

**ELECTION MATTER**  
**MOST URGENT**

No.3/16/DSP/PE/ME/CIR/2015-16/43  
U.T. Administration of Daman & Diu,  
O/o the Director of Panchayat Election,  
Secretariat, Daman.  
Dated: 20/07/2015.

**C I R C U L A R**

Sub: Guidelines for conduct of Government Servants during the General Election to Panchayat – 2015.

It is brought to the notice of all Government Servants in U.T. of Daman & Diu that no Govt. Servant can take part in any political activity whatsoever, specially during the period of election. In this respect attention is drawn towards Rule 5 of the Central Civil Service (Conduct) Rules, 1964 which prohibits the Govt. Servants from taking part in politics and elections. An extract of Rule 5 of the C.C.S. (Conduct) Rules, 1964 is reproduced below:

**“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 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.
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 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 organization 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:

**Provided that: -**

- (i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Government servant shall not be deemed to have contravened the provision of this sub-rule by reason only that he assists in the conduct of

an election in the due performance of a duty imposed on him by or under any law for the time being in force.

**EXPLANATION :** The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

Attention is also invited to the provisions of Section 134A of the Representation of the People Act, 1951 which reads as follow:-

“134A. Penalty for Government servants for acting as election agent, polling agent or counting agent – if any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

2. Further, it is essential that Government servants maintain an attitude of strict impartiality during the election. Government servants should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It is stressed that they should avoid giving room for any suspicion that they are favouring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.
3. As regard attendance by Government servants of the public meetings organized by Political Parties, the following may be kept in mind: -
  - i. Attendance at meetings organized by a Political party would always be contrary to Rule-23(1) of the Conduct Rules unless all the following conditions are satisfied.
    - (a) That the meeting is a public and not in any sense private or restricted meeting.
    - (b) That the meeting is not held contrary to any prohibitory order or without permission where permission is needed, &
    - (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 attendance at such meetings may not be construed as a 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.

4. All Heads of Offices in U.T. of Daman & Diu are directed to note the above and bring the contents of this Circular to the notice of their subordinates and also instruct them to follow the instructions scrupulously. They are also directed to submit confidential report in case any Government servant is found to be involved in any political activity during the current elections.

*Am*  
*29/12/15*  
(J. P. Agrawal)  
Director (PE)

To,  
All Head of Offices, Daman & Diu.

Copy to:-

1. PPS to Hon'ble Administrator, Secretariat, Daman.
2. P.A. to Development Commissioner, Secretariat, Daman.
3. P.A. to Finance Secretary, Secretariat, Daman.
4. P.A. to Inspector General of Police, Daman.
5. P.A. to Chief Conservator of Forest, Daman.
6. The Collector, Daman.
7. The Collector, Diu along with 50 copies for circulation to all offices located at Diu.
8. The Superintending Engineer, PWD, Daman.
9. The Director Medical & Health Services, Daman.
- ✓ 10. The State Informatics Officer, NIC, Secretariat, Daman with a request to upload on the Official website.