

M.P. Panchayat Services (Conduct) Rules, 1998

MADHYA PRADESH

India

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Rule M-P-PANCHAYAT-SERVICES-CONDUCT-RULES-1998 of 1998

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M.P. Panchayat Services (Conduct) Rules, 1998Published vide Notification No. F.1-16-98-22-P-2, dated 4-1-1999, M.P. Rajpatra (Asadharan), dated 4-1-1999 at p. 16 (8)In exercise of the powers conferred by the sub-section (1) of Section 95 read with sub-section (2) of Section 70 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of Section 95 of the said Act, namely :-

1. Short title and application.

(1)These rules may be called the Madhya Pradesh Panchayat Services (Conduct) Rules, 1998.(2)Save as otherwise provided in these rules they shall apply to all persons appointed in Panchayat Services and the part in connection with the affairs of Panchayat ;Provided that nothing in these rules shall apply to Panchayat servants who are-(a)Members of the All India Service or State Government Service;(b)holders of any posts in respect of which the State Government may, by general or special order, declare that these rules shall not apply :Provided further that these rules shall apply mutatis mutandis to any such member belonging to a Contract Service or Part Time Service under the control of Zila Panchayat and whose salary is drawn from the miscellaneous head.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Chief Executive Officer" means a Chief Executive Officer of Janpad Panchayat, or a Zila Panchayat, as the case may be;(c)"Government" means the Government of Madhya Pradesh;(d)"Member of family" in relation to a Panchayat Servant, includes,-(i)the wife or husband, as the case may be, of the Panchayat Servant whether residing with the Panchayat Servant or not, but does not include a wife or husband, as the case may be, separated from Panchayat Servant by a decree or order of a Competent Court;(ii)son or daughter

or step-son or step-daughter of a Panchayat Servant who is wholly dependent on him, but does not include a child or a step-child who is no longer in any way dependent on the Panchayat Servant or of whose custody Panchayat Servant has been deprived by or under any law;(iii)any other person related whether by blood or marriage, to the Panchayat Servant or to the Panchayat Servant's wife or husband and wholly dependent on the Panchayat Servant;(e)"Panchayat" means a Gram Panchayat, a Janpad Panchayat or a Zila Panchayat, as the case may be;(f)"Panchayat Service" means the service of Gram Panchayat, Janpad Panchayat or a Zila Panchayat, as the case may be;(g)"Panchayat Servant" means a person appointed to a Civil Service or Technical Service or other post in connection with the affairs of the Panchayat;(h)"Secretary" means Secretary of a Gram Panchayat;Explanation. - A Panchayat Servant whose services are placed at the disposal of a corporation, organisation or local authority shall for the purpose of these rules be deemed to be a Panchayat servant serving under the Panchayat, notwithstanding that his salary is drawn from any other source.

3. General.

(1)Every Panchayat servant shall at all times,-(i)maintain absolute integrity;(ii)maintain devotion to duty; and(iii)do nothing which is unbecoming of Panchayat Servant.(2)(i)Every Panchayat Servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Panchayat Servants for the time being under his control and authority.(ii)No Panchayat Servant shall in the performance of his official duties or in exercise of powers conferred on him, act otherwise than in his best judgement except that when he is acting under the direction of his official superior and shall, where he is acting under such direction obtain the direction in writing, wherever practicable and wherever it is not practicable to obtain (he direction in writing he shall obtain written confirmation of the direction as soon as possible.Explanation. - Nothing in clause (ii) of sub-rule (2) shall be construed as empowering the Panchayat Servant to evade his responsibilities by seeking instructions from, or approval of a Superior Officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Taking part in Politics or Elections.

(1)No member of Panchayat Service shall be a member of or 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 member of Panchayat Service to prevent any member of his family from taking part in, subscribing in, aid or assisting in any other manner a party or organisation which is connected with such activities as against the Government of India, State Government or Panchayat :Provided that if a Panchayat Servant is unable to do so he shall make a report to that effect to the Secretary or Chief Executive Officer, as the case may be.(3)No Panchayat Servant shall canvas or otherwise interfere with or use his influence in connection with or take part in, an election to Parliament, Legislature or local authority :Provided that :-(i)a Panchayat Servant qualified to vote at such Election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;(ii)a Panchayat Servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due

performance of his duly imposed on him by or under any law for the time being in force. Explanation. - The display by a Panchayat 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 sub-rule.

5. Demonstrations and strikes.

- No Panchayat Servant shall, - (i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence; or (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Panchayat Servant.

6. Proceeding on leave by Panchayat Servants.

- No Panchayat Servant shall proceed on leave (casual or otherwise) before it has been sanctioned provided that in a case of emergency the authority competent to sanction leave may for reasons to be recorded in writing accord ex-post facto sanction for leave already availed of.

7. Visit to Officers other than his immediate officer.

(1) No Panchayat Servant shall directly visit or address to his superior except his immediate officer in a case related with his duties or effecting on him being a Panchayat Servant but if any correspondence is addressed through his immediate officer to the Superior Officer then the copy thereof may be sent directly. (2) No Panchayat Servant shall visit any official or non-official person except his immediate officer, for soliciting support in a case which may affect him as a Panchayat Servant. (3) Regarding his appointment or promotion the Panchayat Servant may submit an application through such officer or officers which may be specified by the departmental order. (4) No Panchayat Servant shall directly or indirectly or otherwise use the influence of any official or non-official person to further his interest in respect of matters pertaining to his service.

8. Connection with Press, Television or Radio.

(1) No Panchayat Servant shall except with the previous sanction of the Panchayat or prescribed authority own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication. (2) No Panchayat Servant shall except with the previous sanction of the Panchayat or the prescribed authority or in the bona fide discharge of his duties, participate in a Television, Radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical : Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

9. Criticism of Government or Panchayat.

- No Panchayat Servant shall in any Television, Radio broadcast in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance make any statement or fact or opinion ;-(i)which has the effect of any adverse criticism of any current or recent policy or action of the Central Government or State Government or Panchayat:Provided that in the case of any Panchayat Servant included in any category of Panchayat Servant specified in the second proviso to sub-rule (2) of Rule 1 nothing contained in this clause shall apply to bona fide expression of views by him as an office-bearer of a employees' union of such Panchayat Servants for the purpose of safeguarding the conditions of service of such Panchayat Servants or for recurring an improvement thereof;(ii)which is capable of embarrassing the relations between the State Government and Central Government or Panchayat or any State Government;(iii)which is capable of embarrassing the relations between the Central Government and the Government of any Foreign States :Provided that nothing in this rule shall apply to any statements made or views expressed by a Panchayat Servant in his official capacity or in the due performance of the duties assigned to him.

10. Evidence before committee or any other authority.

(1)Save as provided in sub-rule (3) no Panchayat Servant shall except with the previous sanction of the Chief Executive Officer give evidence in connection with an enquiry conducted by any person, committee or authority.(2)Where any sanction has been accorded under sub-rule (1) no Panchayat Servant giving such evidence shall criticise the policy or any action of the Central Government or State Government or Panchayat.(3)Nothing in this rule shall apply to,-(a)evidence given at any enquiry before an authority appointed by the Government, Parliament or State Legislature or Panchayat; or(b)evidence given in any Judicial enquiry; or(c)evidence given at any departmental enquiry by the competent authority of Panchayat.

11. Unauthorised Communication of information.

- No Panchayat Servant shall except in accordance with any general or special order of the Panchayat or in the performance in good faith of the duties assigned to him, communicate directly or indirectly, any document or any part thereof or information to any Government Servant or any other person to whom he is not authorised to communicate such document or information.

12. Subscription.

- No Panchayat Servant shall except with the previous sanction of the Panchayat or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

13. Gifts.

(1) Save as otherwise provided in these rules, no Panchayat Servant shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift. Explanation. - The expression "gift" shall include free transport boarding or lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealing with the Panchayat Servant. (2) On occasion such as wedding anniversaries, funerals or religious unctions, when the making of a gift is conformity with the prevailing religious or social practice, a Panchayat Servant may accept gifts from his near relative but he shall make a report to the Chief Executive Officer except small gift. (3) No Panchayat Servant shall, - (i) give or take or abet the giving or taking of dowry; or (ii) demand, directly or indirectly from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

14. Public demonstration or function in honour of Panchayat Servant.

- No Panchayat Servant shall without the previous sanction of the Secretary or the Chief Executive Officer, as the case may be, - (a) receive any complimentary or valedictory address or accept any testimonial or attend any meeting held in his honour; (b) take part in or attend any meeting held in honour of any other Panchayat Servant who has quit the Panchayat Service : Provided that he may attend any meeting held in the honour on the occasion of his transfer or retirement or any other Panchayat Servant.

15. Private trade or employment.

(1) No Panchayat Servant shall except with the previous sanction of the Panchayat, engage directly or indirectly in any trade or business or undertake any other employment : Provided that a Panchayat Servant may, without sanction undertake honorary work of a social or charitable nature or occasional work of literary, artistic, or scientific character subject to the condition that his official duties do not thereby suffer, but he shall not undertake or shall discontinue such work if so directed by the Panchayat. Explanation. - Canvassing by a Panchayat Servant in support of the business of the insurance agency or commission agency owned or managed by any other member of his family shall be deemed to be a breach of this sub-rule. (2) Every Panchayat Servant shall report to Panchayat if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency. (3) No Panchayat Servant shall, without the previous sanction of the Secretary or Chief Executive Officer, except in the discharge of his official duties take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (No. 1 of 1956) or any law for the time being in force or any Co-operative Society for commercial purposes : Provided that Panchayat Servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Panchayat Servant, registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Madhya Pradesh Societies Registration Act, 1959 (No. 1 of 1960) or any other corresponding law in force. (4) No Panchayat Servant may accept any unauthorised fee, reward remuneration, honorarium, for any work done by him for any public body or any private person.

16. Investment, lending and borrowing.

(1) No Panchayat Servant shall speculate in any stock, share or other investment. Explanation. - Frequent purchase or sale of both of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule. (2) No Panchayat 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 discharge of his official duties. (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2) the decision of the Secretary or Chief Executive Officer thereon shall be final. (4) No Panchayat Servant shall save in the ordinary course of business with a bank or a firm 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, - (a) lend or borrow money, as principal or agent to or from any person within the local limits of the authority with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or (b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid : Provided that a Panchayat Servant may, give to, or accept from, a relation or a personal friend, a purely temporary loan of a small amount free of interest or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee : Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Panchayat Servant with previous sanction of the Chief Executive Officer. (c) When a Panchayat 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 Chief Executive Officer and shall thereafter act in accordance with such orders as may be made by the Chief Executive Officer. (5) Notwithstanding any thing contained in sub-rule (4), - (a) Secretary or Chief Executive Officer, as the case may be, relax any provision of this rule in relation to Class IV servant belonging to Panchayat Service; (b) The aforesaid provisions shall apply with such restrictions or exemptions, as may be imposed by the Chief Executive Officer or Secretary as the case may be, to lending money to any person or to borrowing money from any Co-operative Society registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) by Panchayat Servant.

17. Insolvency and habitual indebtedness.

- A Panchayat Servant shall not manage his private affairs as to avoid habitual indebtedness or insolvency. A Panchayat Servant against whom a legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent forthwith report the full facts of the legal proceeding to the Chief Executive Officer. Note. - The burden of proving that the insolvency or indebtedness and the result of circumstances which, with the exercise or ordinarily diligence the Panchayat Servant could not have foreseen or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon Panchayat Servant.

18. Movable, Immovable and Valuable Property.

(1) Every Panchayat Servant shall on his appointment to any service or post and thereafter at such intervals as may be specified by the Panchayat, submit a return of his assets and liabilities in such form as may be prescribed by the Panchayat giving 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 or debentures or cash including bank deposits inherited by him or similarly owned, acquired or held by him; (c) debts or other liabilities incurred by him directly or indirectly. (2) (i) No Panchayat Servant shall, except with the previous knowledge of the Secretary or Chief Executive Officer, as the case may be, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family : Provided that without previous sanction of the Secretary or the Chief Executive Officer, as the case may be, no such transaction shall be made by Panchayat servant, - (a) with any such person having official dealings with him; or (b) which is transacted otherwise than through a regular or reputed dealer. (ii) If a Panchayat Servant with his consent tacit or otherwise during the term of his employment, any member of his family : - (a) purchase any immovable property or gets any house owned by him in his own name or benami in the name of any other person erected or re-erected; or (b) makes any alteration or repairs exceeding Rs. 5,000/- in any of the immovable property already owned by him whether in his own name or benami in the name of any other person or as the case may be, by any member of his family, such Panchayat Servant shall give prior intimation of such erection, re-erection, alteration or repairs, as the case may be, to the prescribed authority disclosing the total amount estimated for the said requisition, erection, re-erection, alteration or as the case may be, repairs and also disclose the source from which he, or as the case may be, the member of his family proposes to raise the required funds for the purpose. He shall further give prior intimation if the revised estimates are likely to exceed by more than 10% of the original estimates. At the completion of work the Panchayat Servant shall furnish the final cost of such work and the source from which the funds were actually raised with copies of documents, if any, in support thereof. (3) Every Panchayat Servant shall report to the Secretary or Chief Executive Officer, as the case may be, every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property if the value of such property exceeds Rs. 5,000/- in the case of a Panchayat Servant holding any Class I or Class II post or Rs. 2,000/- in the case of a Panchayat Servant holding any Class III or Class IV post ; - (a) if a Panchayat Servant either fails to file a return prescribed in sub-rule (1) or files a return for any year which does not fully disclose all the property that is required to be indicated or otherwise conceals any such property it would amount to misconduct; (b) in a disciplinary proceeding on account of misconduct under sub-rule (3) (a) it shall be presumed that the property not included in the return or the value of which is incorrectly shown was acquired through means in contravention of these rules. In such proceeding the burden of proof of establishing that the property was acquired legitimately shall lie on the Panchayat Servant. (4) (i) The Secretary or Chief Executive Officer, as the case may be, with prior sanction of the General Administration Committee of Panchayat, at any time, by general or special order, require a Panchayat Servant to furnish within a period specified in the order a full and statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family, as may be specified in the order, such statement shall if so required,

include the details of the means by which or source from which such property was acquired.(ii)If the movable or immovable property is, or at any time was found to be beyond his known sources of income, it shall be presumed, unless the contrary is proved by the Panchayat servant, that the acquisition was from, a corrupt source.Explanation. - For the purpose of this rule,-(1)The expression "movable property" includes,-(a)jewellery, insurance policies, the annual premium of which exceeds Rs. 1,000.00 or one sixth of the total annual emoluments, shares, securities and debentures, received from Panchayat service whichever is less;(b)loan advanced by such Panchayat Servants whether secured or not;(c)motor cars, motor cycles, horses or any other means of conveyance; and(d)refrigerator, television, radiograms etc.(2)"prescribed authority" means,-(a)Secretary or Chief Executive Officer, as the case may be, except where any lower authority is specifically specified by the Panchayat for any purpose;(b)in respect of a Panchayat Servant on deputation from any other department, the parent department on the cadre of which such Panchayat Servant is borne.

19. Vindication of acts and character of panchayat servants.

(1)No Panchayat Servant shall except with the previous sanction of the Secretary or Chief Executive Officer, as the case may be, have recourse to any Court or to the press for vindication of any official act which has been subject matter of advance criticism or an attack of a defamatory character.(2)Nothing in this rule shall be deemed to prohibit a Panchayat servant from vindication 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 Panchayat Servant shall submit a report to the Secretary or Chief Executive Officer as the case may be regarding such action.

20. Canvassing of non-official or other influence.

- No Panchayat Servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Panchayat.

21. Bigamous marriages.

(1)No Panchayat Servant who has a wife living shall contract another marriage without first obtaining the permission of the Panchayat, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable him.(2)No female Panchayat Servant shall marry any person who has a wife living without first obtaining the permission of the Panchayat.

22. Consumption of intoxicating drinks and drugs.

- A Panchayat servant shall,-(a)strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be, for the time in force;(b)not present under the influence of any intoxicating drink or drug, during the performance of his duties;(c)not appear in a

public place in a state of intoxication; and(d)not habitually in any intoxicating drink or drug in excess.

23. General concept of misconduct.

- Without prejudice to the generality of the concept of misconduct, any act or omission in breach of directions or prohibitions enacted in these rules amount to misconduct punishable under the rule made for disciplinary proceedings.

24. Delegation of the power of the Chief Executive Officer.

(1)Chief Executive Officer, may by general or special order direct that any powers exerciseable by him under these rules shall subject to such condition, if any, as may be specified in the order be exerciseable also by other officer posted in the Panchayat.(2)Cases related to Chief Executive Officer or Secretary seeking any sanction or permission under these rules, shall be brought before the General Administration Committee of Panchayat for in disposal.

25. Interpretation.

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

26. Repeal and Saving.

- Any rules, orders corresponding to these rules in force immediately before the commencement of these rules and applicable to Panchayat 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.