



OFFICE MEMORANDUM

Sub: Maintaining Discipline & Conduct, toning up of efficiency of employees.

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1. As you all are aware, as per the Institute's bye-laws, the CCS (Conduct) Rules 1964 and CCS (CCA) Rules 1965 are mutatis-mutandis applicable in the case of employees of MACS-ARI for discipline and conduct. The CCS (Conduct) Rules 1964 broadly define that every employee shall at all times *maintain absolute integrity, maintain devotion to duty, and do nothing which is unbecoming of a public servant; maintain high ethical standards and honesty; etc.*
2. Further, the CCS (Conduct) Rules also specify the Acts and conduct that amount to misconduct, viz., *if the act or conduct is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master; if the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to his master; willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior; Gross moral misconduct – Acts subversive of discipline – Riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline, participation in strikes, ghero, go-slow, sit-down, pen-down or any other forms similar to strike etc.*
3. Many of the employees and staff members have expressed that they are unaware of the provisions of CCS Conduct Rules; hence, a few important provisions of CCS Conduct Rules 1964 are enclosed as **Annexure-A** for the information and guidance of all concerned.
4. It is, therefore, imperative that all the employees of the Institute are bound to adhere to the Conduct and Discipline rules from time to time. Any acts of indiscipline, misconduct and behaviour subversive and contrary to the rules and guidelines specified shall not be tolerated and dealt with sternly under CCS Conduct Rules and CCS (CCA) Rules 1965.
5. All Incharges are, therefore, directed to closely monitor the activities of their staff and students, including contractual staff and ensure toning up of their efficiency by supervising their attendance, punctuality, and day-to-day work/activities in the departments/labs regularly. Any incidence of insubordination shall be brought to the notice of the undersigned through Administration. It is also expected that the employees/students shall cooperate with their respective PI's, and Incharges and ensure a cordial atmosphere in the Departments.

6. All Technical and Administrative Staff are directed to maintain Lab notebooks/workbooks, which shall be daily assessed and monitored by their respective supervisors, Guide, PI and Incharges. All Incharges are directed to submit weekly and monthly reports with the details of their staff in the prescribed formats to the undersigned by email to Directors-office@aripune.org. It may also be noted that these Lab notebooks/workbooks and weekly /monthly reports shall be made as a basis for APAR evaluation and grading of the employees and will also be referred to for assessment of their promotions/upgradations etc. Hence, the Lab notebooks/workbooks are to be securely maintained by each of the staff and kept in their personal safe custody.

7. It is brought to the notice of all officers, staff, and students that the Institute's total working hours are 8.5 Hours daily, including a half-an-hour lunch break. There is no provision for any extra time for tea or refreshments break in between as per rules. Hence, unnecessary loitering on the campus, assembling in groups, idling time, and holding unlawful meetings during office hours inside and outside the Institute premises shall not be tolerated. If such incidents are noticed/reported stern action shall be taken. It has also been decided to hold periodical surprise checks in the Departments/Labs during working hours. If any of the staff/students are not found in their respective Departments/Labs without sufficient reason, appropriate action shall be initiated against the erring officials/staff.

8. The contents of this OM should be brought to the notice of all Officers/Staff/Students in their respective departments, and signatures may be obtained in the enclosed sheet for compliance. All Incharges are directed to sensitize their staff, including NTMS, the importance of adherence of CCS (Conduct) Rules, Attendance & Punctuality.

The acknowledgement sheet may be returned to the Administration Section for necessary records.

Encl: As above.

[Dr. P.K.Dhakephalkhar]
DIRECTOR

To

1. All Scientists/Staff/Research Students.
2. All Incharges.
3. Directors Office

The Central Civil Services (Conduct) Rules, 1964

RULE 7 : Government of India Decisions

(2) "Strikes" – Interpretation of what constitutes a strike under the Conduct Rules

Rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964, provides that no Government servant shall resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government servant. Instances have come to the notice of Government where employees resort to various methods of protests for redress of grievances, some of which are tantamount to strike. References have been received seeking clarification whether certain acts, are covered under the definition of 'strike' and if so, whether action can be taken against such employees for violation of the Conduct Rules.

It is, therefore, clarified that 'strike' means refusal to work or stoppage or slowing down of work by a group of employees acting in combination, and includes –

- (i) mass absention from work without permission (which is wrongly described as "mass casual leave");
- (ii) refusal to work overtime where such overtime work is necessary in the public interest;
- (iii) resort to practices or conduct which is likely to result in, or results in the cessation or substantial retardation of work in any organization. Such practices would include, what are called 'go-slow', 'sit-down', 'pen-down, stay-in', sympathetic" or any other similar strike; as also absence from work for participation in a Bandh or any similar movements.

Government servants who resort to action of the above kind violate rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964 and disciplinary action can be taken against them. It may be noted that the list of activities which are covered under the definition of strike as enumerated above is only illustrative and not exhaustive. It only clarifies the position in respect of practices which are often resorted to at present.

[MHA OM No. 25/23/66-Ests.(A), dated 09.12.1966]

(3) Participation in "GHERAO" by Central Government servants -

Instances have come to the notice of Government in which employees of certain Central Government offices staged which is called "Gherao", involving forcible confinement of public servants within office premises by surrounding their places of duty and have held demonstrations/meetings both within office premises during office hours and also outside the office premises beyond office hours, tending to forcible confinement of public servants within office premises. Such demonstrations/activities are prejudicial to public order and also involve criminal offences like wrongful restraint, wrongful confinement, criminal trespass or incitement to commit offences. They are also subversive of discipline and harmful to the public interest and participation in them by Government servants and would constitute good and sufficient reason within the meaning of Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. It has, therefore, been decided that a serious view should be taken of such acts of lawlessness and insubordination on the part of public servants. The Central Government Departments are advised to take action on the following lines in such cases:-

- (i) Disciplinary action should be taken against the prominent participants in the 'Gherao' for contravention of Rules 3 and 7 of the Central Civil Services (Conduct) Rules, 1964. In the charge-sheet to be served in pursuance of such disciplinary action, it should be specified to the extent that the facts justify, that demonstrations prejudicial to public order and involving criminal offences, namely, wrongful restraint, wrongful confinement, criminal trespass and incitement to such offences, have been held; that such conduct was subversive of discipline and harmful to the public interest; and that the conduct was wholly unbecoming of a Government servant.
- (ii) Absence from work on account of participation in 'Gherao', should in all cases be treated as unauthorized absence involving break in service. The absence should not be regularized as leave of any kind.
- (iii) Whenever there is a case of 'Gherao', wrongful restraint, wrongful confinement or criminal trespass or of any other cognizable offence, a written report should be made to the Officer-in-charge of the Police Station having jurisdiction, requesting him to register the offence and to take action under the law. The names of the offenders should be included in the written report. Copies of the report should be endorsed to the Police Commissioner/Superintendent of Police and the Home Secretary to the State Government concerned for necessary action according to law.
- (iv) If, notwithstanding the mandatory provisions of the Criminal Procedure Code, Police takes no action on such a report, action should be taken promptly to file a complaint before the appropriate Magistrate in respect of the substantive offences under the Indian Penal Code or other law. In certain circumstances a petition could be filed before the High Court for issue of the appropriate writ, but this should be done after taking legal advice.

[OM No. 25/S.11/67-Ests.(A), dated the 13th April, 1967]

(3A) While taking action to file a complaint before the appropriate Magistrate, the assistance of the Officer of the Central Bureau of Investigation if any, available locally, may also be taken in drafting the complaints and deciding the manner, in which evidence should be collected and produced.

[M.H.A. OM No. 25/S.11/67-Estt. (A), dated the 15th April, 1967]

(5) Demonstrations in the vicinity/neighbourhood of Government offices

It has been noticed that when some demonstrations organized by political parties were held in or passed through the vicinity of Government offices, the Government employees working in these offices came out to witness the demonstration. In this process the Government employees sometimes got mixed up with the demonstrators and it became difficult to segregate the demonstrators from the Government employee. In order to avoid such situations in future, the Ministry of Finance etc., are requested to impress upon the employees working under them that it is desirable on such occasions that they stay inside their offices and keep away from the demonstrators or the crowd near the place of demonstration.

[D.P. & A.R. No. 25/6/73-Ests.(A), dated 09.03.1973]

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:

Provided that in the case of any Government servant included in any category of Government servants specified in the second proviso to sub-rule(3) of rule 1, nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a trade union or association of Government servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

(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;

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

Government of India Decisions

(4) Service associations passing resolutions contravening Rule 9 of the CCS (Conduct) Rules, 1964

Instances have come to the notice of Government of Service Associations (including Federations/Unions) of Government employees passing resolutions, making statements and/or expressing opinion on issues which involve violation by the individual employee of Rule 9 of the Central Civil Services (Conduct) Rules, 1964.

2. The Ministry of Finance etc., are requested to take note of the breaches of this rule and to initiate disciplinary action by calling for explanation from those individuals who are signatories or parties to the resolutions or other activities mentioned in paragraph 1 above, if they are serving Government employees and if they in their individual capacity, as office-bearers of Associations (including Federations/Unions) of Government employees, or editors/publishers/office bearers of journals issued by such Associations (including Federations/Unions), have violated the provisions of the above-mentioned Conduct Rule.

[MHA OM No. 25/5/68-Ests.(A), dated 17.01.1968]

(4A) In spite of the instruction given in decision (4) above, certain resolutions passed by service associations/Unions/federations criticizing the action of a State Government in regard to the dismissal of some of their employees have come to the notice of the Government. Without prejudice to the discretion of the disciplinary authority to institute disciplinary action against the employees concerned, should it want to do so, it is requested that the provisions of the above decision No. (4) may be brought to the notice of all the employees in or under the Ministry of Finance etc., for their guidance and it may

be reiterated that signatories or parties to resolutions, etc., passed by service associations/unions/federations which violate against the provisions of rule 9 would render themselves liable to disciplinary action.

[Cabinet Secretariat, Department of Personnel No. 25/4/72-Ests.(A), dated 18.02.1972]

Rule 11. UNAUTHORISED COMMUNICATION OF INFORMATION:

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

EXPLANATION - Quotation by a Government servant (in his representation to the Head of Office, or Head of Department or President) of or from any letter, circular or office memorandum or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.

Government of India Decisions

(1) Confidential Report – Disclosure of identity of superior officers while communicating adverse remarks

Government have had under consideration the question whether the identity of the officer who recorded adverse remarks in the annual confidential report of a Government servant should be disclosed while communicating the adverse remarks to him. Cases have come to the notice of this Ministry where certain offices are reported to have disclosed the identity of the superior officer who made the adverse remarks while communicating them to the Government servant concerned. It is not necessary to disclose the identity of the Officer concerned since, what the Government servant should be interested in, are the defects/short-comings which his superior officers have found in his work and conduct and not the particular superior officer who recorded them in the confidential report and the representations on the remarks, if any, should be objective pertaining of short-comings noticed. Apart from this, disclosure of the identity of the superior officer is also likely to lead to unpleasantness and personal animosity. It is, therefore desirable that while communicating the adverse remarks to the Government servant concerned, the identity of the superior officer making such remarks should not normally be disclosed.

2. If, however, in a particular case, it is considered necessary to disclose the identity of the superior officer, the authority dealing with the representation may at his discretion allow the identity to be communicated.

3. In so far as persons serving in the Indian audit and Accounts Departments are concerned, these orders are issued after consultation with the Comptroller and Auditor General of India.

[MHA OM No. 51/2/64-Ests.(A), dated 30.03.1964]

(2) Leakage through the Press of classified information – Safeguards against – only officers specially authorised should meet the Press.

Instances have come to the notice of Government of leakage of classified information from time to time and their publication in the Press. It is the duty of all Government servants to safeguard the security of all classified information and papers to which they have access in the course of their official duties. In this connection the relevant provisions, in the Manual or Office Procedure and in the Central Civil Services (Conduct) Rules, 1964, are reproduced in the Annexure (not reproduced).

2. It would be observed from paragraph 90 (para 113 in 1996 edition) of the Manual of Office Procedure (reproduced in the Annexure below) that only Ministers, Secretaries and other officers specially authorized by the Minister are permitted to meet representatives of the Press and give information. As a further safeguard, it has been decided that as a general rule, any officer (other than Secretaries) specially authorized by the Minister to give information to the press, who might have occasion to meet representative of the press, should immediately submit a gist of the subject discussed, to the Secretary of the Ministry/Department in which he is working.

3. It is requested that provisions in the Manual of Office Procedure and Conduct Rules, reproduced in the Annexure as well as the decision referred to in the preceding paragraph may be brought to the notice of all concerned.

[MHA OM No. 29/9/67-Ests.(A), dated 04.07.1967]

ANNEXURE

Extracts from Central Secretariat Manual of Office Procedure – 1996 Edition

113. Communication of information to the Press – (1) Official information to the press and other news media, i.e. radio and television will normally be communicated through the Press Information Bureau.

(2) Only Ministers, Secretaries and other officers specially authorized in this behalf may give information or be accessible to the representatives of the press. Any other official, if approached by a representative of the press, will direct him to the Press Information Bureau.

(3) Whenever it is proposed to release official information to the press, or to hold a press conference or press briefing, or to give publicity to an official report, resolution or any other publication, the department concerned will consult the accredited information officer in advance. The accredited information officer will meet the authorized officials from time to time to collect information worthy of publicity.

(4) Detailed procedure in respect of matters mentioned in this para, as laid down by the Ministry of Information and broadcasting, should be followed.

(3) Communication of Unauthorised Information

It has been noticed that the Government servants and others, including former Government servants have sometimes quoted or copied in their representations, appeals, etc. Government circulars including those marked secret, notes and other information from files, which they are ordinarily not expected to have seen or to have retained. Communication of such documents, etc. and their retention by, unauthorized persons is not only improper but also involves contravention of Rule 11 of the Central Civil Services (Conduct) Rules and section 5 of the Official Secrets Act, 1923.

Rule 11 of the Central Civil Services (Conduct) Rules, 1964 lays down that a Government servant may not communicate directly to other Government servant or to non-official persons or to press any documents or information which may have come into his possession in the course of his public duties. Retention of such documents or information by a Government servant in his personal custody for use in furtherance of his personal interest, e.g. in making representation to the authorities concerned is not only objectionable but also constitutes an offence under Section 5 of the Official Secrets Act, 1923. A person contravening the provisions of the above Act renders himself liable to prosecution. Contravention of the provisions of the Act and of the Conduct Rules can also be dealt with departmentally under the relevant Discipline Rules, and may well justify the imposition of a suitable penalty with reference to the fact and circumstances of each case.

[MHA OM No. 24/54/58-Ests., dated the 12th April, 1954]

(4) Contact with the Press and airing of views on official matters through the Press

Attention of the Ministry of Finance etc. is invited to Rule 11 of the CCS (Conduct) Rules, 1964 and Rule 9 of the AIS (Conduct) Rules, 1968 which provide that no Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorized to communicate such document or information. Similarly paragraphs 110 and 113 of the Manual of Office Procedure lay down the procedure for contacts with the Press.

2. Instances have come to notice that some Government servants have been unauthorisedly communicating with the Press either in their own name or in pseudonymous names. Instructions have been issued from time to time restraining all Government servants from communicating with the Press unauthorisedly but it is observed that the provisions of the Conduct Rules are not being followed in letter and spirit. Recently, some cases have come to notice when officers have criticized in the Press the functioning of their own Ministry and there are instances of expression of views which are in direct opposition to the views expressed by the Minister in public resulting in avoidable indiscretion on the part of civil and military officers.

3. The provisions of Rule 11 of the CCS (Conduct) Rules, 1965, and Rule 9 of the AIS (Conduct) Rules, 1968 referred to above and paras 110 and 113 of the Manual of Office Procedure, are once again brought to the notice of all concerned. It is once again reiterated that violation of the provisions of Conduct Rules and other corresponding provisions amounts to a serious misconduct. The concerned cadre controlling authorities are advised to view such misconduct seriously.

[DOPT OM No. 11013/16/98-Estt.(A), dated 10th December, 1998]

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 any meeting or entertainment held in his honour; or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to -

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quitted the service of any Government; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

NOTE:- Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

Government of India Decisions

(3) Acceptance of awards by Government servants – Clarification regarding.

References are being received seeking clarification in the matter of acceptance of awards by Government servants. Attention, in this connection is invited to rule 14 of the CCS (Conduct) Rules which provides that “no Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government servant.”

2. While there is no specific rule regarding the acceptance of awards conferred on officers by private organizations, however, the policy of the Government has been that if a Government servant has done any outstanding work, there are various methods open to Government itself to recognize his merits and service and it would not be appropriate for him to accept such an award from a private body. In some isolated cases, however, the acceptance of awards was not objected to where the body giving the award was highly respected and the award did not include any monetary component.

3. It is relevant to point out that the activities of the Government extend over wide ranging fields, some of which are well publicized and some are not; this could lead to an unintended preference in recognition for persons engaged in the former category which is not desirable. Some of the bodies which institute awards may also be involved in activities which may prove embarrassing for the Government. Moreover it has been accepted that a civil servant should not strive to seek publicity or public recognition since his job is to act in a fair manner within the framework of the policy laid down by the political executive, seeking awards instituted by Private bodies can affect such functioning. Finally, the achievement which may be attributed to a Government servant is almost always a result of coordinated efforts and thinking by a number of individuals and not the achievement of one person alone. Therefore, it is felt that, in general, awards sought to be given by private bodies and institutes to Government servants do not need to be encouraged. In case there are exceptional circumstances

like rewarding the merit of an officer for work done outside the purview of his functions in Government or where Government otherwise thinks that an individual deserves a particular award, it is left to the discretion of the competent authority to decide such issues in a reasonable and judicious manner.

4. The main criteria which may be followed in granting permission to individual Government servant to accept awards from private organizations is that such awards should not have a monetary component. The competent authority must also take their decisions on a case to case basis since instructions cannot precisely encompass the multitude of possibilities that can crop up in such matters.

[DOPT, OM No. 11013/2/99-Estt.(A), dated 24.02.1999]

(3A) Acceptance of awards by Government servants

Reference is invited to OM of even number dated 24.02.1999 (decision 3 above) on the subject mentioned above wherein detailed guidelines on the subject matter have been laid down.

2. These guidelines have further been reviewed and keeping in view the policy in the matter it has been decided that the Government servants should not be allowed to accept awards of monetary benefits instituted by private trusts/foundations etc.

[DOPT, OM No. 11013/2/99-Estt.(A), dated 17.02.2000]

RULE 15. PRIVATE TRADE OR EMPLOYMENT:

Government of India Decisions

(3) Permission to participate in the AIR programmes and to receive honorarium, therefor

A reference is invited to this Ministry's Office memorandum No. 25/05/47-Est., dated the 16th June, 1947, on the subject mentioned above (not reproduced). With the issue of the Central Civil Services (Conduct) Rules, 1955 Government servants are now not required to obtain any sanction to broadcast on All India Radio if such broadcasts are purely literary, artistic or scientific character. In such cases the onus of ensuring that the broadcasts are of such a character rests on the Government servant concerned.

2. A Question has, however, arisen whether the permission of competent authority is now necessary for the purpose of acceptance of honorarium under F.R. 46(b) by a Government servant in such cases. The matter has been considered by this Ministry in consultation with the Ministries of Finance and Information and Broadcasting and it has been decided that in cases in which no sanction is required for such broadcasts, no permission is necessary for Government servants to receive the honorarium.

3. In cases where sanction to broadcast is necessary, such sanction, if given, should be taken to carry with it also the sanction to receive the honorarium.

4. These orders have been issued after consultation with the Comptroller and Auditor General and are applicable to employees of the Indian Audit and Accounts Department also.

[MHA OM No. 25/32/56-Ests.(A), dated 15.01.1957]

(4) Acceptance of part-time employment Examinership of examination papers set by recognized Universities.

It is felt that the offers of Examinership are generally of a casual nature, occurring once or twice a year for a few days when the answer books etc. may have to be evaluated. There may, therefore, be no serious objection to giving permission in such cases.

[MHA OM No. 25/5/56-Ests.(A), dated 06.09.1957 to the Ministry of Defence]

(5) Part-time lectureship amounts to regular remunerative occupation attracting need for sanction under supplementary Rule 11.

A question has been raised whether a Government servant who is permitted under SR11 Supplementary to undertake a part-time job of a lecturer in an educational institution should also obtain sanction of the Government in terms of Rule 12 of the Central Civil (Conduct) Rules, 1955, (now Rule 15) before accepting the assignment.

2. It has been decided in consultation with the Comptroller and Auditor General of India and the Ministry of Home Affairs that the powers delegated under S.R. 11 should only be exercised in cases where a Government servant undertakes to perform some work of a casual or occasional nature but where the work done is of the nature of a regular remunerative occupation, Conduct Rule 12 (now Rule 15) will be attracted and the sanction of Government will be necessary. Accordingly, the acceptance of a part-time lectureship in the case referred to is to be regarded as regular remunerative

occupation which requires the sanction of Government under Conduct Rule 12 [now Rule 15 of the CCS (Conduct) Rules, 1964].

[Min. of Finance OM No. F.10(94)-E-II(B)/58, dated 13.09.1958]

(6) Acceptance of part-time employment of Government servants after office hours ordinarily not to be allowed.

Instances have come to notice in which Government servants have been allowed to accept regular part-time employment in other Government, quasi-Government or private institutions. Such employment, even though it is outside office hours, is contrary to the principle embodied in rule 12 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 15), prohibiting engagement in any trade or undertaking of any employment by a Government servant other than his public duties. It may result in some deterioration in his efficiency because if he does part-time work in addition to his full working hours in his office, he may not get sufficient time for rest and recreation and will, therefore, be unable to give undivided attention to his work even during office hours. Moreover, such part-time work by Government servants leads generally to depriving unemployed people of work which they would otherwise have got.

2. Having regard to all these consideration, it has been decided that while the competent authority may permit a Government servant under S.R. 11 to undertake work of a casual or occasional character, a whole time Government servant should not ordinarily be allowed to accept any part-time employment whether under Government or elsewhere, even though such employment may be after office hours. In rare cases where it is proposed to give permission to a Government servant to accept part-time employment, prior sanction of Government should be obtained. In this connection a reference is also invited to the Ministry of Finance, Office memorandum No. F.10(94)-E-II(B)/58 dated 13th September, 1958 on the subject (Decision No. 6).

3. In so far as the personnel serving in the Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

[MHA OM No. 25/42/58-Ests.(A), dated 16.10.1958]

(i) where the social events are organized purely with an intention to promote the business interests of the company and the competitiveness amongst the participants is not relevant;

(ii) where the competition by way of games and sports are sponsored by private companies and the spirit of the competitiveness amongst the participants is very much evident.

The nature of events referred to in item (i) above are quite distinct from those referred to in item (ii) as in the latter case, it is the competition or the event which remains in the forefront and not the sponsors and as such the involvement of the private companies as sponsors cannot be taken as solely for the purpose of promotion of their business interests.

3. The Government servants are advised not to take part in any competition or social event referred to in item (i) of para 2 organised by private companies or organizations, the primary objective of which is only to promote their business activities or their products, without the prior sanction of the Government. Such a participation without the previous sanction is liable to be construed as a violation of the provisions of Rule 15 of the Conduct Rules. However, the participation in the events referred to in item (ii) of the preceding para does not require any previous sanction of the Government.

[DOPT OM No. 11013/2/89-Estt.(A), dated 28.03.1989]

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.

Government of India Decisions

(1) Representation on service matters by relatives should be discouraged –

Relatives of a Government servant sometime make representations concerning service matters affecting the Government servant. This is done in some cases in the hope of reviving a representation which the Government servant had himself made and which had been turned down. In some cases, the procedure is resorted to in order to get round the requirements that the Government servant should submit his representation through his official superiors. The practice is obviously undesirable and should be strongly discouraged. It has accordingly been decided that no notice should be taken of a representation on service matters submitted by a relative of a Government servant. The only exception may be cases in which because of the death or physical disability, etc. of the Government servant, it is impossible for the Government servant himself to submit a representation.

[MHA OM No. F25/21/63-Ests.(A), dated 19.09.1963]

(2) Prohibition on bringing any political or outside influence in respect of matters pertaining to service under the Government.

Rule 20 of the CCS (Conduct) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. Instructions have been issued from time to time bringing to the notice of all Government servants the aforesaid rule provisions. Instances have come to notice where individual Government servants have approached the Ministry of Urban Development (Directorate of Estate) for out of turn allotment of residential accommodation, or for a departure from the allotment rules through Members of Parliament, prominent persons, politicians etc. Since the allotment of Government accommodation to a Government servant is made only because of his service under the Government, such canvassing for out of turn allotment through MPs and other political persons etc. constitutes a violation of the provisions of Rule 20 of the CCS (Conduct) Rules, 1964. The Government servants are, therefore, advised to refrain from such practice. They should not bring or attempt to bring any political or other outside influence to further their interests in respect of matters pertaining to their service under the Government, including allotment of residential accommodation.

[DOPT OM No. 11013/6/90-Estt.(A), dated 30.03.1990]

(3) Procedure for dealing with the Government servants attempting to further their service interests through non-Governmental influence-instructions with reference to rule 20 of the CCS (Conduct) Rules, 1964-regarding.

Rule 20 of the CCS (Conduct) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/her service under the Government. The Government of India has, from time to time, emphasized that Government servants should not approach Members of Parliament or State Legislatures or other

political/outside authorities to sponsor their cases in respect of service matters. As per the existing instructions, vide OM No. 11013/7/85-Estt. (A), dated 22.05.1985, the following action should be taken against Government servants approaching Members of Parliament or State Legislatures for sponsoring individual cases:

(i) A Government employee violating the aforesaid provisions of the Conduct Rules for the first time should be advised by the appropriate disciplinary authority, to desist from approaching Members of Parliament /Members of State Legislature to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of this advice need not, however, be placed in the CR dossier of the employee concerned.

(ii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules a second time despite the issue of advice on the earlier occasion, a written warning should be issued to him/her by the appropriate disciplinary authority and a copy thereof should be placed in his/her CR dossier.

(iii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules, despite the issue of warning to him/her, disciplinary action should be initiated against him/her by the appropriate disciplinary authority under the provision of CCS (CCA) Rules, 1965.

2. In spite of these instructions, cases of individual Government servants continue to be sponsored by public representatives/outside authorities. After careful consideration of all aspects of the matter it has been decided that the following procedure may be adopted for dealing with communications from public representatives/outside authorities relating to the service matters of Government employees:

(a) Communications received from public representatives regarding problems of groups/categories of Government functionaries must be entertained and dealt with on a time-bound basis. In all such cases, after due examination, appropriate replies would continue to be issued at the level of the Minister concerned.

(b) All communications from public representatives relating to the grievances of the retired personnel should receive the same consideration and be dealt with in the same way as outlined in (a) above.

(c) In cases in which a public representative sponsors the cause of an individual Government servant (e.g. recruitment, appointment, promotion, posting to particular station, appointment to a specific position, complaints against supersession, expunction of adverse remarks, allotment of Government accommodation, etc.) a formal reply should continue to be sent from the Minister acknowledging the receipt of the communication stating that the contents of the letter have been noted and where necessary, suggesting that the person whose case has been recommended, may be advised to represent his case through proper official channels. All such communications addressed to the Minister shall be replied to at, his/her level. In all such cases the formal reply given by the Minister shall be deemed to dispose off the communication unless there are further directions from the Minister in the matter.

[DOPT OM No. 11013/12/94-Estt.(A), dated 12.01.1995]

(4) Canvassing of non-official or other outside influence by Government servants.

As the Ministries/Departments are aware, bringing or attempting to bring any political or other outside influence by a Government servant to bear upon any superior authority to further his interest in respect of service matters pertaining to his service under the Government is prohibited under the provisions of the Conduct Rules. Detailed procedure for dealing with the Government servants attempting to further their service interests through non-Governmental influence has been prescribed in this Department's OM No. 11013/12/94-Estt.(A) dated 12.01.1995.

2. In spite of these instructions, it has come to the notice of this Department that certain Government servants are bringing to bear outside influence indirectly to further their service interests. It is clarified that bringing of indirect influence by Government servant would also attract the provisions of rule 20 of the CCS (Conduct) Rules, 1964.

3. All Ministries/Departments/Offices etc. are requested to bring the existing instructions/rules to the notice of all concerned under their control and to take effective action against the Government servants who bring or attempt to bring outside influence to further their service interests, as prescribed in the OM dated 12.01.1995.

[DOPT OM No. 11013/11/97-Estt.(A), dated 06.11.1997]

(5) Representation from Government servants on service matters.

It has been envisaged in the Ministry of Home Affairs OM No. 118/52-Ests. Dated 30th April 1952 on the subject mentioned above (copy enclosed for ready reference) that whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. Of late, it is observed that there has been a tendency on the part of officers at different levels to bypass the prescribed channels of representation and write directly to the high functionaries, totally ignoring the prescribed channels. The problem is more acute in large Departments where often very junior employees at the clerical level address multiple representations to the Minister, Prime Minister and other functionaries. Apart from individual representations, the service unions have also developed a tendency to write to the Ministers and Prime ministers on individual grievances. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rules, 1964.

