

DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110002

No.F. 51/1/2014/GAD/CN/dsgadiii/ 1196

Dated: 24/3/14

To

1 Pr. Secretaries/Secretaries/HODs,
Govt. of NCT of Delhi, New Delhi/Delhi.

2 Heads of all Local /Autonomous /Public Sector Undertakings,
Govt. of NCT of Delhi, New Delhi/Delhi.



Sub: - Code of Conduct of Government Servants and restrictions regarding their participation in the politics and elections.

Sir/Madam,

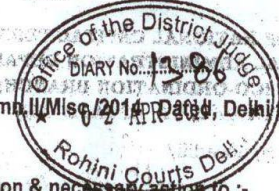
I am directed to enclose herewith letter No. F.1(87)DEO/NDD/832 dated 11/03/2014 of Deputy Chief Electoral Officer, O/o the Chief Electoral Officer, Delhi on the above mentioned subject, for information and necessary action.

Yours faithfully,

Encl: As above.

(AMITABH KUNDOO)
DY. SECRETARY (GAD)

814
02/4/14 Adm



No. 9942-10032 /Admn./Misc./2014, Delhi the 01/04/2014

Copy forwarded for information & necessary action to :-

- 1 The Ld. District & Sessions Judge, West/North/North-West/New Delhi/East/North-East/Shahdara/South-West/South/South-East, Delhi/New Delhi
- 2 The Personal Office of Ld. District & Sessions Judge (HQ), THC, Delhi.
- 3 The Controlling Officers/Presiding Officers posted at Central District to convey the above instructions to the staff working under their control.
- 4 The Sr. AOs/AOs/Branch Incharges at Central District to convey the above instructions to the staff working under their control.
- 5 The PRO/APRO, Tis Hazari Courts, Delhi.
- 6 Web-site Committee, Tis Hazari Courts, Delhi.
- 7 The Dealing Official, Server Room No.207, Tis Hazari Courts, Delhi.

(A. K. Chawla)
DISTRICT & SESSIONS JUDGE (HQs)
DELHI

OFFICE OF THE DISTRICT & SESSIONS JUDGE (NORTH-WEST) ROHINI COURT : DELHI

No. Misc./Admn.(NW)/RC/2014 102/2-10280 Dated, Delhi the 05th April 2014

Copy forwarded for information and necessary action to :-

1. All the Judicial Officers, North-West Distt., Rohini Court, Delhi.
2. The Judge Incharge, Mediation Centre (NW), Rohini Court, Delhi.
3. The Secretary, DLSA-NW, Rohini Court, Delhi.
4. The Sr. A.O.(J) and all the A.O.(J)s / Branch Incharge of all the Branches of North-West, Rohini Court, Delhi.
5. The Record Officer (RTI) NW, Rohini Court, Delhi.
6. PS to Ld. D&S (NW), Rohini Court, Delhi.

3 Further attention is also drawn towards the Government of India Decisions on the subject matter, which are also reiterated below

"(1) Participation of Government servants in political activities

Doubts have been raised recently as to the scope of Rule 23 (i) of the Government Servants' Conduct Rules (now Rule 5) which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India or relating to Indian affairs. According to the Explanation (not in the new rule) to that clause, the expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established or to promote feelings of hatred or enmity between classes of His Majesty's subjects or disturb the public peace. This explanation is only illustrative and is not intended in any sense, to be an exhaustive definition of "political movement". Whether or not the aims and activities of any organization are political is a question of fact which has to be decided on the merits of each case. It is, in the opinion of Government, necessary, however, that the Government servants under the Ministry of Finance etc. should be warned that -

- (a) It is the duty of the Government servant who wishes to join, or take part in the activities of any association or organization positively to satisfy himself that its aim and activities are not of such a nature as are likely to be objectionable under Rule 23 of the Government Servants' Conduct Rules (now rule 5); and
- (b) The responsibility for the consequences of his decision and action must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude towards the association or organization would not be tenable.

It should also be impressed on them that, in cases where the slightest doubt exists as to whether participation in the activities of an association or organization involves an infringement of Rule 23 (now Rule 5), the Government servant would be well advised to consult his official superiors.

ELECTION MATTER



OFFICE OF THE DISTRICT ELECTION OFFICER (NEW DELHI DISTRICT)

12/1, Jam Nagar House, Shahjahan Road, New Delhi - 110011 Ph. 23073031

email: dcnd@nic.in

No.F.1(87)DEO/NDD/

Dated : / /

CIRCULAR

SUB: Code of Conduct of Government Servants and restrictions regarding their participation in the politics and elections.

As you may be aware, the schedule for the General Election to the Lok Sabha, 2014 has been declared by the Election Commission of India on 10.04.2014.

2. In this connection, your kind attention is drawn to the provisions of Rule 5 of CCS (Conduct) Rules, 1964, relating to participation of the Government Servants in the Politics & Elections, which is reiterated below:

"No Government servant shall be a member of, or be otherwise associated with, any political party or any organization 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.

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."

(2) Attendance by Government servants at political meetings

- a) Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Ests.(A), dated the 17th September (Decision No. 1 above), dealing with the scope of Rule 23 (i) of the Government Servants' Conduct Rules (now Rule 5) which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.
- b) Enquiries have been received as to whether attendance by a Government servant at public meetings organized by political parties would amount to participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1, viz:-
- (i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and
 - (ii) that the responsibility for the Government Servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

(3) The following observations may, however, be of assistance to Government servants in deciding their own course of action:-

- (i) Attendance at meetings organized by a political party would always be contrary to Rule 23 (i) of the Government Servants' Conduct Rules (now Rule 5) unless all the following conditions are satisfied:-

(a) that the meeting is a public meeting and not in any sense a private or restricted meeting;

(b) that the meeting is not held contrary to any prohibitory order or without permission where permission is needed; and

(c) that the Government servant in question does not himself speak at, or take active or prominent part in organizing or conducting, the meeting.

- (ii) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as participation in a political movement, frequent or regular attendance by a Government Servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favour or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

- (iii) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic rights e.g. the right to vote at elections to Legislature or Local Self Government institutions.

(MHA OM No.25/44/49-Ests.(A), dated 10.10.1949)

4. As you are aware any contravention of the above rules by any Government Servant amounts to Grave Misconduct and Misbehaviour which is liable for action under CCS (CCA) Rules, 1965. Therefore, any activity within the purview of the above provisions are detrimental to the cause of the Government Servant themselves.

5. Since the area under New Delhi Parliamentary Constituency which consists of 10 Assembly Constituencies is mostly dominated by the Government Colonies inhabited by the Central Government Servants, it has become necessary to bring the above provisions of the CCS (Conduct) Rules to the notice of all the Government employees, keeping in view the ensuing General Election to the Lok Sabha, 2014. Further, there are so many Residential Welfare Associations (RWAs) in these areas and some of

the Government Servants by virtue of being a member of the Executive Committees of such RWAs may inadvertently involve themselves in such activities, which may eventually be construed as contravention of the above Conduct Rules.

6. In view of the foregoing, you are requested to bring the above provisions to the notice of all the Government employees working under your administrative control so that they may be aware of the same.