

# **Bihar Government Servant's Conduct Rules, 1976**

BIHAR

India

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### **Rule**

### **BIHAR-GOVERNMENT-SERVANT-S-CONDUCT-RULES-1976 of 1976**

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Bihar Government Servant's Conduct Rules, 1976Published vide Notification No. G.S.R. 4, Bihar Gazette (Extraordinary) dated 10.2.1976G.S.R.4 dated the 10th February, 1976. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, as amended from time to time, the Governor of Bihar is pleased to make the following Rules to regulate the conduct of Government servants, namely :-

### **1. Short title, commencement and application.**

(1)These Rules may be called the Bihar Government Servant's Conduct Rules, 1976.(2)They shall come into force on the date of their publication in the Official Gazette.(3)These Rules apply to every person appointed to a civil service or post in connection with the affairs of the State of Bihar and who are subjected to the Rules making powers of the Government.

### **2. Definitions.**

(a)In these Rules unless the context otherwise requires, "Government" means-(i)in the case of a Government servant whose services have been placed at the disposal of the Government of India, the Government of India;(ii)in the case of a Government servant whose services have been placed at the disposal of the Government of another State, the Government of that State;(iii)in all other cases the Government of Bihar,(b)"Government servant" means any person appointed to serve in connection with the affairs of the State, in respect of whom the Governor of Bihar is empowered to make Rules under Article 309 of the Constitution of India, whether for the time being such person is serving in connection with the affairs of the Government of India or of any State, or is on leave.Explanation.-A Government servant whose services are placed at the disposal of a company, corporation 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)"Member of family" in relation to Government servant includes-(1)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/order of a competent court.(2)Son or daughter or step-son or step-daughter of Government servant and wholly dependent on him, but does not include a child or step child who is no longer dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law.(3)Any other person related, whether by blood or marriage, to the Government servant's wife or husband, and wholly dependent on the Government servant.(d)"Prescribed authority" means-(1)In respect of Gazetted Government servants, the Departments of Government on whose cadre or establishment they are borne.(2)In respect of Government servants holding class III posts, the appointing authority.(3)In respect of Government servants holding class IV posts, head of establishment on which he is borne.(4)In respect of a Government servant on foreign service or on deputation, the parent department or office, as the case may be, on the cadre or establishment of which such a Government servant is borne.

### **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)Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority.(3)No Government servant shall, in the performance of his official duties or in the exercise of power conferred on him, act otherwise than in his best Judgement except 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 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 sub-rule (3) of Rule 3 shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

### **4. Consumption of intoxicating Drink and Drugs.**

- No Government servant shall-(i)while on duty, be under the influence of intoxicating drink or drugs to such an extent as to tender him incapable of discharging his duties properly and efficiently;(ii)habitually use intoxicating drink or drugs to excess;(iii)appear in public place in a state of intoxication; and(iv)consume any intoxicating drink or drug in public place.Explanation-For the purpose of this Rule, public place means any place or premises (including conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.Every Government servant shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being.

## **5. Employment of near relatives of Government servant in private undertaking.**

(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 with which he has official dealing or in any other undertaking having official dealing with the Government. (2) No Government servant 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 dealing or in any other undertaking having official dealing with the Government; Provided that where the acceptance of any employment cannot await the prior permission of the Government or is otherwise considered urgent the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government. (3) If a member of the family of Government servant accepts any employment referred to above even after Government have refused permission, the Government shall make a report to that effect to the Government and shall also intimate whether he has had any official dealings with that undertaking. (4) (a) No Government servant shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of an undertaking or any other person, if any member of his family is employed in the undertaking or under that person or if he or any member of his family is interested in such undertaking or other person in any other manner. (b) In any case referred to in clause (a), the Government servant shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

## **6. Taking part in politics and election.**

(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 the 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, 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 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 - (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 provision 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 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.

## **7. Joining of Associations by Government Servants.**

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

## **8. Demonstration and Strikes.**

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

## **9. Connection with Press or Radio**

(1)No Government servant himself or through a member of his family or through any other person shall except with the previous sanction of the Government, own wholly or in part, or conduct or participate in any form or manner in the editing or management of any newspaper or other periodical publications.(2)No Government servant, shall except with the previous sanction of the Government or of the prescribed authority, or except in the bona fide discharge of his duties-(a)publish h book himself or through a member of his family or through any other person or through a publisher, or contribute an article to a book or a compilation of articles, or(b)participate in a radio or contribute or write a letter to a newspaper or periodical, either in his own name or anonymously or in the name of any other person:Provided that no such sanction shall be required-(i)if such publication is through a publisher and is of a purely literary artistic or scientific character; or(iii)if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

## **10. Criticism of Government.**

- No Government servant shall in any radio broadcast or in any document published anonymously, pseudonymously or in his own name, or in the name of any other person or in any communication to the press, or in any public utterance, make any statement of fact or opinion-(i)which has the effect of an adverse criticism of current or recent policy or action of the Government of India or the Government of any State; or(ii)which is capable of embarrassing the relations between the Government of India and the Government of any State; or(iii)which is capable of embarrassing the relations between the Government of India 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.

## **11. Evidence before committee or any other authority.**

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

## **12. 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, contents of 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 the contents of such document or information. Explanation.—Quotation by Government servant (in his explanation, representation, appeal or memorial, etc. addressed to the Head of Office or Head of Department or the Government from any letter, circular or office memorandum or from the notes 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.

## **13. Subscriptions.**

- 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 fund or other collections in cash or in kind in pursuance of any object whatsoever.

## **14. Gifts.**

(1) Save as otherwise provided in these Rules, no Government servant shall, except with the previous sanction of the Government or of the prescribed authority, accept or permit any member of his family or any other person acting on his behalf to accept, any gift. Explanation.—For the purposes of this Rule "gift" includes free transport, free boarding, free lodging or any other service or pecuniary advantage when provided by a person other than a near relative or personal friend having no official dealings with the Government servant but does not include a casual meal, casual gift or other social hospitality. Note.—(i) A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firm, organisations etc. (ii) Any trowel, key, or other similar articles offered to a Government servant at the laying of the foundation stone or the opening of a public building or any ceremonial function. (2) On occasions, such as weddings, anniversaries, funerals, and religious functions, when

the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gift from his near relative but he shall make a report to the Government the value of any such gift exceeds Rs. 500.(3)On such occasions as are specified in sub-rule (2) a Government servant may accept gift from his personal friend having no official dealing with, him, but he shall make a report to the Government if the value of any such gift exceeds Rs. 200.(4)In any other case, a Government servant shall not accept any gift without the sanction of the Government or of the prescribed authority if the value thereof exceeds Rs. 75 in the case of a Government servant holding any Class I or Class II post; and Rs. 25 in the case of a Government servant holding any Class III or Class IV post:Provided that where it is not practicable for a Government servant to obtain the previous sanction of the Government or of the prescribed authority he shall, within one month of acceptance of such gift make a report to the Government or the prescribed authority, as the case may be, stating the circumstances under which such gift was accepted, and if the Government or the prescribed authority does not approve of such acceptance, he shall return the gift to the donor.

## **15. Public demonstrations in honour of Government servants.**

(1)No Government, servant shall, except with the previous sanction of the Government, receive any complementary 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 any Government servant on the occasion of his retirement or transfer or of any person who has recently quited the service of any Government; or(ii)the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.(2)No Government servant shall exercise pressure of any short on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private and informal character.

## **16. 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 employment.Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that-(i)he shall, within a period of one month of his undertaking any such work, report to Government giving full details;(ii)his official duties do not thereby suffer; and(iii)he shall discontinue any such work, if so directed by the Government:Provided further that, if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.Explanation I.-Canvassing by a Government servant in support of the business of insurance agency, Commission agency, owned or managed by any member of his family shall be deemed to be a breach of this sub-rule.Explanation II.-Canvassing for a candidate or candidates for an elective office referred to in the second proviso, 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 trade or business or owns or manages an Insurance commission agency.(3)No Government servant shall, without the previous sanction of the

Government or except in the discharge of his official duties take part in the registration, promotion or management of any Bank or either company registered under the Indian Companies Act, 1956 or any other law for the time being in force or any co-operative society, the primary object of which is a commercial purpose :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 registered under the Co-operative Societies Act, 1912 [II of 1912] [Presently Act VI of 1935.] or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (XXI of 1860) or any corresponding law in force subject to the following conditions, namely-(i)he shall, within a period of one month of his undertaking any such work, report to Government giving full details;(ii)his official duties do not thereby suffer; and(iii)he shall discontinue any such work if so directed by the Government:Provided further, if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.Explanation.-Canvassing for a candidate or candidates for an elective office referred to in the second proviso shall be deemed to be a breach of this sub-rule.(4)No Government servant shall hold a lottery for the disposal of his property or for any other purpose, except with the previous permission of the Government.(5)No Government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the Government or the prescribed authority.

## **17. Investments, lending and borrowing.**

(1)No Government servant shall speculate in any stock, share or other investments.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 and where a Government servant fails to prevent a member of his family from making an investment of this nature, he shall make a report to that effect to the Government forthwith.(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)No Government servant shall except with the previous sanction of the Government lend money to any person possessing land or valuable property within the local limits of his authority or at interest to any person:Provided that a Government servant may make an advance of pay to private servant, or give a loan of small amount free of interest to a personal friend or relative, even if such person possesses land within the local limits of his authority.(5)(i)No Government servant shall, save in the ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf:- (a)Lend or borrow or deposit money as a principal or agent, to or with any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under pecuniary obligation to such person or firm or private limited company; orNote.-A 'pecuniary obligation' means not only obligation arising out of a cash transaction but also the acceptance without consideration of any service or facility other than trifling value:(b)Lend money to any person at interest or in manner whereby return in money or kind is paid :Provided that a Government servant may, give to, accept from, a relative or a personal friend, a purely temporary loan of a small amount free of interest, operate a

credit account with a bonafide 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)No Government servant shall permit any member of his family except with the previous sanction of the Government to enter into any transaction of the nature referred to in the foregoing sub-rule, and where a Government servant is unable to prevent a member of his family from entering into any such transaction, he shall make a report to that effect to the Government.(6)When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (4) or sub-rule (5) he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be passed by such authority.

## **18. Insolvency and habitual indebtedness.**

- A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant, who becomes the subject of a legal proceeding for the recovery of any debt due from him or for insolvency, shall forthwith report the full facts to the Government.Note.-The burden of proving that indebtedness or insolvency is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or even of which he has no control, and has not proceeded from extravagant or dissipated habit, shall be upon him.

## **19. Movable, immovable and valuable property.**

(1)Every Government servant shall on his first appointment, to any service or post and thereafter at the interval of every twelve months submit to the prescribed authority return of his assets and liabilities in such form as may be prescribed by the Government giving full particulars regarding-(a)immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;(b)shares, debentures, cumulative time deposits and including bank deposits owned, acquired or inherited by him or held by him, either in his own name or in the name of any member of his family or in the name of any other person;(c)other movable property inherited by him or similarly owned, acquired or held by him;(d)debts and other liabilities, if any, incurred by him directly or indirectly.Note I.-Unless directed otherwise, sub-rule (1) shall not ordinarily apply to class IV servants.Note II.-In all returns, the values of items of movable property worth less than Rs. 1,000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.Note III.-Every Government servant who is in service on the date of the 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:Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is-(a)with person having official dealings with Government servant, or(b)otherwise than through a regular or reputed dealer.(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.(3)Every Government servant shall report to the



prescribed authority within one month from the date of 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. 1,000 in the case of a Government servant holding any class I or class II post or Rs. 500 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-(a)with a person having official dealings with the Government servant, or(b)otherwise than through a regular or reputed dealer.(4)The Government or the prescribed authority may, at any time, by general or special order, requiring a Government servant to submit within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order and such statement shall, if so required by the Government or by the prescribed authority, include details of the means by which, or the source from which, such property was acquired.(5)The Government may exempt any category of Government servants belonging to Class III or Class IV from any of the provisions of this Rule except sub-rule (4).Explanation.-For the purpose of this sub-rule the expression "movable property" includes-(a)jewellery, insurance policies, the annual premium of which exceeds Rs. 1,000, shares, securities and debentures;(b)loans advanced by or to such Government servant whether secured or not;(c)motor cars, motor cycles, horses or any,other means of conveyance; and(d)refrigerator, radios and radiograms.(6)A Government servant found to be in possession of pecuniary resources or property disproportionate to his known sources of income for which he cannot satisfactorily account, shall unless the contrary is proved, be presumed to have been guilty of grave misconduct in the discharge of his official duty for which he will be liable for criminal action besides departmental proceeding.(7)The Government or any authority especially empowered by it in this behalf may, by an order in writing, require a Government servant to afford facilities for inspection and assessment of the value of any lands, buildings or any other immovable property held or acquired by him or by any member of his family as may be specified in that order and failure to comply with the order shall be deemed to be grave official misconduct on the part of the Government servant concerned.

## **20. Restriction in relation to acquisition and disposal of immovable property outside India and transaction with foreigners, etc.**

- Notwithstanding any thing contained in sub-rule (2) of Rule 19, no Government servant shall, except with the previous sanction of the prescribed authority-(a)acquire by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situate outside India;(b)dispose of, by sale, mortgage, gift, or otherwise, or grant any lease in respect of any immovable property situate outside India which was acquired or is held by him either in his own name or in the name of any member of his family;(c)enter into any transaction with any foreigner, foreign Government, foreign organisation or concern-(i)for the acquisition, by purchase, mortgage, lease, gift or otherwise either in his own name or in the name of any member of his family, of any immovable property;(ii)for the disposal of immovable property by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

## **21. Vindication of acts and character of Government Servant.**

- No Government servant shall except with previous sanction of the Government have recourse to any court or to the press for vindication of any official act which has been the subject-matter of adverse criticism or an attack of defamatory character. Explanation.-Nothing in this Rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity, provided that he shall submit a report to the Government regarding such action.

## **22. Canvassing of non-official or other outside influence.**

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

## **23. Restrictions regarding marriages.**

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and (2) No Government servant, having a spouse living shall enter into, or contract a marriage with any person : Provided that Government may permit a Government servant to enter into or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that:-(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and (b) there are other grounds for so doing. (3) A Government servant who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Government.

## **24. Giving or taking dowry.**

- No Government servant, shall give or take or abet the giving or taking of dowry. Note.-Giving or taking or abetting the giving or taking of dowry shall be deemed to be a misconduct for which the Government servant concerned shall be liable for disciplinary action.

## **25. Interpretation.**

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

## **26. Delegation of power.**

- 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 power 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 order or authority as may be specified in the order.

## **27. Ceaser and saving.**

- The Bihar Government Servant's Conduct Rules, 1956) hereinafter referred to as the said rules), are hereby repealed and shall cease to be in force :Provided that the ceaser shall not affect-(a)the previous operation, or anything duly done or suffered under the said Rules; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under the said rules, or(c)any penalty or punishment incurred under the said Rules, or(d)any investigation, legal proceeding or remedy in respect of any such right, obligation, liability, penalty or punishment as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said Rule had not ceased to be in force.