

AUTHORITY - Article 309 of the Constitution

Recruitment and Conditions of service of
persons serving the Union or a State.

“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.

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

SANTHANAM COMMITTEE WAS FORMULATED IN 1955.

SANTHANAM COMMITTEE GAVE RECOMMENDATIONS IN 1964

**AFTER THROUGH EXAMINATION CONDUCT RULES WERE UPDTATED
IN 1964**

THUS CAME INTO EXISTENCE :

"The Central Civil Services (Conduct) Rules, 1964.

Objective

Building these Rules as a sound conceptual base of the various provisions of the conduct of a Government Servant and their applicability in General and Specific cases.

Date of implementation of these rules is 30-11-1964

Applicability of these rules (Rule - 1) :

These shall apply to every person appointed to a civil service or post (including a civilian in Defence Service) in connection with the affairs of the Union.

Que : How it is applicable on ESIC:

Que : How it is applicable on ESIC:

Section **17. Staff.** — (2) (a) of the ESI Act, 1948

- The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay :
- Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

Rule - 2

2. Definitions

(a) "The Government" means the Central Government;

(b) "Government servant" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;

(c) "Members of family" in relation to a Government servant includes:-

1. the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
2. Son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
3. any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

Rule - 3. General

(1) Every Government servant shall at all times—

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a Government servant.

GSR 845(E), dated the 27th November, 2014

Added 18 more conducts under this rule some of which are as follows:

- (a) commit himself to and uphold the supremacy of the Constitution and democratic values;
- (b) defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
- (c) maintain high ethical standards and honesty;
- (d) maintain political neutrality; etc.

Rule - 3A. 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 delays in disposal of the work assigned to him.

Rule - 3B.

Every Government servant shall, at all times-

- i. act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- ii. observe the Government's policies regarding prevention of crime against women.

Rule - 3C. Prohibition of sexual harassment of working women

- 1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
- 2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Rule - 4. Employment of near relatives of Government servant in Companies or firms-

- 1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm;
- 2) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant, to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Government:

- 3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

Rule - 5. Taking part in politics and elections

1. No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part 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 servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant 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 the Government.

3. If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.
4. No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

Exceptions :

- i. Voting Rights.
- ii. Conduct of Election under duty of law

Rule - 6. Joining of associations by Government servants

No Government servant shall join or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

Rule - 7. Demonstration and strikes

No Government servant shall -

- i. engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- ii. resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant.

Rule - 8. Connection with press or other media

- 1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.
- 2) Nothing in sub-rule (1) shall apply in case a Government servant in the bonafide discharge of his official duties publishes a book or participates in a public media.
- 3) A Government servant publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of Government.

Rule - 9. Criticism of Government

No Government servant shall, in any radio broadcast, telecast through any electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion –

- i. which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government
- ii. which is capable of embarrassing the relations between the Central Government and the Government of any State; or
- iii. which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Rule - 10. Evidence before Committee or any other authority

- 1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.
- 2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.
- 3) Nothing in this rule shall apply to-
 - a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
 - b) evidence given in any judicial enquiry; or
 - c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

Rule - 11. Communication of Official Information.-

Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder :

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is not authorized to communicate such document or classified information.

Rule - 12. 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 or other collections in cash or in kind in pursuance of any object whatsoever.

Rule – 13. Gifts.

- 1) 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
- 2) Avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations.
- 3) "Gift" includes free transport, boarding, lodging or other service or any other pecuniary advantage

Government Servant shall make a report to the Government, if the value of such gift exceeds –

Rs. 25,000 - Government servant holding any Group 'A' post;
 Rs 15,000 - Government servant holding any Group 'B' post;
 Rs. 7,000 - Government servant holding any Group 'C' post and

Rule - 13-A. Dowry

No Government servant shall-

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

Explanation:- For the purposes of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961(28 of 1961).

Rule - 14. 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

15. Private trade or employment

- 1) Subject to the provisions of sub-rule (2), no Government servant shall, except with the previous sanction of the Government-
- a) engage directly or indirectly in any trade or business, or
 - b) negotiate for, or undertake, any other employment, or
 - c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
 - d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or

e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any co-operative society for commercial purposes.

- f) participate in or associate himself in any manner in the making of-
- i. a sponsored media (radio or television) programme; or
 - ii. a media programme commissioned by Government media but produced by a private agency; or
 - iii. a privately produced media programme including video magazine:

Provided that no previous permission shall be necessary in case where the Government servant participates in a programme produced or commissioned by Government media in his official capacity.

(2) A Government servant may, without the previous sanction of the Government,-

- a) undertake honorary work of a social or charitable nature, or
- b) undertake occasional work of a literary, artistic or scientific character, or
- c) participate in sports activities as an amateur, or
- d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, or
- e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that: -

- i. He shall discontinue taking part in such activities, if so directed by the Government; and
 - ii. in a case falling under clause (d) or clause(e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.
3. Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
 4. Unless otherwise provided by general or special orders of the Government, no Government servant may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

EXPLANATION- The term 'fee' used here shall have the meaning assigned to it in Fundamental Rule 9 (6-A).

Rule - -15 A. Sub-letting and vacation of Government accommodation.

- 1) Save as otherwise provided in any other law for the time being in force, no Government servant shall sub-let, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him.
- 2) A Government servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

Rule - 16. Investment, lending and borrowing

Don'ts

- 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

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 - 17. Insolvency and habitual indebtedness

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

Rule - 18. 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 liabilities

inherited 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 - 18-A. 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 - 19. 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
- 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 - 20. 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
- 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 - 21. 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

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

Rule - 22-A. 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 - 23. Interpretation

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final. (Government can relax it in a just and equitable manner.

Rule - 24. Delegation of Powers

The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these rules (except the powers under Rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

Rule - 25. Repeal and Saving

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.

Misconduct : (Nature)

1. Not capable of precise definition
2. Its reflections receive its connotations from the context, the delinquency in its performance and its effect on the discipline and the nature of duty.
3. It may involve moral turpitude;
4. It must be improper or wrong behaviour, unlawful behaviour.
5. It should be wilful in character;
6. Forbidden act,
7. A transgression of established and definite rule of action or code of conduct but not mere error of judgement,
8. Carelessness or negligence in performance of the duty;
9. The act complained of bears forbidden quality or character

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
- If he disturbs the peace of the place of his employment

Three mool mantra to remember :

- Never abuse anyone
- Never refuse anyone
- Always amuse every one