

CCS (CONDUCT) RULES

AAO EXAM PAPER -II

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CCS RULE 1964

CENTRAL CIVIL SERVICE (CONDUCT) RULES 1964

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Definition

1. "**Government servant**" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;
2. Members of family" in relation to a Government servant includes: -
 - a. the **wife or husband** as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
 - b. **son or daughter or step-son or step-daughter** of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
 - c. any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

General , Rule- 3(1)

Every Government servant shall at all times

1. maintain absolute integrity;
2. maintain devotion to duty;
3. do nothing which is unbecoming of a government servant
4. defend and uphold the sovereignty and integrity of India
5. maintain high ethical standards and honesty;
6. maintain accountability and transparency
7. maintain political neutrality;
8. maintain courtesy and good behaviour with the public
9. maintain responsiveness to the public, particularly to the weaker section
10. refrain from doing anything which is contrary to any law, rules, regulations
11. not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;
12. commit himself to and uphold the supremacy of the Constitution and democratic values
13. promote the principles of merit, fairness and impartiality in the discharge of duties;
14. act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;

RULE 3 (2)

(i) Government Servant holding supervisory post shall take all possible steps to ensure integrity and devotion to duty of Public Servant working under him.

(ii) Every Government servant to exercise his best judgment while exercising of powers conferred on him except when he is acting under the direction of his official superiors.

(iii) Direction of official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided as far as possible. Oral directions are to be confirmed thereafter.

(iv) Government servant receiving oral direction shall seek confirmation of oral direction from his official Superior at the earliest. It shall be the duty of official superior to confirm the direction in writing.

Appendix IV: The Prevention of Corruption Act, 1988

The Prevention of Corruption Act, 1988 (PCA), is a comprehensive piece of legislation aimed at tackling corruption in the public sector and ensuring transparency, accountability, and integrity among public servants. Corruption in India has been a significant issue, affecting governance, development, and public trust. The PCA serves as a legal framework to curb this menace by defining corruption, outlining punishments, and creating mechanisms for investigation and prosecution of corrupt practices. In this detailed note, we will explore the key provisions, definitions, offenses, penalties, and the role of enforcement agencies under the Act.

Objectives of the Act

The primary objectives of the PCA are:

1. To prevent and combat corruption in public administration.
2. To hold public officials accountable for corrupt practices.
3. To impose stricter penalties on those involved in corruption.
4. To ensure transparency and integrity in the functioning of public bodies.

Definitions Under the Act

The PCA provides specific definitions for terms central to understanding corruption and the responsibilities of public servants. These include:

1. **Public Servant:** The term "public servant" is broadly defined under Section 2(c) of the Act to include:
 - o Government employees.
 - o Employees of government-owned or controlled companies.
 - o Employees of public sector undertakings.
 - o Officers of local authorities, such as municipalities.
 - o Judges and judicial officers.
 - o Officials working in government-aided institutions or cooperative societies. The definition also covers individuals who may not be directly employed by the government but are performing public duties, thereby expanding the scope of individuals covered under the PCA.
2. **Undue Advantage:** Section 2(d) defines "undue advantage" as any gratification or reward, other than the salary or legal remuneration to which

the public servant is entitled. It can include money, property, gifts, favors, or any other benefits that may influence the actions or decisions of the public servant.

3. **Corruption:** The Act outlines various forms of corruption, including bribery, misappropriation of funds, abuse of office, and acquisition of disproportionate assets.

Key Offenses under the PCA

The Act enumerates several offenses that constitute corruption. Some of the major offenses include:

1. **Bribery:**
 - **Taking a Bribe (Section 7):** A public servant is deemed guilty if they accept or agree to accept any undue advantage in exchange for performing or refraining from performing their official duties. The bribe can be in cash or any other form of reward.
 - **Giving a Bribe (Section 8):** The Act also makes the act of offering or giving a bribe a punishable offense, holding both the giver and the receiver accountable for corruption. This provision aims to deter individuals from inducing public officials to act dishonestly.
2. **Criminal Misconduct (Section 13):** This section criminalizes the dishonest or fraudulent misuse of office by public servants. It includes:
 - Fraudulently or dishonestly misappropriating public property or funds.
 - Obtaining valuable property or a pecuniary advantage by corrupt or illegal means.
 - Abusing one's official position to gain undue advantages or cause harm to public interest.
3. **Disproportionate Assets (Section 13(1)(e)):** A public servant is considered guilty of corruption if they, or anyone on their behalf, possess assets that are disproportionate to their known sources of income and cannot satisfactorily account for them.
4. **Possession of Property Acquired through Corruption (Section 14):** If any public servant is found in possession of property obtained by corrupt means, they are liable for punishment under the Act.
5. **Abetment of Corruption (Section 12):** Individuals who abet, assist, or facilitate corruption are also liable for punishment under the PCA.