

The Assam Civil Services (Conduct) Rules, 1965

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The Assam Civil Services (Conduct) Rules, 1965 Last Updated 11th February, 2020

1. Short title, commencement and application.

(1) These Rules may be called the Assam Civil Services (Conduct) Rules, 1965. (2) They shall come into force at once. (3) Save as otherwise provided in these Rules, these Rules shall apply to every person appointed to a civil service or post in connection with the affairs of the State: Provided that nothing in these Rules shall apply to any Government servant who is—(a) a member of an All India Service, (b) a holder of any post in respect of which the Governor has, by a general or special order, directed that these Rules shall not apply.

2. Definitions.

- In these Rules, unless the context otherwise requires,—(a) "the Government" means the Government of Assam; (b) "Government servant" means any person appointed by Government to any Civil Service or post in connection with the affairs of the State; Explanation. - A Government servant whose services are placed at the disposal of a Company, Corporation, Organisation or a local authority by the Government 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 the Consolidated Fund of the State; (c) "members of 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 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 of by or under any law; (iii) any other person related, whether by blood or marriage, to the Government servant or to the Government

servant's wife or husband, and wholly dependent on the Government servant.

3. General.

(1) Every Government servant shall at all times—(i) maintain absolute integrity; (ii) maintain devotion to duty; and (iii) do nothing which is unbecoming of a Government servant. (2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority. (ii) No Government servant shall, in the performance of 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 official superior and shall, where he is acting under such direction, obtain the direction in writing, whenever practicable, and where it is not practicable to obtain the direction in writing he shall obtain written confirmation of the direction as soon thereafter as possible. Explanation. - Nothing in Clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Gifts.

(1) Save as otherwise provided in these Rules, no Government servant shall accept, or permit any member of his family or any person acting on his behalf to accept, any gift. Explanation. - The expression "gift" shall include free transport, boarding, 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 dealings with the Government servant. Note (1) - A casual meal, lift or other social hospitality shall not be deemed to be a gift. Note (2) - 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) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds—(i) Rs. 500, in the case of a Government servant holding any Class I or Class II post; (ii) Rs. 250, in the case of a Government servant holding any Class III posts; and (iii) Rs. 100, in the case of a Government servant holding any Class IV post. (3) On such occasions as are specified in sub-rule (2), a Government servant may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Government if the value of any such gift exceeds—(i) Rs. 200, in the case of a Government servant holding any Class I or Class II posts; (ii) Rs. 100, in the case of a Government servant holding any Class III posts; and (iii) Rs. 50, in the case of a Government servant holding any Class IV post. (4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds—(i) Rs. 75, in the case of a Government servant holding any Class I or Class II posts; and (ii) Rs. 25, in the case of a Government servant holding any Class III or Class IV post.

5. 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 other Government servants on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions; Note. - Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character and the collection of subscription from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

6. Presentation of trowels, etc. at ceremonial functions.

- No Government servant shall, except with the previous sanction of the Government, receive any trowel, key or other similar article offered to him at a ceremonial function, such as the laying of a foundation stone or opening of a public building.

7. Criticism of Government.

- No Government servant shall, in any radio broadcast or in any document, publish in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or any public utterance, make any statement of fact or opinion-(i) which has the effect of adverse criticism of any current or recent policy or action of the [Union] Government or a State Government; (ii) which is capable of embarrassing the relations between the [Union] Government and the Government of any State; and (iii) which is capable of embarrassing the relations between the [Union] Government and the Government of any foreign State; Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

8. Subscription.

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

9. Consumption of intoxicating drinks and drugs and vicious habits.

- A Government servant shall-(a) strictly abide by any law relating to intoxication, drinks or drugs in force in any area in which he may happen to be for the time being; (b) take due care that the

performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;(c)not appear in a public place in a state of intoxication;(d)not habitually use any intoxicating drink or drug in excess;(e)not indulge in vicious habits, like sex and gambling which reduce his efficiency and utility as a public servant or damage Government or official generally in public esteem.

10. Investment, lending and borrowing.

(1)No Government servant shall speculate in any stock, share or other investment.Explanation. - Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.(2)No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.(3)If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.(4)(i)No Government servant shall, save in the ordinary course of business with a bank or 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 his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or(b)lend money to any person at interest or in a manner whereby return 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 free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee;Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.(ii)When a Government servant is appointed or transferred to a post of such a nature as would involve him in the breach of any or the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.(5)This rule in so far as it related to the lending to or borrowing by Government servant from Co-operative Societies duly registered under Act II of 1912 shall be subject to any general or special restrictions or relaxations made or permitted by the Government.Note I : There is no bar to Gazetted and non-Gazetted Government servants jointing thrift and savings societies duly registered under Act II of 1912 through the Government do not encourage them to join such societies.

10A. Refund of outstanding dues.

- In the case of persons to be newly appointed to a Civil Service or post in connection with the affairs of the State, refund of entire outstanding dues to the Government shall be a condition precedent to joining the service and it shall be mentioned in the advertisement itself:Provided that in the case of officers who are in service since before the coming into force of these Rules, failure to comply with the requirements of refund of the entire outstanding dues taken as loans from the Government prior to his joining the service within a period of six months from the coming into force of these rules, shall amount to misconduct and will invite disciplinary action.

11. Movable, immovable and valuable property.

(1) Every Government servant shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities, in such form may as be prescribed by Government, 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 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. Note (I) : Sub-rule (1) shall not ordinarily apply to the Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants. Note (II) : In all returns, the values of items of immovable property worth less than Rs. 1,00,000 may be added not shown as a lump sum. lire value of articles of daily use such as clothes, utensils, crockery, books etc., need not be included in such return. Note (III) : Every Government servant who is in service on the date of commencement of these Rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement. (2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family: Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant, if any such transaction is-(i) with a person having official dealings with the Government servant; or residing, possessing immovable property or carrying on business within the local limits of his official authority; or (ii) otherwise than through a regular or reputed dealer. (3) Every Government servant shall report to the prescribed authority every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property, if the value of such properly exceeds Rs. 1,00,000 in the case of a Government servant holding any Class I or Class II post or Rs. 5000 in the case of a Government servant holding any Class III or Class IV post: Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is-(i) with a person having no official dealings with Government servant; or (ii) otherwise than through a regular or reputed dealer. (4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired. (5) The return as mentioned in sub-rule (1) or statement as mentioned in sub-rule (2) must be verified by the Government servant as true to his knowledge and belief. (6) Any Government servant concealing any of his assets and/or liabilities which he is liable to declare under sub-rule (2) or (4) above shall be considered liable to such disciplinary action as the Government may deem proper; provided that bona fide omission or mistakes shall not make him so liable. (7) If any Government servant or any other person on his behalf or by any member of his family is found in possession of pecuniary resources or property which appear to the Government to be disproportionate to his known resources of his income, the Government shall presume, unless the contrary is proved, that the Government servant acquired

such property by dishonest means and the Government shall take such action against the Government servant concerned as it deems necessary.(8)The Government may exempt any category of Government servant belonging to Class III or Class IV from any of the provisions of this rule except sub-rules (4), (5), (6) and (7).Explanation. - (1) For the purpose of this rule the expression 'movable property' includes-(a)jewellery, insurance policies, the annual premia of which exceeds Rs. 1,000 or one-sixth of the annual emoluments received from Government, whichever is less, shares, securities and debentures;(b)loans advanced by such Government servants whether secured or not;(c)motor cars, motor cycles, horses or any other means of conveyance; and(d)refrigerators, radios and radiograms.(2)"Prescribed authority" means,-(a)(i)the Government, in the case of a Government servant holding any Class I post, except where any lower authority is specifically specified by the Government for any purpose;(ii)Head of Department, in the case of Government servant holding any Class II post;(iii)Head of office, in the case of a Government servant holding any Class III or Class IV post;(iv)in respect of a Government servant on foreign service or on deputation to any other Government, the parent department on the cadre of which such Government servant is borne.

12. Private trade or employment.

(1)No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment;Provided that a Government servant may, without such sanction, undertake honorary work of a charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake, or shall continue, such work if so directed by the Government.Explanation. - Canvassing by a Government in support of the business of insurance agency, commission agency, etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.(2)Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages as insurance agency or commission agency.(3)No Government servant shall without the previous sanction of the Government, 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 duly registered under the Companies Act, or any other law for the time being in force or any Co-operative Society for commercial purposes:Provided that a Government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants, duly registered under any other law for the time being in force; or of a literary, scientific or charitable society duly registered under the Societies Registration, Act 1860 (21 of 1860), or any corresponding law in force.(4)No Government servant shall accept any fee for any work done by him to any public or any private person without the sanction of the prescribed authority.

13. Prosecution of studies by Government servants in educational institutions.

- No Government servant while in Government service shall join or attend any educational institution or the purpose of preparing himself for, or shall appear at, any examination of a

recognised Board of University without obtaining previous permission from the appointing authority: Provided that the appointing authority may refuse such permission in the interest of the public service on consideration that such joining or attending any educational institution or appearing at any examination may create dislocation of work or stand in the way of the efficient discharge of his duties by the Government servant concerned. Permission of study leave or any other kind of leave granted for the purpose of joining or attending any educational institution shall be subject to the condition that the Government servant shall not seek election to or hold any elective office in Students' Union or other Associations of Students except Associations formed for purely literary, academic or athletics pursuits. Explanation. - Normally no one should be allowed to continue studies beyond the Degree Course. Person doing executive work should not normally be given permission to prosecute studies. Moreover, where giving permission means leaving a big gap in the working strength of the office, permission may be refused by the Appointing Authority at his discretion.

14. Insolvency and habitual indebtedness.

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

15. Unauthorised communication of information.

- No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information. Explanation. - Quotation by a Government servant (in his representation to the Head of Office or Head of Department or Governor) of or from any letter, circular or office memorandum, or from the notice on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.

16. Connection with Press 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 management of, any newspaper or other periodical publication. (2) No Government servant shall, except with the previous sanction of the Government or the prescribed authority, or except in the bona fide discharge of his duties, participate in a 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.

17. 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 Union Government or a State Government. (3) Nothing in this rule shall apply to—(a) evidence given at an enquiry before an authority appointed to the Government, Parliament or a State Legislature; or (b) evidence given in any judicial enquiry; or (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

18. Taking part in politics and elections.

(1) No Government servant shall be a member of, or be otherwise associated with any political party or any 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) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be subversive of Government as by law established in India. Explanation. - A Government servant shall be deemed to have permitted a person to take part in, or assist a movement or activity within the meaning of sub-rule (2) if he has not taken every possible precaution and done everything in his power to prevent such person so acting, or if, when he knows or has a reason to suspect that such person is so acting he does not at once inform the State Government or the Officer to whom he is subordinate. (3) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final. (4) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislative or local authority: Provided that—(i) a Government servant who is 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 contravene the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force. (iii) the Government may permit a Government servant to offer himself as a candidate for election to a local authority and the Government servant so permitted shall not be deemed to have contravened the provisions of this rule. Explanation. - The display by a Government servant on his person, vehicle or residence of any electrical symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule. (5) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed, for the purpose of sub-rule (4) to take part in election to such body. (6) The provisions of sub-rules (4) and (5) shall, so far as may be, apply to election authorities or bodies save in respect of Government servant required or permitted by or under any law or order of Government for the time

being in force to be a candidate at such elections.

19. Employment of near relatives of Government servants in private undertakings enjoining Government patronage.

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking. (2) (i) No Class 1 Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Government: Provided that where the acceptance of the employment cannot await 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. (ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that private undertaking: Provided that no such intimation shall be necessary in the case of a Class I Officer if he has already obtained the sanction of, or sent a report to the Government under Clause (i). (3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any private undertaking or any other person or if he or any member of his family is employed in that private undertaking or under that person or if he or any member of his family 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.

20. Demonstration and strikes.

- No Government servant shall - (i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with the foreign States, public order, decency or morality or which involves contempt of Court, defamation or incitement to an offence, or (ii) report 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 Government servant.

21. Vindication of acts and character of Government servant.

(1) No Government servant shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or any attack of a defamatory character. (2) 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 prescribed authority regarding such action.

22. Canvassing of non-official or other influences.

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

23. Taking part in politics and elections.

(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any 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 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 sub-rule (2), the decision of the Government thereon shall be final. (4) No Government servant shall canvass or otherwise interfere with, or use 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 sub-rule by reason only that he assists in the conduct of an election in the due performance of duty imposed on him or under any law for the time being in force. Explanation. - The display by a Government servant on his person, vehicle or residence of any electrical symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

24. Bigamous marriage.

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

25. Interpretation.

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

26. Delegation of powers.

- The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these Rules (except the powers under Rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

27. Repeal and saving.

- Any 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 these Rules shall be deemed to have been made or taken under the corresponding provisions of these Rules.