

Election/
MCC – Instructions/
Most Immediate.



Higher Education (A2) Department,
Secretariat, Chennai – 9.

Letter No. 4410/A2/2019- 3, dated: 28.03.2019.

From
Thiru G.Gopal, B.Sc.,
Additional Secretary to Government.

To
The Commissioner of Technical Education(FAC),Chennai-25 (w.e)
The Director of collegiate Education, Chennai-9(w.e)
The Commissioner of Tamil Nadu Archives
and Historical Research, Chennai-8(w.e)
The Registrar of all Universities Under the aegis of
Higher Education Department (w.e.)

Sir/Madam,

Sub: ELECTIONS – General Election to Lok Sabha and Bye-elections to
Tamil Nadu Legislative Assembly, 2019 – Code of Conduct for
Government Servants desirous of contesting – Further Instructions –
Issued – Forwarded – Reg.

Ref: 1. From the Election Commission of India, letter
No.437/6/ECI/INST/FUNCT/MCC/2017 – MCC & BE, Dated:
10.01.2017and 11.03.2019.
2. G.O. Ms No. 192, Public (Spl.B) Department, dated 14.03.2019.
3. Government Letter No. 4410/A2/2019-1, dated 19.03.2019.
4. From the CEO & Secretary Public (Election-III) Department Letter
2500/2019-8 & 9, dated: 14.03.2019.
5. From the C.S. to Government, Letter No. 584/Spl.B/2019-1,
Public (Spl.B) Department, dated: 18.03.2019.

In continuation of the Government letter 3rd cited, I am directed to enclose
herewith the letter 4th and 5th cited, (i) on code of Conduct for Government Servants
and (ii) Government Servants contesting election for strict compliance of instructions
issued by the Chief Electoral Officer, Public (Elections) Department regarding

General Election to the Lok Sabha and By Election to Tamil Nadu Legislative Assembly, 2019 based on the direction of Election Commission of India, New Delhi.

Yours faithfully,



for Additional Secretary to Government.

Copy to:-

All the sections in Higher
Education Department.
(For Strict Compliance of
the instructions)

GENERAL ELECTIONS

Most Immediate

By Speed post



PUBLIC (ELECTIONS.III) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

Letter No.2500/2019-8, Dated 14.03.2019

From
Thiru Satyabrata Sahoo, I.A.S.,
Chief Electoral Officer &
Secretary to Government.



To
All Additional Chief Secretaries / Principal Secretaries /
Secretaries to Government,
Secretariat, Chennai-600 009.
The Director General of Police, Chennai-4.
The Registrar General, High Court, Chennai.
All District Election Officers.
All Returning Officers of
Parliamentary Constituencies.
The Returning Officers of 5.Poonamallee (SC) /
12.Perambur / 33.Thiruporur / 39.Sholingur /
46.Gudiyattham (SC) / 48.Ambur / 55.Hosur /
60.Pappireddippatti / 61.Harur (SC) / 130.Nilakkottai (SC) /
168.Thiruvarur / 174.Thanjavur / 187.Manamadurai (SC) /
198.Andipatti / 199.Periyakulam (SC) / 204.Sattur /
209.Paramakudi (SC) / 213.Vilathikulam Assembly Constituencies.

Sir / Madam,

Sub: ELECTIONS - General Elections to Lok Sabha and Bye-
elections to Tamil Nadu Legislative Assembly, 2019 - Code
of Conduct for Government Servants - Instructions -
Issued.

I am to state that the poll for the General Elections to Lok Sabha and Bye-elections to Tamil Nadu Legislative Assembly, 2019 are to be held on 18.04.2019. The Model Code of Conduct has come into force with the announcement of the elections on 10.03.2019 and will remain in force till completion of election process, i.e. 27.05.2019 or earlier, if declared so by Election Commission of India. The filing of nominations will commence on 19.03.2019. The political parties and contesting candidates will soon be starting their election campaign. The instructions issued during the earlier elections, regarding the conduct of Government Servants in general, and of

those entrusted with the responsibility of conducting the elections, in particular, are reiterated.

2. Government Servant's Conduct Rules

According to Rules 14 and 16 of the "Tamil Nadu Government Servants' Conduct Rules, 1973", 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 activity. He shall 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.

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.

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.

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.

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 the Conduct Rules.

3. Membership of Service Associations

- (1) 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 elections; or
 - (c) undertake or assist in the registration of election or the selection of a candidate for such election;

4. Election Duties

It is the duty of Government servants to be scrupulously impartial in the discharge of their duties in connection with the elections. It is important that they should not only be impartial but manifestly appear to be impartial. They should not take part in any election campaign or canvassing.)

Government servants should not render any assistance to any candidate for the furtherance of the prospects of that candidate's election. This will really not help the candidate himself. This is because if he were to get such an assistance, it would be a corrupt practice.)

The Election Commission had received complaints from various parts of the country that Government employees, especially those appointed for election purposes, such as Returning Officer, Assistant Returning Officers, Presiding Officers, Polling Officers and Counting staff are not always as impartial as they ought to be. These officials some time may show particular favour to candidates of political parties of their choice even at the time of actual poll and the counting of votes.

All Government employees, especially election officers, should be absolutely impartial, independent and neutral in the performance of their election duties, whether at the time of acceptance or scrutiny of nomination papers, or at the time of polling in the polling stations, or at the time of counting of votes at the counting places.

4. Any misconduct in this respect on the part of Government servant will entail exemplary disciplinary action. Under Section 134 of the Representation of the People Act, 1951, if a Government servant is, without reasonable cause, found guilty of any act or omission in breach of his official duties in connection with the receipt of the nominations, withdrawal of candidatures or the recording or counting of votes at an election, he shall be punishable with fine which may extend to Rs.500/-. This would, of course, be in addition to any departmental disciplinary action that may be taken against him.

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The Representation of the People Act, 1951 also contains provisions enjoining strict compliance with the election law by Government servants and prescribing drastic penalties for any infringement - vide Sections 128, 129, 134-A and 136 (1), (2) and (4).

128. Maintenance of secrecy of voting

129. Officers, etc. at elections not to act for candidates or influence voting

134-A. Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent

136.(1) Other offences and penalties therefor:

A person shall be guilty of an electoral offence, if at any election, he -

- (a) fraudulently defaces or fraudulently destroys any nomination paper, or
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or in his possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper, which he is authorised by law to put in ; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the elections; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall:

- (a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a Polling Station or any other Officer or Clerk employed on official duty in connection with the

election, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(b) If he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under sub-section (2) shall be cognizable

5. Impartiality in maintaining law and order, issue of licences, etc.

The District authorities should exercise great care while exercising powers to restrict public meetings organised by political parties in connection with the Elections. They should not make or continue any prohibitory order without good and sufficient reasons. In issuing licences for taking of processions, the use of loud-speakers and the holding of meetings and in arranging the dates and times of processions, etc., the authorities should be absolutely impartial. While granting permission to hold any election meeting in a public place, no distinction should be made between one political party and another. If more than one party applies for holding meetings at any one place on the same day, and at the same time, only the party, which applied first, should be allowed to hold the meeting.

6. Prompt enquiry into complaints

Government servants, in addition to being impartial, should deal promptly with all complaints relating to all matters concerning elections. They should give the complainant a courteous hearing and allow them a reasonable opportunity for making their complaints.

7. Attendance at election meetings

Maintenance of law and order is the responsibility of the officers concerned in respect of all meetings, functions, etc., whether organised by the party in power or by other parties. Normally, the presence of police officials alone may be necessary for the maintenance of law and order. If there are any special circumstances warranting the presence of Executive Magistrates for dealing with Law and order situations, they should also be present. However, the Executive Magistrates should be present in the Headquarters to meet any eventuality. No other Government servant need attend any election meeting.

8. Any disregard of the foregoing instructions will be considered as serious act of indiscipline and warrant action by the Election Commission. All Heads of Departments (including Collectors, District Magistrates and District Judges), the Director General of Police, the Departments of Secretariat, etc. are requested to bring the above instructions to the notice of all officers including Police officials and subordinate officers and staff working under them.

9. The Additional Chief Secretaries/Principal Secretaries / Secretaries to Government are requested to communicate the above instructions to all Departments / Undertakings under their control. The Director General of Police is requested to communicate the above instructions to all the concerned officers including Zonal Inspector General of Police and Range Deputy Inspector General of Police concerned and Commissioners of Police / Superintendents of Police, etc. The Registrar General, High Court, Chennai is requested to communicate the above instructions to all Courts in Tamil Nadu.

Yours faithfully,

M. V. Jayaram
14.3.2015

for Chief Electoral Officer &
Secretary to Government.

Copy to:-

The Chief Secretary to Government, Chennai-9.

The Secretary,

Election Commission of India,

Nirvachan Sadan, New Delhi-110 001.

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Yours faithfully,

M. V. Jayaram
14.3.2015

for Chief Electoral Officer &
Secretary to Government.

Copy to:-

The Chief Secretary to Government, Chennai-9.

The Secretary,

Election Commission of India,

Nirvachan Sadan, New Delhi-110 001.

GENERAL ELECTIONS

Most Immediate

By Speed post



PUBLIC (ELECTIONS.III) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

Letter No.2500/2019-9, Dated 14.03.2019

From
Thiru Satyabrata Sahoo, I.A.S.,
Chief Electoral Officer &
Secretary to Government.



To
All Additional Chief Secretaries/Principal Secretaries /
Secretaries to Government,
Secretariat, Chennai-600 009.
All District Election Officers.
All Returning Officers of
Parliamentary Constituencies.
The Returning Officers of 5.Poonamallee (SC) /
12.Perambur / 33.Thiruporur / 39.Sholingur /
46.Gudiyatham (SC) / 48.Ambur / 55.Hosur /
60.Pappireddippatti / 61.Harur (SC) / 130.Nilakkottai (SC) /
168.Thiruvavur / 174.Thanjavur / 187.Manamadurai (SC) /
198.Andipatti / 199.Periyakulam (SC) / 204.Sattur /
209.Paramakudi (SC) / 213.Vilathikulam Assembly Constituencies.

Sir / Madam,

Sub: ELECTIONS - General Elections to Lok Sabha and
Bye-elections to Tamil Nadu Legislative Assembly, 2019 -
Government Servants desirous of contesting elections -
Resignation letters - Processing of.

I am directed to inform that the Election Commission of India has announced the poll schedule on 10.03.2019 for the General Elections to Lok Sabha and Bye-elections to Tamil Nadu Legislative Assembly, 2019. Law does not prohibit any Government servant, employee of Government Undertaking, Quasi-Government organization or employee who draws his salary / wages from Government exchequer, from contesting the election, provided he resigns his job before filing nomination. Government servants may, therefore, opt to resign if they wish to contest the elections. The instructions issued on the subject during the earlier elections are reiterated for ready reference, if any such situation arises.

2. As soon as a Government servant tenders his resignation for the purpose of contesting the above elections, the authority concerned should take a decision, without any delay whatsoever, either on accepting the resignation or rejecting it and communicate the decision to the Government servant in writing, after following the due procedures.

3. Only under the following circumstances, a Government servant's resignation can ordinarily be rejected:-

- i) If he has any contractual obligation to serve the Government for a specific period;
- ii) If Government dues are pending recovery from him;
- iii) When the person is under suspension from service;
- iv) When a disciplinary case is pending or contemplated against him;
- v) When an enquiry or investigation is pending or contemplated against him in the Directorate of Vigilance and Anti-corruption;
- vi) If his resignation letter contains any conditions and is not an unconditional one.

In all other cases, the resignation must be accepted and communicated to the Government servant promptly to enable him to file his nomination in time. Any undue delay in taking and communicating the decision may lead to legal problems.

4. The above instructions should be brought to the notice of all Heads of Departments / Undertakings under your control. It may be ensured that there is no delay in the processing of cases of Government servants who intend to contest.

Yours faithfully,

M. Vijay Rao
14.3.2018

for Chief Electoral Officer &
Secretary to Government.

Copy to:-

The Personnel & Administrative Reforms (S) Department,
Secretariat, Chennai - 600 009.

GENERAL ELECTIONS

Most Immediate

By Speed post



PUBLIC (ELECTIONS.III) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

Letter No.2500/2019-10, Dated 14.03.2019

From
Thiru Satyabrata Sahoo, I.A.S.,
Chief Electoral Officer &
Secretary to Government

To
All Additional Chief Secretaries /
Principal Secretaries / Secretaries to Government,
Departments of Secretariat, Chennai - 600 009.
(Including Law & Legislative Assembly Secretariat)
The Director General of Police, Chennai-4.
The Registrar General, High Court, Chennai.
All District Election Officers.
All Returning Officers of
Parliamentary Constituencies.
The Returning Officers of 5.Poonamallee (SC) /
12.Perambur / 33.Thiruporur / 39.Sholingur /
46.Gudiyattham (SC) / 48.Ambur / 55.Hesur /
60.Pappireddippatti / 61.Harur (SC) / 130.Nilakkottai (SC) /
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198.Andipatti / 199.Periyakulam (SC) / 204.Sattur /
209.Paramakudi (SC) / 213.Vilathikulam Assembly Constituencies.
(with enclosures to all)

Sir / Madam,

Sub: ELECTIONS - General Elections to Lok Sabha and
Bye-elections to Tamil Nadu Legislative Assembly, 2019 -
Guidelines for the Conduct of Government Servants -
Election Commission's instructions - Reiterated.

Ref: From the Election Commission of India, Letter No.464/
INST/2014-EPS, dated: 09.04.2014.

I am directed to invite your attention to the reference cited wherein,
the Election Commission of India has forwarded the Guidelines for
Government Personnel regarding Conduct of Elections. A copy of the
Commission's letter cited along with its enclosures is enclosed.

2. The Additional Chief Secretaries / Principal Secretaries / Secretaries to Government are requested to communicate the above instructions to all Departments / Undertakings under their control, for strict adherence during the General Elections to Lok Sabha and Bye-elections to Tamil Nadu Legislative Assembly, 2019.

Yours faithfully,

M. Vijayaraj Secy
14.3.2017

for Chief Electoral Officer &
Secretary to Government.

[Signature]
14/3/19

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

EPABX 011-23717391-92
Fax 011-23715412/23739244
Website: www.eci.nic.in

निर्वाचन जे.ए.ई.
अशोक रोड, नई दिल्ली-110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

Dated 9th April, 2014

No.454/INST/2014-EPS

To

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

Subject: Guidelines for Conduct of Government Servants – Regarding.

Madam / Sir,

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

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

EPABX 011-23717391-92
Fax 011-23715412/23739244
Website: www.eci.nic.in

निर्वाचन जे.ए.ई.
अशोक रोड, नई दिल्ली-110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

Dated 9th April, 2014

No.454/INST/2014-EPS

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Subject: Guidelines for Conduct of Government Servants – Regarding.

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

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

GUIDELINES FOR GOVT. PERSONNEL REGARDING CONDUCT OF ELECTIONS

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

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

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

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

2. The Government employees should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favoring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.

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

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

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

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

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

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

"134-A Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent :

If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months with fine, or with both."

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

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

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

The receipt of this letter may please be acknowledged.

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

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

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

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Estt., dated the 17th September 1949 dealing with the scope of rule 23 (i) of the Government Servant's Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government Servant at public meetings organised by political parties would amount to participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1, viz :

(i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and

(ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action :-

(1) Attendance at meetings organised by a political party would always be contrary to rule 23 (i) of the Government Servant's Conduct Rules unless all the following conditions are satisfied:

(a) that the meeting is a public meeting and not in any sense a private or restricted meeting.

(b) that the meeting is not held contrary to any prohibitory order or without permission where permission is needed, and

(c) that the Government servant in question does not himself speak, at or take active or prominent part in organising or conducting the meeting.

(2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation in a political movement, frequent or regular attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathiser of the aims and objects of that party and that in his official capacity he may favor or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

(3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic right, e.g. the right to vote at elections to Legislature or Local Self-Government Institutions.

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



ADS (OP) 11-7
PUBLIC (SPECIAL B) DEPARTMENT
SECRETARIAT CHENNAI 600 009

Letter No:564 /Special B/2019 - 1, Dated:18.03.2019

From
Dr. (Tmt) Girija Vaidyanathan, IAS.,
Chief Secretary to Government

To
All the Secretaries to Government
Secretariat – Chennai 600 009

Sir / Madam,

Sub: ELECTIONS – Lok Sabha Elections 2019 – Model
Code of Conduct (MCC) – Instead of Original file self
contained references be sent to Screening
Committee for getting approval of ECI through CEO
– Regarding.

Ref: 1. GO.Ms.No. 192 Public (Special B) Department
Dated 14.03.2019.
2. Para 4.2.6 (Directions to State Governments:-) of
the Manual on Model Code of Conduct March 2019.

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I am directed to state in the GO first cited a Screening Committee has been constituted for scrutinizing the proposals from the Departments of Secretariat which requires clearance of ECI on MCC. While sending proposals, the original files on such proposals are being sent to Screening Committee for its approval and to get clearances of ECI through the CEO of Public (Elections) Department.

2. In para 4.2.6 (Directions of State Governments:-) of the Manual on Model Code of Conduct (March 2019), it has been indicated among the constitution of Screening Committee that the concerned department shall not send the original file to the Office of the Chief Electoral Officer, but only a self-contained reference be sent through Screening Committee.

3. I am therefore to request you to adhere to the directions of ECI on MCC as indicated in para 2 above strictly and arrange to send the proposals which requires clearance of ECI on MCC, in the form of self-contained references (not the original file) to the Screening Committee.

Yours faithfully

for Chief Secretary to Government

Copy to:
The CEO and Secretary to Government
Public (Elections) Department
Secretariat Chennai 600 009



To

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

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

"Rule 5. Taking part in politics and elections:

(1) No Government servant shall be a member of nor be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavor to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive 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 or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority;

Provided that-

(1) A Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(2) A Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

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