

Andhra Pradesh Civil Services (Conduct) Rules



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INTRODUCTION

This handout on **ANDHRA PRADESH CIVIL SERVICES (CONDUCT) RULES** is prepared to help as a reference material. It is not the true text of what is presented in the Digital Versatile (Video) disc (DVD). This is a brief synopsis on the subject bringing out the important points of AP Civil Services (Conduct) Rules.

The handout contains two parts.

Part-I : Synopsis of the AP Civil Services (Conduct) Rules

Contents covered in the synopsis are :

1. General Principles
2. Scope
3. Family
4. Fundamental rights in the Constitution
5. Restrictive provisions of conduct rules
6. Every government servant at all times
7. Rule number and nature of provisions in the conduct rules

Part : II : Questions and answers as given in the DVD on AP Civil Services (Conduct) Rules

A.P. CIVIL SERVICES (CONDUCT) RULES 1964

GENERAL

- 1.1 Under proviso to article 309 of the Constitution of India, which empowers the Governor to make rules regulating interalia, the conduct of Government employees, the A.P. Civil Services (Conduct) Rules 1964 came to exist.
- 1.2 These rules contain the do's and dont's of Government servants.

SCOPE

2. Government employee is defined as any person who is a member of Civil Service of the State of Andhra Pradesh or holds any civil post under the State or in connection with the affairs of the State, whether he is on duty or under suspension or on leave or on foreign service, either within or outside the State.

FAMILY

3. These rules are also applicable to the members of the Family of the Government employee. "Member of the Family" includes the spouse, son, daughter, step-son or step-daughter of such employee whether residing with such employee or not and any other person related to and residing with such employee and wholly dependent on such employee; but does not include a spouse legally separated from such employee or a son, daughter, step-son or step-daughter who is no longer in any way dependent upon such employee or of whose custody such employee is deprived by law.

FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION

- 4.1 ARTICLE : 14 Equality before law.
- 4.2 ARTICLE : 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- 4.3 Article : 16 Equality of opportunity in matters of Public Employment
- 4.4 Article : 19 Rights to freedom
 - 4.4.1 Freedom of speech and expression
 - 4.4.2 Freedom of assembly

- 4.4.3 Freedom of association
- 4.4.4 Freedom of movement
- 4.4.5 Freedom of residence and settlement
- 4.4.6 Freedom of Profession, Occupation, trade or Business.

RESTRICTIVE PROVISIONS OF CONDUCT RULES

- 5.1 Restriction on constitutional rights
 - 5.1.1 Taking part in politics and elections
 - 5.1.2 Joining of and Forming Associations
 - 5.1.3 Demonstrations and Strikes
 - 5.1.4 Connection with Press and Radio, Criticism of Government
 - 5.1.5 Acquisition and Disposal of Property
- 5.2 Restriction on personal Rights
 - 5.2.1 Private Trade and Employment
 - 5.2.2 Investing, Lending and Borrowing
 - 5.2.3 Collection of Subscription
 - 5.2.4 Acceptance of Gifts
 - 5.2.5 Public Demonstrations
 - 5.2.6 Vindication of Acts and Character
 - 5.2.7 Canvassing of outside influence
 - 5.2.8 More than one marriage
 - 5.2.9 Consumption of Intoxicating drinks
- 5.3 The ultimate aim of such restrictions which forbid the Government servant to do certain acts is mainly intended to improve the tone of Public Service. The relationship between the Government and the Government servant is governed by the Law of Master and Servant relationship.
- 5.4 A Government servant is expected to maintain a reasonable and decent standard of conduct and not bring discredit to his service by his misdemeanour.

- 5.5 Thus neglect by a Government servant of his wife and his children in a manner unbecoming of a Government servant, may be regarded as a good and sufficient reason to justify action being taken against him.
- 5.6 If the Government were to sit back and permit its officials to commit any outrage in their Private Life, provided it falls short of criminal offence, the result may very well be catastrophic fall in the moral prestige of the Administration.
- 5.7 The State could demand a certain standard of conduct from the Government servant not only while performing their official duties but in their private life as well.
- 5.8 Arguments are often raised to the effect that in view of the complexities of modern life, the consideration of expediency should outweigh the considerations of Honesty. Consideration of expediency may be irresistible at times but their evils are merely to be put up with and not to be extolled or prescribed as standards of life and work.
- 5.9 A Public Officer is not at liberty to amass fortune by taking illegal gratification even though willingly given.

6.1 EVERY GOVERNMENT SERVANT SHOULD AT ALL TIMES :

- 6.1.1 Maintain devotion to duty
- 6.1.2 maintain absolute integrity, discipline, impartiality and a sense of propriety.
- 6.1.3 do nothing which is unbecoming of such employee or derogatory to the prestige of Government.
- 6.1.4 not act in a manner which will place his official position under any kind of embarrassment
- 6.1.5 exercise his best judgement in the performance of his official duties except when he is acting under a direction from his official superior.
- 6.2 Integrity is uprightness, honesty or purity.
- 6.3 Devotion to duty is faithful service
- 6.4 Unbecoming of a Government servant is unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility and other things which are normally branded as unworthy of a Government servant.

- 6.5 The dictionary meaning of misconduct is given as bad management, mismanagement, culpable neglect of an official in regard to his office. It is a transgression of some established and definite law or forbidden act. It implies a wrongful intention and not a mere error of judgement. Misconduct is something more than mere negligence. It is the intentional doing of something when the doer knows to be wrong or which he does recklessly, not caring what the result may be. It is a sufficiently wide expression and covers any conduct which in any way renders a person unfit for his office or is likely to tamper or embarrass the administration. In this sense, grossly improper or unbecoming conduct in public life may also become misconduct and may render an officer liable to disciplinary action.
- 6.6 Moral is concerned with right and wrong or duty which one owes to one's fellow beings or to the society in general.
- 6.6.1 Moral turpitude is a reprehensible Act contrary to the accepted notions of right and customary rule or code of conduct accepted by the society. It would mean anything done contrary to justice, honesty, modesty or good morals.
- 6.7 Corruption includes all improper and selfish exercise of power and influence attached to a Public Officer.
7. No Government employee can associate himself with an association, the object or activities of which are prejudicial to the interests of the Sovereignty and Integrity of India or Public Order.
8. He should not participate in strike or absent from duty or work without permission, or neglect his duties with the object of compelling any superior officer or Government to take or omit to take official action or indulge in demonstrative fast like hunger strike or refuse to receive his pay.
9. No gifts can be accepted, the prominent exception being a gift of a value of less than Rs. Two hundred from personal friends on ceremonial occasions such as weddings.
10. Every Government employee (other than members of last grade service) should, on first appointment to the Government service, submit to Government a statement of all immovable properties whose value exceeds Rs. 20,000/- in the forms prescribed in Annexure-I and II to Sub-Rule 9.

11. He should also submit before 15th January of every year, a declaration in the forms given in Annexure I and II of Rule 9 (7) of all immovable/movable property owned, acquired or inherited by him or held by him on lease/or on mortgage, either in his own name or in the name of any member of his family.
12. Every Government Servant shall intimate to the competent authority within 15 days from the date of receipt of foreign currency or foreign goods of the value exceeding Rs. 10,000/- from any person by him or by any member of his family or by any person on their behalf.
13. No Government employee should except after previous intimation to the head of the Department acquire or dispose of or permit any of his family member to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others. If such a transaction is conducted from a private dealer (not a regular or reputed dealer), the previous sanction of the Head of the Department/ Appointing authority / Regional Officer/ District Collectors / Other District Officers, as the case may be, as specified in sub-rule (10) of rule 9 should be obtained. Same is the case with the movable property exceeding Rs. 20,000/- in value.
14. The violation of above and or any of the following rules of conduct, would be treated as negligence / misconduct and is required to be dealt with under the A.P. Civil Services (CCA) Rules 1991.

RULE NO. NATURE OF PROHIBITION IN THE CONDUCT RULES

- 3 - B Adopt dilatory tactics or wilfully cause delays
- 3 - C Indulge in sexual harassment with any working women
- 4 - Strikes
- 5 - Demonstrations
- 6 - Acceptance of gifts, services, entertainments, address and other forms of felicitations.
- 7 - Collection of subscriptions or other pecuniary assistance in pursuance of any object.
- 8 - Lending, borrowing and insolvency
- 9 - Acquiring or disposing of immovable or movable property.

- 10 - Indulging in private trade, business and investment.
- 11 - Promotion and management of companies in private capacity.
- 12 - Private employment.
- 13 - Publication of books.
- 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 govt.. or central Government.
- 18 - Evidence before any committee commission or other authority.
- 19 - Taking part in politics and elections
- 20 - Vindication of acts and character of Government employee.
- 21 - Working with or under relatives in Government service.
- 22 - Employment of a member of the family in a private firm.
- 23 - Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependants.
- 24 - Influencing authorities for furtherance of interests.
- 25 - Bigamous marriages
- 26 - Dowry
- 27 - Drinking

A.P. CIVIL SERVICES (CONDUCT) RULES

Questions and Answers :

1. What are the constitutional provisions, which govern the conditions of service of Civil Servants?
 - A. Article 309, 310, 311 and 312 of Constitution of India.
2. What is significance of article 309?
 - A. It is a provision under which the Governor or the Legislature may lay down the conditions of service of persons appointed to public services in connection with the affairs of the state or Central Government.
3. What is the significance of article 310?
 - A. This is popularly known as pleasure tenure. A member of civil service of the state holds office during the pleasure of the Governor. Governor is a personification of a boss in relation to a subordinate.
4. What does article 311 signify?
 - A. Article 311 signifies 3 important points:
 - i) No civil servant can be removed or dismissed or reduced in rank by an authority subordinate to that by which he was appointed. It is popularly known as '**Appointing Authority**'.
 - ii) There should be an inquiry after he has been informed of the charges against him.
 - iii) There is no need to give an opportunity against the penalty proposed to be imposed.
5. What is article 312?
 - A. Article 312 deals with the creation of All India Services and the conditions of service of persons appointed to any such service. The all India Services Act 1951 gives more details.
6. What is the object of Conduct Rules?

- A. The main object of conduct rules is to lay down certain do's and don'ts and ensure their compliance by all employees so that there is no misuse of power in the hands of the Civil Servant.
7. Does a Government employee enjoy the Fundamental Rights on par with Citizens?
- A. No, there are reasonable restrictions in the enjoyment of Fundamental Rights by Civil Servants. These restrictions are based on public policy conceived in public interest and implemented for public good.
8. What is the obligation of every Government employee in regard to acquisition or disposal of immovable and movable properties and receipt of foreign currency or goods?
- A. Every employee other than a last Grade employee and record Asst. of the AP General Subordinate Service should :
- i) Declare all immovable properties irrespective of value and all movable properties each one exceeding Rs. 20,000/- in value in his own name or in the name of his family members as soon as he joins service in Annexure I and II.
 - ii) Thereafter, in the month of January before 15th January every year similar information should be submitted to the Government.
 - iii) If he desires to acquire or dispose the properties at any time he should submit an application in the form prescribed in GO Ms No. 26, GAD dated 20.01.98, a month in advance in the case of transactions with regular and reputed firms and 2 months in advance in the case of private firms.
 - iv) If the permission is not refused or not received, he may acquire or dispose of the property without waiting for formal permission and include such acquisitions or disposals in the return due on 15 January every year.
 - v) In the case of receipt of Foreign Currency of goods exceeding Rs. 10,000/- he should furnish the information to the competent authority in the form prescribed in rule 6-A, Annexure-III to GO Ms No. 354, GAD dated 8.8.96.
9. What are the ingredients of the word discipline occurring in rule 3 of Conduct Rules?

- A. Punctuality, promptness, regular attendance, obedience or compliance with the orders of superior officer, cleanliness, orderliness, quiet and dignified behaviour, non smoking in the premises of Government Offices / Institutions, observance of silence during office hours, mutual courtesy, non divulgence of official information and secrets etc., are the ingredients of the word Discipline.
10. What are the actions that come under the word 'unbecoming conduct' occurring in rule 3 (2)?
- A. Unbecoming conduct includes Unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility, any other act which is branded as unworthy of a Government employee. The principles to determine unbecoming conduct were laid down by CAT, Jabalpur in the case relating to union of India vs KK Garg which was reported in 1989 (1) SLR, page 184 (CAT: Central Administrative Tribunal).
11. What is negligence?
- A. According to Stroud's Judicial Dictionary, negligence is not an informative word. It is a negative word. It is the absence of such care and diligence as it was the duty of the person to bring to the performance of the work, which is said not to have performed. It is omitting to do something that a reasonable man would do or doing some thing, which a reasonable man would not do.
12. What is inefficiency?
- A. A person to be inefficient if he or she is unable to effect or achieve the desired result with reasonable economy of means.
13. What is moral turpitude?
- A. In Webster's dictionary, the term Moral Turpitude is defined as quality of Crime involving grave infringement of the moral sentiments of the community. The tests for judging Moral Turpitude are laid in Baleshwar Singh vs District Magistrate, Benaras reported in AIR 1959 Allahabad High Court 71 are :
- i) Whether the act leading to the conviction was such as could shock the moral conscience of the society in general.
- ii) Whether the motive which lead to the crime was a base one.

iii) Whether on account of the act having been committed, the perpetrator could be considered to be of a depraved character or a person who has to be looked down by society.

14. What is misconduct?

A. It is bad management, mismanagement and culpable neglect of an official in regard to his office. It is a transgression of some established and definite rule of action. Violation of a definite law and a forbidden act. It implies a wrongful intention and not a mere error of judgement. It is something more than 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.

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Here is the written explanation you wanted for my coming late yesterday, sir!

Uttar Pradesh Civil Services

(Conduct Rules)

उत्तर प्रदेश सिविल सेवा कर्मियों के लिए

व्यवहार विनियम

Part I

General Provisions

General Provisions

यदैव विद्यया करोति श्रद्धयोपनिषदा
तदैव वीर्यवत्तरं भवति

**Duty performed
with Knowledge, Faith and Devotion,
becomes really effective**

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