

THE JAMMU AND KASHMIR GOVERNMENT
EMPLOYEES (CONDUCT) RULES, 1971

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GENERAL DEPARTMENT NOTIFICATION SRO-47

Dated: 5th February, 1971

In exercise of the powers conferred by the proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following rules, namely: -

1. **Short title, commencement and application.** - (1) These rules may be called the Jammu and Kashmir Government Employees (Conduct) Rules, 1971.

2. They shall come into force on the date they are published in Government Gazette.

3. They 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 -

- (a) a member of an All India Service who is subject to the All India Services (Conduct) Rules, 1954 ; and
- (b) a holder of any post in respect of which the Government may, by a general or special order, direct that these rules shall not apply.

Government Instructions

Conduct rules for the employees in public sector undertakings. -In the corporate undertakings entirely financed by the Government i. e., where the whole capital is invested by the State, the activities of the employees should be restricted in the same manner as for those working directly under Government. In such cases, action should be taken to extend the provisions of these rules to the employees either, by a self-contained set of rules under the specific statutory authority for framing such rules, or as terms of the contract.

2. **Definitions.** -In these rules, unless the context otherwise requires,

(a) "Government" means the Government of Jammu and Kashmir;

(b) "Government employee" means any person appointed to any civil service or post in connection with the affairs of the State.

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

(c) "Members of family" in relation to a Government employee, includes

(i) the wife or the husband, as the case may be, of the Government employee, whether residing with the Government employee, or not but does not include a wife or husband, as the case maybe, separated from the Government employee, by a decree or order of a competent court;

(ii) son or daughter or step-son or step daughter of the Government employee 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 employee or of whose custody the Government employee has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the Government employee or to the Government employee's wife or husband, and wholly dependent on the Government employee;

(d) "Classes of Government employees" shall mean the classes as defined in Article 309 of Jammu and Kashmir Civil Services Regulations.

(e) "Prescribed authority" unless otherwise

defined for purposes of any rule under these rules means

- (i) Government in case of a Gazetted Government employee;
- (ii) Head of Department in the case of a Government employee holding any other post; and
- (iii) in respect of a Government employee on foreign service or on deputation to any other Government, the authority who would be the prescribed authority in relation to that Government employee if he were not on deputation or foreign service.

3. General. -(1) Every Government employee shall at all times-

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a Government employee.

(2) (i) Every Government employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government employees for the time being under his authority.

(ii) No Government employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the directions 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 clause (ii) of sub-rule (2) shall be construed to justify a Government employee 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.

Government Instructions

Proper behaviour in private life. -A Government servant is expected to maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his service by his misdemeanour. In cases where a Government servant is reported to have acted in a manner unbecoming of a Government servant, as for instance, neglect of his wife and family, departmental action can be taken against him on that score without invoking any of the Conduct Rules Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 specifies the nature of penalties that may for good and sufficient reasons, be imposed on a Government servant. Neglect by a Government servant of his wife and family in a manner unbecoming of a Government servant may be regarded as good and sufficient reason to justify action being taken against him under this rule.

4. **Gifts.** -(1) Save as otherwise provided in these rules, no Government employee 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 employee 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 employee 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 employee holding any Class I or Class II post;

(ii) Rs. 250/- in the case of a Government employee holding any Class III post;

(iii) Rs. 100/- in the case of a Government employee holding any Class IV post.

(3) On such occasions as are specified in sub-rule (2), a Government employee may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Government if the value of such gifts exceeds

(i) Rs. 250/- in case of a Government employee holding any Class I or Class II posts;

(ii) Rs. 150/- in the case of a Government employee holding any Class III post; and

(iii) Rs. 100/- in the case of a Government employee holding any Class IV post.

(4) In any other case, a Government employee 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 employee holding any Class I or Class II post; and

(ii) Rs. 25/ - in the case of a Government employee holding any Class III or Class IV post.

5. Public demonstration in honour of Government employees. -No Government employee shall except with the previous sanction of the Government, receive any complimentary or valedictory address or except any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other Government employee:

Provided that nothing in this rule shall apply to-

(1) a farewell entertainment of a substantially private an informal character held in honour of a Government employee or any other Government employee on the occasion of his retirement or transfer of any person who has recently quit the service of any Government; or

(2) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

6. Employment of near relatives of Government servants in private undertakings enjoying Government patronag. -(1) No Government employee 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 I 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 employee 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 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 employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that 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 employee shall refer every such matter or contract to his official superior and the matter of contract shall thereafter, be disposed of according to the instructions of the authority to whom the reference is made.

¹ [(4) No Government employee shall a ward contract to any member of his family or to any other person on a Benami basis or to someone whom the Government employee has reason to believe is connected or has a shared interest with a member of his family.

Explanation. -For purposes of rules (3) and (4) the expression member of family shall mean-

Father, mother, step-father, step-mother, brother, sister, step-brother, step-sister, son, daughter, step-son, step-daughter, grand-father, grand-mother, brother-in-law, sister-in-law, grand-children, uncle, aunt, son-in-law, daughter-in-law, nephew, niece and first cousins, whether wholly dependent on the Government employee or not.]

Government Instructions

Government employees, especially those holding positions of trust and responsibility, should not only be honest and impartial in the discharge of their

1. Inserted vide SRO-16 dated 15-1-1976.

official duties but also have the reputation of being so. They should ensure that there is no ground or occasion to suggest that some individuals have greater access or influence with them than others.

7. 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 funds or other collections in cash or in kind in pursuance of any object whatsoever.

Explanation-

(1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this rule except when such subscriptions are made to or for Organisations or Accociations with which a Government employee is expressly debarred from associating.

(2) Voluntary association of a Government employee with the collection of the Army, Navy or Air Force Flag Day contribution is permissible and no prior permission is necessary for this purpose.

(3) Collection of subscription by members of a Service Association. -The conduct of a Government employee who is member of a Service Association is subject to the previsions of the Jammu and Kashmir Government Employees (Conduct) Rules. A Government employee even in his capacity as a member of any such Association cannot, therefore, sponsor collection of funds on behalf of the Association without prior permission of the Government. Neither the consultation of the Association which may envisage collection of funds nor the fact that it has been registered as a trade union under law which permits Trade Unions to raise funds, gives any immunity to a Government employee in the matter. General permission has, however, been granted in relaxation of the rule to collection of subscriptions by a Government employee qua member of a Service Association of Government employees from amongst its other members if-

- (i) the Association has been and continues to be recognised by the Government;

(ii) the proceeds are proposed to be utilised for welfare activities of the Association; and

(iii) when a matter affecting the general interests of the members of the Associations is in dispute, and it is permissible under the rules of the Association to spend its funds over such a matter. Where, however, action is taken against a Government employee who happens to be a member of the Association, in his personal capacity or grounds which concern him in particular, no funds should be collected even among its members by the Association for his defence. Approach to the members of the public for collecting funds without prior sanction of the Government is not permitted.

8. Investment, lending and borrowing. -(1) No Government employee 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 employee shall make, or permit any member of his family or any person acting on his behalf to make, any investments 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 subrule (2), the decision of the Government thereon shall be final.

(4) (i) No Government employee 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 employee may I 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 employee with the previous sanction of the Government.

(ii) When a Government employee 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 prescribed authority and shall thereafter act in accordance with such orders as may be made by such authority.

Government Instructions

(1) **Procedure for report under rule 8(4) (ii)** . –The report prescribed in sub-rule (4){ii) should be submitted by the Government employee to his immediate superior who should forward it through the normal channels to the authority competent to remove or dismiss him from service. Except where such authority requires guidance or clarification from a higher authority, it shall consider the report and pass appropriate orders on it. If any penalty is, to be imposed on the Government employee, the procedure prescribed in the Jammu, and Kashmir Civil Services (Classification. Control and Appeal) Rules, should be followed.

(2) Standing surety for loans taken by official superiors.-Where a Government employee stands surety for loans taken by his official superiors or their friends or relatives, it might create an impression that official pressure has been exerted for this purpose. The superior officer will also be putting himself under obligation to the subordinate and such a situation is not conducive to efficient office management and maintenance of discipline. Officers should not, therefore, approach their subordinates for standing surety for loans taken from private sources either by them or by their relatives or friends.

9. Movable, immovable and valuable property. -(1) Every Government employee 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 as may be prescribed by the 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 other person;

(b) shares, debentures, 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. - Sub-rule (1) shall not ordinarily apply to Class IV employees.

(2) No Government employee 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 employee if any such transaction is-

- (i) with a person having official dealings with the Government -employee; or
- (ii) otherwise than through a regular or reputed dealer.

(3) Every Government employee 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 property exceeds Rs.1,500 in the case of a Government employee holding any Class I or Class II post or Rs. 750/- in case of a Government employee holding and 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 official dealings with the 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 employee 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 Government may exempt any category of Government employees belonging to Class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Department in charge of services.

Explanation. -For the purposes of sub-rule (1) the expression 'movable property' includes

- (a) Jewellery , insurance policies, shares, securities and debentures;
- (b) loans advanced by such Government employee whether secured or not;
- (c) Motor cars, motor cycles or scooters, horses or any other means of conveyance; and
- (d) refrigerators, radios, radiograms, tape recorders, television sets and cameras.

Government instruction

(1) Property returns prescribed under rule 9 (1) should be submitted in the form at Annexure I within a month of his first appointment and subsequently by 15th January every year in respect of the property held at the end of the previous year to the authority prescribed in this behalf.

(2) The property returns should be treated as secret document and after scrutiny be kept under the custody of the authority prescribed in this behalf. They should not, however, be filed with Character Rolls.

(3) The sanction of the competent authority under rule 14.20 of the Jammu and Kashmir Financial Code Vol. I for the sale of a car or other conveyance purchased with advances from Government before repayment of the advance together with interest cannot be deemed carry with it permission of the competent authority under rule 9(3) of the Jammu and Kashmir Government Employees. (Conduct) Rules relating to transactions of movable property. Since the objects of according sanction under the two sets of rule are quite different, separate sanctions under the Jammu and Kashmir Financial Code Vol.I and the Jammu and Kashmir Government Employees (Conduct) Rules should be taken by a Government employee when the sale of the conveyance is made otherwise than through a regular or reputed dealer or agent.

(4) Transactions regarding movable and immovable property require previous sanction of the prescribed authority. Seeking Ex-post facto sanction renders the rules ineffective and the rules should, therefore, be strictly enforced.

(5) The expression "property owned or acquired" includes also properties which stand in the name of other persons but in which the Government employee has partial or full ownership as also properties acquired on "Benami" transactions.

(6) The declaration of property should be in respect of all properties including those situated outside the State and will include such movable properties as house-boats, doonghas etc.

10. Private trade or employment. -(1) No Government employee, whether on leave or active service, 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 employee may, without such sanction, undertake honorary work of a social or charitable nature of occasional work of a Literary, artistic or scientific character except in organisations or associations with which a Government employee is expressly debarred from associating, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so, directed by the Government.

Explanation. -(1) Canvassing by a Government employee in support of the business or insurance agency, commission agency, owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

Explanation. -(2) The Secretaryship of a Club does not constitute employment in the sense of this rule; provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office. Any officer proposing to become the honorary Secretary of Club should inform his immediate departmental superior

who will decide with reference to this rule and explanation, whether the matter should be reported for the orders of the Government.

Explanation. -(3) Government employees are prohibited under pain of dismissal from being pecuniarily interested in a Government contract, from handling security for a contractor or acting as his agent or assistant in any way.

(2) Every Government employee shall report to the Government 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 government employee 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 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 employee may take part in the registration, promotion or management of a co-operative society substantially for the benefit Of Government employees registered under the Cooperative Societies Act, or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, or any corresponding law in force.

(4) No Government employee may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

11. Insolvency and habitual indebtedness. -A Government employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government employee against whom any legal proceeding is instituted 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 employee 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 employee.

Government Instructions

(1) Reports under this rule should be submitted and dealt with in the manner explained in Government Instruction No.1 below rule 8.

(2) When an attachment order is to be enforced against a Government employee, the appropriate authority should

- (i) determine whether the Government employee's financial position has reached a stage at which confidence in him must be diminished and, and if so ;
- (ii) consider the question of taking disciplinary action against him.

12. **Unauthorised communication of information.** - No government employee 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 employee or any other person to whom he is not authorised to communicate such document or information.

Explanation. -Quotation by a Government employee

(in his representations to the Head of office or Head of Department or Government) of or from any letter circular or office memorandum, 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. **Connection with Press or Radio.** -(1) No Government employee 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 employee 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 a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or
- (b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical either in his own name or anonymously, psuedonymously or in the name of any other person:

Provide that no such sanction shall be required-

- (i) if such publication is through a publisher and is of a purely literary, artistic scientific character; or
- (ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

(3) No Government employee shall, by any utterance, writing or otherwise discuss or criticise in public or in any meeting of any association or body any policy pursued or action taken by the Government nor shall he in any manner participate in any such discussion or criticism.

[14. **Taking part in politics or anti-secular and communal activities.** -(1) No Government employee shall take part in politics or anti-secular and communal activities, or subscribe in aid of any political party or any organisation engaged in anti-

secular or communal activities or assist in any way any political movement in the State or in any other part of India or relating to the affairs of the Union or the State.

Explanation. -(1) If any question arises whether a party is a political party or whether any organisation or association takes part in politics or in antiseccular or communal activities or whether any movement or activity falls within the scope of sub-rule (1) the decision of the Government thereon shall be final.

Explanation. -(2) The expression, "Political movement" includes any movement or activity tending directly or indirectly to excite dissatisfaction against or to embarrass, the Government of India or the State Government as by law established, or to promote feelings of hatred or enmity between different classes or the residents of the State or other Indian Citizens, or to disturb the public peace.]

(2) No Government employee 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 or in the State.

Explanation. -(1) A Government employee shall be deemed to have permitted a person to take part in or to have assisted 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 reasons to suspect that such person is so acting, he does not at once inform the Government or the officer to whom he is subordinate.

Explanation. -(2) A Government employee shall, be deemed to have contravened the provisions of subrule (1), if, on his attending any public meeting or functions, which from the invitations issued or notices published do not purport to be of a political nature but at which political speeches of an objectionable character are made with or without the

knowledge or connivance of the organisers, he doesnot, withdraw from such a meeting or function immediately it assumes a political character, but instead continues his presence at such a meeting or function as a silent listener.

(3) A Government employee may, for the purpose or removing misapprehensions, correcting mis-statements, and refuting disloyal and seditious propaganda defend and explain to the public the policy of Government, but may not, save as provided in rules, make any communications to the Press in regard to the policy or acts of the Government without the sanction of the Government or such other authority as the Government may prescribe.

(4) In any action taken by him, under the provisions of sub-rule (3), the Government employee should, as far as possible, refrain from making any reference to the personalities of parties or individuals who may be in opposition to the Government.

(5) No Government employee shall canvass or otherwise interfere or use his influence in connection with, or take part in any election to a local body or to the Legislature or Parliament:

Provided that a Government employee who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall, give no indication of the manner in which he proposes to vote or has voted.

Government Instructions

(1) Reports under rule 14(2) should be submitted by a Government employee to his immediate superior who will forward them through the normal channels to the authority competent to remove, or dismiss him, from service. Except where such authority requires guidance or clarification from a higher authority, it shall consider the report and pass appropriate orders. If it is proposed to impose any penalty, the procedure prescribed in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules should be followed.

(2) It is advisable that a Government employee should, before participating or associating himself with any organisation, satisfy himself that its aims and objects are not such as can be treated objectionable for the purpose of this rule. The responsibility for the consequences of his decision and action will be his own. A plea of ignorance or misconception as to Government's attitude towards an Association or Organisation will not be accepted.

(3) The following action by a Government employee will also amount to contravention of these rules:

- (i) proposing or seconding a candidate for elections;
- (ii) organising elections meetings for Ministers or being present during those meetings, except only to the extent necessary for maintaining law and order and affording normal protection to Ministers.

The following action by a Government employee does not amount to contravention of these Rules:

- (i) making normal arrangement during elections tours of Ministers to enable them to carry out their responsibilities as Ministers;
- (ii) arrangements by district officers for affording normal courtesies and security to Ministers on their visits connected with election campaign.

¹[(4) **Association with the activities of anti-secular and communal organisations.**- Government have held the activities of the Jamaat-e-Islami, Rashtriya Swayam Sewak Sangh, Islamic Study Circle, Anand Marg, Proutist Forum of India and Proutist League and such other Associations as may be specified by the Government from time to time, to be of such a nature that any association or participation in their

1. Substituted by SRO-209 dated 24-5-1982.

activities directly or indirectly by any Government employee shall attract the provisions of these rules. Any Government employee who is found to be a member of or is otherwise associated with the aforesaid organisations or with their activities is liable to disciplinary action.]

(5) A Government employee should inform the prescribed authority of his membership or association in any way from whatsoever of any Union or Organisation including those of a purely professional, Social or cultural character. The prescribed authority, with the approval of higher authority, if considered necessary, may require the Government employee concerned to dissociate himself from that Organisation or Union; provided in the opinion of the prescribed authority such dissociation is in the interests of the security of the State or the sovereignty and integrity of India or public order or morality. On receipt of such instructions the Government employee concerned shall forthwith comply with them.

15. Evidence before Committee or any other authority. -(1) Save as provided in sub-rule (3), no Government employee 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 employee giving such evidence shall criticise the policy or any action of the Government of India, Government of Jammu and Kashmir or any other State Government.

(3) Nothing in this rule shall apply to-

- (a) evidence given at an enquiry before an authority appointed by 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 an authority subordinate to the Government.

16. Vindication of acts and character of Government employee. -(1) No Government employee 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 an attack of a defamatory character.

(2) Nothing in this rule shall be deemed to prohibit a Government employee 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 employee shall submit a report to the prescribed authority regarding such action.

Government Instructions

(1) It is not necessary for a Government employee to obtain permission for initiating proceedings in a Court of law in matters other than vindication of his official act.

(2) When allegations are made in the Press or by individuals against a Government employee in respect of his conduct in the discharge of his public functions a preliminary confidential enquiry by a senior officer may be ordered by the Government. If such an enquiry leads to the conclusion that the allegations are based on ignorance, insufficient information or even malice, it should be further considered whether, having regard to the nature and circumstances of the case, any action in a court of law is necessary to vindicate the conduct of the Government employee concerned, for in some cases, mere publication of the results of the enquiry may not always carry conviction with the public. If it is decided to have resort to a Court of law, it should also be considered whether the Government should themselves initiate proceeding in a Court of law, against the party which made the allegations or whether the Government employee should be required to initiate such proceedings. If, on the other hand, it is considered as a result of the enquiry that there are reasonable grounds to doubt the propriety and correctness of the

conduct of the Government employee, or if the enquiry is not conclusive, Government may entrust the case to such authority, as it may consider, appropriate, or order a full departmental enquiry under the Jammu and Kashmir Civil Services (Classification Control and Appeal) Rules or require the office to vindicate his conduct by resorting to a Court of law.

(3) In granting sanction to a Government employee to have recourse to a court for vindication of his conduct, the Government will in each case decide whether it will itself bear the cost of the proceedings or whether the Government employee shall institute the proceedings at his own expense, and if so, whether in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs.

17. Convassing of non-official or other outside influence.-No Government employee 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 matter pertaining to his service under the Government.

18. Criticism of Government. -No Government employee shall, in any radio broadcast or 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 of fact or opinion:

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of India, Government of Jammu and Kashmir or any other State Government;
- (ii) which is capable of embarrassing the relations between the Government of Jammu and Kashmir and the Government of India or the Government of any other State in India; or
- (iii) which is capable of embarrassing the relations between the Government of India

or the Government of Jammu and Kashmir 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 employee in his official capacity or in due performance of the duties assigned to him.

19. Membership of Service Association. -No Government employee shall be a member, representative or an officer of any association representing, or purporting to represent, Government employees or any class of Government employees unless such association satisfies the following conditions namely: -

(a) it has been recognised by the Government and the recognition continues to subsist:

(b) membership of the association is confined to a distinct class of Government employees and is open to all Government employees of that class:

(c) the association is not in any way connected with or affiliated to: -

(i) any association which does not; or

(ii) any federation of associations which do not satisfy conditions (a) and (b) ;

(d) The association shall not in any way be connected with any political organisation or engaged in any political activity or any other organisation in which a Government employee cannot be a member under these Rules;

(e) the association shall not

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

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

- (iii) in respect of any election to the Legislative Assembly or to a local authority or body,-
 - (a) pay or contribute towards any expense incurred in connection with his candidature by a candidate for such election; or
 - (b) by any means support the candidature of any person for such election; or
 - (c) undertake or assist in the registration of electors or the election of a candidate for such election;
- (iv) maintain or contribute towards the maintenance of any member of the Legislative Assembly or any member of a local authority or body.

20. Demonstrations and strikes. -No Government employee 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 Government employee.

Note 1.- "Strike" means refusal to work or stoppage or slowing down of work by .a group of employees in combination, and includes, -

- (i) mass abstention from work without permission (which is wrongly described as ("mass casual leave");
- (ii) refusal to work overtime where such

overtime work is necessary in the public interest;

- (iii) resort to practices or conduct which is likely to result in or results in the cessation or substantial retardation of work in any organisation. Such practices would include, what are called, 'goslow', 'sit-down' 'pen-down', 'stay-in', 'token', 'sympathetic', 'dharna', 'hunger strike' or any kind, or any other similar strike absence from work for participation in a Bandh or any similar movements.

Note 2. - Government employees who resort to action of the above kind violate rule 20(ii) of the Conduct Rules and disciplinary action can be taken against them. It may be noted that the list of activities which are covered under the definition of strike as enumerated above is only illustrative and not exhaustive.

21. Joining of association by Government employee. - [1] No Government employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

¹[(2) No Government employee shall, except with the previous permission of the Government, hold or continue to hold any office in any Sports Association of the State or the National Sports Federation or Association. The application for such permission shall be made through the Secretary, Jammu and Kashmir Sports Council.]

22. Bigamous marriages. -(1) No Government employee 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.

1. Rule 21 numbered as sub-rule (1) thereafter sub-rule (2) added by SRO-164 dated 27-3-1980.

(2) No female Government employee shall marry any person who has a wife living without first obtaining the permission of the Government.

Government Instructions

(1) Procedure for dealing with applications seeking permission under rule 22(1). -(i) The application should be scrutinized to see-

(a) whether such marriage is permissible under the personal law applicable to the applicant, and, if so ;

(b) whether there are sufficient grounds justifying a departure from the normal policy of Government ;

(c) whether alleged grounds are true and well founded;

(d) where wife has joined the application whether she has willingly consented; and

(e) whether any communication purporting to proceed from the wife is genuine and outcome of her free will (to ascertain this. higher officers in the department concerned may, if necessary send for the applicant and his wife to make personal enquiries.)

(ii) Where the first wife's views have not been stated they should be ascertained if possible.

(iii) If permission is sought on grounds of alleged sickness of wife detailed information should be obtained in consultation with medical authorities.

(iv) Arrangements made by the husband for his wife's maintenance should be ascertained and examined whether they are satisfactory.

(v) The case should be referred to the General Department together with the result of the enquiry conducted in terms of (i) to (iv) above.

(2) A declaration in the form given below should be obtained from every new entrant to Government service :-

DECLARATION

1. Shri/Shrimati/Kumari..... declare as under :-

- ¹ [(i) that I am unmarried/a widower/a widow;
- (ii) that I am married and have only one wife living;
- (iii) that I am married and have more than one wife living.
Application for grant of exemption is enclosed;
- (iv) that I am married and that during the life time of. my spouse
I have contracted another marriage. Application for grant
of exemption is enclosed;
- (v) that I am married and my husband has no other living wife,
to the best of my knowledge;
- (vi) that I have contracted a marriage with a person who has
already one wife or more living. Application for grant of
exemption is enclosed.]

² [I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my application, I should be liable to be dismissed from service.]

Date

Signature

-
- 1. Delete clauses not applicable under (i) to (vi).
 - 2. Applicable in the case of clauses (i),(ii)and (iii) only .

APPLICATION FOR GRANT OF EXEMPTION

To

.....
.....

Sir,

I request that in view of the reasons stated below, I be granted exemption from the operation of restriction on the recruitment to service of a person having more than one wife living/woman who is married to a person already having one wife or more living.

Yours faithfully,

Reasons

Signature.

Date

23. Anti-secular or communal activities.-Any Gov-
ernment employee found guilty of any anti-secular activity or of activities tending to create communal disharmony shall be liable to dismissal from State service.

24. Prohibition to act as arbitrator in certain cases. -(1) No Government employee shall act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial and executive office which he may be holding. .

(2) If any officer acts as an arbitrator at the private request of disputants he shall accept no fees.

(3) If he acts as an arbitrator by appointment of a Court of law he may accept such fees as the Court may fix.

¹[25. Consumption of intoxicating drinks and drugs:-

(1) A Government employee shall

1. Rule 25 substituted by SRO-12 of 1985 dated: 9-1-1985.

- (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 being;
- (b) not be under the influence of intoxicating drinks or drugs during the course; of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) not habitually use any intoxicating drink or drug into excess; and
- (d) refrain from consuming any intoxicating drink or drug in a public place and not appear in any such place in a state of intoxication.

Explanation. -(1) Consumption of intoxicating drink or drug in any premises licensed as Bar, Club, Hotel or Rest House and permitted to be used for such consumption under the Jammu and Kashmir Excise Act and Rules thereunder or under any other law for the time being in force shall not constitute a violation under the aforesaid rule.

(2) The Competent Authority shall keep a strict watch on the conduct of Government servants subordinate to it in regard to matters specified in sub-rule (1) and take a serious view of the misconduct arising from the violation of said sub-rule. In any case of violation of the said sub-rule comes or is brought to its notice, the Competent Authority shall not hesitate to initiate an enquiry into the allegation of misconduct under the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and to impose, if the Government Servant is found after such enquiry guilty of violating the said sub-rule, the punishment under the said Rules.]

26. Saving. -Nothing in these Rules shall be deemed to derogate from the provision of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government employee.

27. **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.

28. **Delegation of powers.** -The Government may, by general or special order, direct that any power exercisable by it or by any head of department under these rules (except the powers under rule 27 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.

29. **Repeal.** -Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government employees 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.

[Referred to in rule 9(1)]

STATEMENT SHOWING THE DETAILS OF PROPERTY BOTH IMMOVABLE AND MOVABLE OWNED BY A GOVERNMENT SERVANT
OF JAMMU AND KASHMIR STATE OR ANY MEMBER OF HIS/HER FAMILY OR THE PROPERTY IN WHICH HE/SHE
OR ANY MEMBER OF HIS/HER FAMILY HAS INTEREST AS IT STOOD ON THE LAST DAY
OF _____ DECEMBER OF THE YEAR UNDER REPORT VIZ. 19 _____

1. Declaration made by (full name with surname in block letters)
2. Present designation with full official address at which correspondence to be Conducted (stating whether on deputation. If so, parent department should be quoted.)
3. Scale of pay and rate of salary on the last day of December of the preceding year
4. Date of first appointment(non-gazetted/gazetted).. ..
5. The average strength of the family members dependant on the officer during the period under report
6. The name, address, and occupation of the officers father and father-in-law (in case any property is shown in the statement as having been received from the parent or parents or parents-in-law).. ..
7. name of the department, wherefrom statement of property submitted last year

Categories of property	Description	Date on Which Acquired	Means by which acquired	How acquired whether by purchase, lease, mortgage, inheritance, gift or otherwise, with date of acquisition and name with details of persons from whom acquired	Reference to the authority and date under which sanction was obtained for the acquisition of the property if as required under governments servants conduct rules.	Value of the Property	Annual income if any accruing From the property	In whose same property(self, dependant or any other person)Here give name and relationship with the Govt.servant.	Remarks
I 1. Immovable property: I. buildings with mohalla, name of village, town and district, wherein situated. 2. khasra no. other description of land and with area and name of village, town, tehsil and district wherein situated. 3. mortgages on immovable property with full description as in I&2 above III Property other than immovable exceeding Rs 500 Under each one of the following heads: 1. cash balance (including saving bank deposits) with the name and full address of the bank, banker, firm, or company or with any other individual. 2. shares of a company with full address. 3. loans and advances realizable. 4. Govt. securities, cash certificates, fixed deposits, debentures and security bonds. 5. Insurance policies (amount of annual premium/premia payable to be mentioned under remarks column.) 6. Jewellery/ornaments (weights and values be mentioned under remarks column. 7. furniture, radio sets, radio grams, refrigerators, cars, motorcycle, vehicles, horses or any other means of conveyance. 8. G.P./C.P. Fund deposited so far 9. any other property or falling in any of the above categories.	2	3	4	5	6	7	8	9	10

I do hereby declare that the above statement is true to the best of my knowledge and belief. I further declare that I, my wife/husband or any other person member of my family as referred to in the note below neither own nor have any property other than that mentioned above.

Signature of the officer
designation.