

IMMEDIATE

NO: 25/2/71-Ests.(A)
GOVERNMENT OF INDIA
CABINET SECRETARIAT
DEPTT. OF PERSONNEL

New Delhi-1, the 23rd January, 1971.
3rd Magh, 1392.

OFFICE MEMORANDUM

Subject: Guidelines for the conduct of Government
Servants in relation to elections.

The undersigned is directed to enclose extracts from the Election Commission's letter No. 62/71/ dated 13th January, 1971 addressed to the Chief Secretaries of all States and Union Territories, indicating the principles which should guide the conduct of Government servants in relation to the coming elections to the Lok Sabha, and certain State Legislatures. In this connection attention is invited to rule 5 of the C.C.S. (Conduct) Rules, 1964 (extract enclosed) which inter alia prohibits Central Government employees from canvassing or otherwise interfering with, or using their influence in connection with or taking part in, an election to any legislature or local authority, subject to the exercise of the right of franchise and assisting in the conduct of an election in the conduct of an election in the due performance of a duty imposed on them by or under any law for the time being in force. Attention is also invited to the Ministry of Home Affairs Office Memorandum No. 6/5/69-Ests (B) dated the 18th July, 1969 in which the need for maintaining political neutrality by Government servants has been emphasised.

The Ministry of Finance etc. are requested kindly to bring these instructions to the notice of all Government Servants working under them and to ensure that these instructions are followed scrupulously.

Sd/- S. KRI SHNAN.
Deputy Secy. to the Govt. of India.

To
All Ministries / Departments of the Government of India
etc. with usual number of spare copies.

...../-2.

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No:25/2/71-Ests (A)

dated the 23rd January, 1971.
3rd Magh, 1892.

Copy forwarded to :-

1. The Election Commission of India, Talkatora Road, New Delhi, with two spare copies. Their Office Memorandum No. 62/71/1641 dated 13/1/71 refers.
2. C. & A.G. with 200 spare copies.
3. The U.P.S.C. with 15 spare copies.
4. The C.V.C. with 20 spare copies.

Sd/-
(S. KRISHNAN)
Deputy/Secretary to the Govt. of India.

Copy to:-

All Sections and P.As in the Department of
Personnel.

MEHRA/-

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Extract from the Election Commission of India letter No. 62/71 dated the 13th January, 1971 to Chief Secretaries of all States / Union Territories.

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Guidelines for the Conduct of Government servants
in relation to elections.

Sir,

I am directed to invite your attention to section 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to recall that the Government of India and the State Governments had, prior to the last general elections / mid term elections, issued instructions regarding the conduct of Government servants in relation to those elections. These instructions stressed that all Government employees should maintain an attitude of strict impartiality.

In fact, they were asked not only to be impartial but it was considered important that they should also appear to be impartial in relation to the elections. In short, they were required so to conduct themselves as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections were not going to be held in a free, fair and pure atmosphere. To do so, they were enjoined to avoid giving room for any suspicion that they were favouring any party or any candidate. The other points stressed in these instructions were that a government servant should take no part in any election campaign or canvassing and that he should take scrupulous care not to lend his name, official position or authority to assist one group as against any other.

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It was further emphasised that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in case of doubt a government servant should not hesitate to consult his superior officer.

I am to add that the points summarised above are only illustrative and not exhaustive.

The Commission considers it important that their (Government Servants) attention should be specifically drawn to the provision which has been made in the Representation of the People Act, 1951 reading as follows:-

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134 A. 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 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 Commission has received complaints from various parts of the country that government employees, especially those appointed for election purposes, such as, returning officers, assistant returning officers, presiding and polling officers, are not always as impartial as they ought to be. It has been complained that these officers some times show particular favour to candidates of political parties of their choice even at the time of the actual poll and the counting of votes. Some High Courts also have, in some cases, commented severely on the conduct of some officers appointed on election duty. While the commission is sure that the number of such officers cannot be large, the Commission would take the opportunity to make an appeal to all government employees, especially to election officers, to be and also appear to be absolutely impartial, independent and neutral, in the performance of their election duties, whether at the time of acceptance or scrutiny of nomination papers, or at the time of polling in the polling stations, or at the time of counting of votes at the counting places.

Yours faithfully,

Sd/- (A.N. SEN)
SECRETARY.

MEHRA