

Tamil Nadu Government Servants Conduct Rules, 1973

CONTENTS

1. Short Title And Application
2. Definitions
3. Gifts
- 3A. Section 3A
4. Public Demonstrations In Honour Of Government Servants
5. Subscriptions
6. Investments, Lending And Borrowing
7. Movable, Immovable And Valuable Property
8. Private Trade Or Employment
9. Insolvency And Habitual Indebtedness
10. Communication Of Official Information
11. Connection With Press, Television Or Radio
12. Criticism Of Government
13. Evidence Before Committee Or Any Other Authority
14. Taking Part In Politics And Elections And Position Of Government Servants In Relation To Elections
- 14A. Prohibition Of Membership Of Any Communal Organisation Etc
15. Vindication Of Acts And Character Of Government Servants
16. Membership Of Service Association
17. Employment Under Or With Near Relatives In Service And Employment Of Near Relatives In Firms Enjoying Government Patronage
18. Canvassing Of Non-Official Or Other Outside Influence
19. Bigamous Marriages
20. Integrity And Devotion To Duty
- 20A. Prohibition Of Child Labour
- 20B. Prohibition Of Sexual Harassment Of Working Women
21. Government Servant Not To Be Found Drunk While Attending Office, Etc
22. Strikes
- 22A. Procession And Meetings
23. Anti-Secular Or Social Disharmony Activity And Demonstration
24. Joining Of Associations By Government Servants
- 24A. Obtaining Of Identity Certificate Before Applying For Passport And No Objection Certificate For Undertaking Foreign Trip
25. Interpretation
26. Repeal And Saving

Tamil Nadu Government Servants Conduct Rules, 1973

In exercise of the powers conferred by the proviso to Article 309 of

the Constitution of India, the Governor of Tamil Nadu hereby makes the following Rules:-

1. Short Title And Application :-

(1) These rules may be called the Tamil Nadu Government Servants Conduct Rules, 1973.

(2) They apply to all person appointed to civil services and posts in connection with the affairs of the State of Tamil Nadu (other than members of the All-India Services who are subject to the All India Services (Conduct) Rules, 1968 and Subordinate Police Officers who are subjects to the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964), whether on duty, leave or on foreign service.

Unless otherwise provided, these rules shall not apply to the Advocate-General, Government Pleaders and Public Prosecutors and other officials who are not full-time officers but are engaged by the Government without prejudice to the exercise of their profession nor do they apply to persons who are paid from contingencies.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(1) "district" means a revenue district;

(2) "Government" means the State Government:

Provided that the Government may, by general or special orders and subject to such conditions as they may think fit declare that any authority subordinate to them shall be deemed to be the Government for all or any of the purposes of these rules:

Provided further that the powers of the Government shall be exercisable even when the Government servant is outside India, whether on duty, leave or foreign service:

Provided also that the functions of the Government under these rules shall, in respect of members of the Secretariat staff of the Governor, be exercised by the Governor;

(3) "Government Servant" means any person appointed to any civil service or post in connection with the affairs of the State of Tamil Nadu.

Explanation (1):- The Government servants holding posts in the Tamil Nadu State and Subordinated Services shall be classified as follows:-

Group -A: Government servants in posts drawing Grade pay of Rs.6,600/- and above.

Group -B: Government servants in posts drawing Grade pay of Rs.4,400/- and above but below Rs.6,600/-

Group -C: Government servants in posts drawing Grade pay of Rs.1,400/- and above but below Rs.4,400/-

Group -D: Government servants in posts drawing Grade pay of Rs.1,300/-

*Inserted in G.O.Ms No.158, P&AR(A)Department, dated.06.11.2009.

Explanation-(2): A Government servant whose services are placed by the Government at the disposal of a company, corporation, organisation or a local authority shall, for the purpose of these rules, be deemed to be a Government servant serving under the Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State;

(4) "Heads of the Department" means the principal officers of the department who is directly subordinate to the Government, whether or not he has been declared to be the head of the department for the purposes of the Fundamental Rules;

(5) "Members of the Family", in relation to a 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 and wholly dependent on him, but does not include a child or step child 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 servants wife or husband and wholly dependent on the Government servant.

(6) "Close Relation" in relating to Government servant include:- "father, step-father, mother, step-mother, husband, wife, son, adopted son, daughter, adopted daughter, brother, step-brother, sister, step-sister, wifes father, wifes mother, husbands father, husbands mother, brothers wife, sisters husband, daughters husband and sons wife."

3. Gifts :-

(1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government,

accept or permit his wife, or any other member of his family, to accept from any person any gift of value exceeding Rs.5000/- (Rupees five thousand only)

"Provided that the Government Servant may accept any gift of a value exceeding Rs.5,000/- from a personal friend or close relation, on special occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs and shall make a report to the Government within one month of the acceptance of the gift".

(G.O.Ms.No.6, P&AR (A) Department,dated.21.01.2008) "Provided also that nothing in this rule shall apply in respect of Government Servants belonging to Groups B C and D to accept travel, living and other related expenses from their personal friends or their close relations as gift, whenever they go abroad with the previous sanction of the Heads of Departments."

Explanation I - For the purpose of this sub-rule, any trowel, key or other similar articles offered to a Government servant at the laying of a foundation stone or the opening of a public building or any ceremonial functions shall be deemed to be a gift.

Explanation II - The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than +(close relations) or personal friend having no official dealings with the Government servant. * Substituted in G.O.Ms.No.356, P&AR(A) Department, dated 4.10.1993.

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 or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc.

(2) If any question arises whether any gift is one which can be accepted without the permission of the Government or if a Government servant is in any doubt whether a gift offered to him is one which can be accepted without the permission of the Government, a reference shall be made to the Government by such Government servant and the decision of the Government thereon shall be final.

(3) Nothing in this rule shall be deemed to prevent any Government servant from sitting, at the request of any public body, for a portrait, bust or statue not intended for presentation to him.

(4) No Government servant shall enter into any transaction with any private person or firm or company engaged in any business or profession, for the purchase of costly second hand goods such as vehicles for conveyance, furniture and electrical domestic appliances at a favourable price, which may tend to result in favouritism or patronage being shown to the Government servant or which may render such Government servant under an obligation to such private person or firm or company and which may be construed as a subtle form of corruption.

(5) Notwithstanding anything contained in sub-rules (2), (3), and (4), a Government servant, being a member of an Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.

(6) A Government servant shall not accept any gift from any foreign firm which is either contracting with the Government or is one with which the Government servant had, has or is likely to have official dealings. Acceptance of gifts by a Government servant from any other firm shall be subject to the provisions of sub-rule (4).

Explanation - Nothing in this sub-rule shall prevent any Government servant from entering into any transaction with any person or firm or company for the purchase of second hand articles at the normal or prevailing market rate of such second hand article.

3A. Section 3A :- .

(1) No Government servant shall -

(i) give or take abet the giving or taking of dowry; or

(ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom as the case may be any dowry.

Explanation - For the purposes of this rule, dowry has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961). "(2) Every Government Servant shall after marriage or when he celebrates the marriage of his children, furnish to the Head of Department, a declaration that he has not taken any dowry. Where the Government Servant gets married, the declaration shall be signed by the Government Servant, the wife or husband, as the case may be, of the Government servant and their parents or guardian. Where the son or daughter of the Government Servant

gets married, the declaration shall be signed by the parties to the marriage and their parents or guardian which shall include the Government servant also".

Added vide G.O.Ms.No.150, P&AR(A)Department, dated: 15.09.2006. "Every Government Servant shall after marriage or when he celebrates the marriage of his children, furnish to the Head of Department, a declaration", "in the Form in Schedule IV appended to these rules". Added vide G.O.Ms.No.133, P&AR(A) Department, dated: 29.09.2009.

4. Public Demonstrations 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 servant on the occasion of his retirement or transfer or any person who has recently quitted the service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions; or
- (iii) the sitting for or acceptance of a copy of a group photograph of the officers, of his office or department on the occasion of his transfer or retirement.

5. Subscriptions :-

(1) (a) Save as provided in sub-rules (3) and (4) no Government servant, shall, except with the previous sanction of the Government or of such authority as may be empowered by them in this behalf, ask for or accept contributions to or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever.

(b) Where, however, a service association applies for previous sanction of the Government, the association shall specify the particular person or persons who will collect funds if such sanction is granted.

(2) Permission may, after due consideration, be accorded in all cases where the Government support the institution concerned by

way of grants or otherwise.

(3) In the case of Flag Day collections, Government servants may participate on a voluntary basis.

(4) An Executive Officer of the Hindu Religious and Charitable Endowments (Administration) Department may, without such sanction, undertake the collection and custody of funds on behalf of a renovation committee of the temple of which he is the Executive Officer and accept the honorarium, if any, offered to him in this regard.

6. Investments, Lending And Borrowing :-

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

Explanation -The habitual 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 as to 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) (a) No Government servant shall, save in the ordinary course of business with a bank or a firm or a Public Limited Company of standing, duly authorised to conduct banking business either himself or through any member of his family or any other person acting on his behalf -

(i) 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

(ii) lend money to any person at interest or in a manner whereby return in 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 not exceeding * "his total monthly emoluments" free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee:

* Substituted vide G.O.Ms.No.39, P&AR (A) Department, dated 09.03.2010. "Provided further that Government servants belonging

to Groups B, C and D may, with the previous sanction of the prescribed authority as provided under sub-rule (5) of rule 7, accept from a relative or a personal friend, a purely temporary loan of an amount not exceeding Rs.3,00,000/- (Rupees Three lakhs only), free of interest, exclusively for the purchase of flat or ready built house or plot for the construction of a house. Provided also 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. Added vide G.O.Ms.No.39, P&AR (A) Department, dated: 09.03.2010.

(aa) No Government servant shall, either himself or through any member of his family or any other person acting on his behalf, except with the previous sanction of the Government, lend or borrow money to or from any private individual any amount exceeding * " his total monthly emoluments".

* Substituted vide G.O.Ms.No.39, P&AR (A)Department, dated. 09.03.2010. "Provided that Government servants belonging to Groups B, C and D may, with the previous sanction of the prescribed authority as provided under sub-rule (5) of rule 7, borrow money not exceeding Rs.3,00,000/- (Rupees Three lakhs only), free of interest, from any private individual exclusively for the purchase of flat or ready built house or plot or for the construction of a house". Added vide G.O.Ms.No.39, P&AR (A) Department, dated: 09.03.2010.

(b) 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 Government and shall thereafter act in accordance with such order, as may be made by the Government belonging to group C and D, Government servant shall make the report referred to in this sub-clause to the Head of the Department concerned.

(5) No member of the Tamil Nadu Judicial Ministerial Service shall, without the written permission of the District Judge -

(i) take a transfer in his name of any auctionable claim, or decree, or

(ii) concern himself in any litigation in which he has no direct personal interest.

(6) Government servants of every class, except those whose duty is to supervise or audit cooperative societies, may become members of and make deposits in non-agricultural co-operative Societies including the Tamil Nadu State Co-operative Bank Limited, other

Central Co-operative Banks and Urban Co-operative Banks.

(7) (a) Government servants whose duty it is to supervise or audit Co-operative societies may become members of, and make deposits in co-operative societies registered separately for their benefits:

(b) Government servants whose duty is to supervise or audit Co-operative Societies may place deposits in the Tamil Nadu State Co-operative Bank Limited or in any Central Co-operative Bank or in any Urban Co-operative Bank and avail security and surety loans from those institutions, provided that they are not engaged directly in audit or supervision of such banks.

(8) Government servants of every class may place deposits in, and purchase debentures of the Tamil Nadu Co-operative State Central Land development Bank Limited, but shall not hold any office therein or take any part in the management thereof.

(9) A Government servant may with the previous sanction of the Head of the Department, become a member of a Land Development Bank or an Agricultural Service Co-operative Society (including Farmers Service Co-operative Society, Agricultural Bank and Rural Bank) or a Primary Cooperative Marketing Society provided that he already owns land in the area within the jurisdiction of such bank or society, as the case may be, and wants to avail of the services rendered by such Bank or society but shall not hold any office therein or take any part in the management thereof;

Provided that no such sanction shall be accorded to a Government servant, if he is engaged directly in audit, administration or supervision of such bank or society, as the case may be:

(10) If a Government servant whose duty is to supervise or audit Co-operative Societies is appointed or transferred to work in any area within the jurisdiction of a Land Development Bank or an Agricultural Service Co-operative Society (including Farmers Service Co-operative Society Agricultural Bank and Rural Bank) or a Primary Co-operative Marketing Society in which he is a member, he shall at once bring the fact to the notice of his immediate superior who, if he has authority to do so, may repost the Government servant to an area outside the jurisdiction of the Bank or the society concerned, or if he has no authority to do so, submit the case for the orders of the officer having such authority.

(11) Government servants of every class including those employed in the Co-operative department may become members of Co-operative House-Building Societies or House Mortgage Societies, Co-operative Housing Societies;

Explanation - Co-operative house building societies aforesaid shall include all types of Cooperative societies whose object is the construction of houses for their members or the grant of loans for such construction by their members.

(12) Notwithstanding anything contained in clause (a) of sub-rule (7) a Government servant employed in the Co-operative Department may become a member of a Co-operative Stores Society so that he may obtain provisions and other articles from such society but he shall not be eligible to hold any office therein or serve on any committee appointed for the management of the affairs of such society.

(13) Notwithstanding anything contained in this rule, a Government servant may borrow money from a Co-operative society of which he is a member, provided that where the borrowing is on personal security, the surety shall be of status equal to, or higher than, that of the borrower.

(14) The prohibition against lending and borrowing of money applies to all loans, credits, advances, supply of articles or accommodation at unduly low rates, or for insufficient consideration and to sales of property for inordinately low prices.

(15) The fact that a Government servant lending money is acting as an executor, administrator or as a trustee without profit or advantage to himself shall not exempt him from the operation of this rule.

(16) A Government servant who belongs to a joint Hindu family carrying on the business of money-lending as an ancestral profession is exempted from the prohibition, provided he take, no active part in the business and is not employed in a district in which the business of the joint Hindu family is carried on.

(17) A Government servant engaged in teaching is prohibited from having pecuniary relations with any pupil or ex-pupil or parent or guardian of any pupil or ex-pupil or with the staff or establishments of the school or college in which he is employed.

7. Movable, Immovable And Valuable Property :-

(1) (a) No Government servant shall, except after notice to the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift, exchange or otherwise either in his own name or in the name of any member his family.

Such a notice will be necessary even where any immovable property is acquired by any member of the family of the

Government servant out of the resources of the Government servant:

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is with a person having official dealings with the Government servant.

Provided further that the previous sanction of the prescribed authority shall not be necessary for the acquisition of immovable property in respect of house-site assigned by the Government to the Government servant.

Explanation - A Government servant is not required to give notice to the prescribed authority or seek prior permission from the prescribed authority for acquisition or disposal of immovable properties by the members of his family under clause (a), if the immovable property in question is not acquired from the resources of the Government servant concerned.

* Added in G.O.Ms.No.409, P&AR dated 24.12.92.

(b) Every Government Servant, for the construction or extension or acquisition of a house, shall report to the prescribed authority in the following manner:-

(i) before starting the construction or extension or entering into transaction for acquisition of a house either from out of loan or advance from the Government or others or part-final withdrawal from the Provident Fund, he shall obtain previous sanction of the prescribed authority in Form VI or VI-A, as the case may be, in Schedule I appended to these rules;

(ii) after completing the construction or extension, he shall report to the prescribed authority in Form VII in Schedule I appended to these rules.

The details in Forms VI and VII in Schedule I appended to these rules shall be furnished wherever it is possible to do so. Where, however, it is not possible to furnish details, the Government servant shall mention the covered area on which the building is erected or proposed to be erected and the estimated cost of the building.

(c) Every Government servant, shall, if he is a member of the Hindu undivided family and if the share of the Government servant in the cost of repairs made to the undivided property of the joint family, out of the joint fund exceeds *Rs.50,000/- (Rupees Fifty thousand only) intimate the fact to the prescribed authority as and when such repairs are brought to his notice.

* Substituted vide G.O.Ms.No.39, P&AR (A) Department, dated.09.03.2010.

1-A No Government servant shall encroach upon Government lands.

(2) A Government servant who enters into any transaction concerning any movable property exceeding # Rs.80,000/- (Rupees Eighty thousand only) in value in respect of A Group Officers, Rs.60,000/- (Rupees Sixty thousand only) in value in respect of B Group Officers, Rs.40,000/- (Rupees Forty thousand only) in value in respect of C Group Officers and Rs.20,000/- (Rupees Twenty thousand only) in value in respect of D Group Officers" whether + (by way of purchase or sale,) shall report to the prescribed authority within one month from the date of every such transaction;

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is with a person having official dealings with the Government servant:

Provided further that a Government servant who is about to quit the local limits of his official authority may, without reference to the prescribed authority dispose of any of his movable property by circulating lists of it among the public generally or by causing it to be sold by public auction.

Explanation I - For the purpose of this sub-rule the expression "movable property" includes the following property, namely:-

(a) Jewellery, Insurance Policies, Shares, Services and debentures;

* (b) omitted.

* Omitted in G.O.Ms.No.434/P&AR dt.12.10.90

(c) Motor cars, Motor cycles, Horses or any other means of conveyance; and

(d) Refrigerators, Colour Television and Video Cassette Recorder.

(2-A) The prescribed authority shall dispose of the application seeking the sanction/permission referred to in sub-rules (1) and (2) within a period of six months from the date of receipt of such application from the Government Servant. If any clarifications or particulars are sought for from the Government Servant, the said period of six months shall be reckoned from the date of receipt of such clarifications or particulars. Where no order according such sanction or granting such permission is issued within the said period of six months, it shall be deemed that the prescribed authority has accorded the sanction or granted the permission on the expiry of the said period of six months and the Government Servant can acquire or dispose the immovable property; purchase or sale the movable property or commence the construction/extension of the house.

(3) Every Government servant shall submit a return of his assets

and liabilities as on 31st December 1980 in Forms I to V in Schedule I appended to these rules on or before 31st March 1981 and thereafter at an interval of five years on or before the 31st day of March of the year immediately following the year to which the return relates giving the full particulars regarding:-

(a) the immovable property inherited by him, or owned or acquired by him or held by him 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, acquired or held by him;

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

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

Provided that every Government servant shall, within three months of his first appointment to any service or post, submit his return of assets and liabilities as on his entry into service, in the above Forms and thereafter as prescribed above even though the period in which he submitted his return of assets and liabilities on his first appointment to the service or post is less than five years period.

** Provided further that every Government Servant after the submission of the returns of his assets and liabilities at intervals of five years, shall submit return of his assets and liabilities annually for a last five years prior to his date of Superannuation in Forms I to V in Schedule I appended to these rules to the prescribed authority:

Provided also that the prescribed authority shall, within two months from the date of receipt of such returns from the Government servants, make a review of records of permission given after the date of submission of the previous return of his assets and liabilities and check whether they tally with the particulars furnished in the previous five year returns or annual return, as the case may be.

Illustration - A person who enters service on the 25th January 1980 shall submit the return of his assets and liabilities as on the date of his first appointment, before the 25th April 1980 and thereafter shall submit the return as on 31 st December 1980, 31st December 1985, 31st December 1990 on or before 31st March 1981, 31st March 1986, 31st March 1991 and so on.

Explanation - In all returns, the value of item of movable property worth less than *Rs.50,000/- (Rupees Fifty thousand only) may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be

included in such return." # (The movable or immovable properties acquired by the members of the family of a Government servant solely with their own resources need not be included in such returns.)

(3-A) The return mentioned in sub-rule (3) shall be handled as a secret document and the provision of Rule 10, shall as far as may be, apply to the said return also.

(4) The Government or any authority or officer empowered by them in this behalf or the prescribed authority may, at any time, by general or special order, require Government servant to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the authority or officer so empowered or the prescribed authority include details of the means by which or the source from which such property was acquired:

Provided that the prescribed authority may exercise the power to call for property statements under the sub-rule where a specified vigilance enquiry calls for it.

(5) (a) The prescribed authority for the purposes of this rule shall be -

(i) the Government in the case of a Head of a Department;

(ii) (a) All Collectors;

(b) District Judges;

(c) District Magistrates;

(d) Principal Judge, City Civil Court, Madras;

(e) Chief Judge, Court of Small Causes, Madras;

(f) Chief Presidency Magistrate, Madras; and

(g) All Law Officers in the City (excluding Official Assignee); in respect of Government servants belonging to Group C & D under their administrative control; and

(iii) All Collectors in respect of the following categories of posts in the Survey and Land Records Department in the districts and the Director of Survey and Settlement, Madras in respect of the said categories in the offices of the Joint Director of Survey and Land Records and Central Survey Office including the Photo Zinco Press, Madras:-

1. Junior Draftsman, Grades I and II.

2. Field Surveyors.

3. Deputy Surveyors.

4. Junior Assistants.

5. Assistants.

(iv) The Head of the Department concerned in other cases; Provided that a Head of the Department may delegate his powers under this rule specifically to any one of the Second Level Officers in Department retaining such reserve power with him as he may deem fit.

(b) in respect of a Government servant on foreign service or on deputation to any other Government, the prescribed authority shall be the parent department on the cadre on which such Government Servant is borne.

(6) Whenever a Government servant by inheritance, succession or bequest becomes possessed of immovable property in the district in which he is employed or of such interest in such immovable property as is contemplated by this rule, he shall communicate all particulars thereof through the usual channel to the prescribed authority.

(7) * Omitted.

* G.O.Ms.No.638, P.& A.R.(Per.A),Dt.16th June 1980.

(8) If a Government servant receives an order of transfer to a district in which he possesses or has an interest in immovable property he shall at once bring the fact to the notice of his immediate official superiors.

(9) The authority which maintains the Personal files and Record Sheets shall maintain registers groupwise in respect of all Government servants working under its administrative control in the Form in Schedule II appended to these rules, showing all immovable properties held by each of them, and shall revise them with reference to the particulars furnished by the Government servant in subsequent returns as prescribed in sub-rule (3).

(10) Any attempt to mislead and any failure to give full and correct information shall render the Government servant concerned liable to severe disciplinary action.

(11) Sanction shall on no account be accorded for the purchase of land for any commercial purpose in any part of India, by a person employed, or concerned, in the collection of revenue or the administration of justice.

(12) The restrictions on the acquisition and possession of immovable property shall apply in the acquisition and possession of any personal interest in such property and to the acquisition and possession of such property by a Government servant in the name of any other person, but not to the acquisition or possession of an interest as trustee, executor or administrator only.

(13) Except in accordance with the Standing Orders of the Board of Revenue, no Government land shall be sold or granted on lease to any Government servant, whether in permanent or temporary employ.

(14) (a) A Government servant shall not be allowed to acquire land, except house-site or ready built house, for any purpose within the revenue district in which he is serving. Even after his transfer from that district, he shall not be allowed to acquire land, except house-site or ready built house, within that district for two years from the date of his transfer:

Provided that a Government servant may, subject to Clause (a) of sub-rule (1), acquire housesite or ready built house in the Revenue district in which he is or has been serving.

(b) A Government servant may usually be permitted to acquire immovable property outside the revenue district in which he is serving. But when on transfer to a district in which he holds immovable property, a Government servant makes the report required by sub-rule (17) the authority responsible shall ordinarily transfer him to another district:

Provided that a Government servant, who is transferred from one revenue district to another revenue district shall not be allowed to acquire land except house-site or ready built house for any purpose within the revenue district from which he has been transferred, for two years from the date of his transfer.

(c) An annual statement shall be submitted to the Government by the Board of Revenue and by other heads of departments directly under the Government not later than the 31st March in each year, of cases in which special permission has been granted by the head of a department for -

The retention by a Government servant of immovable property in the district to which he has been transferred.

Similar returns shall be submitted to the Board of Revenue or the head of the Department by subordinate officers to whom powers of sanction have been granted.

The returns submitted to the Government by the Board of Revenue and heads of departments shall not include cases disposed of by officers subordinate to them.

(d) In clauses (a), (b) and (c) "revenue district" and "district" mean -

"(i) in the case of Sub-Registrars, Clerks, Record Clerks and Last Grade Government Servant in the Registration department the Registration sub-district and in the case of District Registrars in the

Registration Department, the registration district."

(ii) in the case of Sub-Inspectors in the preventive branches of the Excise or Prohibition Department, the "Excise or Prohibition Circle";

(iii) in the case of members of subordinate services employed in the Public Works Department other than members of the Tamil Nadu General Subordinate Service and the Tamil Nadu Last Grade Service, the Public Works Department sub-division; and

(iv) in the case of members of Tamil Nadu Forest Service and the Tamil Nadu Forest Subordinate Service, the forest division.

(e) Nothing contained in clause (a) to (d) shall apply to the acquisition of land including housesites through the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961), or any Housing Unit established by the said Board or a Society registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961).

(f) Nothing contained in clause (b) shall apply in cases where the property concerned is a house constructed or inherited by the Government servant.

(15) In the case of a family governed by the Marumakkathayam or Aliyasanthana Law, a Junior member who is a Government servant shall not ordinarily be required to obtain sanction when immovable property is acquired by the managing member on behalf of the family, but this exception shall not apply to any acquisition, even though made in the name of the Karnavan or Yejaman if it is shown that it is really intended to the self-acquired property of the Government servant.

(16) Except with the sanction of the Government, a Government servant in the revenue or judicial department is hereby prohibited from purchasing, directly or indirectly, any kind of property, movable or immovable, at a sale on account of Government dues, or under the orders of the Court, within the district in which he is, for the time being, employed.

(17) The annual return shall include all immovable property acquired or registered in the name of the Government servant either on his own account or as a trustee, executor or administrator, or temple mirasdar, or acquired or registered in the name of or held or managed by his wife or by any other member of his family living with, or in any way dependent on him. In the case of a Government servant who follows the Marumakkathayam or Aliyasanthana Law, the statement shall include acquisition of immovable property by his consort.

8. Private Trade Or Employment :-

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

Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character, participate in Sports activities as an amateur 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:

Provided further that nothing contained in this sub-rule shall be deemed to require a Government servant, who is nominated by the Governor as a member of an official body or a nonofficial body or an organisation or who seeks election as a member of a University body by virtue of the post of principal or headmaster or teacher held by him, to obtain the previous sanction of the Government for undertaking and discharging his duties as such member.

Explanation - For the purpose of the second proviso the word "teacher" shall have the meaning assigned to it in the Act constituting the University concerned.

Where the head of the department has passed an order granting or refusing permission to a subordinate to become an elected member of a University body, the Government shall, however, have the power to revise such order:

Provided further that Inspectors and Executive Officers of the Hindu Religious and Charitable Endowment (Administration) Department may, without such sanction, be appointed as "Trustee", "Interim trustee" or "Fit person" under the instructions of the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department for a short and temporary period to perform the duties of a trustee of a religious institution when such appointment becomes administratively necessary to fill up a vacancy that arises all of sudden:

Provided that a Secretary to Government in the case of Heads of Departments working under them and a Head of Department in the case of officers working under his control may, with due regard to the provisions of Fundamental Rules 11, permit Government servants to accept appointment as Chairman, Board of Examiner or Member, Board of Examiner or Paper Setter in respect of all institutions other than the Tamil Nadu Public Service Commission, the Union Public Services Commission, other State Public Service

Commissions in India the Board of Examinations of State Board of Technical Education and Training, Tamil Nadu and the Office of the Commissioner for Government Examinations for which no permission is necessary for acceptance of such appointment as Chairman or Member, Board of Examination or paper setter offered by these institutions. However, in cases, where the offer of appointment is made for more than five consecutive years to the same Government servant by the same Institutions, the fact shall be reported to the Government for prior approval before the Government servant accept such appointment:

Provided also that the District Medical Officer may grant permission to the Medical Officers of the Tamil Nadu Medical Service (Including officers holding appointments on temporary basis), working under his control to conduct medical examinations of students of Schools, Colleges, Polytechnics and any other educational institutions whenever requests are received from the head of the Institution concerned to conduct such medical examinations and to receive remuneration therefore, subject to the conditions, that -

(i) such conduct of medical examinations is not detrimental to the discharge of normal official duties;

(ii) there is no extra expenditure to the Government;

(iii) the total remuneration received by the Medical Officer shall not exceed * Rs. 25,000/- (Rupees Twenty five thousand only) in a year.

* Substituted vide G.O.Ms.No.39, P&AR (A) Department, dated 09.03.2010.

Explanation (a) - omitted.

(aa) Notwithstanding anything contained in Clause (a), no Government servant shall undertake any part-time employment:

Provided that a Government servant may, with previous sanction of the Government, deliver lectures at a Government, Quasi-Government or Government Aided Academic or technical institutions or at Universities for a period not exceeding one year at a time.

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

Provided that, if it is found that the trade or business is of such a nature that the association of a member of the Government servants family in that trade or business can embarrass either the Government servant concerned or the Government, then the Government servant shall not permit the said member of his family

to continue his association with the trade or business in question.

Explanation - Canvassing by a Government servant in support of any trade, business, insurance agency or commission agency engaged in owned or managed by any member of his family shall be deemed to be a breach of this sub-rule.

(2) No Government servant shall, except with the previous sanction of the Government, take part in the registration, promotion or management of any bank or company registered under the Banking Companies Act, 1949 (Central Act X of 1949), or the Indian Companies Act, 1913 (Central Act VII of 1913), or the Companies Act, 1956 (Central Act I of 1956), or any other law for the time being in force.

Provided that a Government servant may, subject to sub-rules (7) to (10), take part in the registration, promotion or management of a co-operative society registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 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 (Central Act XXI of 1860), or any other law for the time being in force.

Provided further that the official duty of a Government servant shall not thereby suffer and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

(3) (a) A Government servant shall not act as arbitrator in any case without the sanction of his immediate superior, unless he be so directed to act by a Court having authority to appoint an arbitrator.

(b) No Government servant shall act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive office which he may be holding.

(c) If a Government servant acts as arbitrator at the private request of disputants, he shall not accept any fees.

(d) If he acts by appointment of a Court of Law, he may, notwithstanding anything contained in subsidiary rule 4 under Fundamental Rules 46 and 47, accept such fees as the court may fix.

(4) (a) A Government servant shall not, without the permission of the Government publish any book or engage himself habitually in literary or artistic work of any kind:

Provided that a Government servant may publish occasionally books on literature, short story, novel, drama, essay and poetry without obtaining the prior permission of any higher authority, subject to

the condition that he/she does not use his/her time and official position to influence the promotion of the sale of such books and that such books do not contain matters of political aspects, objectionable matter and views against the policy of the Government.

(b) Permission to publish a book shall ordinarily be given, subject to the condition that the Government servant does not use his time and official influence for promoting the sale of copies of the book: Provided that any member of the teaching or the academic staff of all Government Educational and Research Institutions inclusive of Technical Educational Institutions, may publish books on professional and academic subjects without obtaining the prior permission of any higher authority, subject to the condition that he/she does not use his/her time and official influence for promoting the sale of copies of such articles or books, as the case may be, and that such publications do not relate to any acts and policies of the Government and the provisions of clause (d) shall not apply to such publisher.

(c) Permission to accept remuneration on "royalty basis" from the publishers shall be given in all cases except in the case of text-books for use in educational institutions. In the case of text-books, permission to accept remuneration shall be given subject to the conditions that the Government servant retains no interest in the sale of copies of the book and that he receives only a lump-sum as remuneration from the publisher;

Provided that any member of the teaching or the academic staff of all Government Educational and Research Institutions who writes books on professional and academic subjects, may receive remuneration on royalty basis irrespective of the fact whether the books are text-books or general books:

Provided further that a Government servant who writes books on literature, short story, novel, drama, essay and poetry shall immediately report to the prescribed authority the remuneration he receives from the publisher.

Explanation - For determining whether a book is a text-book or is a general book, the chief consideration shall be whether it is being submitted to the Text-book Committee, in the case of textbooks for elementary and secondary schools and whether it is a book written according the syllabus prescribed by the University and his being submitted to the appropriate University Body for approval, in case of text-books for colleges. A general book which may later happen to be approved as a text-book shall not be deemed to be a text-

book for purposes of this clause.

(d) while applying to the Government for permission to publish a book which relates to acts or policies of Government, the Government servant shall submit to the Government for scrutiny a manuscript copy thereof.

(e) No Government servant who is member of the Text-Book Committee shall write or edit any text-book for use in recognised school during his membership of the Committee.

Explanation - A recognised school shall mean a school maintained by or opened with the sanction of the Government or to which recognition has been accorded under the Tamil Nadu Educational Rules or under the rules framed under the Tamil Nadu Elementary Education Act, 1920 (Tamil Nadu Act VIII of 1920).

(5) A Government servant who is a touring officer may without the previous permission of the Government engage for driving his car, the peon assigned to him but such engagement shall be a private engagement between the officer and the peon and shall not form part of, or interfere in any manner with the normal official duties of such peon.

Explanation - This sub-rule shall apply also to officers stationed at Madras whose work involves touring outside the City of Madras.

(6) The employment of a Government servant or a person in the Tamil Nadu Last Grade Service by an officer in making purchases or in any private matters in which the receipt or expenditure of money is concerned is most strictly prohibited. Nothing in this rule shall preclude an officer from employing a Government servant or a person in the Tamil Nadu Last Grade Service for providing for him a conveyance or necessary supplies while he is traveling on duty, though in all such transactions constant vigilance is needed to prevent cheating and extortion.

(7) No medical officer shall maintain in his own name or in the name of his wife or dependents, or have financial interest in, a private nursing home, hospital, clinical laboratory or similar establishment. Nor shall he habitually accommodate paying patients in his own residence for more than 24 hours. He, may, however, treat patients in a private nursing home, provided the home is not reserved for the admission of his own case; and allows the admission of patients of any Registered Medical Practitioner.

(8) No Government servant shall accept a paid employment in any company, mutual benefit society or co-operative society or act as an agent, whether paid by salary or commission to any insurance company or society:

Provided that a Government servant may take part in the management of a mutual benefit society, if he has first obtained the sanction of the head of his department and a certificate from such head of department to the effect that the work undertaken will be performed without detriment to his official duties and such Government servant does not accept any remuneration.

(9) Government servants of every class shall be at liberty to take part in the promotion of cooperative societies, but no Government servant shall, except with the sanction of the Government, hold office in any co-operative society or serve on any committee appointed for the management of its affairs, unless the society is composed wholly of Government servants or partly of Government servants and partly of employees of local bodies and his official duties shall not thereby suffer and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

Provided -

(i) that the officers of the Fisheries Department may with the previous sanction of the Director of Fisheries, Madras serve as Ex-officio Secretaries or Presidents of the Fishermens Cooperative Societies without prejudice to their official duties and without extra remuneration;

(ii) that Government servants of every class except those employed in the Co-operative department, may hold office in Co-operative House Building Societies or serve on any Committee appointed for the management of its affairs;

Explanation - Co-operative House Building Societies aforesaid shall include all types of Cooperative Societies whose object is the construction of houses for their members or the grant of loans for such construction by their members,

(iii) that the ministerial officers of the Police Department may, with the permission of the Superintendent of Police concerned, hold office in any co-operative society or serve on any committee appointed for the management of its affairs without prejudice to their official duties; and

(iv) that sanction of Government or of any other authority shall not be necessary for the officers of the Industries Department to serve as members of the Board of Management of Industrial Co-operatives without prejudice to their official duties and without remuneration as and when they are nominated to the Board by the Registrar of Industrial Co-operative Societies;

(v) that sanction of Government or of any other authority shall not

be necessary for the officers of the Agriculture Department in the grade of Cane development Officers and State Sugarcane Development Officers and the Regional Joint Registrar concerned to serve on the Committees of the Co-operative Sugar Mills whenever nominated by the Registrar of Cooperative Societies;

(vi) that members of the staff of Government Schools may, with the previous permission of the Divisional Inspector of Schools or the Inspectress of Girls School as the case may be, serve as office bearers of the Students Co-operative Stores of the school concerned.

(10) Subject to the sanction and certificate referred to in sub-rule (8) and, notwithstanding anything contained in subsidiary rule 4 under Fundamental Rules 46 and 47, a Government servant who is a member of a co-operative society composed wholly of Government servants or partly of Government servants and partly of employees of local bodies or partly of Government servants and partly of student of Government training schools or colleges, may accept remuneration for keeping the accounts of the Society.

(11) A co-operative society registered for the benefit of Government servants of the Cooperative Department may become a society member of a Co-operative Central Bank or of an audit or supervising union provided it is not represented on the board of management of the Bank or the governing body of the union.

(12) The heads of departments may grant permission in respect of Government servants serving in their respective departments to attend and take part in such of the meetings, conferences and committees in which the Government have agreed to participate.

(13) No Government servant shall engage himself in the activities of a tout.

Explanation - In the said sub-rule tout shall have the same meaning as in Section 3 of the Legal Practitioners Act, 1879 (Central Act XVIII of 1879).

9. Insolvency And Habitual Indebtedness :-

A Government servant shall endeavour to avoid habitual indebtedness or insolvency. If a Government servant is adjudged or declared insolvent or has incurred debts aggregating a sum which in ordinary circumstances he could not repay within a period of two years or if a part of his salary is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which in ordinary circumstances he could not repay within a period of two years, he shall be presumed to have

contravened this rule. But he shall not be so deemed if he proves that the insolvency or indebtedness is the result of circumstances which with the exercise of ordinary diligence he could not have foreseen or over which he had no control, and had not preceded from extravagant or dissipated habits. A Government servant who becomes the subject of a legal proceedings for insolvency shall forthwith report the full facts to the head of the office or department in which he is employed.

10. Communication Of Official Information :-

Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (Central Act 22 of 2005) and the rules made there under: Provided that no Government servant including the Government Pleader, Public Prosecutors and other officials who are not full-time officers, but are engaged by the Government to do specified work without prejudice to the regular exercise of their professions in other respects shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information either in hard copy or in electronic format to any Government servant or any other person to whom he is not authorized to communicate such official document or classified information (including in electronic format)

Provided further that the above proviso shall not apply to the Special Public Prosecutors and Pleaders engaged to do Government work generally in Specified local areas or specially in any particular case or class of cases: (G.O.Ms.No.38, P&AR (A) Department, dated.03.04.2009)

11. Connection With Press, Television Or Radio :-

(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or of any authority or officer empowered by them in this behalf, or in the bonafide discharge of his duties contribute any article or write any letter either unanimously or in his own name or in the name of any other person to any newspaper or other Periodical Publications;

Provided that no such sanction shall be required if such contribution or writing is of a purely literary, artistic or scientific character.

(3) No Government servant shall except with the previous sanction of the Government or of any authority or officer empowered by them in this behalf, or in the bonafide discharge of his duties, participate in a television programme or radio broadcast;

Provided that no such sanction shall be required if such television programme or radio broadcast, is of a purely literary, artistic or scientific character, or if the Government servant concerned has responsibility at the policy making level or at the implementation level for the subject of the television programme or radio broadcast.

(4) A Government servant who is invited or who wishes to participate in a television programme or to deliver a radio broadcast talk and has to obtain the previous sanction under sub-rule (3) shall intimate the Government through the proper channel, the particulars relating to the television programme or the subject of the radio broadcast talk and if so required shall submit the full material relating to the television programme or the full text of the radio broadcast talk for their approval before participating in the television programme or before the radio broadcast talk is delivered.

(5) The provisions of sub-rules (3) and (4) shall apply mutadis mutandis to the playing of prepared recitals or gramophone records.

(6) In respect of television programme or radio broadcasts, the powers of the Government shall be exercised by -

(i) the heads of departments in respect of Government servants serving in their respective departments.

(ii) all collectors in respect of Government servants belonging to Group C and D under their administrative control;

(iii) the District Educational Officers or the Inspectress of Girls Schools, as the case may be, in respect of teachers in Government Schools; Secondary and Training Schools;

(iv) the Principals of Government Colleges in respect of Government servants employed in such colleges; and

(v) All heads of offices of the Agricultural Department who are officers belonging to Groups A and B in respect of Government servants under their control.

(7) This rule shall apply to Government Pleaders, Public Prosecutors and other officials who are not full-time officers, but are engaged by the Government to do specific work without prejudice to the

regular exercise of their profession in other respects but this rule shall not apply to the Special Public Prosecutors and Pleaders engaged to do Government work generally in specified local areas or specially in any particular case or class of cases.

12. Criticism Of Government :-

(1) No Government servant shall in any radio broadcast or in any document published unonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance, 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 Central Government or a State Government, or

(ii) which is capable of embarrassing the relations between this State Government and any other Government; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

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

Provided further that in the case of any Government servant nothing contained in this rule shall apply to bonafide expression of views by him as an office bearer of any recognised association of Government servants for the purpose of safeguarding the conditions of service of Government servants or for securing an improvement thereof.

(2) A Government servant shall not, except in the discharge of his official duties, preside over, or take part in the organisation of or occupy a prominent position at or address, any non-official meeting or conference at which it is likely that speeches may be made or resolutions may be proposed or passed criticising the action of the Government or requesting the Government to take certain action other than to make grants admissible under Government rules or orders in support of educational or similar institutions.

Explanation - Regularly convened meetings for the transaction of their legitimate business, of district boards, municipal councils and similar bodies established by law or created by the Government and of associations of Government servants recognised by the Government and of committees or branches of such bodies or associations and meetings called by the Sheriff of Madras are not "nonofficial" meetings for the purposes of this rule.

(3) A Government servant who intends to publish any document or to make any communication to the press or to deliver any public utterance containing statements in respect of which any doubt as to the application of the restrictions imposed by this rule may arise, shall submit to the Government a copy of draft of the document which he intends to publish or of the utterance which he intends to deliver, and shall thereafter act in accordance with such orders as may be passed by the Government.

(4) This rule shall apply to the Government Pleaders, Public Prosecutors and other officials who are not full-time officers but are engaged by the Government to do specified work without prejudice to the regular exercise of their professions in other respects; but this rule shall not apply to the Special Public Prosecutors and Pleaders engaged to do Government work generally in specified local areas or specially in any particular case or class of cases.

13. Evidence Before Committee Or Any Other Authority :-

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

(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

(b) evidence given in any judicial inquiry; or

(c) evidence given at any departmental inquiry ordered by authorities subordinate to the Government.

(4) This rule shall apply to the Government Pleaders, Public Prosecutors and other officials who are not full-time officers but are engaged by the Government to do specified work without prejudice to the regular exercise of their professions in other respects, but this rule shall not apply to the Special Public Prosecutors and Pleaders engaged to do Government work generally in specified local areas or specially in any particular case or class of cases.

14. Taking Part In Politics And Elections And Position Of Government Servants In Relation To Elections :-

(1) No Government servant shall be a member of or be otherwise

associated with any political party or any organisation in respect of which there is reason to believe that the organisation has a political aspect, nor shall he take part in, subscribe in aid of, or assist in any other manner any political movement or activities. He shall also not only maintain political neutrality but shall also appear to do so. He shall also avoid giving room for any suspicion that he is favouring any political party or any candidate in elections.

(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 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.

(3) If any question arises whether a Party is a Political Party or whether any organisation 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 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 provisions of this rule by reason only that he 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.

Explanation (1) - Nothing contained in this sub-rule shall be deemed to prohibit the wife of a Government servant or any other member of his family living with or in any way dependent on him from standing for Election to any legislature or to any local authority and from canvassing for other candidates;

Explanation (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 an election within the meaning of this rule.

(5) Seditious propaganda or the expressing of disloyal sentiments by a Government servant shall be regarded as sufficient ground for

dispensing with his services. Such conduct in the case of Government Pensioner shall be dealt with under Article 351 of the Civil Service Regulations.

(6) A Government servant proposing or seconding the nomination of a candidate at an election or acting as a polling agent shall be deemed to have committed a breach of this rule.

(7) The rule shall apply to the Government Pleaders, Public Prosecutors and other officials who are not full time officers but are engaged by the Government to do specified work without prejudice to the regular exercise of their professions in other respects; but this rule shall not apply to the Special Public Prosecutors and Pleaders engaged to do Government work generally in specified local areas or specially in any particular case or class of cases.

14A. Prohibition Of Membership Of Any Communal Organisation Etc :-

(i) No Government servant shall be a member of, or be otherwise associated with any organisation.

(a) which promotes or attempts to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill will between different religious, race, language or regional groups or castes or communities, or

(b) whose activities are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility or

(c) which organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence, or knowing it to be likely that the Participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community.

(2) If any question arises whether any organisation falls under sub-rule (1), the decision of the Government thereon shall be final.

15. Vindication Of Acts And Character Of Government Servants :-

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

Explanation - Nothing in this rule 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 private capacity is taken the Government servant shall submit a report to the head of the Department regarding such action.

(2) No Government servant shall, except with the previous sanction of the Government accept from any person or body of persons compensation of any kind for any malicious prosecution brought against him or for any defamatory attack made on his public acts or character unless such compensation has been awarded by a competent court.

16. Membership Of Service Association :-

No Government servant shall be a member, representative or officer of any association representing or purporting to represent, Government servants or any class of Government servants unless such association satisfies the following conditions, namely:-

(a) Membership of the association shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.

(b) The association shall not, in any way, be connected with any political party or organisation or engage in any political activity;

(c) The association shall not, in any way, be connected with, or affiliated to -

(i) any association which does not, or

(ii) any federation of association which do not satisfy conditions (a) and (b).

(d) The association shall not -

(i) issue or maintain any periodical publication except in accordance with any general or special order of the Government;

(ii) except with the previous sanction of the Government, publish any representation on behalf of its members, whether in the press or otherwise;

(iii) in respect of any election to a legislative body whether in India or elsewhere, or to a local authority or body -

(A) pay or contribute towards any expenses incurred in connection with his candidature by a candidate for such election;

(B) by any means support the candidature of any person for such election; or

(C) undertake or assist in the registration of election or the selection of a candidate for such election;

(iv) maintain or contribute towards the maintenance of any member of a legislative body whether in India or elsewhere or of any member of a local authority or body; or

(v) pay, or contribute towards the expenses of any trade union which has constituted a fund under section 16 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926);

Provided that conditions (a) and (b) shall not be held to debar any Government servant from remaining or becoming a member of the Indian Officers Association and that the Government may, for reasons to be recorded in writing by general or special order, dispense with those conditions in the case of any association.

(e) The association shall not indulge in activities prejudicial to the sovereignty and integrity of India or morality or public order.

17. Employment Under Or With Near Relatives In Service And Employment Of Near Relatives In Firms Enjoying Government Patronage :-

(1)(a) Every member of a State Service, other than the collegiate sections of the Tamil Nadu Educational Service, shall inform his immediate official superior of any reason that there may be why it is undesirable in the public interest that he should be employed in a particular district or division such as the near relationship of himself or his wife to any person or persons residing in that district or division.

(b) (i) Every member of a State Service, shall inform his immediate official superior if a member of a State or Subordinate Service closely related to him is posted to work under him.

(ii) Every member of a State or Subordinate Service, shall inform his immediate official superior if he is posted to work or training under a member of an All-India Service or a State Service who is closely related to him.

(2) No Government servant shall, except with the previous sanction of the Government permit any member of his family to accept employment with any private firm with which he has official dealings or with any other firm having official dealings with the Government;

(2-A) No Government servant belonging to the State service in

Tamil Nadu Co-operative Department shall, except with the previous sanction of the Registrar of Co-operative Societies, Permit his son, daughter or dependent to accept employment in any co-operative institution with which he has official dealings.

The Registrar of Co-operative Societies shall grant permission in such cases, if he is satisfied that -

(i) the person seeking employment possesses the prescribed qualification for the post and has been selected for appointment by the competent authority in the co-operative institution concerned adopting the prescribed procedure; and

(ii) the Government servant concerned has not abused his position and influenced the cooperative institution concerned for such appointment;

Provided that where the acceptance of the employment cannot await the prior permission of the Registrar of Co-operative Societies or is as otherwise considered urgent, the matter shall be reported to him and the employment may be accepted provisionally subject to the grant of permission by the Registrar of Co-operative Societies:

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

(3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family or close relation is employed in that undertaking or under that person or if he or any member of his family or close relation is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

18. Canvassing Of Non-Official Or Other Outside Influence

:-

No Government 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 Government.

Explanation I - Government servant causing his own case to be

made the subject of an interpellation in Parliament or the State Legislature shall be deemed to have contravened this rule.

Explanation II - When M.L.As, M.L.Cs, M.Ps. and other non-officials make representations on behalf of individual Government servants to Ministers, Heads of Departments or other higher officers, it shall be presumed that the concerned Government servant was responsible for bringing political or outside influence to bear upon the superior authority to further his interest unless he proves to the contrary.

19. Bigamous Marriages :-

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

(ii) 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 (i) or clause (ii) if they are 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.

(2) No Government servant involve himself in any act involving moral turpitude on his part including any unlawful act, which may cause embarrassment or which may bring discredit to Government.

20. Integrity And Devotion To Duty :-

(1) Every member of the Service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service.

(2) Every member of the Service shall take all possible steps to ensure integrity and devotion to duty by all Government servants for the time being under his control and authority.

3.(1) No Government servants shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior.

(ii) The direction of the official superior shall ordinarily be in writing, Oral directions to Subordinates shall be avoided. Where the issue of oral direction becomes unavoidable the official superior shall confirm it in writing immediately thereafter.

(iii) A government servant who has received oral directions from his official superior shall seek confirmation of the same in writing as early as possible, where upon it shall be the duty of the official superior to confirm the direction in writing.

(iv) No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him evade the responsibility devolving legitimately on him and seek instruction from, or approval, of a superior authority when such instruction or approval is not necessary in the scheme of distribution of powers and responsibilities.

Explanation - A Government servant who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub rule (1).

20A. Prohibition Of Child Labour :- No Government Servant shall employ a child below the age of fourteen years to do any work including domestic work. (Inserted vide G.O.Ms.No.125, P&AR (A) Dept., dt.12.5.97.)

20B. Prohibition Of Sexual Harassment Of Working Women :-

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

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

Explanation.- For the purpose of this rule, "sexual harassment" include such unwelcome sexually determined behaviour, whether directly or by implication as:-

(a) physical contact and advances; or

(b) demand or request for sexual favours; or

(c) sexually coloured remarks; or

(d) showing any pornography; or

(e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature".

21. Government Servant Not To Be Found Drunk While Attending Office, Etc :-

A Government servant;

(a) shall strictly abide by any law relating to consumption of liquor or intoxicating drugs in force in any area in which he may happen

to be for the time being;

(b) shall not be found drunk or under the influence of liquor while attending office or appearing in a public place.

22. Strikes :-

No Government servant shall engage himself in strike or in incitements thereto or in similar activities.

Explanation - For the purposes of this rule the expression `similar activities shall be deemed to include the absence from work or neglect of duties without permission and with the object of compelling something to be done by his superior officers or the Government or any demonstrative fast usually called "hunger strike" for similar purposes.

22A. Procession And Meetings :- No Government servant shall conduct any procession or hold or address any meeting in any part of any open ground adjoining any Government Office or inside any Office premises -

(a) during office hours on any working day, and

(b) outside office hours or on holidays, save with the prior permission of the head of the Department or head of office, as the case may be.

23. Anti-Secular Or Social Disharmony Activity And Demonstration :-

No Government servant shall engage himself or participate in any activity which is anti-secular or which tends to create disharmony in society or in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, Public Order, decency or morality or which involves contempt of court, defamation or incitement to an offence.

24. 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 interests of the sovereignty and integrity of India or public order of morality.

24A. Obtaining Of Identity Certificate Before Applying For Passport And No Objection Certificate For Undertaking Foreign Trip :- "No Government servant shall, except after obtaining Identity Certificate from the Government, apply for grant or renewal of

passport and shall, except after obtaining No Objection Certificate from the Government, undertake trip to foreign country. Application for such Identity Certificate or No Objection Certificate shall be submitted in Form I in Schedule III appended to these Rules and the Identity Certificate and No Objection Certificate, shall be issued in Forms II and III, respectively, in the said Schedule". While applying for such No Objection Certificate information regarding the purpose of the visit, the duration of stay, and the names of Countries proposed to be visited shall be furnished. "Provided that he shall not leave India for seeking employment abroad without the prior permission of the Government."; Provided further that the Heads of Departments concerned shall be competent to exercise the powers of the Government under this rule to issue No Objection Certificate to the Government Servants belonging to Groups B, C and D who apply for grant or renewal of passport to visit foreign countries as tourists or on pilgrimage or to see friends or relatives or to seek employment. Added in G.O.Ms.No.90, P&AR (A) Dept. dt.13-5-99, with effect from 4-12-97] "Provided also that the Heads of Departments concerned shall be competent to exercise the powers of the Government under this rule to issue No Objection Certificate to the Government Servants belonging to Groups B, C and D who apply to undertake trip to foreign countries as tourists or on pilgrimage or to see friends or relatives or to seek employment". Added vide G.O.Ms.No.140, P&AR (A) Department, dated: 7.9.2006. Provided also that the Government Servants proceeding on Hajj Pilgrimage to Saudi Arabia through Tamil Nadu Hajj Committee on "Temporary Hajj passports with a validity of eight months for Saudi Arabia", are exempted from obtaining "No objection Certificate". [Added in G.O.Ms.No.171, P&AR (A) Department, dated. 18-12-2009].

25. Interpretation :-

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

26. Repeal And Saving :-

The Government Servants Conduct Rules, 1960, published with Public (Services) Department Notification, dated the 24th February 1960, at pages 1-26 of Supplement (No.9A) to Part I of the Fort St.George Gazette, dated the 9th March 1960 as subsequently

amended and all other rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the 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.

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.