

New Delhi, the 10th October, 1949.

OFFICE MEMORANDUM

Subject:- Participation by Government servants in political activities - attendance by Government servants at Political meetings.

Attention is invited to the Ministry of Home Affairs' Office Memorandum No.25/44/49-3sts, dated the 17th September, 1949, dealing with the scope of Rule 23(1) of the Government Servants' Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government servant at public meetings organised by political parties would amount to participation in a political movement within the meaning of the Rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1 viz:-

(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.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action:-

(1) Attendance at meetings organised by a political party would always be contrary to Rule 23(1) of 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 permission is needed; and

(c) that the Government servant in question does not himself speak at, or take active or prominent part in organising or conducting, the meeting.

(2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as 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 sympathiser 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 a 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 rights e.g. the right to vote at elections to Legislatures or Local Self-Government institutions.

3. I am to request that Government servants under the control of the Ministry of Finance etc. may be informed accordingly.

Sd/-S.B. Bapat.

Joint Secretary to the Government of India.

To

of India.

All Ministries of the Government// including the Ministry of Finance (Defence), (Revenue), (States and E.A.), (Communications), (Food) and (I&C) Divisions; the Director General, Resettlement and Employment; the Prime Minister's Secretariat; the Cabinet Secretariat; the Partition Secretariat; the Department of Scientific Research; the Legislative Assembly Department; The Federal Public Service Commission; the Director, Intelligence Bureau; the Principal, Indian Administrative Service Training School; the Director, S.T.S.; the Commandant, Central Police Training College, Abu; the Inspector-General, Special Police Establishment; the Auditor-General; and all Chief Commissioners; Department of Parliamentary Affairs.

No.25/44/49-Ests. New Delhi, the 10th October, 1949.

Copy forwarded (for information) to the Private Secretary to H.E. the Governor General; the Military Secretary to H.E. the Governor General; the Federal Court; and the Constituent Assembly Secretariat.

Copy also to all Officers and Sections in the Ministry of Home Affairs.

Sd/-C.B. Gulati

Under Secretary to the Government of India.

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