

4/344

भारत निर्वाचन आयोग ELECTION COMMISSION OF INDIA

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No.464/INST/2014-EPS

Dated 9th April, 2014

To

1. The Cabinet Secretary,
Government of India.
2. The Chief Secretaries of
All the States & Union Territories.

Subject: Guidelines for Conduct of Government Servants – Regarding.

Madam/ Sir,

I am to forward herewith the Commission's letter No.62/84, dated 6th November, 1984 on the subject cited alongwith its enclosure and to request you to bring it to the notice of all concerned for strict compliance.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

सु.सु.अ.का कार्यालय/Office of the C.E.O.
राजियालय दमण / Secretariat, Daman.
आ.सं.प.सं.प.सं. 185
फ.सं. / Section
दि. / Date 11/04/2014

*May kindly see for
information*

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Subpart (D)
17/4/14

Secretary Science & Technology/Agriculture
Sp. Sec. Pers./Home/Vig.
Daman & Diu and DNH
Letter/File No.: 122
Inward Date: 15/4/14
Outward Date: 16/4/14

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GUIDELINES FOR GOVT. PERSONNEL REGARDING CONDUCT OF ELECTIONS

Guidelines for the Conducts of Govt. Servants (dt. 06.11.1984).

Election Commission's Letter No. 62/84, dated 6th November, 1984 to Chief Secretaries to State/Union Territories, all Chief Electoral Officers and Ministries of Home Affairs and Law and Justice.

Subject :- General Elections/Bye-elections - Guidelines for the conduct of Government servants.

I am directed to invite your attention to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to say that the Government of India as well as the State Government have been, before conduct of a general election, issuing instructions regarding the conduct of Government servants in relations to an election, stressing that all the Government employees should maintain an attitude of strict impartiality.

2. The Government employees 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 should be stressed that they should avoid giving room for any suspicion that they are favoring 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. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government Officers should not themselves organise any election meetings or be present in person during any such meetings except those who may have to be present to the extent necessary for maintaining law and order and making necessary security arrangements.

The question as to whether a public meeting addressed by a Minister is officially sponsored or is held for election propaganda has to be decided by the Minister himself. In the meeting, the arrangement for organising it is to be made on the Minister's behalf unofficially and the expenditure in that connection is to be borne by him or his party.

It is further made clear that a public meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

4. In this connection I am also to enclose a copy of the Ministry of Home Affairs' O.M. No. 25/44/49-Ests, dated 10th October 1949, which clarifies the position regarding the participation of Government servants in political activities vis-a-vis the attendance by Government servants at political meetings, for your information. The contents of the said O.M. may also be brought to the notice of all Government servants for their guidance.

5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and at the same hour, the party which applies first should be given preference.

9/3/44

6. Further your attention is specially invited to the provisions of section 134-A of the Representation of the People Act, 1951, which reads as follows :-

"134-A 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 with fine, or with both."

7. In this connection, I am also to forward herewith an extract of rule 5 of the Central Civil Service (Conduct) Rule, 1964, which inter alia prohibits the Government servants from taking part in politics and elections. It is presumed that similar provisions exist in the rules governing the conduct of Government servants of your State.

8. I am, therefore, to request that necessary instructions in the above regard may kindly be issued by the State Governments emphasising upon the Government servants that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in cases of doubt a Government servant should not hesitate to consult his superior officer.

9. A copy of the instructions issued by the State Government may be forwarded for the Commission's record.

The receipt of this letter may please be acknowledged.

[The Commission's letter No. 62/79, dated the 13th November 1979 is hereby superseded.]

1343

Ministry of Home Affairs O.M. No.25/44/49-Estts. dt. 10th October, 1949.

Subject:- Participation by Government servants in political activities-attendance by Government servants political meeting.

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Estt., dated the 17th September 1949 dealing with the scope of rule 23 (i) of the Government Servant's Conduct Rules 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.

2. Enquiries have been received as to whether attendance by a Government Servant at public meetings organised 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 :-

(1) Attendance at meetings organised by a political party would always be contrary to rule 23 (i) of the Government Servant's Conduct Rules 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 organising or conducting the meeting.

(2) Even where the said conditions are satisfied, while occasional 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 sympathiser of the aims and objects of that party and that in his official capacity he may favor 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.

(3) 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 right, e.g. the right to vote at elections to Legislature or Local Self-Government institutions.

4. I am to request that Government servant under the control of the Ministry of Finance etc., may be informed accordingly.

c/342

To

All Ministries of the Government of India etc., etc.,

Extract of Rule 5 of the Central Civil Services (Conduct) Rules, 1964.

"Rule 5. Taking part in politics and elections:

- (1) No Government servant shall be a member of nor 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 endeavor 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 or 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 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;

Provided that-

- (1) 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:
- (2) A Government servant shall not be deemed to have contravened the provisions 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 personal 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.