
GUJARAT PANCHAYAT SERVICES (Conduct) RULES, 1964

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GUJARAT PANCHAYAT SERVICES (Conduct) RULES, 1964

No. KP/108/PRR/45/64/Jh.-In exercise of the powers conferred by section 323 of the Gujarat Panchayat Act, 1961 (Gujarat VI of 1962), the Government of Gujarat hereby makes the following, rules, namely :-

1. Short title :-

Commencement and application-

(1) These rules may be called the Gujarat Panchayat Services (Conduct) Rules, 1964.

(2) They shall come into force at once.

¹ [(3) Except as otherwise provided by or under these rules, they shall apply to all persons appointed to the Panchayat Service and persons holding post under a Panchayat:

Provided that nothing in these rules shall apply to officers and servants of the State Service who are posted under a Panchayat, under sec. 207 or are on loan service to the Panchayat, under section 208 of the Gujarat Panchayats Act, 1961.

1. Substituted vide Gujarat Government Gazette, Extraordinary, Pt. I-A, dated 21-5-1985 p. 53-2.

2. Definitions :-

In these rules, unless the context otherwise requires:-

(a) "the Act" means the Gujarat Panchayats Act, 1961.

(b) "Appendix" means the Appendix appended to these rules.

(c) "Government" means the Government of the State of Gujarat.

¹ [(d) "Panchayat" means a District Panchayat, a taluka panchayat or as the case may be a gram panchayat or a Nagar Panchayat].

(e) "Panchayat Service" means the panchayat service as constituted under section 203 of the Act.

(f) "Member of a panchayat service or a Panchayat Servant" means any person appointed to the Panchayat service and includes an officer or servant allocated to the panchayat service under section 206 or 206A of the Act.

(g) "Members of the family" means in relation to a male member of the Panchayat Service, include his-

(i) wife, child or step-child, whether residing with him or not;

(ii) any other person related to him or to his wife whether by blood or by marriage and wholly dependent on him; and in relation to a female member of the panchayat service-

(i) child or step-child, whether residing with her or not, and the husband residing with her and dependent on her, and

(ii) any other person related to or to her husband whether by blood or by marriage and wholly dependent on her, but does not include a wife or husband legally separated from the member of the Panchayat Service or child or step-child who is no longer dependent on him or her, or of whose custody he or she has been deprived by reason of legal proceedings.

1. Substituted vide Gujarat Government Gazette, Extraordinary, Pt. I-A, dated 21-5-1985 p. 53-2.

3. General :-

1 -Every Panchayat Servant shall at all times,-

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Panchayat Servant.

1. Substituted vide Notification No. KP/i2/(87)/PRR. J084/4925-KH-1 dated 23-4-1987-Gujarat Government Gazette, Extraordinary Part IV dated 29-4-1987, p. 54.

4. Taking part in politics and election :-

(1) No panchayat servant shall be a member of, or be otherwise associated with, any political party or any organisation which ordinarily 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 panchayat 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 or of a panchayat; and where a panchayat servant is unable to prevent a member of his family from taking part in subscribing in aid of, or assisting in any other manner, any such movement or activity he shall make a report to that effect to his immediate superior, who shall in turn report through the taluka panchayat or, as the case may be the district panchayat, to Government. If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

(3) No panchayat servant shall canvass or otherwise interfere with or use his influence in connection with, or take in, an election to

any legislature or local authority :-

Provided that-

(i) a panchayat 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 panchayat servant shall not be deemed to have contravened the provisions of this 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 or by an order of Government or of a panchayat.

Explanation-(1) The display by a panchayat servant or, his person, vehicle or residence or any electoral, symbol, shall amount to using his influence in connection with an election within the meaning of this rule.

(2) Proposing or according the nomination of a candidate at an election to any legislature or local authority or acting as his agent shall amount to taking part in an election to such a body within the meaning of this sub-rule.

5. Demonstrations and strikes :-

No panchayat servant shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to as conditions of service.

6. Joining of Association by Panchayat servants :-

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

7. Connection with press or radio and criticism of Government or Panchayat :-

(1) A panchayat servant shall not unless generally or specially empowered by the concerned panchayat in this behalf, communicate directly or indirectly or panchayat servant belonging to other panchayats or to non- official persons or to the press any document or information which has come into his possession in the course of the performance of his duties in connection with the affairs of the panchayat or has been prepared or collected by him in the course of those duties whether from official source or otherwise.

(2) Panchayat servant shall not, without the previous sanction of the relevant district panchayat, become the proprietor in whole or in part, or conduct or participate in the editing or management, of any newspaper or other periodical publication. Such sanction shall be given only in the case of a newspaper or publication mainly devoted to matters not of a political character, and may at any time be withdrawn at the discretion of the said district panchayat:

Provided that the provisions of this rule shall not apply to any publication of a panchayat, published by or under the orders of the panchayat.

(3) No Panchayat servant shall, in any radio broadcast or in any document, publish anonymously or in his name or in the name of any other person or in any communication to the press or in any public utterance in any public place 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 Government or any other Government in India or of any panchayat in the State of Gujarat, or;

(ii) which is capable of embarrassing the relations between Government of India and the Government of any foreign State or between the Government and a Panchayat or between different panchayats:

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

8. Evidence before a committee or any other authority :-

(1) Save as provided in sub-rule (3) no panchayat servant shall, except with the previous sanction of the panchayat, 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 panchayat servant giving such evidence shall criticise the policy or any action of the Government or of any other Government in India or of a panchayat in the State of Gujarat.

(3) Nothing in this rule shall apply to-

(a) evidence given at an enquiry before an authority appointed by the Government, by Parliament or by a State Legislature or by a

panchayat, or,

(b) evidence given in any judicial inquiry or,

(c) evidence given at and department enquiry ordered by the Government or by an authority sub-ordinate to the Government or by a panchayat or, as the case may be, by a competent authority in a panchayat.

9. Subscription :-

No panchayat servant shall, except with the previous sanction of the relevant district panchayat or of such authority as may be empowered by it in this behalf, ask for or accept contributions to or othelwise associate himself with the raising of any fund in pursuance of any object whatsoever.

10. Gifts :-

(1) Save as otherwise provided in these rules, a panchayat servant shall not, except with the previous sanction of the relevant district panchayat, accept or permit his wife or any other member of his family to accept from any person any gift of more than a trifling value:

Provided that- Gifts of a value, reasonable in all circumstances of the case may be accepted from relations and personal friends or presented to such persons on occasions such as wedding, anniversaries, funerals and religious functions when the making or receiving of such gifts is in conformity with the prevailing religious or social customs but acceptance of such gifts other th in these of a trifling value be reported, to the relevant district panchayat ard the gifts shall be disposed of in such manner the said district panchayat may direct.

Explanation.-For the purpose of this sub-rule, any trowel, key or ofier similar articles, offered to a panchayat servant at the laying of the fo indation stone or the opening of a public or panchayat building or any ceremonial function, shall be deemed to be a gift.

(2) If a question arises whether any gifts is of a trifling value or not, or where a panchayat is in any doubt whether a gift offered to him is of a triffing value or not, a reference shall be made to the relevant district panchayat by such servant and the decision of the said district panchayat thereof shall be final.

Explanation.-Whether or not a gift should be treated as of a triffling

value shall depend on, who the the donor is and the circumstances in which the gift is made. A gift exceeding in value equal to 1/20th of the monthly emoluments of a panchayat servant or Rs. 20 whichever is less, from a person who is not his relative or his personal friend shall ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends upto the value of 1/8th of the monthly emoluments of the panchayat servant or Rs. 50 whichever is less, or even upto the value of one half of such emoluments or Rs. 200 whichever is less, on special occasions such as mentioned in the proviso to sub-rule (1), may be regarded as of trifling value.

11. Public Demonstrations or other entertainment in honour of panchayat servants :-

(1) Save as otherwise provided in this rule, a panchayat servant shall not, except with the previous sanction of the relevant district panchayat.

(a) receive any complimentary or valedictory address or accept any testimonial presented to him, or attend any public meeting or entertainment held in his honour, or

(b) take part in the presentation of any complimentary or valedictory address or a testimonial to any other panchayat servant or to any person who had recently quitted panchayat service, or attend any public meeting or entertainment held in honour of such panchayat servant or person.

(2) Notwithstanding anything contained in sub-rule (1)-

(a) a panchayat servant may at the request of any public body or panchayat, sit for a portrait, bust or statue not intended for presentation to him;

(b) Subject to the provisions of any general or special order of the relevant district panchayat a panchayat servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself or to some other panchayat servant or to a person who has recently quitted the panchayat service on the occasion of the retirement from the service l'or departure from a district or station of himself or such other panchayat servant.

12. Purpose of resignation :-

Panchayat servants shall not enter into any pecuniary arrangements for the resignation by one of them of any office under a panchayat for the benefit of the others. Should this rule be infringed, any nomination or appointment consequent upon such resignation shall be cancelled and such parties to the arrangement as are still in the service, will be, suspended pending the orders of the Government.

13. Private trade or employment :-

(1) No panchayat servant shall, except with the previous sanction of the relevant district panchayat, engage directly or indirectly in any trade or business or undertake any employment;

Provided that a panchayat servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake, or shall discontinue, such work if so directed by the district panchayat.

Explanation.- Canvassing by a panchayat servant in support of the business of an insurance agency, or commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) No panchayat servant shall without the previous sanction of the relevant district panchayat except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under Companies Act, 1956 (I of 1956) or any other law for time being in force or any co-operative society for commercial purpose:

Provided, that a panchayat servant may take part in the registration, promotion or management of a cooperative society substantially for the benefit of panchayat servants registered under the Gujarat Co-operative Societies Act, 1961, or any other law for the time being in force, or of literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

14. Investment, lending and borrowing :-

(1) No panchayat servant shall speculate in any investment.

Explanation -The habitual purchase or sale of securities, a

notoriously, fluctuating value shall be deemed to be speculation in investment within the meaning of this sub-rule.

(2) No panchayat servant shall make or permit his wife or any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties,

(3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the relevant district panchayat thereon shall be final.

(4) No panchayat servant shall, except with the previous sanction of the relevant district panchayat, lend money to any person possessing land or valuable property within the local limits of his authority or at interest to any person :

Provided that a panchayat servant may make an advance of pay to a private servant or give a loan of small amount free of interest to a personal friend or relative even if such person possesses land within the local limits of his authority.

(5) No panchayat servant shall, save in the ordinary course of business with a bank or a firm of standing borrow money from, or otherwise place himself under pecuniary obligation to, any person within the local limits of his authority or any other person with whom he is likely to have official dealings, nor shall he permit any member of his family, except with the previous sanction of the relevant district panchayat, to enter into any such transaction:

Provided that a panchayat servant may accept a purely temporary loan of a small amount, free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

(6) When a panchayat servant is appointed or transferred to a post of such a nature as to involve him, in the breach of any of the provisions of sub-rule (5), he shall forthwith report the circumstances to the relevant district panchayat and shall thereafter act in accordance with such orders as may be passed by such district panchayat :

Provided that this rule, in so far as it relates to the lending to or borrowing by a panchayat servant from a Co-operative Society registered under the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) shall be subject to any general or special restriction or relaxation made or permitted by the District Panchayat.

15. Insolvency and habitual indebtedness :-

(1) When a panchayat servant is adjudged or declared an insolvent or when a moiety of the salary of such panchayat servant is constantly being attached, or has been continuously under attachment for a period exceeding two years, or is attached for a sum, which in ordinary circumstances cannot be repaid within a period of two years, he shall be liable to be dismissed,

(2) In such cases, the matter shall be reported to the relevant district panchayat or to such authority as the district panchayat may by general or special order direct.

(3) Where a moiety of the salary of a panchayat servant is attached, the report shall show what is the proportion of his debts to the salary, how far they detract from the debtor's efficiency as a panchayat servant whether the debtor's position is irretrievable, and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him at the time when the matter is brought to the notice or any other post in panchayat service.

(4) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, shall be upon the debtor.

16. Movable, immovable and valuable property :-

(1) A member of the panchayat service shall not, except with the previous permission of relevant district panchayat or of the authority as may have been empowered in this behalf by such district panchayat, acquire or dispose of any immovable property by mortgage, purchase, sale or gift in his own or in the name of any member of his family:

Provided that this sub-rule shall not apply to the bonafide purchase of property by a member of panchayat service for the purpose of bonafide residence, if the fact of such a purchase has been notified to the immediate superior who shall communicate the same to the district panchayat.

(2) The district Panchayat, or the authority as may have been empowered in this behalf by such district panchayat, shall ordinarily convey the orders within the period of two months from the date of

application for grant of permission and if no orders are received within this period, the applicant may complete the transaction by assuming that the permission has been granted;

(3) A member of the panchayat service who enters into any transaction concerning any movable property exceeding Rs. 500 in value whether by way of purchase, sale or otherwise shall forthwith report transaction to the district panchayat:

Provided that no member of the panchayat service shall enter into any such transaction exceeding Rs. 1,000 in value except with or through a regular or reputed dealer or agent of standing or with the previous permission of the district panchayat or of the authority empowered by it in this behalf.

(4) The district panchayat or the authority as may have been empowered in this behalf by such district panchayat shall ordinarily convey the order within a period of one month from the date of the application and in case no orders are received within this period, the permission may be deemed to have been granted :

Explanation-For the purpose of this Rule the expression, "movable property" shall include,

(a) Jewellery, insurance policies, share, securities and debentures;

(b) motor cars, motor cycles, horses or any other means of conveyance; and

(c) refrigerators, radios and radiograms.

(5) The district panchayat or the authority empowered by it in this behalf may, at any time, by general or special order require any member of the panchayat service or members of any class of the panchayat service to submit within a period specified in the order, a full and complete statement of movable or immovable property held or acquired by him or by any member of his family, and the means by which or the sources from which such property was acquired, and may further require the submission of a yearly return in such form as the district panchayat or the said authority may specify.

17. Purchasing or bidding for any property :-

Notwithstanding anything contained in rule 12, no member of a Panchayat Service shall, except with the permission in writing of the panchayat he is serving, purchase or bid independently, either

in person or by agent, or jointly with others, in his own name or in the name of a member of his family, for any movable or immovable property auctioned or offered for sale by a panchayat in the district in which in he is serving.

18. Acting as an arbitrator :-

A member of Panchayat Service shall not act as an arbitrator in any case which is likely to come before him in any shape by virtue of the post he may be holding.

19. Vindication of acts and character of panchayat servants :-

(1) A panchayat servant shall not, without the previous sanction of the panchayat he is serving, have, recourse to any Court or to the Press for the vindication of his official acts or character from defamatory attacks. In granting sanction to recourse to a Court, the panchayat shall in each case decide whether it will itself bear the costs of the proceedings, or whether the panchayat servant shall institute the proceedings at his own expense and if so, whether in the event of a decision in his favour the panchayat shall reimburse him to the extent of the whole or any part of the cost incurred by him in excess of the costs and damages, if any, awarded to him by the Court.

(2) When a panchayat, agree to bear the costs of criminal or civil litigation instituted by a panchayat servant only the excess if any, of such costs over the amount that may be awarded by the court to the panchayat servant by way of compensation, damages or costs shall be borne by such panchayat. In according sanction to the institution of such litigation, it shall be expressly stated that the amount of any compensation, damages or costs which may be awarded to the plaintiff or complainant shall be first set off against the cost incurred by the panchayat and only the balance, if any shall be retained by him.

(3) Nothing in this rule shall limit or otherwise affect the right of any panchayat servant to vindicate his private acts or character.

20. Canvassing of non-official or other outside influence :-

No panchayat 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 the panchayat.

21. Contracting of plural marriages :-

(1) No panchayat servant who has a wife living shall contract another marriage without first obtaining the permission of the relevant district panchayat or the authority empowered by it in this behalf notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female panchayat servant shall marry any person who has a wife living without first obtaining the permission of the relevant district panchayat or the authority empowered by it in this behalf notwithstanding that such marriage is permissible under the personal law for the time being applicable to her.

22. Recognition of Associations and Federation of members of Panchayat Service :-

(1)

(a) A district Panchayat may, after such inquiry as it deems fit, grant recognition to an association of panchayat servants other than the associations specified in clauses (b) and (c), if in its opinion such association has complied with the conditions specified in Appendix A (in the Panchayats and Health Department).

(b) The State Government in the Panchayats and Health Department may after such inquiry as it deems fit grant recognition to a State-wide association of Panchayat servants with membership extending to all the districts in the State or a federation of associations if in its opinion such association or federation has complied with the conditions specified in Appendix B.

(c) The State Government in the Education and Labour Department may, after such inquiry as it deems fit, grant recognition to a State wide association with membership extending to all the districts in the State or federation of Primary Teachers serving under the District Panchayats or Taluka Panchayats if in its opinion such association or federation has complied with the conditions specified in the Appendix B.

(2) An association or federation to which recognition is granted under sub-rule (1) shall be a recognised association or federation.

(3) The State Government or the District Panchayat may cancel the recognition of an association or federation to which recognition is

granted by it under sub-rule (1):-

(a) if the District Panchayat or the State Government is satisfied that such recognition was granted under any mistake, misrepresentation or fraud, or

(b) if after giving an opportunity to the association or federation to be heard, the District Paichayat or the State Government is of the opinion that -

(i) the association or federation has committed breach of any of the conditions specified in the Appendix A or Appendix B; or

(ii) it is not in the interest of the Panchayat service to continue to recognised the association or federation.

(4) An association or federation which is not a recognised association shall not be entitled to submit any representation or memorial or send any deputation in respect of any matter affecting panchayat servant or a class of such servants.

23. Membership of a association with communal institutions :-

No panchayat servant shall participate in the activities of or be associated with any institution whose membership is confined to the members of a particular community or class of communities notwithstanding the fact that the Institution is of social or an educational nature.

Explanation.-In case of doubt, whether the membership of any Institution, comes within the scope of this rule, or otherwise, the decision of the relevant district panchayat shall be final.

24. Association of names with Public Institutions or work :-

No panchayat servant shall except with previous sanction of the relevant district Panchayat, associate his own name or allow it to be associated with any Public Institutions like Libraries, Hospitals, Schools and Roads or such objects as shields, trophies, prizes, medals and cups. A panchayat servant shall also not allow any member of his family living with or wholly dependent on him to associate his name with any such Institution or object.

24A. . :-

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(1) The general questions affecting the conditions of service (including welfare, improvement of efficiency and standard of

work) of the Panchayat servants shall be dealt with in accordance with the scheme as set out in Appendix C.

(2) In the event of any dispute pertaining to any class of panchayat servants being referred to arbitration under the said scheme, the award made therein shall be binding on all the servants belonging to that class.

1. R. 24-A inserted vide G.G. Gaz. Ext. Pt-I-A, 4-5-1985, P. 47-1.

25. Interpretation :-

If any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

26. Repeal and Savings :-

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

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