

Maharashtra Civil Services (Conduct) Rules, 1979

CONTENTS

1. Short title, application and saving-
2. Definitions
3. Duty of the Government servants to maintain integrity, devotion to duty
4. Employment of near relatives in companies or firms
5. Taking part in politics and elections
6. Demonstrations and strikes
7. Joining of associations by Government servants
8. Communication of official information
9. Prohibition against connection with press or radio
10. Evidence before committee or any authority
11. Subscription
12. Gifts
13. Public demonstration in honour of Government Servants
14. Sitting for portrait
15. Purchase of resignation
16. Private trade or employment
17. Investment, lending and borrowing
18. Insolvency and habitual indebtedness
19. Movable, immovable and valuable property
20. Purchase or bidding for any property
21. Prohibition against acting as arbitrator
22. Vindication of acts and character of Government servants
- 22A. Prevention of sexual harassment of women at work place
23. Canvassing of non-official or other outside influences
24. Membership of or association with communal institutions
25. Association of name with public institutions or works
26. Contracting of marriages
27. Prohibition against dowry
- 27A. Prohibition of employment of Children
28. Consumption of Intoxicating Drinks and Drugs
29. Recognition of Associations
30. No right to unrecognized association to submit representation
31. Interpretation
32. Delegation of Powers
33. Repeal and Saving

Maharashtra Civil Services (Conduct) Rules, 1979

1. Short title, application and saving- :-

- (1) These rules may be called the Maharashtra Civil Services(conduct) Rules 1979.
- (2) They shall come into force on the 12th day of July 1979
- (3) Except as otherwise provided by or under these rules (and also any rules and orders in relation to matters covered by these rules duly approved by Government from time to time and not inconsistent with the provisions of these rules) apply to all persons appointed to civil services and posts in connection with the of the State of Maharashtra, provided that, only rules 2,,5,6,11,15,18,29,and 30 shall apply to persons appointed as Police Patils under the Maharashtra Village Police Act, 1967.
- (4) Nothing in these rules shall apply to members of the All India Services who are subject to All India Services (Conduct) Rules 1968.

2. Definitions :-

In these rules, unless the context otherwise requires:-

- (a)"Government" means "the Government of Maharashtra";
- (b) "Government servant" means any person appointed to any civil service or post in connection with the affairs of the State of Maharashtra and includes a Government servant whose services are placed at the disposal of a company; corporation, organization, local authority or any other Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State;
- (C) "members of family" in relation to the Government servant includes-
 - (i) the wife or husband, as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
 - (ii) Son or daughter or step-son or step-daughter of the Government servant who is wholly dependent on him, but does not include a son or daughter or step-son or step-daughter who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
 - (iii) any other person related , whether by blood or marriage, to the Government servant or to the Government servant's spouse and * (wholly dependent on the Government servant);

(d) group "D" posts means posts which are specifically classified as Group "D" posts and such other unclassified non- gazetted posts, the maxima of the scales of which are equal to or less than Rs. 4400 or a corresponding amount as per the revision of the scales made from time to time in future;

(e) Group "c" posts means all non gazetted posts other than Group "D" posts

(f) Group "B" posts means all gazette posts other than Group "A" posts;

(g) Group "A" posts means all gazette posts which are specifically included in Group "A" service and those unclassified posts the maxima of the scales of which are Rs. 11500 or a corresponding amount as per the revision of pay scale made from time to time, in future.

The words in the bracket were inserted vide GAD notification CDR-1996/CR-69/96/11 dated 2nd September 1996

These clauses (d), (e), (f) and (g) were substituted in places of earlier respective clauses vide GAD notification no CDR 1007/CR-13/07/11 dated 11-04-2008.

3. Duty of the Government servants to maintain integrity, devotion to duty :-

(1) Every Government servant shall at all times

(i) maintain absolute integrity ;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

(2) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority.

(3) No Government servant shall, in performance of the official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such directions, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

(4) Nothing in sub-rule (3) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of a superior officer or authority when

such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Employment of near relatives in companies or firms :-

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family with any company or firm.

(2) (a) No class I officer or class officer II shall except with the previous sanction of the Government, permit his son , daughter or dependent to accept employment with any company or firm having official dealings with the Government,-

Provided that where the acceptance of such employment cannot await the sanction of the Government or is otherwise considered urgent, the matter shall be reported to the Government , and the employment can be accepted provisionally subject to the sanction of the Government.

(b) A class I or class II officer shall as he becomes aware of the fact of the acceptance by a member of his family of any employment with any company or firm, report to the Government, the fact of such acceptance and also whether he has or has had any official dealings with the company or firm,-

Provided that no such report shall be necessary if the Government servant has already obtained sanction of or sent a report to, the Government under clause (a).

(3) (a) No Government servant shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of, a company or firm or any other person, if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such company or firm or other person in any other manner.

(b) In any case referred to in clause (a), the Government servant shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

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, or 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, subservice of any Government in India as by law established, and where a Government 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 the Government.

(3) Whether any party is a political party, or whether any organization takes part in politics or whether any movement or activity falls within the scope of this rule, 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 (hereinafter referred to as "the election"),--

Provided that, a Government servant qualified to vote at such election may exercise his right to vote and where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

Explanation.-(1) Where a Government servant assist in the conduct of an election in due performance of a duty imposed on him by or under any law for the time being in force by an order of the Government, he shall not be deemed to have contravened the provisions of this rule.

(2) 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 the election and his proposing or seconding the nomination of a candidate at the election shall amount to taking part in the election, within the meaning of this rule and accordingly, the Government servant shall any such eventualities, be deemed to have contravened the provisions of this rule.

6. Demonstrations and strikes :-

No Government servant shall

i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency of morality or which involves contempt of court, defamation or incitement to an offence; or

ii) resort to , or in any way abate any form of strike in connection with any matter pertaining to his service or the service of any other Government servant:

Provided that, nothing in this sub-clause shall be deemed to prohibit those Government servants from relating to any strike who are expressly permitted to resort to such a strike under any law for the time being in force.

7. Joining of associations by Government servants :-

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

8. Communication of official information :-

Every Government servant shall, in performance of his duties in good faith, communicate information to person in accordance with the Right to information Act, (22 of 2005) and the rules made thereunder.

Provided 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 classified information to any Government servant or any other person to whom he is not authorized to communicate such document or information.

Explanation-Nothing in this rule shall be construed as permitting communication of classified information in an authorized manner or for improper gains to a Government servant or others.

This rule was substituted for earlier rule 8 vide GAD notification No.CDR. 1007/CR-12/7/11 dated 4-06-2008

9. Prohibition against connection with press or radio :-

(1) No Government servant shall own wholly or in part, or conduct any newspaper or other periodical publication or participate in the editing or management thereof:

Provided that the Government may permit any Government servant to own or conduct any newspaper or periodical publication which contains matters of purely non-political nature or character or to participate in the editing or management thereof, and may after

giving an opportunity to the Government servant to show cause against withdrawal of permission at any time withdraw the permission.

(2) No Government servant shall, except with the previous sanction of the Government or of the prescribed authority or except in the bona fide discharge of his duties-

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or

(b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical, either in his own name or anonymously or pseudonymously or in the name of any other person

Provided that, no such sanction shall be required-

(i) if such publication is through a publisher and is purely literary, artistic or scientific character or

(ii) if such contribution , broadcast or writing is of a purely literary, artistic or scientific character.

(3) No Government servant shall , in any radio broadcast or in a letter to a newspaper or periodical or in any document published anonymously, or in his own name or in his own name or in the name of any other person or in any public utterance or in any public place make any statement of fact or express opinion--

(a) 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?

(b) Which is capable of embarrassing the relations between the Government or any other Government in India; or

(c) Which is capable of embarrassing the relations between the Government of India and the Government of any foreign State; or

(d) Which has the effect of aiming his personal grievances?

Provided that, nothing in this sub-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.

10. Evidence before committee or any authority :-

(1) Save as provided in Sub rule (3), no Government servant shall, except with the previous sanction of Government, give evidence in connection with any inquiry conducted by any person, committee or authority;

(2) No Government servant, shall while giving evidence with the

sanction of Government, criticize the policy or any action, of the Government or of any other Government in India.

(3) Nothing in this rule shall apply to evidence given by Government servants at any-

(a) enquiry before an authority appointed by Government or by the Parliament or by any State legislature, or

(b) judicial enquiry, or

(c) departmental enquiry ordered by the Government or any authority subordinate to the Government.

11. Subscription :-

No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contribution to, or otherwise associate himself with the raising of, any

fund or other collections in cash or in kind in pursuance of any objection whatsoever,

Provided that, the provisions of this rule shall not be applicable to any State Government Servant who voluntarily participate in the Flag Day Fund raising efforts observed by the National Foundation for communal Harmony, New Delhi

The above proviso in Rule 11 was vide GAD notification No..CDR-1006/ C.R.17/06/11 dated 8-2-2007.

12. Gifts :-

(1) Save as otherwise provided in these rules, no Government servant shall accept ,or permit any member of his family or any person acting on his behalf to accept any gift.

Explanation,--- The expression "gift" includes free transport, boarding, lodging or other services or any other pecuniary advantage provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

Note (I), -- A casual meal. Lift or other social hospitality shall not be deemed to be a gift.

Note,(II) --A Government servant shall avoid accepting lavish hospitality from any individual having official dealings with him or from industrial or commercial firms, organization, or any similar bodies.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions , when the making of a gift is in conformity with

the prevailing religious or social practice, a Government servant may accept to the Government if the value of any such gift exceeds,---

i) Rs. 7000 in the case of the Government servant holding any Group "A" post.

ii) Rs. 4000 in the case of the Government servant holding any Group "B" post.

iii) Rs 2000 in the case of the Government servant holding any Group "C" post.

iv) Rs. 1000 in the case of the Government servant holding any Group "D" post.

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Government if the value of any such gift exceeds,---

(i) Rs 1500 in the case of the Government servant holding any Group "A" post;

(ii) Rs. 1000 in the case of the Government servant holding any Group "B" post.

(iii) Rs. 500 in the case of any Government servant holding any Group "C" post.

(iv) Rs.500 in the case of any Government servant holding any Group "D" post.

(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds---

(i) Rs. 1000 in the case of a Government servant holding any Group "A" or Group "B" post ; and

@(ii) Rs. 500 in the case of a Government servant holding any g Group "C" or "D" post.

These clauses in Rule 12 (2) substituted for earlier entries vide GAD notification No. CDR/1007/C.R.-13/07/11 dt. 11-04-2008

These clauses in 12(3) were substituted for earlier clauses vide GAD notification No. CDR/1007/C.R.-13/07/11 dt.11-04-2008.

These clauses in 12(4) were substituted for earlier clauses vide GAD notification No. CDR/1007/C.R.-13/07/11 dt.11-04-2008

13. Public demonstration 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 on the occasion his retirement or transfer or any person who has recently quit the service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by the 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 even if it is of a substantially private or informal character, and the collection of subscriptions from Group "C" or Group "D" employees under any circumstances for the entertainment of any Government servant not belonging to Group "C" or Group "D" , is forbidden.

14. Sitting for portrait :-

Nothing in this rule 12 or rule 13 shall prevent any Government servant from sitting at the request of any public body for a portrait, bust or other statue not intended for presentation to him.

15. Purchase of resignation :-

A Government servant shall not enter into any pecuniary arrangement for the resignation by one of them of any office held by him under the Government for the benefit of any other person; and any nomination or appointment made consequent upon such resignation shall be cancelled and the parties to the arrangement as are still in service shall be suspended, pending the orders of the Government.

16. Private trade or employment :-

No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that, a Government 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 Government.

Explanation.---(1) Canvassing by a Government servant in support of the business of insurance agency, commission agency etc..owned or managed by his wife or any other member of his family shall be deemed to to be a breach of this sub-rule.

(2) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No Government servant shall without previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any ban or other company which is required to be registered under the companies Act,1956(1 of 1956), or any other law for the time being in force or any co-operative society for commercial purpose :

Provided that, Government servant may take part in the registration, promotion or management of a co-operative society substantially for the benefit of Government servants, registered under the Maharashtra Co-operative Societies Act, 1960 (Mah.XXIV of 1961), or any other law for the time being in force or of a literary, scientific or charitable society registered under the Societies Registration Act 1860(XXI of 1860) or any corresponding law in force.

(4) No Government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

(5) No Government servant in whose case permission to take up commercial immediately after retirement is necessary should, while still in service negotiate for any commercial employment after retirement without obtaining prior permission of Government.

17. Investment, lending and borrowing :-

(1) No Government servant shall speculate in any stock, share or other investment

Explanation.---(1) Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule-(2), the decision of the Government thereon shall be final.

(4) (i) No Government servant shall , save in the ordinary course of business with a bank or firm of standing duly authorized to conduct banking business, either himself or through any member of his family or any other person action on his behalf---

(a) lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return on money or in kind is charged or paid, provided that a Government servant may give to or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest or, operate a credit account

with a bona fide tradesman or make an advance of pay to his private employee;

Provided further that, nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

(ii) when a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4)., he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

(5) (a) Notwithstanding anything contained in sub-rule (4)(a), the Head of any Government office or department may, regard being had to the circumstances of each case of Government servants belonging to Group "C" or "D" service.

(b) The Government may direct that in relation to loans or borrowing by the Government servants from, any Co-operative Society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960, the provisions of sub-rule (4) shall apply with such restrictions or relaxations as the Government may specify.

18. Insolvency and habitual indebtedness :-

(1) When a Government servant is adjudged or declared as insolvent or when moiety of his salary 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 retained within a period of two years, he shall be liable to be dismissed and in such cases, the Government servant shall report the matter to Government or to such authority as the Government may , by general or special order direct.

(2) Where a moiety of the salary of a Government servant is attached, the report shall show the proportion of his debt to the salary. How far the debts detract from the debtor's efficiency as a Government 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 held by him at the time when the matter is brought to the notice of the Government or in any other post under the Government.

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

19. Movable, immovable and valuable property :-

(1) Every Government servant shall on his first appointment to any service, post and thereafter , at such interval as may be specified by the Government, submit a return of his assets and liabilities , in such form as may be prescribed by the Government giving the full particulars regarding---

(a) The immovable property inherited by him or owned or acquired by him or held on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person ;

(b) shares, debentures and cash including bank deposits inherited by him or similarly owned or acquired by him;

(c) other immovable property inherited by him or similarly owned ,acquired or held by him ;

(d) debts and other liabilities incurred by him directly or indirectly.

Note I.-- Sub- rule (1) shall not ordinarily apply to Group "D" servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

Note II. -- In all returns, the values of items of movable property (less than two months basic pay of the Government servant) may

be added and shown as a lump sum. The values of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

The words in the bracket were substituted by GAD notification No. CDR-1011/C.R.144/Reconstruction 7/11 dated 7th May 2013

Note III.-Every Government servant who is in the service on the date of commencement of these rules shall submit a return under this sub0rulem on or before such date as may be specified by the Government after such commencement.

(2) No Government servant shall , except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale , gift or otherwise either in his own name or in the name of any member of his family:

Provided that, the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is--

(i) with a person having official dealings with the Government servant; or

(ii) otherwise than through a regular or reputed dealer.

(3) Every Government servant shall report to the prescribed authority every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property if the value of such property exceeds two months basic pay of the Government servant;

Provided that, the previous sanction of the prescribed authority shall be obtained of any such transaction is ----

(I) with a person having official dealings with the Government servant; or

(II) otherwise than through a regular or reputed dealer.

The sub rule 3 was substituted by GAD notification No. CDR-1011/C.R.144/Reconstruction 7/11 dated 7th May 2013

(3-A) Notwithstanding anything contained in sub-rules (2) and (3), any transaction entered into by the spouse or any other member of family of Government servant out of his own funds or her own family funds (including stridhan gifts, inheritance, etc.) as distinct from the funds of the Government servant himself, in his or her own name and in his or her own right, shall not be treated as a transaction entered into by the member of the family of Government servant within the meaning of sub-rules (2) and (3).

(4) The Government or the prescribed authority may at any time, by general or special order, require a Government servant complete

statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall include the details of the means by which or the source from which, such property was acquired, along with the evidence in support of such statement.

(5) The Government may exempt any category of Government servants belonging to Group "c" or Group "d" from any of the provisions of this rule except sub-rule (4),. No such exemption shall however be made without the concurrence of the General Administration Department.

Explanation.---

For the purpose of this rule-

(1) the expression " movable property " includes-

(a) jewelry, (insurance policies the annual premia of which exceed two months basic pay of the Government servant) or one sixth of the total annual emoluments received from Government whichever is less, shares, securities and debentures;

The words in the bracket were substituted by GAD notification No. CDR-1011/C.R.144/Reconstruction 7/11 dated 7th May 2013

(b) loans advanced by such Government servants whether secured or not;

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

(d) refrigerators, radios, radiograms and T.V.sets.

(2) "Prescribed authority" means-

(a) (I) The Government in the case of a Government servant holding any Group "A" post, except where any lower authority is specified by the Government for any purpose.

(II) Head of Department in the case of a Government servant holding any Group "B" post

(III) Head of office, in the case of a Government servant holding any Group "C" or Group "D" post;

(b) in respect of a Government servant on foreign service or on deputation to any other Department or any other Government, the parent department of the cadre of which such Government servant is borne or the Department to which he is administratively subordinate as a member of that cadre.

The above sub-rule (3-A) of Rue 19 was inserted vide GAD notification No.CDR.1398/C.R.-4/98/XI dt.28-09-1998.

The letters and figure Rs. 10000 were inserted in place of earlier letters and figures vide GAD notification No. CDR-1005/C.R.21/05/11 dated 30-12-2006.

20. Purchase or bidding for any property :-

Notwithstanding anything contained in Rule 18, no Government servant holding any office in the Revenue or the Land Records Department shall, except with the previous permission in writing of the Government or of the Commissioner, Collector, Settlement Commissioner and Director of Land Records or as the case may be, the Superintendent of Land Records to whom he is sub-ordinate---

(a) purchase or bid for either in person or by agent, or in his own name, or in the name of another or jointly or in the name of another or jointly or in share with others, any property which may, under the provisions of the Maharashtra Land Revenue Code, 1966 (XLI of 1966) be sold by order of any competent authority in the district in which such Government servant is for the time being employed;

(b) hold directly or indirectly any farm or be in any way concerned on his private account in the collection or payment of revenue of any kind in the district in which such Government servant is employed.

Provided that, this clause shall not apply to revenue paid to a Government servant in fulfillment of statutory obligations;

Provided further that, a Government servant who already holds directly or indirectly any farm in the district in which he is for the time being employed, shall only, report this fact to Government and shall not be required to obtain the sanction of Government for holding farm, as required by this rule.

21. Prohibition against acting as arbitrator :-

No Government servant shall act as arbitrator in any private case which is likely to come before him in any shape by virtue of any judicial or executive post held by him.

22. Vindication of acts and character of Government servants :-

(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or any attack of defamatory character.

(2) Nothing in sub-rule (1) shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and, where any action for

vindicating his private character or any act done by him in his private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

(3) In according sanction under sub-rule (1) --

(a) the Government shall in each case decide-

(i) Whether it will itself bear the costs of the proceedings, or

(ii) whether the Government servant will institute the proceedings at his own cost, and if so, whether in the event of Government servant succeeding therein, the Government will reimburse him to the extent of the whole or any part of the cost incurred by him, as in excess of the cost or damages, if any, awarded to him by the Court ; and

(b) where the Government decides to bear the costs of proceedings instituted by a Government servant, it shall be expressly stated that the amount of compensation, damages or costs awarded by the Court, if any, to the Government servant shall be first set off against the cost borne by the Government and the balance, if any shall only be retained by the Government servant.

22A. Prevention of sexual harassment of women at work place :-

(1) No Government servant shall indulge in any Act of sexual harassment of any woman at her work place.

(2) Every Government servant who is in charge of a work place shall take necessary steps to prevent sexual harassment to any woman at such work place.

Explanation. --- For the purpose of this rule, "sexual harassment includes such unwelcome sexually determined behavior, whether directly or otherwise, such as,--

(a) physical contact and advances;

(b) a demand or request for sexual favours;

(c) sexually coloured remarks

(d) showing pornography; or

(e) any other unwelcome physical, verbal, or nonverbal conduct of a sexual nature.

The above Rule 22-A was inserted vide GAD notification N. CDR.1098/C.R.2/98/XI dated 29-09-1998

23. Canvassing of non-official or other outside influences :-

No Government servant shall bring or attempt to bring any political

or other influence to bear upon any superior authority in relation to any matter pertaining to his service under the Government.

Explanation.--"Any representation made by a Government servant belonging to a Backward Class to the Minister or the Minister of State in charge of Social and Tribal Welfare in relation to any matter pertaining to his service under the Government in accordance with the orders of Government for the time being in force, shall not amount to bring or attempting to bring any political or other outside influence within the meaning of this rule".

24. Membership of or association with communal institutions :-

No Government servant shall, by writing, speech or deed, or otherwise indulge in any activity which is likely to incite and create feelings of hatred or ill-will between different communities in India on religious, racial, regional, communal or other grounds.

25. Association of name with public institutions or works :-

No Government servant shall, except with the previous sanction of Government-

- (a) associate his own name or allow it to be associated with any institution, such as libraries, hospitals, schools, trophies, prizes, medals and cups and the like ; or
- (b) allow any member of his family living with or wholly, dependent on him to associate his name with any such institution or object.

26. Contracting of marriages :-

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living, shall enter into, or contract, a marriage with any person.

Provided that the Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if it is satisfied that--

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) A Government servant who has married or marries a person

other than of Indian Nationality shall forthwith intimate the fact to the Government.

27. Prohibition against dowry :-

No Government servant shall-

- (i) give or take or abet the giving or taking of a dowry, or
- (ii) demand, directly or indirectly , from the parents or guardians of a bride, or bridegroom, as the case may be, any dowry.

Explanation.- For the purpose of this rule dowry has the same meaning as in the Dowry Prohibition Act,1961(XXVIII of 1961).

27A. Prohibition of employment of Children :-

No Government servant shall employ or permit any member of his family or any person acting on his behalf to employ any child below age of 14 years for domestic or any other work.

The above rule 27-A was inserted vide GAD notification No. CDR. 1097/350/C.R. No. 21-97/XI dated 1-12-1997.

28. Consumption of Intoxicating Drinks and Drugs :-

A Government servant shall--

- (a) Strictly abide by any law relating to intoxicating drinks or drugs, in force in any area in which he may happen to be for the time being ;
- (b) Not consume any intoxicating drink while on duty or not be under influence of any intoxicating drinks or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of any such drink or drug ;
- (c) Refrain from consuming any intoxicating drink or drug in a public place ;
- (d) Not appear in a public place in a state of intoxication.
- (e) Not use any intoxicating drink or drug in excess.

Explanation.-- For the purpose of this rule, "public place" means any place or premises (Including conveyance) to which the public have or permitted to have access, whether on payment or otherwise.

29. Recognition of Associations :-

- (1) Government may , after such inquiry as it deems fit, grant recognition to an association of Government Servants, if in the

opinion of Government, such association has complied with the conditions specified in the Appendix.

(2) An association to which recognition is granted under sub-rule (1) shall be recognized association.

(3) Government may cancel the recognition of an association to which recognition is granted under sub-rule (1),

(a) If the Government is satisfied that such recognition was granted under any mistake, misrepresentation or fraud, or

(b) If after giving an opportunity to the association to be heard, Government is of the opinion that the association has committed a breach of any of the conditions specified in the Appendix 30. An association

which is not recognized association shall not be entitled to submit any representation or memorial or send any deputation in respect of any matter affecting Government servants or a class of such servants.

30. No right to unrecognized association to submit representation :-

An association which is not recognized is not entitled to submit any representation or memorandum in respect of any matter affecting the Government servants.

31. Interpretation :-

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

Only Government in GAD is competent to interpret these rules.

32. Delegation of Powers :-

The Government may, by General or special order direct that any power exercisable by it or any Head of a Department or Office under these rules (Except the powers under rule 31 and this rule) shall subject to such conditions, if any as may be specified in the order, be

exercisable also by such officer or authority as may be specified in the order.

33. Repeal and Saving :-

(i) The Bombay Civil Services, Conduct, Discipline and Appeal

Rules, 1932 in so far as they relate to matters provided by these rules.

(ii) The Government Servants Conduct Rules (Provincial and Subordinate Services), 1937 as applicable to Maharashtra Government Servants who were servants of the Pre-reorganization State of Madhya Pradesh.

(iii) The Government Servants Conduct Rules 1950 as applicable to Maharashtra Government Servants who were servants of the pre-reorganized State of Hyderabad.

(iv) All other rules corresponding thereto, if any, and in force immediately before the commencement of these rules and applicable to Government Servants to whom these rules apply are hereby repealed.

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