law Lexicon defines as: ‘It implies a wrongful intention and not a mere error of judgement.’
- Misconduct may mean “to mismanage, wrong or improper conduct, bad behaviour, unlawful behavior or conduct.”.
- It does not necessarily imply corruption or criminal intent.

# MISCONDUCT

- Misconduct is something more than mere negligence. It is the intentional doing of something which the doer knows to be wrong or which he does recklessly not caring what the result may be.[Rasabathi Bewa vs Union of India, AIR 1961 Ori 113]
- Where a Govt. servant fails to give satisfactory account of his acquisition of property which is quite disproportionate to his known sources of income he can be considered to have committed grave misconduct under the provisions of the Conduct Rules.[Bharat Ram Vs Union of India, AIR 1967 Pat.347]
- Disproportionate assets is also **criminal misconduct** under Sec 13 of Prevention of Corruption Act, 1988.

# MISCONDUCT

- The term 'misconduct' is wide enough to include wrongful commission or omission, whether done or omitted to be done, intentionally or unintentionally.
- A misconduct arises if a person does what he should not have done and does not do what he should have done.

[B.N.Railway Co. Vs Moolji Sicka Co. AIR 1930  
Cal. 815]

# Criminal Misconduct

- Sec. 13 of Prevention of Corruption Act, 1988 defines the offence of Criminal Misconduct.
- 13. Criminal misconduct by a public servant.- (1) A public servant is said to commit the offence of criminal misconduct.-
- (a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in Section 7; or
- (b) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- (c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or
- (d) if he .-
- (i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
- (ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
- (iii) while holding office as a public servant obtains for any person any valuable thing or pecuniary advantage without any public interest; or
- (e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.
- 
- Explanation:- For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.
- (2) Any public servant, who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to 7 years and shall also be liable to fine.

# Conduct Rules

- Code of Conduct as set out in the Conduct Rules clearly indicates the conduct expected from a member of service.
- It would follow that conduct which is blame-worthy for the Government servant in the context of Conduct Rules would be misconduct.
- Gross or habitual negligence in performance of duty in service, may not involve mens rea but may still constitute misconduct for disciplinary proceedings.
- [Union of India Vs J. Ahmed, AIR 1979 SC 1022]

# ANDHRA PRADESH CIVIL SERVICES (CONDUCT) RULES, 1964.

- In exercise of the powers conferred by the proviso to article 309 of the constitution of India, the Governor of Andhra Pradesh hereby makes the following rules to regulate the conduct of Government Employees.



# A.P.C.S.(Conduct) Rules, 1964

- 1. (1) These rules may be called the Andhra Pradesh Civil Services (Conduct) Rules, 1964.
- (2) They shall apply to every person who is member of a civil service of the State or holds any civil post under the state or in connection with the affairs of the state :

# Conduct Rules

- 3. **General Rules (Unbecoming of Govt. Servant)**
- 4. Strikes
- 5. Demonstrations
- 6. Gifts, Service entertainment addresses and other forms of felicitation (Foreign Currency)
- 7. Subscription
- 8. Lending, Borrowing and Insolvency
- 9. **Acquiring or disposing of immovable/moveable property (Annexure-I, II)**
- 10. Private Trade, Business and Investment
- 11. Promotion, Registration or management of any bank or other registered company.
- 12. Private Employment
- 13. Publications of Books

# Conduct Rules

- 14. Communication of Official documents or information
- 15. Connection with Press
- 16. Participation in Radio Broadcast and contribution to newspapers and periodicals
- 17. Criticism of the policy or action of Government or any other State Government or Central Government.
- 18. Evidence before any committee, commission or other authority
- 19. Participate in political movement
- 20. Vindication of Acts and Character of a Government employee
- 21. Working with or under near relatives in Government Service
- 22. Employment of a member of family in a pvt. Firm
- 23. Not to deal in official capacity with matter concerning himself, his relatives or dependents.
- 24. Influencing the authorities for furtherance of interests
- 25. Bigamous Marriage, Dowry
- 26. Intoxicating Liquor

# Conduct Rules

- Rule 3 to 26 prescribe code of conduct for members of service and it can be safely stated that an act or omission contrary to or in breach of any of these prescribed rules of conduct would constitute misconduct for disciplinary proceedings.
- This code of conduct is not exhaustive. Some **other act or omission, either in office or outside, may as well constitute misconduct** and can be proceeded under the general rule 3 for unbecoming of Govt. servant.

Remember my slide on “Subject to the provisions of the Constitution” on Art 309 in last lecture

- - Means- law making power of legislature and rule making power of the executive (Under the Proviso) must not contravene any provision of the constitution.
- Examples: Art.310, 311, 320
- Such laws and rules are also subject to other provisions of the constitution contained in Arts: 14,15,16,19,98,146,187,229,234 etc.

# Conduct Rules and Constitution- Comments

- After going through conduct rules, especially those which restricts one of the six freedoms granted by Art. 19 of the Constitution, you may feel that the conduct rules which are subject to the other provisions of the Constitution, itself violates some provisions of Fundamental rights in regard to Govt. servants. That feeling is right. But the **conduct rules remain in force and have to be followed by Govt. servants, so long as they are not struck down by a Court of Law.**
- One can challenge Govt. action under conduct rules for violation of Fundamental Right in a court of Law.
- I read the illuminating article by Alladi Kuppaswami on 'Conduct Rules and Fundamental Rights' available on internet on the site
- "<http://www.hinduonnet.com/fline/fl1618/16180860.htm>"

# Remarks from the Article of Sri Kuppuswamy

- Under Article 13, the state shall not make any law which takes away or abridges fundamental rights and any law made in contravention of this clause shall be void.
- Hence, if the restrictions imposed by a conduct rule are not reasonable restriction and **contravenes or abridges any of the Fundamental Rights**, then such rules is ultra virus of the constitution and hence is **void**.
- No punishment can therefore be imposed under a void rule!
- <http://www.hinduonnet.com/fline/fl1618/16180860.htm>

# Conduct Rules

- **General**
- **3 (1) : Every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.**
- **(2) No Government employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of Government.**



# Integrity

- If a public servant is required to maintain integrity and to be devoted to duty, he is merely being asked to keep within the bounds of that administrative decency which goes by the name of civilized administration.
- **Integrity is uprightness, honesty or purity.**
- ‘Integrity’ is now used in a wider sense in Rule 3 of the Conduct Rules which implies acceptance of full responsibility of the job assigned to a public servant.
- The rule relating to absolute integrity now requires that every Govt. servant will act in his best judgement except when he is acting under directions of official superior.

# Devotion to Duty

- The expression 'devotion to duty' appears to have been used as **something opposed to indifference to duty** or easygoing or light-hearted approach to duty.
- An officer who is habitually lazy or makes **mistakes frequently or is not polite or decorous** may be considered unsuitable for the service as lacking devotion to duty.

# Unbecoming conduct

- The term unbecoming conduct is not defined anywhere. It is a **vague concept** and not amenable for definition.
- Any conduct which is not appropriate or befitting the position of a Government servant may be considered as unbecoming conduct.
- A Govt. servant is expected to maintain a responsible and decent standard of conduct in his private life and not bring discredit to his service by his misdemeanors.

# Unbecoming conduct- Continued

- It is not possible to give an exhaustive list of actions which would be unbecoming of a Government servant.
- There are well understood norms of conduct of morality, decency, decorum and propriety in any society and they are also conduct becoming of Government servants. A fall from such standard would render an act unbecoming of Government servant.
- In final analysis, an act of unbecoming conduct is that act which the **disciplinary authority feel** so.

# Conduct Rules - General Rule 3 - continued

- 3-B: "Promptness and courtesy No Government Servant shall –
- (a) in the performance of his official duties, **act in a discourteous manner;**
- (b) in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delay in disposal of the work assigned to him."

# General Rule 3 - continued

- 3-C: Prohibition of sexual harassment of working women.
- ``No Government employee shall in the performance of his official duties act in a discourteous and discriminate manner with any working women or **indulge in sexual harassment** either directly or by implication".

# General Rule 3 - continued

- 3 (5) ``Every Government servant holding a supervisory post shall take **all possible steps to ensure the integrity and devotion to duty** of all Government servants for the time being under his control and authority".
- Explanation :- ``A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty.'"

# General Rule 3 - continued

- (6) Prohibition regarding employment of children below 14 years of age:- No member of the service shall employ to work any child below the age of 14 years.



# Strikes

- 4. No Government employee shall participate in any strike or similar activities or incitement thereto.
- **Explanation:- The expression "Similar activities" shall be deemed to include-**
  - (i) absence from duty or work without permission.
  - (ii) neglect of duty with the object of compelling any superior officer or Government to take or omit to take any official action;
  - (iii) any demonstrative fast, like **Hunger Strike with the object mentioned in item (ii); or**
  - (iv) concerted or organized refusal on the part of Government employees to receive their pay.

# Demonstrations

- 5. No Government employee shall participate in any demonstration which is against the interests of the sovereignty and integrity of India or Public order.

# Gifts etc.

- **Gifts, Service Entertainment addresses and addresses and other forms of felicitation**
- 6. (1) No Government employee shall :-
  - (i) **accept, or permit any member of his family to accept** from any person any gift, the receipt of which, or any service the performance of **which will place such employee under any kind of official obligation or embarrassment** in relation to any person if, however, the offer of a gift cannot be refused without giving undue offence to the donor, it may be accepted and the matter reported to the Government for decision as not its disposal; or
  - (ii) receive any address or accept any felicitation or entertainment held in his honour ;
  - (iii) stay in any Guest House owned by a private person and enjoy his hospitality.

# Gifts etc.

- Provided that nothing in this sub-rule shall apply to :-
- (a) gifts of flowers or fruits of trifling value.
- (b) gifts of a value, reasonable in all circumstances of the case, from relations, and **gifts of a value of less than two hundred rupees** from personal friends presented to a Government employee or to any member of his family on ceremonial occasions such as weddings;
- (c) the performance of an occasional service of a trifling character;
- (d) the sitting for a group photo with officers and the members of the staff of his office.

# Gifts etc.-continued

- (2) If any question arises whether the receipt of a gift or the performance of a service places the Government employee under any kind of official obligation or embarrassment, the decision of Government thereon shall be final.

# Foreign currency or Goods

- 6-A: Every Government Employee shall intimate to the Competent Authority within fifteen days from the date of receipt of any **foreign currency or foreign goods of value of more than Rs.10,000/-** from any person by him or by any person of his family or by any person on their behalf, in the form given in the Annexure III to these rules.

# Subscription

- 7. No Government employee shall, except with the previous sanction of Government, ask for, or accept or **in any way participate in the raising of**, any subscriptions or other pecuniary assistance in pursuance of any object whatsoever.

# Lending borrowing and insolvency

- 8 (1) **No Government employee shall**, save in ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf.
- (a) **lend or borrow or deposit money** as a principal or agent, to, or from, or with any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself, under pecuniary obligation to such person or firm; or
- (b) **lend money to any person at interest** or in manner whereby return in money or kind is charged or paid ;



# Lending borrowing and insolvency- Provisos to (1)

- Provided that a Government employee may give to, or accept from a relative or a personal friend a **purely temporary loan of small amount free of interest** or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee;
- Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government employee with the previous sanction of the Government.

Lending borrowing and insolvency- would embarrass or influence him in the discharge of his official duties

- (1-A) When a Government employee is appointed or transferred to a post of such nature as **would embarrass or influence him in the discharge of his official duties** or involve him in the breach of any of the provisions of sub-rule (1). He shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be made by the Government.

# Lending borrowing and insolvency- **not apply to any transaction with a co-operative society**

- (2) The prohibition in sub-rule (1) shall not apply to :-
- (i) any transaction of a Government employee with a co-operative society registered or deemed to have been registered under the law relating to co-operative societies for the time being in force in the State;

# Lending borrowing and insolvency- **to avoid habitual indebtedness**

- (3) A Government Employee shall so manage his private affairs as **to avoid habitual indebtedness or insolvency**. A Government employee who is involved in legal proceedings for insolvency shall forthwith report the full facts to Government.

# Private Trade Business and as Investment

- 10. (1) No Government employee shall engage directly or indirectly in any trade or business save in the course of his official duties.

**Explanation: Canvassing by a Government servant in support of the business of Insurance agency. Commission agency and the like owned or managed by his wife or any other member of his family shall be deemed to be breach of this sub-rule**

# Private Trade Business and as Investment

- (1-A) Every Government employee shall report to the Government if any member of his family is engaged in trade and business or owns or manages an insurance agency or Commission agency.
- (2) No Government employee shall speculate in any investment.
- (3) No Government employee shall make, or permit any member of his family to make, **any investment likely to embarrass** or influence him in the discharge of his Official duties.
- (4) The decision of Government shall be final in respect of any question arising under this rule.

# Promotions and Management of companies in Private capacity

- 11. No Government employee shall in his private capacity, except with the previous sanction of Government, **take part in the promotion, registration or management** of any bank or other company registered under the relevant law for the time being in force.
- Provided that a Government employee may, in accordance with the provisions of any general or special order of Government, take part in the promotion, registration or management of a co-operative society registered under any law relating to co-operative societies for the time being in force in the State:
- Provided further that no Government employee shall, without the previous sanction of the Government except in the discharge of his official duties, take part in promotion, registration or management of any co-operative society for Commercial purpose.

# Private Employment

- 12. No Government employee shall , except with the previous sanction of Government **negotiate for or undertake any employment or work** other than that connected with the official duties.
- Provided that a Government employee may, without such sanction, **participate in sports activities as an amateur, undertake honorary work of a special or charitable nature, or occasional work of literary artistic or scientific character** or any examiner ship or remuneration, offered therefore by the Union Public Service Commission, Institute of Secretariat training and management of Government of India, the Andhra Pradesh Public Service Commission, the State Board of Technical Education and training or the board of Secondary Education, Andhra Pradesh or by any of the Universities in the State of Andhra Pradesh, the Board of Intermediate Education, Andhra Pradesh, Subject to the condition that such work or examiner ship does not interfere with his official duties but he shall not undertake or shall discontinue such work; or examiner ship, if so directed by Government.



# Publications of books

- 13. No Government employee shall, without the previous permission of Government, **publish any book, which is not purely of a literary artistic or scientific character.** While applying for permission to publish a book he shall submit to Government a manuscript copy thereof :
- Provided that an employee who publishes book with or without the previous permission of Government shall not canvass for its sale in any manner and it shall also be open to Government to insist on the sale of the Copyright in any such book

# Communication of official documents or information.

- 14. No Government Employee shall, except accordance with any general or special order of Government, **communicate directly or indirectly any official document or any of its contents or any official information**, to any Government employee not authorized to receive the same, or to any non-official person or the Press.
- Exception: Furnishing information under Artifact

# Connection with Press

- 15. No Government employee shall except with the previous sanction of Government, own wholly or in part, or conduct, or participate in the editing or the management of, **any newspaper or non-government publication.**

# Participation in Radio Broadcast contribution to News papers and Periodicals.

- 16 (1) No Government employee shall, except with the previous sanction of Government or any authority empowered by them in this behalf or in the course of discharge of his official duties, participate in a Radio broadcast or Drama or Tele-serial or Feature Film or contribute any article or write any letter in his own name or anonymously, pseudonymously or in the name of any other person to a newspaper or periodical:
- Provided that no such sanction is necessary if such broadcast or Drama or Tele-serial or Feature Film or article or letter is of a purely literary, artistic or scientific character, or if such broadcast relates to a talk arranged under the general or special order of Government; and the Government employee may accept the remuneration prescribed for such broadcasts, Dramas or Tele-serials or Feature Films or articles or letters.

# Criticism of the policy or action of Govt. or any other State Govt. or Central Govt.

- 17. (1) No Government employee shall, by any public utterance, written or otherwise, criticize any policy or action of Government or any other State Government the Central Government; nor shall he participate in any such criticism;
- Provided that nothing in this rule shall be deemed to prohibit any Government employee from participating in discussions, at any private meeting solely of Government employees or of any association of Government employees of matters which effect the interest of such employees individually or generally;
- (2) No Government employee shall, in any writing published by him, or in any communication made by him to the press, or in any public utterance delivered by him, make any statement of fact or opinion which is likely to embarrass-
- (i) The relations between the Central Government or the Government of any State and the people of India or any section there of.
- (ii) the relations between the Central Government and the Government of any foreign State.

# Criticism of the policy or action of Govt. or any other State Govt. or Central Govt.

- (3) A Government employee who intends to publish any document or to make any communication to the press or to deliver any public utterance containing statements in respect of which any doubt as to the application of the restrictions imposed by sub-rule (2) may arise, shall submit to Government the draft of such document, communication or utterance and shall, thereafter, act in accordance with such orders as may be passed by Government.

# Evidence before any committee, commission or other authority

- 18. (1) No Government employee shall give evidence in connection with any inquiry conducted by any committee, Commission or other authority:-
  - (a) in India, except with the previous permission of Government;
  - (b) outside India, except with the previous sanction of the Central Government;
- (2) There any sanction is accorded under sub-rule (1), no Government employee giving such evidence shall criticise the policy of the Central Government or of a State Government.
- (3) Nothing in sub-rule (1) shall apply to--
  - (a) evidence given before a statutory committee, commission or other authority which has power to compel attendance and the giving of answers;
  - (b) evidence given in judicial inquiries;
  - (c) evidence given at any departmental inquiry ordered by Government or any authority subordinate to them.

# Association with Political Activity

- 19. (1) No Government employee shall be a member of, or be otherwise associated with, any political party or any organisation in respect of which there is slightest reason to think that the organisation has a political aspect and takes part in politics; nor shall he participate in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every Government employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any manner any movement or activity which is, or tends directly or indirectly to be, sub-versive of the Central Government or of a State Government, being prejudicial to national security; and where a Government employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to Government.



# Association with Political Activity

- (3) Nothing in sub-rule (2) shall apply in respect of any member of the family of a Government employee standing for an election to Parliament or any House of a State Legislature or local authority or body or canvassing for other candidates in any such election.
- (4) If any question arises as to whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

# Association with Political Activity

- (5) No Government employee shall canvass or otherwise interfere or use his influence, in connection with, or take part in, an election to Parliament or any House of a State Legislature or any local authority or body:
- Provided that:-
- (i) A Government employee qualified to vote at such election may cast his vote but, where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Government employee shall not be deemed to have contravened the provisions of this rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

# Association with Political Activity

- (6) The display by a Government employee on his person, vehicle, residence or any of his property, of any **election symbol shall amount to using his influence** in connection with an election within the meaning of sub-rule (5).
- (7) The provisions of sub-rules (5) and (6) shall not apply to a Government employee required or permitted by or under any law or order of Government to be a candidate at an election to a local authority or body.

# Vindication of acts and character of a Government employee as such.

- 20 (1) No Government employee shall, except with the previous sanction of Government, **have recourse to the press or any court for the vindication of his official act** which has been the subject matter of adverse criticism or an attack of a defamatory character in public.
- (2) Nothing in sub-rule (1) shall be deemed to prohibit a Government employee from vindicating his private character or an act done by him in his private capacity.
- (3) No Government employee shall, except with the previous sanction of Government, accept from any person or body compensation of any kind for malicious prosecution or defamatory attack in respect of his official act unless such compensation has been awarded by a competent court of law.

# Working with or under, near relatives in Govt. Service.

- 21. (1) Every member of a State Service shall inform his immediate official superior if a member of a State or Subordinate Service, who is **his near relative is to work under him.**
- (2) Every member of a State or Subordinate Service shall inform his immediate official superior if he is **to work under a member of an All India Service or a State Service who is his near relative.**

# Employment of a member of the family in a private firm.

- 22. Whenever a member of the family of a Government employee who is solely dependent on him wishes to accept employment under any person, or with any firm or company, **having official connection with such Government employee** or Government, the Government employee shall obtain the prior sanction of Government for such employment

Govt. employee not to deal in his official capacity with matters concerning himself, his relatives or dependents.

- 23. No Government employee shall deal, in his official capacity, with any matter which directly or indirectly concerns himself or any of his relatives or dependents.

# Influencing the authorities for furtherance of interests

- 24. (1) No Government employee shall bring or attempt to bring any extraneous influence to bear upon any authority for the furtherance his interests.
- (2) A Government employee causing his own case to be made the subject of an interpellation in either House of Parliament or State Legislature or of discussion in the Andhra Pradesh Regional Committee shall be deemed to have contravened the provisions of sub-rule (1).
- (3) It will be improper for a Government employee who makes any representation to the competent authority through the proper channel, to bother the higher authorities with advance copies thereof:
- Provided that a Government employee may send a copy of any representation made to the competent authority through the proper channel, direct to the higher authorities if the representation is made after exhausting such of the statutory remedies as were open to him and after receiving intimation that his representation has been withheld.



# Bigamous marriage

- 25. (1) No Government employee **who has a wife living shall contract another marriage** without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable.
- "Provided that where the personal law provides for second or subsequent marriage, the Government employee shall, while seeking permission to contract another marriage, produce documentary evidence in support of "Divorce or Talaq" in respect of previous marriage and the manner in which the same was secured or pronounced and intimated to the first or former wife".
- (2) "**No female Government servant**, whether unmarried or widow or divorced, as the case may be, **shall marry any person who has a wife living** without first obtaining the permission of the Government, though the parties are governed by the personal law which otherwise permits contracting more than one marriage while the prior marriage is subsisting".

# Dowry.

- 25. A No Government servant shall--
- (i) give or take or abet in giving or taking of dowry; or
- (2) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom as the case may be; any dowry.
- Explanation:- for the purpose of this rule "dowry" has the same meaning as in the Dowry Prohibition Act, 1961. (A Central Act 28 of 1961).

# Intoxicating Drinks or Drugs

- 26-Drinking: Notwithstanding anything contained in the provisions of any Law relating to intoxicating drinks or drugs for the time being in force in any area, no Government employee shall -
- (i) **while on duty**, be under the influence of such drinks or drugs to such an extent as to render him incapable of discharging his duty properly and efficiently; or
- (ii) **appear in a public place in a state of intoxication**; or
- (iii) consume such drinks or drugs in excess.”

# Saving of other Laws.

- 29. The provisions of **these rules shall be in addition to**, and not in derogation, of any other law or order of any competent authority, for the time being in force, regulating the conduct of Government employees in the State.

# Acquiring or disposing of immovable property

- 9(1) No Government employee shall, except after **previous intimation to Government**, acquire or dispose of or permit any member of his family to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others.
- Provided that any such transaction conducted **otherwise than through a regular or reputed dealer** shall be with the **previous sanction of Government**

# Acquiring or disposing of immovable property

- ``Provided further that the Government employee shall submit the particulars giving prior intimation or seeking prior sanction, in the prescribed format :-
- 1) Name and Designation
- 2) Scale of Pay and Present Pay
- 3) Purpose of application – **sanction for transaction / prior intimation** or transaction
- 4) Whether property is being acquired or disposed of.
- 5) Probable date of acquisition / disposal of property
- 6) Mode of acquisition/ disposal

# Acquiring or disposing of immovable property

- 7) (a) Full details about location Viz., Municipal No., Street/ Village, Mandal, District and State in which situated.
- (b) Description of the property in the case of cultivable land, dry or irrigated land.
- (c) Whether free hold or leasehold
- (d) Whether the applicants interest in the property is in full or part (in case of partial interest, the extent of such interest must indicated)
- (e) in case the transaction is not exclusively in the name of the Government servant particulars of ownership and share of each member.
- 8) Sale/ purchase price of the property (Market value in the case of gifts)

# Acquiring or disposing of immovable property

- (8)(A) The Government or any authority empowered by them in this behalf may, require a Government servant to render a full and true account of the cash found his possession at any time and such account shall include particulars of the means by which and the sources from which such cash was acquired. (G.O.Ms.No. 7, G.A. (Ser.C) Dept., Dt.16-1-2004)



# Acquiring or disposing of immovable property

- 9) In cases of acquisition, **source or sources from which financed / proposed to be financed :-**
  - (a) Personal savings
  - (b) Other sources giving details
- 10) in the case of disposal of property, was requisite sanction / intimation obtained given for its acquisition. A copy of the sanction/ acknowledgement should be attached.
- 11) (a) Name and address of the party with whom transaction is proposed to be made.
- (b) Is the party related to the applicant? If so, state the relationship.
- (c) **Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?**
- (d) **How was the transaction arranged?** (whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be given)

# Acquiring or disposing of immovable property

- Where previous sanction is asked for, the application should be **submitted at least 30 days** before the proposed date of the transaction.
- Provided also that the Government employee shall submit the request to Government seeking prior permission **duly obtained acknowledgement** of having made such a request and **if no permission is received within one month, he / she may go ahead with the transaction.**

# Movable Property

- (2) A Government employee who enters into any transaction concerning any movable property exceeding **rupees fifty thousand in value**, whether by way of purchase, sale or otherwise, shall forth with report such transaction to Government
- Provided that any such transaction conducted **otherwise than through a regular or reputed dealer** shall be with the previous sanction of Government.
- (3) Nothing in sub-rule (2) shall apply to any purchases made by a Government employee for the performance of weddings, religious or special functions.

# Movable or Immovable property

- (4) No Government employee shall engage in any transaction which is **of a speculative character** relating to the purchase, sale or exchange of any immovable or movable property.

# Statement of Immovable & movable properties

- (7) Every Government Employee shall on **first appointment to the Government Service** submit to Government **a statement of all immovable property/ properties irrespective of its value and movable property/ properties whose value exceeds Rs.50,000/-** owned, acquired or inherited by him or held by him on lease or mortgage either in his own name or in the name of any member of his family, in the forms prescribed in Annexure-I and II separately.
- He shall also submit to Government **before 15 January of each year,** through the proper channel, a declaration in the forms given in the Annexure-I and II of all immovable/movable property/properties owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family.
- The declaration shall contain such further information as Government may, by a general or special order require. If in any year, a Government employee has not acquired or disposed of any immovable or movable property or any interest therein, he shall submit declaration to that effect.

# General power of Govt. for obtaining details of properties at any time

- (8) The Government, or any authority empowered by them in this behalf may, at any time, by general or special order, require a Government employee to submit, within a specified period, **a full and complete statement of all immovable property and movable property**, of the specified value, held or acquired by him or by any member of his family. Such statement shall, if so required by Government or by the authority so empowered, include particulars of the means by which or the sources from which, such property was acquired.

# Report of immovable properties in the District of posting

- (9) If a Government employee receives an order of **transfer to a district in which he possesses, or has an interest in any immovable property**, he shall forthwith report the fact to his immediate superior officer.





# Comments

- Annual Property Statement should contain those properties which are acquired by Govt. servant **out of his own resources**. It is immaterial whether he buys that property in he own name or in the name of any member of his family.
- The property statement need not contain the properties of the spouse. But it is safe to report such properties under a different heading 'Properties acquired by wife/Husband out of her/his own resources'.

# Comments

- Because such reporting will stop Govt. from adding those properties of the spouse against your name in any future enquiry regarding disproportionate assets possessed by the Govt. servant.
- Not filing of this property return is considered as minor misconduct by the Central Vigilance Commission for which only punishment of 'Censure' could be awarded.

# Comments

- **Judge yourself** whether the following Conduct rules abridges fundamental rules:
- Rule 6: Permit any member of his family to accept gift.
- Rule 13: Publication of Books
- Rule 16(1): Participation in Radio Broadcast or contribution to News Papers.
- Rule 17(1): Criticism of the policy of Govt.
- Rule 18(1): Evidence before committee or commission.
- Rule 20 : Vindication of acts and character
- Rule 22: Employment of a member of family in a private firm.

# Criminal Misconduct

- **13. Criminal misconduct by a public servant.-**
  - (1) A public servant is said to commit the offence of criminal misconduct.-**
- (e) if he or any person on his behalf , is in possession or has , at any time during the period of his office , been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

# Criminal Misconduct

- Anti Corruption Bureau (ACB) is the designated organization to book cases and investigate under 'Prevention of Corruption ACT, 1988'.
- Mostly they will be booking case for possession of assets disproportionate to known sources of income Sec. 13(1)(e) besides the trap cases.
- Therefore it is very essential that a record of assets and resources are maintained right from the beginning of the service.
- And one should be very careful with regard to immovable property as it cannot be disposed off at short notice or with back date.

**THANK YOU**