



સરદારકૃષિનગર દાંતીવાડા કૃષિ યુનિવર્સિટી
સરદારકૃષિનગર-૩૮૫ ૫૦૬
જિ.બનાસકાંઠા

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જા.નં.સદાંકૃયુ/૨જી/એ.૨.૬/૧૪૧૬૫૨૫૮/૧૨,


તારીખ : ૧૦/૧૨/૨૦૧૨.

પ્રતિ,

આ યુનિવર્સિટીના તમામ યુનિટ / સબ યુનિટ અધિકારીશ્રીઓ તરફ.

આ સાથે સેક્શન અધિકારીશ્રી, કૃષિ અને સહકાર વિભાગ, સચિવાલય, ગાંધીનગરના શેરા પત્ર ક્રમાંક:પરચ/૧૧૨૦૧૨/૧૮૧૨/મ.૩, તા.૨૨/૧૧/૨૦૧૨ થી મોકલવામાં આવેલ સેક્રેટરીશ્રી(પર્સનલ), સામાન્ય વહીવટ વિભાગ, ગુજરાત સરકાર, સચિવાલય, ગાંધીનગરના અંગ્રેજી પરિપત્ર ક્રમાંક:CDR-1202012-1524-Inq.Cell ની નકલ આ સાથે સામેલ રાખી જાણ તથા જરૂરી અમલ થવા સારુ મોકલી આપવામાં આવે છે.

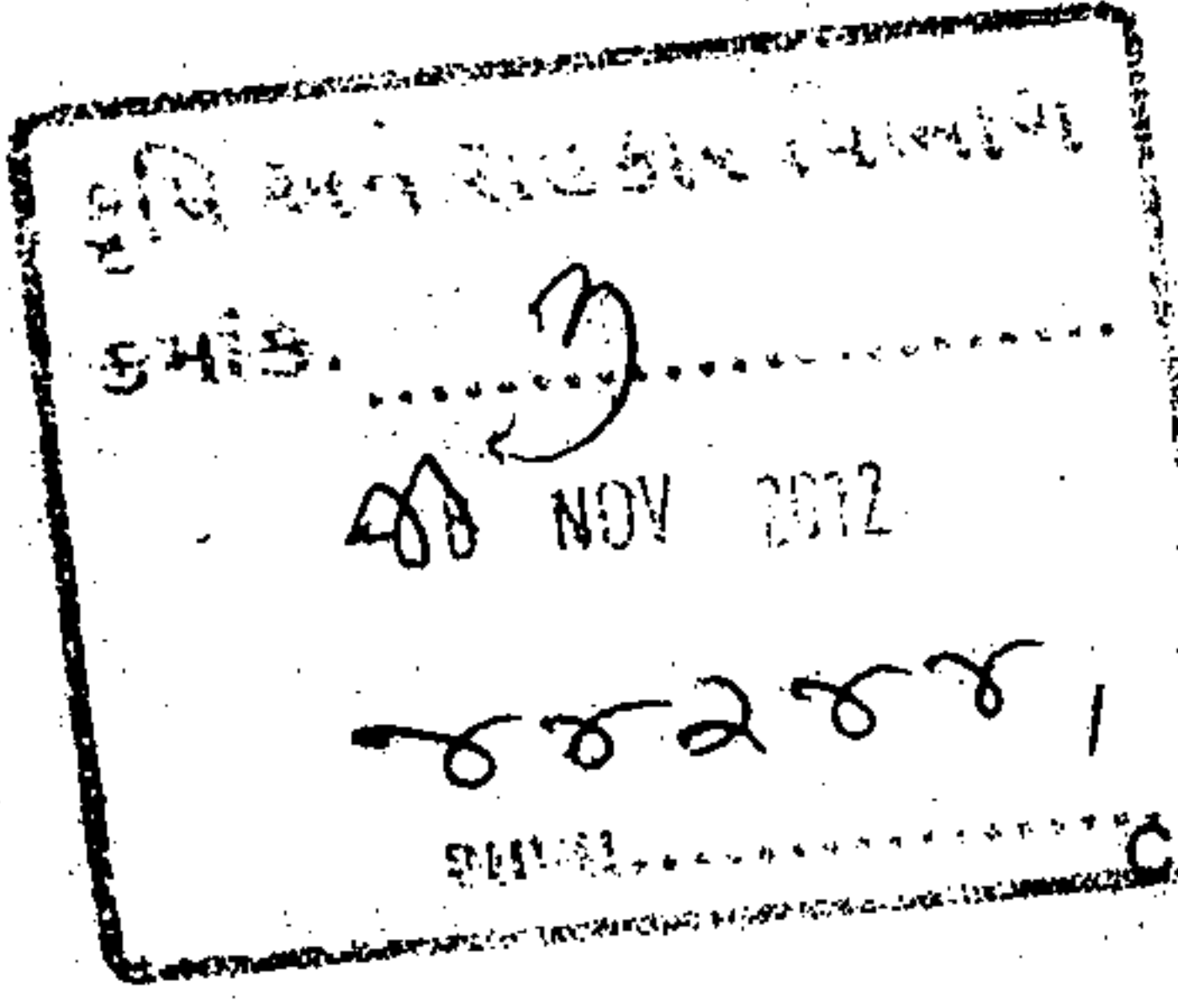
સામેલ :-ઉપર મુજબ.


કુલસચિવ

નકલ રવાના :-

- આ વિભાગની તમામ શાખાઓ તરફ.
- આ શાખાના તમામ ટેબલો તરફ.
- હુકમ ફાઈલ / સિલેક્ટ ફાઈલ / પરિપત્ર ફાઈલ.

BAROT//LETTER--T.6@hp-Com.



Instructions regarding conduct, behavior and attitude of Government Servant at the time of General Election of Parliament/State Legislative Assembly.

Government of Gujarat,
General Administration Department,
Circular No. CDR-1202012-1524-Inq. Cell,
Sachivalaya, Gandhinagar.
Dated the 29th October, 2012

- Read
- (1) Rule-5 of the Gujarat Civil Services (Conduct) Rules 1971.
 - (2) Section-38, 49 and 40 of the Gujarat Panchyats Act 1993.
 - (3) Rule-5 of the All India Services (Conduct) Rule, 1968
 - (4) Govt. of Bombay, Political and Services Department, Circular Memorandum No. CDR/1056/D dated the 22nd January, 1957.
 - (5) Govt. of Gujarat, General Administration Department, Circular No. CDR/1071/40-G, dated the 28th January, 1971.
 - (6) Govt. of Gujarat, General Administration Department, Vernacular Circular No. CDR/1178/1688-G dated the 18th April, 1978.
 - (7) Sections 128, 129, 134 and 134A of the Representation of the People Act 1951.
 - (8) The Government of Gujarat General Administration Department Vernacular circular No. ELC/1009/1228/CHH and Election Commission letter No. 437/8/96/PLN-III, dated 17/01/1996.
 - (9) The Govt. of Gujarat, Gujarat General Administration Department circular No. CDR-122009-250-Inqu. Cell, dated 25/03/2009.
 - (10) The Government of Gujarat General Administration Department Vernacular circular No. ELC/102012/4825/CHH, , dated 03/10/2012.

દસ્તાવેજ
૨૫/૧૧/૧૨

PREAMBLE:-

The Government of Gujarat, at the time of every General Elections of the Parliament/State Legislative Assembly, issues detailed Instructions of conduct, behavior and attitude of Government Servant with regard to Election. In view of forthcoming General Election of the State Legislative Assembly, it was under active consideration of the Government to issue consolidated instructions of the conduct, behavior and attitude of the Government Servants with regard to Election. After a careful consideration, the Government is pleased to issue the following Instructions for information, guidance and necessary action to all concerned.

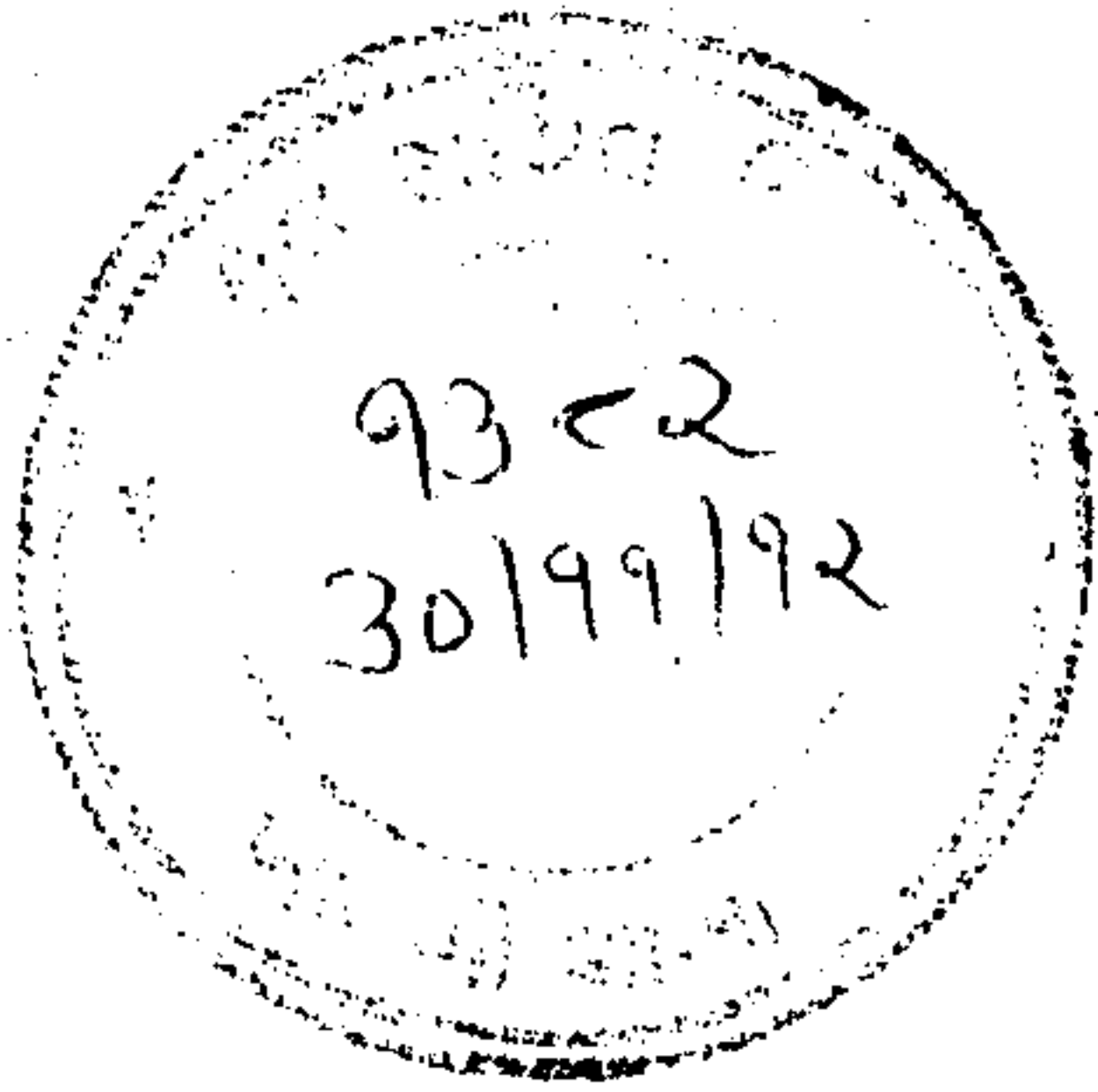
CIRCULAR

A. The provision of Gujarat Civil Services (Conduct) Rules 1971.

Rule-5 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 organization which ordinarily 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.

માનવ સંસદ
કોર્મ ૨૫/૧૧/૧૨



ક્રમાંક:પરચ/૧૯.૨૦૧૨/૧૮૧૨/મ.૩
કૃષિ અને સહકાર વિભાગ
સચિવાલય, ગાંધીનગર
તા.૨૨/૧૧/૨૦૧૨

પ્રતિ,
વિભાગ હેડળના સર્વે ખાતાના વડા / બોર્ડ / કોર્પોરેશન / એજન્સીજ / કૃષિ યુનિવર્સિટીઓ
ઉક્ત બાબતે જરૂરી કાર્યવાહી સત્વરે કરવા સારું.

સેક્શન અધિકારી
કૃષિ અને સહકાર વિભાગ

A.2
29.11.12
20/11/12

(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 any Government in India as by law established and where a Government servant is unable to prevent a member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to Government.

(3) If any question arises whether a party is a political party or whether any organization takes part in politics or 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 directly or indirectly canvass or otherwise interfere or in any manner whatsoever use his influence in connection with, or take part in any form, 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 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, or by an order of Government.

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.

B. Section -38, 39 and 40 of the Gujarat Panchayats Act 1993

Maintenance of secrecy of voting.

38.(1) Where an election is held by ballot, every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction be punished with imprisonment for a term which may extend to three months or with fine or with both.

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

39.(1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct of the management of the election do any act (other than the giving of his vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall Endeavour

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

- (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

Breaches of official duty in connection with elections.

(40)(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall on conviction, be punished with fine which may extend to give hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the maintenance of the list of voters the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

(Vide the GAD Circular No. CDR/1475/4475/G, dated the 13th November, 1975 the provisions of Section 30, 31 and 32 of the Gujarat Panchyats Act 1961 has been circulated but the said act is now substituted with the Gujarat Panchayats Acts 1993, hence the provisions of relevant sections of the prevailing act is referred to herein above.)

(It is further clarified that the provisions referred hereinabove under para-B pertaining to Panchayat Act are applied in the elections of Panchayat only)

C. All India Services (Conduct) Rules, 1968, Rule-5

5. Taking part in politics and elections:-

- (1) No member of the Service shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity.
- (2) It shall be the duty of every member of the Service to Endeavour to prevent any member of his family from taking part in or subscribing in aid of or assisting in any other manner, any movement of, activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where a member of the Service is unable to prevent member of his family from taking part in or subscribing in aid of, or assisting in any other manner, any such movement of activity, he shall make a report to the effect to the Government.
- (3) If any question arises whether any movement or activity falls within the scope of this rule, the question shall be referred to the Government for its decision.
- (4) No member of the Service 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 member of the Service qualified to vote at any 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, and

(ii) a member of the Service shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted 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 member of the Service, 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.

(Vide the Circular referred to at (5) the above provisions have been circulated).

D. Instruction regarding attendance of Election Meeting Organized by Political Parties by Government Servants.

Enquiries have been received as to whether attendance by a Government Servant at public meetings organized by political parties would amount to participation in political movement within the meaning of the relevant rule. Even in regard to this narrower question the position must necessarily remain as indicated below:-

1. (i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and
(ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.
2. The following observations may, however, be of assistance to government servants in deciding their own course of action:
 - (1) Attendance at meetings organized by a political party would always be contrary to the Government Servants' Conduct Rules unless all the following conditions are satisfied:
 - (a) that the meeting is a public meeting and not in any sense a private or restricted meeting.
 - (b) that the meeting is not held contrary to any prohibitory order or without permission where is needed, and
 - (c) that the Government servant in question does not himself speak at, or take active or prominent part in organizing or conducting the meeting.
 - (2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be constructed as a participation in a political movement, frequent or regular attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favour or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting political movement.
 - (3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic right e.g. the right to vote at elections to Legislatures or Local Self-Government institutions etc.

(The instruction issued vide circular referred to at (6).)

E. Instructions regarding Ministers tours during General elections:-

Vide The Election commission's letter No.437/6/PLN-III dated 17.01.1996 address to The Chief Secretary (All States and Union Territories) send the instructions regarding Tours of Ministers during the General Elections under item No. 298 which provides:-

I am directed to state that the Ministry of Home Affairs, Govt. of India vide their circular No.10/17/89-M&G, dated November 1, 1989 have reproduced the summary of their instructions on the tour of Ministers in connection with the election campaign. These instructions inter alia lay down some specific formalities to be observed separately for official and private tours of the Ministers of Government of India during the period of electioneering particularly in the context of the fact that such tours generally overlap.

2. The Commission has been keenly watching the observance of the aforesaid instructions of the Ministry of Home Affairs by the Ministers both of Central Government and of the Government of State in which elections are held, as well as some other neighboring and other States whose Ministers pay visits to the States having elections during the period of electioneering. The Commission is constrained to observe that not only the spirit and letter of the aforesaid instructions of the Ministry of Home Affairs are vague, equivocal and permissive in nature, they are flouted with impunity and misused with flagrant disregard to the image of impartiality which persons in high public office must cultivate and preserve during the period of election in order to maintain the purity of the election process and insulate the free right of franchise to be exercised by the voters from the manipulative tactics of the privileged ruling party both at Centre and in the State Governments.
3. During the elections superintended by the Commission in recent years the Commission has been at pains to observe that the Ministers in their capacity as Members of the ruling party at the Centre and in some States misused the government owned machinery including guest houses, and such like official infrastructures for the ostensible purpose of official visit for monitoring Government programs with the covert intention of participating in the election campaign of their parties. Such Ministers are understandably accompanied, on the above described "official" visits, by functionaries of their political parties. No departmental officials are reported to be accompanying the Ministers on which visits and meetings as a result of which even semblance of an official visit is not maintained.
4. The Commission also observes with serious objection that local officers of the district administration and State Government who have also to perform statutory and other functions related to the conduct of elections are perforce made to attend on such Ministers in the name of administrative and security arrangements which further casts a suspicion on the much needed independence and impartiality of the election related officers.
5. In the above circumstances, the Commission in exercise of the plenary powers vested in it by virtue of Article 324 of the Constitution and all other powers enabling it in this behalf has decided to issue its own directions in the interest of fair and free poll.
6. These instructions of the Commission do not in any way over-ride, modify or are affected by the instructions of the Ministry of Home Affairs, Government of India No.10/17/89-M&G dated 1st

November, 1989 referred to above. The Commission directs in super session of its earlier instructions, as follows:-

- 6.1 Henceforth no Minister either of Central or State Government shall undertake an official visit of any constituency from which elections have been announced by the Commission during the period commencing with the announcement of the elections upto the end of the election process.
- 6.2 The Commission also directs that no Minister will summon any election related officer of the constituency or the State in which any elections have been announced, to a place or office or guest house outside the aforesaid constituency for any official discussions during the period of elections commencing with the announcement of the elections from such constituency and ending with the completion of election process.
- 6.3 The only exception to these instructions will be when a Minister, in his capacity as in charge of the concerned department, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of this constituency to a place outside the constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.
7. It is clarified that the Ministers are entitled to use their official vehicles in their headquarters from their place of residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.
8. Any violation of these instructions will be viewed as gross infringement not only of the Model code of Conduct but also of the authority of the Commission to promulgate such directions as it considers necessary to ensure peaceful, fair and free poll reflective of the true choice of the people, and will be visited with grave consequences as considered appropriate by the Commission on the merits of the specific circumstances.

F. Instructions in regard to the attitude of the Government Servant while granting permission, to the political party, to use a public place for holding any election meeting :

"No distinction should be made between one political party and another while granting permission to hold any election meeting in a public place. If more than one party apply for holding meetings at any one and the same place on the same day and at the same hour, only the party which had applied first should be allowed to hold meeting". The officers concerned should follow these instructions scrupulously.

(The Instruction issued vides the circular Memorandum referred to at (4).)

G. The provisions of REPRESENTATION OF THE PEOPLE ACT-1951

Sections 28A, 128, 129, 134 and 134A of the Representation of People Act, 1951 (Printed below).

28A. Returning officer, presiding officer, etc., deemed to be on deputation to Election Commission.

- The returning officer, assistant returning officer, presiding officer, polling officer, and any other officer appointed under this Part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election

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Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

128. Maintenance of Secrecy of Voting

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

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

- (1) No person who is (a district election officer or a returning officer) or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.
- (2) No such persons as aforesaid, and no member of a police force, shall Endeavour
 - (a) to persuade any person to give his vote at an election, or
 - (b) to dissuade any person from giving his vote at an election; or
 - (c) to influence the voting of any person at an election in any manner.
- (3) Any person who contravenes the provisions of sub-section (1) or sub-section(2) shall be punishable with imprisonment which may extend to six months or with fine or with both.
- (4) An offence punishable under sub-section (3) shall be cognizable.

134. Breaches of official duty in connection with elections :-

- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to give hundred rupees.
 - (1A) An offence punishable under sub-section (1) shall be cognizable
- (2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act, or omission as aforesaid.
- (3) The persons to whom this section applied are the ***** (district election officers, returning officers), assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with **** the receipt of nominations or, withdrawal of candidatures, or the recording or counting of votes at an election, and the expressions 'Official duty' shall for the purposes of this section be construed accordingly, but shall not include duties impose otherwise than by or under this Act.*****.

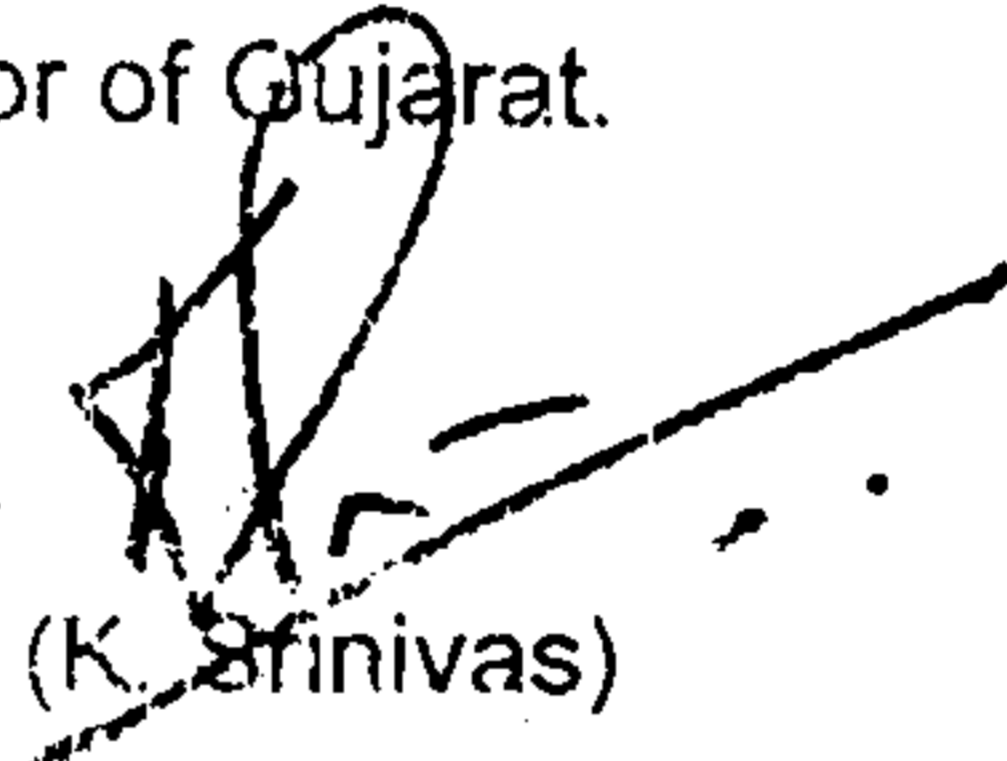
134A. Penalty for Government Servants for acting as Election agent, polling agent or counting agent:

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

(The provisions of the above sections of the Representation of the Peoples Act 1951 Circulated vide the circular referred to at (5))

1. All Secretariat Departments, heads of the Departments, and Heads of the Offices are requested to bring these instructions and provision of the respective Conduct Rules and the representation of the People Act 1951 to the notice of All Govt. Servants under their Administrative control and to ensure that all of them observe them scrupulously.
2. Breach of these instructions or the relevant provisions of the respective conduct Rules or the representation of the People Act 1951, shall be liable to serious disciplinary action.
3. Wherever any doubt arise in connection with the provisions of the relevant rules or instructions the original rules, act or circular may kindly be referred to and the same may be taken in to consideration

By order and in the name of the Governor of Gujarat.



(K. Srinivas)

Secretary(Personnel)

General Administration Department

Government of Gujarat

To,

* The Principal Secretary to H.E. the Governor, Raj Bhavan, Gandhinagar.

* The Principal Secretary to the Chief Minister, Sachivalaya, Gandhinagar.

* The Personal Secretaries to All Ministers/Ministers of the State/Parliamentary Secretaries, Sachivalaya, Gandhinagar.

* The Deputy Secretary to Chief Secretary, Sachivalaya, Gandhinagar.

* The Registrar Gujarat High Court, Ahmedabad.

* The Secretary, Gujarat Legislature Secretariat, Gandhinagar.

* The Secretary, Gujarat Civil Services Tribunal, Gandhinagar

* The Secretary, Gujarat Public Service Commission, Ahmedabad

* The Secretary, Gujarat Vigilance Commission, Sector-100, Gandhinagar

* The Secretary, Gujarat Information Commission, Gandhinagar.

* The Secretary, Gujarat Service Selection Board, Ahmedabad

* The Chief Election Officer, Sachivalaya, Gandhinagar.

All The Departments of Secretariat

All the Heads the Departments. With request to circulate the same to all the Heads of the Offices under their control.

All Officers of General Administration Department.

All Branches of General Administration Department.

Section Officer, "D" Branch, GAD, Sachivalaya, Gandhinagar.

The Secret file.

By Letter.