



Installation of CCTV Footage & Biometric Machine



Sri L.D. Biswal for a/c
Accounts Officer

GOVERNMENT OF ODISHA
HIGHER EDUCATION DEPARTMENT

F26
26.7.19

Letter No: 614 /H.E.,
HE-WB-OHEPEE-108-2018-19

Dated: 18.7.19

From
Saswat Mishra, IAS
Commissioner cum Secretary to Government

To
Principals of 70 colleges selected under OHEPEE (list attached)

Sub: Regarding the use of Biometric devices for daily attendance

Ref: Letter no: 258, dated: 28.12.2018 of HE department

Madam / Sir,

One of the important objectives of World Bank assisted program OHEPEE, is to ensure a conducive ambience for academic activity in the college campus. Accordingly, two numbers of biometric devices have been installed in your Institution under World Bank assisted program OHEPEE. The purpose of the installation is to enable the Principal and Higher Education Department to effectively monitor the working of teaching & non-teaching staff. But it is a matter of serious concern that the staff are not using the biometric devices installed. User name and password for monitoring has been already been shared with the IDP coordinator. Hence, it has been decided that the Principal shall release the salary of teaching & non teaching staff based on the biometric attendance for the month starting from 1st August 2019 onwards.

As per Govt instruction vide letter no. 13559 dt 5.7.19 to all Principals, minimum seven hours of presence is mandatory for all faculty members. All teaching and non-teaching staff are required to give biometric entry daily twice i.e., first during entry and second before leaving the Institution. Half a day CL will be compulsorily deducted for those staff who have clocked less than 7 hours or have given only one biometric entry in a day. Needless to say, no CL will be compulsorily deducted for non presence due to valid reasons such as authorized leave, on official duty outside the campus etc .

Principal will be personally held responsible in case salary is released for any staff without biometric attendance violating the above principles. For any issues you can contact the supplier as well as concerned nodal officer of PML.

Yours sincerely,

Commissioner cum Secretary

Memo No. 615 Dt. 18.07.19
Copy to Director, Higher Education for information.

SPD, OHEPEE

Memo No. 616 Dt. 18.07.19
Copy to Sai Touch Solutions Pvt. Ltd. Plot No-40, Unit-III, Kharvel Nagar, Bhubaneswar for information and necessary action.

SPD, OHEPEE

OFFICE OF THE PRINCIPAL
GOVT. AUTONOMOUS COLLEGE, ANGUL

NO. 1773 / DT. 09.11.21

OFFICE ORDER

As per recommendation of Biometric Staff Attendance Monitoring Committee the Biometric Attendance Recording System of Govt. Auto. College, Angul shall be put to use in the following manner.

01. As per Govt. in the Dept. of Higher Education Letter No.13559, dated 05.07.2019, Letter No.614, dated 18.07.2019 and DHSE Letter No-11896/dt.30.09.2019 every employee is required to stay in the college for at least 07 hours on all working days and to record his/her "Office in" and "Office out" time in the Biometric Attendance Recording Device installed in the college.
02. Non recording of "Office in" and "Office out" time shall be treated as absence from duty for that day. Half a day CL will be compulsorily deducted for those recording less than 07 hours presence for the day.
03. The "Office in" time should at no cost be beyond 10.30 AM. The duration of stay shouldn't be less than 07 hours.
04. When an employee not being on leave, cannot record office in/out time for genuine reasons, the same can be exempted by Principal on application by the employee concerned.
05. Monthly Biometric attendance report must be scrutinized by the Biometric Staff Attendance Monitoring Committee and Administrative Bursar before it is submitted to the Principal Sir for necessary action.
06. In case of exigency Staff members shall have to work beyond 07 hours of duty.

G.M.
PRINCIPAL 9/11/2021

Memo No 1774 / Dt. 09.11.21

Copy to SCR Guard file/ Principal's Guard file/ Library/ Accounts section/ Establishment section/ Academic section/ H.C/ College Whatsapp Group for information.

A. K. S.
09.11.21

Chhanna
09.11.21

W. S. S.
09.11.21

S. S.
09.11.2021

G.M.
PRINCIPAL 9/11/2021

B. S.
9/11/21

RULES FOR EXAMINEES –

1. A Student has to take all the examinations in order to earn his/her progress certificate. A student who absents himself/herself from the Annual/Test examination will be fined at the rate fixed unless, he/she applies to the Principal in writing with supporting evidence for exemption of fines.
2. Students not appearing at the First Terminal and Annual

examination shall not be promoted to the next higher class. Students not appearing at Pretest and Test examination shall not be sent up as per the regulation of the Council/University. Exceptional cases, however, shall be decided as would be deemed fit by the Principal. A student has to secure at least 20% marks in each subject to be eligible for being sent up for the final examination.

3. A student found in possession of incriminating material or copying or using any other unfair means in order to gain any unfair advantage in the examination will be expelled from the examination hall and will be refused promotion which he/she otherwise might have earned, or he/she may be penalized in some other form deemed proper.

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CHAPTER - 7

THE COLLEGE LIBRARY LIBRARY RULES SECTION-1 (GENERAL RULES)

1. The Library shall remain open during the College hours on all working days of the College.
2. The last period of every working day is set apart for the office work of the library and during that period no books are issued or return of books entertained.
3. Arrangement may be made for keeping the library open during long vacations.
4. A college teacher can borrow ten books at a time. He/she has to return the books to the library within 30 days from the date of issue (on the following working day if the due date falls on a holiday). For each day of delay he/she will be liable to pay a fine of Rs. 10/- per book.
5. Non-teaching employees can borrow three books at a time. They have to return the books within 15 days from the date of

issue.

6. Books borrowed within one week of the commencement of the Summer vacation are to be returned by the person concerned within one week of the re-opening of the college after Summer vacation.
7. Books issued to a particular person can be re-issued only for two successive occasions during a particular academic session, provided that the book is not in demand by others. Books before the re-issue, should be presented to the Library for necessary entry in the Register.
8. In case the Library book issued is lost by the person concerned, the recovery shall be made at the rate of 10 times the cost or price of the book.
9. No book should be taken out of the library without the knowledge of the Librarian and until it has been properly entered in the Loan Register and the entry attested by the borrower.
10. Members of the staff, during their class works, may however borrow books from the library for immediate reference on presentation of slip duly signed by them. Such books are to be returned before the last period of the day.
11. Each borrower must examine the condition of the book or books before they are issued. Otherwise, in case of mutilation discovered later, the presumption will be against the borrower.
12. Books should be returned to the Library within the period allowed before to a borrower, failing which further issue shall be stopped.
13. When the date of return of a book falls on an authorized holiday, it should be returned to the Library on the day College reopens

after the holiday.

14. All books in possession of a borrower should be returned to the Library on or before the date notified for the purpose, if the college closes for a long vacation.
15. Whoever might have Library books in his possession should return them to the Library whenever he receives a requisition from the Librarian.
16. Books taken out of the Library must be returned to the Librarian and to nobody else.
17. No marginal or other notes or marking shall be made on the Library books, nor shall any pictures or pages be removed or torn or otherwise disfigured. In extreme cases the borrower shall be asked to replace the books damaged by him/her.
18. A borrower against whom any overdue or other charges are outstanding, shall not be allowed to borrow books from the Library.
19. If any borrower keeps books in his/her possession beyond the time allowed for the purpose, no more books will be issued to him/her until the books concerned are returned to the library. In extreme cases the privilege of using the Library may be denied to such a person.
20. All who may happen to be inside the library or in the neighborhood are expected to observe strict silence. The Librarian has orders to see that the rule of silence is strictly observed.
21. The Library premises should not be used for any purpose other than reading or consulting books and periodicals.

14. Tuition fees and other college dues of boarders will not be accepted unless a certificate of clearance of all hostel dues is produced. The caution money will not be utilizing during the period of the boarder's residence towards realization of his fees and fines. It may be utilized in full or part payment towards breakage when he/she leaves the hostel.
15. It is mandatory for the boarder to take his meals in the hostel mess. Under no circumstances, a boarder will be allowed to take meals outside the hostel.
16. When a boarder falls sick the food to be provided to him/her will be prepared in the mess and if necessary may be brought from outside according to the instruction of the Hostel Medical Officer. If the cost of such diet exceeds the cost of an ordinary meal, the extra cost will be realized from the boarder concerned.
17. The Hostel mess is managed by a manager and students' representatives under the supervision of the Assistant Superintendent. The students' representatives will be chosen by the boarders every month. A permanent mess Committee consisting of one boarder representative from each year will look after the mess affairs. All decisions regarding mess affairs are subject to approval of Superintendent.
18. All outstanding mess dues shall be cleared by the tenth of the next month, failing which a fine of Rs.5/- (Rupees Five) only per day shall be realized. She/he shall cease to be a boarder and his/her meal stopped from the 16th day of the month, if the mess charges including the fines are not paid.
19. Ordinarily 50(Fifty) compulsory meals will be charged to a boarder in a calendar month. A fine of Rs.1/-(Rupee One)only will be collected towards each stopped meal. The following relaxation may be given to a boarder under the following situations.

- (a) If a boarder is absent from the Hostel for more than 15 (Fifteen) days with the permission of the Superintendent, he will be charged for Rs.100/-(Rupees One hundred)only towards mess establishment in addition to the charge for the no. of meals consumed in the month and fine for stopped meals.
 - (b) Boarders appearing at +2 2nd year, +3 2nd Year and +3 3rd Year Exam. will be charged Rs.60/-(Rupees Sixty)only if they leave the Hostel for preparation at home with prior permission of the Superintendent and advance payment of Rs.60/-(Rupees Sixty)only per month up to the month of April of the current session.
20. The Executive Committee of the Hostel shall consist of not more than seven boarders elected by the boarders in a meeting & approved by the Superintendent. The Superintendent shall be the ex-officio President of the Committee and the Assistant Superintendent shall be the ex-officio Vice-President. The object of the Committee is the promotion of social life of the boarders and in particular to provide and maintain common room facilities, to maintain the hostel Library to provide indoor games, to organize annual competitions in general knowledge and games etc. and to assist the Asst. Superintendent in the supervision of the mess.
21. The Common Room fund shall be spent for purchasing news papers, periodicals, library books, indoor games articles, musical instruments, organizing competitions and ceremonies.
22. The hostel Medical Officer visits the hostel periodically. The boarders should get themselves medically examined.
23. Boarders are not permitted to take any direct action against

cooks or servants of the hostel. All complaints should be brought to the notice of the Superintendent.

24. Boarders may be removed from the hostel on the report of the Superintendent for misconduct.
25. The hostel shall have one prefect for each wing appointed by the Superintendent. The prefect will assist the Superintendent in maintaining discipline in the hostel.
26. Guardians or relatives of the boarders may visit the hostel with due notice to Superintendent. Friends of boarders may be permitted to visit them during visiting hours, not during any other hour. The father or legal guardian of boarder may be permitted to stay in the hostel for one night only provided his/her visit has reference to the interest or welfare of the boarder.
27. A boarder may be expelled from the hostel for breach of any of the hostel rules.

SECTION-II

SPECIAL RULES FOR THE STUDENTS.

1. Students can not enter the library room without the permission of the Librarian. They have to do all transactions at the Library

- counter only.
2. Library cards will be issued to the students on production of their identity cards. Library books should be returned within 20 days from the date of issue.
PG students can borrow 4 books each, 2nd and 3rd year Hons. Students 2 books & others 1 book.
 3. As the books should be returned within the period allowed, failing which a late fine of Rs. 1.00 (One) for delay for 10 days or fraction thereof per book would be levied.
 4. All requisition slips must be submitted to the Librarian before 3 PM. on the day before the day of issue.
 5. Text books may not be issued to students.
 6. Ordinarily no book will be re-issued.
 7. Journals should not be taken home. They should be returned to the Librarian before the last period of the day, if they are issued. If a student fails to return the journal the same day a fine of Rs. 1.00 (One) per day per journal or book as the case may be will be imposed on him till he returns it.
 8. It is a serious offence for a borrower to borrow in another's name. The Librarian can go only by the actual name in the library card. Students are, therefore, advised to take great care of their library cards and to report to the librarian immediately if their cards are lost. A new card will be issued on payment of Rs. 1.00 (One) only.

PART I – RULES
THE ORISSA GOVERNMENT SERVANTS’ CONDUCT RULES, 1959
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 7th April 1959

Published in *Orissa Gazette* on the 1st May 1959

No. 4757 (Gen.)-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is hereby pleased to make the following rules to regulate the conduct of Government servants employed in connection with the affairs of the State of Orissa, namely;-

THE ORISSA GOVERNMENT SERVANTS’ CONDUCT RULES, 1959

Short Title
Definitions

1. These rules may be called the Orissa Government Servants’ Conduct Rules, 1959
2. In these rules unless the context otherwise requires :-
 - (a) “Government” means -
 - (i) in the case of a Government servant who is outside India, whether on duty or on leave or whose services have been placed at the disposal of the Government of India, the Government of India;
 - (ii) in the case of a Government servant whose services have been placed at the disposal of the Government of another State, so long as he is serving within India, the Government of that State;
 - (iii) in all other cases, the Government of Orissa.
 - (b) “Government Servant” means any person appointed to serve in connection with the affairs of the State, in respect of whom the Government of Orissa is empowered to make rules under article 309 of the Constitution of India, whether for the time being such person is serving in connection with the affairs of the Government of India or of any State, or is on foreign service, or on leave.
 - (c) “Member of the family” in relation to a Government servant includes -
 - (i) the wife, child or step-child of such Government servant whether residing with him or not and in relation to a Government servant who is a woman, the husband residing with her and dependent on her, and
 - (ii) any other person related whether by blood or by marriage to the Government servant and wholly dependent on him or her, but does not include a wife or husband separate from the Government servant or a child or step-child who is no longer in any way dependent upon him or her, or of whose custody the Government servant has been deprived of by law.

¹[**3. General**-Every Government servant shall at all time, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly.

Explanation-For the purpose of this Rule -

- (a) ‘personal immorality’ means vicious habits relating to drink, sex and gambling which reduce the utility of a public servant so as to damage Government or the official generally in public esteem; and
 - (b) ‘failure to discharge duties properly’ includes all such acts and omissions on the part of a Government servant as are likely to weaken the position and prestige of the Government of the Union or the Government of Orissa or which indicates an absence of loyalty and devotion to the Union or any feeling of loyalty towards any State outside the Union.]
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**Obedience to
Superiors**

1. Substituted by P. & S. Department Notification No. 27637/Gen., dated the 21st November 1979. Published in Orissa Gazette and given effect to from the 28th November 1979.

4. Obedience to superiors – Every Government servant shall at all times carry out the orders and act according to the instructions of his superior authorities so far as his official duties are concerned.

⁴[4-A Prohibition of sexual harassment of working women -

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.
- (2) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule. “Sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as -

- (a) Physical contact and advances,
- (b) Demand or request for sexual favours,
- (c) Sexually coloured remarks,
- (d) Showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.]

**Taking part in
politics etc.**

5. (i) No Government servant shall be a member of or be otherwise associated with any political or communal party or any organisation which taken part in politics or communal activities, nor shall he take part in subscribe in aid of or assist in any other manner, any political or communal movement or activity.

- (ii) It shall be the duty of every Government servant to endeavour to prevent any member of the 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 the Government as by law established, and where a Government servant fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government and act according to the directions given by the Government in this regard.
- (iii) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.
- (iv) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any legislature or local authority :

Provided that -

- (a) 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,
- (b) 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 the force.

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.

1. Inserted vide G. A. Department Notification No. 33648/Gen., dated the 8th September 2000.

6. Connection with Press or Radio -

- (i) No Government servant shall, except with the previous sanction of the Government, own, wholly or in part, or conduct or participate in editing or managing of any newspaper or other periodical publication.
- (ii) No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such contribution to any newspaper or periodical is on a purely literary, artistic or scientific subject and of occasional character.

Criticism of Government.

7. No Government servant shall in any radio broadcast or in any document published anonymously or in his own name, 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 Orissa or the Government of India or the Government of any other State; or
- (ii) which is capable of embarrassing, the relation between the Government of Orissa and the Government of India or the Government of any other State; or
- (iii) which is capable of embarrassing the relations between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

Explanation I – Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

Explanation II – For purposes of this rule a club shall be deemed to be a public place.

8. (1) No Government servant shall with a view to ventilating his grievance, whether such grievance is individual or general in character or for any other reason take to any strike, etc (including hunger-strike) from work whether such strike is partial or complete.

Explanation – ‘Strike’ means a cessation of work by a person or a body of persons employed in any office acting singly or in combination or a concerted refusal, or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or accept employment.

¹[(2) No Government servant shall join any procession, demonstration or any other form of agitation which is likely to cause a breach of the public tranquility.].

- (3) No Government servant shall join the public to ventilate his grievances even if such grievances are common with the public in a manner which is likely to cause a breach of the public tranquility.

Joining of

²[**9.** No Government servant shall join, or continue to be a member of an association

Associations
by
Government
Servants.

the objects or which are, in the opinion of Government, prejudicial to the interests of the sovereignty and integrity of India or public order of morality.]

1. Substituted vide P. & S. Department Notification NO. 17124, dated 8th December 1962, Orissa Gazette, Part III, Page 2256 of 1962.

2. Substituted in P. & S. Department No. 1674/Gen., dated the 11th February 1974 – Given effect to form the 11th February 1974.

¹[**9-A.** No Government servant shall, without the approval of Government, be or continue to be an office-bearer of a service association of Government servants of a particular category, if he does not belong to that category and he has no common interest in matters of that association.]

Evidence
before
Committee or
any other
authority.

10. (1) No Government servant shall, except with the previous sanction of the Government give evidence in connection with any inquiry conducted by any person, committee or authority :

Provided that no such sanction shall be necessary for giving evidence -

- (a) at an inquiry before an authority appointed by the Government of Orissa, by the Government of India, by the Legislature of Orissa or by Parliament; or
 - (b) in any judicial inquiry; or
 - (c) in any Court.
- (2) No Government servant giving such evidence shall criticise the policy of the Government of Orissa, the Government of India or any other State Government.

Unauthorised
communicati-
on of
information.

11. No Government servant 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 information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Subscriptions

12. No Government servant shall, except with the previous sanction of the Government or of such authority as may be empowered by it in this behalf, ask or accept contributions to or otherwise associate himself with the raising of any fund in pursuance of any object whatsoever.

13. No Government servant shall, except with the permission of the head of the office or department in which he works, shall apply for any concession, help or loan granted by the Government, if he is likely to deal with such application in his official capacity. The head of office or department shall, before granting such permission, satisfy himself that the applicant is not likely to take undue advantage of office in availing of the concession, help or loan.

Gift

14. (1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government, accept or permit any member of his family to accept any gift whatsoever from any person who is not a close relation of the family.

Explanation – For the purpose of this sub-rule any trowel, key or other similar articles offered to a Government servant at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

- (2) A Government servant may accept or permit any member of his family to accept a gift of a reasonable value from personal friend on ceremonial occasions such as the functions connected with birth, death or marriage when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

- (3) A Government servant may accept or permit any member of his family to accept gifts of trifling value from personal friends on other occasions.
- (4) If any question arises whether a gift is of reasonable or trifling value, or where a Government servant is in any doubt whether a gift is of a reasonable or trifling value or not, a reference shall be made to the Government by such Government servant and the decision of the Government thereon shall be final.

Explanation – Whether or not a gift should be treated as of a reasonable or trifling value shall depend on the social and economic standing of both the donor and the donee and the circumstances in which the gift is made. A gift exceeding Rs. 20 in value from a person who is not a close relation shall ordinarily be regarded as a gift not of trifling value.

¹ Added in P. & S. Department Notification No. 18446/Gen., dated the 7th November 1974.

- (5) Nothing in this rule shall be deemed to prevent any Government servant from sitting at the request of any public body for a portrait, bust or statue, not intended for presentation to him.

¹[**14-A.** No Government servant shall -

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardians of a bride or bridegroom, as the case may be, any dowry.

Explanation – For the purposes of this rule, ‘Dowry’ has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)]

Public demonstrations in honour of Government servants.

15. No Government servant shall, except with the previous sanction of the Government, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to -

- (i) a farewell entertainment of a substantially private and informal character held in honour of any Government servant on the occasion of his retirement or transfer or of any person who has recently quitted service of any Government;
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Illustration – A. A. Deputy Collector is due to retire. B. another Deputy Collector in the district, may give a dinner in honour of A, to which select persons are invited.

Unauthorised pecuniary arrangements.

16. No Government servant shall enter into any pecuniary arrangement with another Government servant or any other person so as to afford any kind of advantage to either or both of them in any unauthorised manner or against the specific or implied provisions of any rule for the time being in force.

Private trade or employment

17. (1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or under any employment:

²[Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work, a literary, artistic or scientific character, subject to the following conditions, namely :-

- (i) he shall, within one month of his undertaking any such work, report to the Government giving full details;

- (ii) his official duties do not thereby suffer; and
- (iii) he shall discontinue any such work, if so directed by the Government:

Provided further that if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

Explanation – (i) Canvassing by a Government servant in support of the business of insurance agency, commission agency, etc., owned or managed by any member of his family shall be deemed to be a breach of this sub-rule. ³[(ii)]

- (2) No Government servant shall except with the previous sanction of the Government take part in the registration, promotion or management of any bank or other company registered under the Indian companies Act, 1956 or any other law for the time being in force:

1. Inserted vide P. & S. Deptt. Notification No. 9800/Gen., Dt. 24-5-1977 & given effect to from 24-5-1977.

2. Substituted vide P. & S. Department Notification No. 6883/Gen., Dt. 12-5-1973.

3. Deleted vide G. A. Department Notification No. 15559/Gen., Dt. 1-7-1980.

¹[Provided that a Government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force, subject to the following conditions, namely:-

- (i) he shall, within one month of his taking part in any such activity, report to the Government giving full details;
- (ii) his official duties do not thereby suffer; and
- (iii) he shall discontinue taking part in any such activities, if so directed by the Government:]

Provided further that if taking part in any such activities involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

- (3) No Government servant shall hold a lottery for the disposal of his property or for any other purpose, except with the permission of Government
- (4) A Government servant who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating list of it among the community generally or by causing it to be sold by public auction.

²[(5) Every Government servant shall, if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency, report that fact to Government.]

18. Action in respect of a relation – (1) Where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him, and if so related, the nature of the relationship.

- (2) Where a Government servant has by any law, rule or order in force, power of

deciding finally any proposal, opinion or any other action, and that proposal, opinion or action, is in respect of an individual related to him, whether the relationship be distant or near and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship.

Investments
landing and
borrowings.

19. (1) No Government servant shall speculate in any investment -

Explanation – The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-rules.

- (2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties and where a Government servant fails to prevent a member of his family from making an investment of this nature, he shall make a report to that effect to the Government forthwith.
- (3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2) the matter shall be referred to the Government or any officer authorised by it in this behalf and the decision of the Government thereon shall be final.
- (4) No Government servant shall, except with the previous sanction of the Government, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person:

1. Substituted vide P. & S. Department Notification No. 6883/Gen., dated. The 12th May 1973.

2. Added in P. & S. Department Notification No. 13647/Gen., dated the 5th August 1970.

Provided that a Government servant may make an advance of pay to a Private servant, or give a loan of small amount free of interest to a personal friend or relative, even if such person possesses land within the local limits of his authority.

- (5) No Government servant shall save in the ordinary course of business with a bank or firm of standing, borrow money from, or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, nor shall he permit any member of his family, except with the previous sanction of the Government to enter into any such transaction:

Provided that a Government servant may accept a purely temporary loan of small amount free of interest from a personal friend or relative or operate a credit account with a bona fide tradesman.

Note – A pecuniary obligation means not only obligation arising out of a cash transaction but also the acceptance without consideration of any service or facility of other than trifling value.

- (6) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (4) or sub-rule (5), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be passed by the Government.

Insolvency &
Habitual
Indebtedness.

20. A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant, who becomes the subject of a legal proceeding for insolvency, shall forthwith report the full facts to the Government.

Movable,
Immovable &
valuable
property.

¹[20-A. A Government servant who is arrested due to involvement in criminal proceedings or otherwise shall intimate, the facts leading to his arrest immediately to his appointing authority and the authority to whom he is subordinate.]

21. (1) No Government servant 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 or a benamidar:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority. :

²[Provided further that nothing in this sub-rule shall apply in respect of the lease of a house taken by a Government servant for residential purposes.]

³[**Explanation** – The prescribed authority for the purposes of this sub-rule shall be the controlling authority, namely:-

- (a) in case of all officers the immediate superior authority under whom the officer is serving;
- (b) in respect of Government servant on foreign service or on deputation to any other Department or any other Government the prescribed authority shall be the immediate superior authority to whom he is administratively subordinate.

Illustration – A sub-divisional Officer can give permission to a Tahasildar or any Gazetted, Non-gazetted Officer working under him. Similarly, the Tahasildar shall permit his subordinates to dispose of or acquire immovable or movable property. In case of the Department of the Government and Heads of the Department the Section Officer can permit the staff working under him in this matter.]

1. Inserted vide P. & S. Department Notification No. 14811/Gen., dated the 27th August 1970.

2. Added vide P. & S. Department Notification No. 7830/Gen., dated the 19th April 1968.

3. Substituted vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.

¹[(2) The controlling authority while according sanction for acquisition or disposal of property shall also send a copy of such sanction to Government through their Heads of Department.]

(3) A Government servant who ²[either in his own name or in the name of any member of his family] enters into any transaction concerning any movable property exceeding in value of * [Rs. 4,000] in case of Gazetted Officers and * [Rs. 2,000] in case of Non-Gazetted Officers, whether by way of purchase, sale or otherwise shall forthwith report such transaction to the prescribed authority referred to in sub-rule (1):

Provided that no Government servant shall, except with the previous sanction of Government, ²[either in his own name or in the name of any member or his family] enter into any transaction with or through any person other than a reputed dealer or agent of standing.

Explanation – For the purposes of this sub-rule, the expression, “Movable property” includes inter alia the following property, namely:-

- (a) jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such Government servant, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

- (4) Every Government servant is required to make a true complete declaration before the end of January at an interval of every three years of all his assets movable and immovable and the value thereof as on the 31st December of the previous year in the form given in the Appendix-A. The declaration shall contain detailed particulars of the officer's assets and must include and specify the assets which are held by or in the name of his wife, children, other dependents or benamidars. The declaration shall be written by the officer in his own hand and submitted in a sealed cover to the authority as directed by the Government and such authority shall be responsible for its careful preservation. ³[It shall be obligatory on the part of the Government servants to submit the declarations in every three years and in the event of their failure to do so in time they shall be liable to disciplinary action. An Officer making a declaration found to be materially incomplete, misleading or false shall be liable for disciplinary action and even for dismissal from Government service.]

¹[**Note 1** – The Secretary to Government in the Administrative Department in case of Gazetted Officers and Heads of Department or Head of Offices in case of Non-Gazetted Officers, shall be the authority to whom the declarations are to be submitted. The Chief Secretary to Government, in case of Secretary to Government and Heads of Departments, shall be the authority to whom the declarations are to be submitted. The G. A. Department shall act as the Co-ordinating Department in regard to this matter. Judicial Officers shall submit their property statements to the High Court for preservation.]

Note 2 – Officers who are on deputation or transferred temporarily to another cadre shall submit their property statements to their authority in the parent cadre in which they are borne or retain a lien. On their permanent transfer to another cadre or Department all sealed covers containing their statement shall be transmitted to the appropriate authority in their new cadre or department competent to preserve them.

Note 3 – In case of Government servants newly appointed to Government service they should declare their assets as on the date of appointment within three months from that date. They will make subsequent declaration along with others after the normal triennial period, notwithstanding the fact that three year have not elapsed since the submission of their first declaration.

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1. Added vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.
 2. Inserted vide G.A. Deptt. Notification No. 20470/Gen., dated the 1st July 1989, Published in Orissa Gazette and given effect to from the 11th August 1989.
 - * Substituted vide G. A. Deptt. Notification No. 6504/Gen., dated the 23rd February 1988, Published in Orissa Gazette and given effect to from the 30th March 1988.
 3. Substituted vide P. & S. Deptt. Notification No. 6301/Gen., dated the 3rd May 1973.
 4. Substituted vide P. & S. Deptt. Notification No. 1387/Gen., dated the 21st January 1969.

Note 4 – The first declaration shall be made by a Government servant in respect of all his assets, both movable and immovable and subsequent declaration need, only specify modification required in the statements of the previous occasion showing in detail the manner of fresh acquisition and disposal of property acquired previously.

¹[**Note 5** – notwithstanding anything contained in this sub-rule, every Government servant after his/her marriage, shall make a true and complete declaration of his/her assets afresh in the prescribed form within three months of marriage.]

²[**Note 6** - ²[The Grade – D] Government servants shall not be required to submit declaration under this sub-rule.]

22. No Government servant shall except with the previous sanction of 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 defamatory character.

Canvassing of non-official or other influence.

Explanation – Nothing in this rule shall be deemed to prohibit a Government servant from vindication his private character or any act done by him in his private capacity.

23. No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions.

Explanation – Intercession by an outsider on behalf of an officer shall be deemed as an attempt on the part of the officer to bring extraneous influence for furthering his official interests.

⁴**[24.** Bigamous marriage - (1) No Government servant shall enter into, or contract a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living shall enter into, or contract, a marriage with any person;

Provided that the Government may permit a Government servant to enter into or contract, any such marriage as is referred to in clause (1) or clause (2), if they are satisfied that-

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing]

³**[24.-A.** Drinking – A Government servant shall -

(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 any 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 drugs;

(c) refrain from consuming any intoxicating drink or drug in a public place;

(d) not appear in a public place in a State of intoxication;

(e) not use any intoxicating drink or drug to excess.

Explanation – For the purpose of this rule “Public place” means any place or premises (including a conveyance) to which the public have or are permitted to have, access, whether on payment or otherwise.]

1. Inserted vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995, Published in Orissa Gazette and given effect from the 22nd September 1995.

2. Renumbered vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995.

3. Substituted vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.

4. Substituted vide P. & S. Department Notification No. 16637/Gen., dated the 30th September 1974.

5. Substituted vide P. & S. Department Notification No. 12852/Gen., dated the 16th July 1975.

Employment of Government servant outside his normal duties.

¹**[25.** A Government servant whose whole time is at the disposal of the Government which pays him may be employed in any manner required by the appropriate authority. For all his actions in such employment whether it is paid or honorary or whether it is under Government or under any other public or private body or institution, he shall be held responsible to Government irrespective of the fact whether such employment is outside the normal duties of the post he holds at the time under Government.]

Note – The appropriate authority with reference to this rule shall be, in case of Government servants belonging to a State Service, the Government and in other cases the Heads of the Department.

Proper use of amenities

26. No Government servant shall misuse or carelessly use, amenities provided for him by the Government to facilitate the discharge of his public duties.

Note – Violation or non-compliance with the instructions contained in Transport Department Circular No. 1004 (18) – T-TAC 106/59, dated the 21st February 1959 (See Appendix B) will amount to misuse of amenity for the purpose of rule-26.

Payment for purchases

27. Unless payment by instalment is customary, or specially provided, or a credit account is maintained with a bonafide tradesman, no Government servant shall withhold prompt and full payment for the articles purchased by him whether the purchases are made on tour or otherwise.

Use of services without payment

28. No Government servant shall without making proper and adequate payment, avail himself of any service of entertainment for which a hire or price or admission fee is charged.

Note – The prohibitions will not apply to occasional and unsolicited complimentary passes issued by the proprietors or managers of the service or entertainment.

Use of conveyances belonging to others

29. No Government servant shall, save in exceptional circumstances, use a conveyance belonging to private person except when such conveyance is public service vehicle and proper fare has been paid for its use, or use a conveyance belonging to a Government servant who is subordinate to him unless he travels with such subordinate officer on duty.

²[*Note* -The onus of establishing exceptional circumstances and payment of proper fare shall rest on the Government servant.]

Purchases through subordinates

30. No Government servant shall himself ask or permit his wife, or any other member of his family living with him to ask any Government servant who is subordinate to him, to make purchases locally or from out station, on behalf of him, his wife or other members of his family, whether on advance payment or otherwise:

Provided that this rule shall not apply to the purchases which the personal staff attached to the Government servant may make on behalf of such Government servants.

³[**30-A-** (1) Every Government servant shall intimate his residential and postal address and changes, if any, to the head of Office/Department.

- (2) It shall be the duty of the Government servant to make adequate arrangement for receipt of letters addressed to him at his residential address during his absences. Any letter sent by special messenger or service effected by properly addressing, pre-paying and posting by registered post, in the address intimated by him shall be deemed to have been duly delivered or served to him. If the letter returns with the postal remark, that the addressee refused to receive the letter or that the address is not found or otherwise not available, or any other similar endorsement or he refuses to receive any letter sent by special messenger, such omission, lapse or Commission or conduct, as the case may be, on the part of Government servant shall be treated as gross misconduct.]

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1. Original Rule 25 deleted and Rules 26 to 35 renumbered as Rules 25 to 34 vide P. & S. Department Notification No. 4386/Gen., dated the 16th April 1960.
 2. Amended, vide P. & S. Department Notification No. 24716/Gen., dated the 15th November 1966.
 3. Inserted, vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.

Engagement of child labourer.

⁴[**30.- B** – No child below the age of fourteen years shall be employed to work by any Government servant.]

Relaxation **31.** Government may relax all or some of the provisions contained herein in respect of such Government servants particularly part time and contingency paid Government servants, as they may deem fit.

Interpretation **32.** If any question arises relating to the interpretation of any of these rules, it shall be referred to the Government whose decision thereon shall be final.

Delegation of powers **33.** The Government may, by General or special order direct that any power exercisable by it or any Heads of Department under these rules (except the powers under rule 21 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.

Repeal and savings **34.** Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government servants under the control of the Government of Orissa are hereby repealed:

²[Provided that an order made or action taken under the rules so repealed or any violation thereof shall be deemed to have been made or taken under or to be a violation of the corresponding provisions of these rules.]

By order of the Governor
B. SIVARAMAN
Chief Secretary to Government

1. Inserted, vide G. A. Department Notification No. 33642/Gen., dated the 8th September 2000.
2. Substituted, vide P. & S. Department Notification No. 14875/Gen., dated the 8th December 1961.

APPENDIX A

FORM

Name (in full) of Officer

.....

Designation

.....

Pay

.....

A. Immovable Property

(1) Lands

Sl No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidars) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) Houses

Sl No.	Precise Location	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(3) Immovable properties of other description (including mortgages and such other rights)

Sl No.	Brief description	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

B. Movable Property

(1) Cash, Bank balance, Credit, Insurance Policies, Shares, Debentures, etc.

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Loans that may have been given to others	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(2) Other movable (including jewellery and other valuable, motor vehicle, refrigerators and other articles or materials of value of Rs. 4,000.00 and over for each item in respect of Gazetted Officers and Rs. 2,000.00 and over for each item in respect of Non-gazetted Officers).

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

I hereby declare that the declaration made above is complete, true and correct to the best of my knowledge and belief.

Date..... Signature

Note (1) – The categories of assets noted in brackets in above heads are only illustrative and not meant to be exhaustive. In case of jewelleries and ornaments their total weight in totals and their cash value should be given in column 3 of Form B (2).

Note (2) – The filling the Form, endeavour should be made to provide Government with as complete a picture as possible of the Government servant’s assets and no asset of appreciable value should be omitted by reason of any literal interpretation of the directions given.

APPENDIX B

Copy of Government of Orissa, Transport Department Memo No. 1004-(18) TAR-106/59-T, dated the 21st February 1959, addressed to all Departments to Government.

Sub:- Driving of Government owned vehicles.

The undersigned is directed to say that the State Government had decided that vehicles owned by Government need not be insured compulsorily against third party risks. A copy of the Press Note issued by Government in this connection was forwarded to all Departments of Government and all Heads of Departments under the defunct Supply and Transport Department Memo No. 34662 (104) ST., dated the 1st September 1949. This however did not absolve the State Government from liability in respect of death, bodily injury or damage to property, etc. caused by Government vehicles. The claims arising out of any accident in which Government vehicles are involved have to be preferred against the Department which is in the administrative charge of the particular vehicle.

The State Government have accepted the legal liability of paying compensation arising out of accidents in which Government vehicles are involved and in accordance with the provision of Section 110 of the Motor Vehicles Act, 1939 as amended. Claims Tribunals have been constituted to settle all claims arising out of such accidents.

Government can not take any legal stand in such Tribunals if vehicles are driven by persons other than those appointed for the purpose. So Government have been pleased to order that, hereafter Government vehicles provided to Department or to quasi-Government organization should be driven only by Drivers appointed for the purpose where however due to temporary absence of a Driver it becomes necessary in the interest of Government work for the vehicle to be driven by any other person, having a valid driving licence, written permission of the immediate higher authority concerned should be obtained.

It should be made clear that in claims put forward before the Claims Tribunal in case of violation of the above rule, if Government are made liable to pay any compensation in pursuance of the award, the same shall be recovered from the officer driving the vehicle in addition to other action which may be taken against him.

A copy of this letter is being sent to all Heads of Departments. Receipt of this letter may be acknowledged.

PART II

INSTRUCTIONS

**P. & S. Department memorandum, dated the 22nd March 1958 communicated in
Memo. No. 4021 (82(.Gen.,-2R/1-24/58, dated the 22nd March 1958 to all 3166
Departments of Government & etc.**

Subject:- Prohibition of Government servants from bidding (either personally or by proxy) at Government auctions.

A question has been raised whether a specific provision should be added to the Government Servants' Conduct Rules regarding participation by Government servants in auctions of property owned or confiscated by Government. Even if the transaction is in fact free from any element of undue influence or dishonesty, the suspicion that all is not above board is bound to arise in case where property sold at Government auctions is purchased by Government servants, particularly by buyers belonging to the same department as the one by which or under whose orders the auction is conducted. While, therefore, it may not be necessary to frame a specific conduct rule for the purpose, it is obviously undesirable for Government servants to bid at auctions arranged by their own departments. Any Government servant who does so would be regarded as indulging in conduct unbecoming a Government servant within the meaning of the Conduct Rules.

These instructions will also apply to members of the All India Services serving under the State Government.

No. 3166

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM

The 21st March, 1960

Subject – Procedure to be followed by Government servants dealing with money collected from the public.

Non-official organisations engaged in public welfare activities sometimes approach the State Government with the request to permit Government servants to serve in honorary capacity as president, secretary or member of the said organisations as it is considered that the association of the Government servant with such organisation will promote success in their activities. Each such case is dealt with on its merits and permission is given in suitable cases subject to the provisions of the Government Servants' Conduct Rules which apply to the Government servants in question.

2. Government have of late received complaints from the public that in some such cases moneys collected by a Government servant or under his authority have not been regularly accounted for or properly utilised. There is a further general complaint that the public are kept in the dark about the total amount collected from them and the amount actually spent for the purpose which was in view. Government have carefully considered these complaints and have found that the lack of suitable instructions in the matter is mainly responsible for giving rise to these complaints. They have, therefore, framed the present instructions which prescribe the procedure to be followed by the Government servants dealing with money collected from the public to be spent on general welfare activities and at the same time meet the persistent demand made on the Government that the accounts of such transactions should be published for general information.

Instructions

When a Government servant is permitted by Government to be an honorary president or honorary secretary of any public welfare institution like School, College, Hospital, etc. and to collect subscriptions donations, etc., on behalf of such institution, he is responsible for proper maintenance and control of account of such institution. The following instructions should therefore be followed in such cases-

(i) Cash Book

A Cash Book should maintain for recording all moneys received by him or his authorised agents on behalf of the institution by way of subscription, donation, etc. from the public and their subsequent disbursements. The Cash Book should be closed regularly completely checked in order to ensure that all receipts collected are brought to account and all expenditure and disbursements are authorised, acknowledged and properly vouched.

(ii) Receipt and Expenditure

- (a) When the Government servant or his authorised agent receives money on behalf of the institution a receipt must be given to the payer duly signed by the Government servant himself or by his authorised agent, as the case may be;
- (b) All receipts must be written in words and figures;
- (c) Receipt Books in machine numbered printed forms should be used and before a receipt book is brought to use, the number of forms contained therein shall be counted and the result recorded in a conspicuous place in the book over the signature of the Government servant in charge. Unused receipt books and counterfoils of the used ones should be kept in safe custody and properly accounted for;
- (d) A half-yearly statement of receipts and expenditure should be forwarded to the prescribed authority for its information;
- (e) He shall cause proper accounts of the funds raised to be maintained by an official who shall act as treasurer;

- (f) All moneys raised for the fund shall be promptly deposited in a bank (State Bank, Scheduled Bank, Co-operative Bank or Postal Savings Banks) lying near by and no fluid money shall be left in the hands of the persons associated with the collection;
- (g) Whenever money is required for expenditure, it may be drawn from the bank and expended;
- (h) Moneys raised for the fund shall not be mixed up with Government cash.

(iii) Audit

On the close of the financial or calendar year or the period specifically fixed, as the case may be, the accounts should be got audited by a recognised auditor appointed by the organisation and the audited statements of accounts should be published in at least one of the news papers having circulation in the area for general information, so that the donors may be in a position to know that their donations have been properly utilized.

Note :- The auditor may be either a Chartered Accountant or a member of the Audit organisation of the State Government. Special care shall be taken to see that the auditor is in no way connected with the organisation raising the funds or the purpose for which the funds are collected.

- (iv) While forwarding a proposal to Government for necessary permission, the concerned authority shall also state the name and designation of the 'authorised agent' the 'treasurer' and the name of the Bank referred to in sub-paragraph (ii) as also the name and designation of the 'Auditor' referred to in sub-paragraph (iii) of paragraph 3. while according permission Government will nominate the "prescribed authority" referred to in sub-paragraph (ii) of paragraph 3.

A. K. MAZUMDAR

Additional Secretary to Government

No. 2497-261-2R/1-6-60/Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 1st March, 1961

From

Shri Bhupinder Singh, I. A. S.,
Deputy Secretary to Government.

To

All Collectros/S.D.O.s/B.D.O.s.

Sir,

I am directed to invite your attention to the Executive instructions under the Standardised Agency System, wherein it has been laid down that Collectors, B.D.Os. and S.D.Os. can appoint Agents under the Small Savings Schemes. Rule 17 of the Orissa Government Servants Conduct Rules, 1959 prescribes that no Government servant shall, except with the previous sanction of Government, engage directly or indirectly in any trade or business or undertake any employment. Accordingly whenever Government Servants are asked to undertake work which does not come within the purview of any of the categories mentioned in the proviso to Rule 17 of the Orissa Government Servants Conduct Rules, 1959, separate Government permission is being given allowing the Government servants to undertake such work. The appointing authorities under the Standardised Agency System are, therefore, requested to see that steps are taken sufficiently early, before the appointment of Government Servants as Agents under the Standardised Agency System to move Government for necessary permission and so adjust the timing that along with the appointment order, Government permission allowing the Government servant to do the work of Small-Savings is also sent to him. This would mean that as soon as proposals for appointment are received suggesting appointment of Government servants

as Agents, the concerned authority should approach the Government through proper channel, stating the name of the Government servant, the post held by him, a statement of fact that the Government servant can undertake the work without any detrimental effect on his normal functions and ensure that Government permission is taken, before the appointment order is issued. The appointing authority should also ensure that the letter of appointment should invariably be accompanied by a letter indicating that the permission of Government has already been taken allowing the particular Government servant to act in that capacity.

Yours faithfully,

BHUPINER SINGH
Deputy Secretary to Government

Memo No. 6234 (82) –2-R/1-48-61/Gen.
POLITICAL & SERVICES DEPARTMENT

The 20th May, 1961

To

All Departments of Government/all Heads of Departments/all Collectors.

The undersigned is directed to say that the Government has come across a case recently in which applications for loanees were forwarded by a superior officer without disclosing the fact that the applicant was a relative of the officer. Attention, in this connection, is invited to rule 18 of the Orissa Government Servants' Conduct Rules, 1959 which makes it incumbent that where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him, whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him and, if so related, the nature of relationship. Further, it has been enjoined that where a Government servant has, by any law, rule or order in force, power of deciding finally any proposal, opinion or any other action and that proposal, opinion or action is in respect of an individual related to him, whether the relationship be distant or near, and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship. Government expects that the provisions of this Rule as well as others contained in the Orissa Government Servants' Conduct Rules 1959 shall be observed strictly. Government servants should maintain absolute integrity, decorum of conduct and devotion to duty. In their conduct, they should give an appearance of fairness. For this purpose, it is imperative that every Government servant should familiarize himself with the Orissa Government servants' Conduct Rules thoroughly.

BHUPINDER SINGH
Deputy Secretary to Government

Memo No. 6610 (84) – 2-R/1-47-61/Gen.
POLITICAL & SERVICES DEPARTMENT

The 26th May, 1961

To

All Departments/Heads of Departments/all Collectors.

Subject:- Acquisition or disposal of movable or immovable property by Government servants.

Rule 21 of the Government Servants' Conduct Rules, provides that any transaction conducted by a Government servant concerning any movable or immovable property otherwise than through a regular or reputed dealer or agent of standing shall require the previous sanction of the prescribed authority which in

case of Gazetted officers in Government and in case of non-gazetted officers in the Heads of the Departments or office to whom property statements are submitted. Instances have come to the notice of Government where Heads of Departments have given their recommendations to Government to accord sanction to the transaction concerning movable or immovable property by Government servants under them without a report of enquiry about the antecedents of the party with or through whom the Government servant proposes to make the transaction. Such report is not necessary in case of regular or reputed dealers or agents of standing; but where the party is not a regular or reputed dealer, a report of enquiry regarding the antecedents should invariably be furnished to Government while recommending sanction. If the party is a reputed or regular dealer or agent of standing this should be clearly mentioned by the Head of the Department. This should be brought home to all concerned.

BHUPINDER SINGH

Deputy Secretary to Government

Memo No. 4278 (92) - Gen.

POLITICAL & SERVICES DEPARTMENT

The 19th March, 1964

To

All Departments/Heads of Departments.

Subject:- Clarification of Rule 21 of the Orissa Government Servants' conduct Rules, 1959.

The undersigned is directed to say that a question has arisen as to whether letting out of houses by Government servants will require the previous knowledge of the prescribed authority under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959. After careful consideration, Government have been pleased to decide that letting out of houses by Government servants shall amount to disposal of immovable property by lease for a specified period and that in all cases, where transaction of letting out is not conducted through a regular or reputed dealer, previous sanction of the prescribed authority is necessary. It is, therefore, necessary that prior sanction of the prescribed authority be required under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 for letting out by the Government servants houses either in their own names or in the names of any member of their family or a *benamidar*. In future, in all such cases of letting out of houses, previous sanction of the prescribed authority should be obtained before the houses are let out.

S. N. SHARMA

Joint Secretary to Government

Memo No. 10691

DRAFT FOR APPROVAL

The 13th May, 1982

To

All Secretaries to Government / all Heads Departments/all Collectors.

Subject:- Participation of Government servants in the activities of the Anand Marg- Clarification of Rule 5(1) of the Government servants' Conduct Rules, 1959.

Sir,

I am directed to say that Rule 5 (1) of the Orissa Government Servants' Conduct Rule 1959, provides that "no Government servant shall be a member of or be otherwise associated with any political or communal party or any organization which takes part in political or communal activities, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political or communal movement or activity". Rule 5 (iii) of the Conduct Rules further provides that "if any question arises whether any movement or activity falls within the scope of this Rule, the decision of the Government thereon shall be final".

2. In pursuance of this Rule it is clarified that membership of a participation in the activities of the movement known as the Anand Marg or any of its organisations by a Government servant would attract the provisions of sub-rule (i) of Rule 5 of the Orissa Government Servants' Conduct Rules, 1959. Any Government servant, who is a member of or is otherwise associated with or takes part in or subscribes in aid of, or assist in any other manner, the activities of the Anand Marg or any of its organisations listed out in the annexure to this order will be liable to disciplinary action.

3. It is requested that the above decision may be brought to the notice of all Government Servants under your administrative control and those employed in your and subordinate offices.

4. Receipt of this letter may please be acknowledged.

Yours faithfully,

ANNEXURE

1. V. S. S. (Volunteer Social Service)
2. Amra Bangali
3. The Progressive Federation of India
4. The Proutist Forum of India
5. Angika Samaj
6. Pragatisheel Majhi Samaj
7. Nagpuri Samaj
8. Maithili Samaj
9. Pragatisheel Bhojpuri Samaj
10. Awadhi Samaj
11. Braj Samaj
12. Bundeli Samaj
13. Garhwali Samaj
14. Kumaoni Samaj
15. Pragatisheel Naryana Samaj
16. Asi Punjabi
17. Proutist League
18. Utkal Samaj
19. Korala Samaj
20. Education, Relief & Welfare Section
21. Sevashrama Mission
22. Ananda Marga Universal Relief Team
23. Womens Welfare Department
24. Girl Volunteers
25. Spiritual Sports & Adventure Club
26. Proutist Block of India
27. Proutist Universal
28. Universal Proutist Labour Federation
29. Universal Proutist Youth Federation
30. Universal Proutist Student Federation
31. Universal Proutist Intellectual Federation
32. Universal Proutist Farmers Federation
33. Renaissance Artists & Writers Association
34. Renaissance Universal
35. Vaishnav Samaj
36. Bhojpuri Samaj
37. Chhatisgarh Samaj
38. Malwi Samaj
39. Vidarbha Samaj
40. Telengana Samaj

41. Circal Samaj
42. Navya Malayalam Samaj
43. Konkani Samaj
44. Kannad Samaj
45. Tulu Samaj
46. Dogri Samaj
47. Naryanvi Samaj
48. Pahari Samaj
49. Haroti Samaj
50. Sanyadri Samaj
51. Gujar Samaj
52. Goorgi Samaj
53. Tamil Samaj
54. Rayal Assema Samaj
55. Assam Unnayan Samaj
56. Mewari Samaj
57. Marwari Samaj
58. Kathiawari Samaj

No. 449 – S. C./6/1/83-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 15th/17th January, 1983

From

Shri S. M. Patnaik, I.A.S.
Chief Secretary, Orissa

To

All Secretaries to Government
All Heads of Department
All Collectors.

Sir,

In the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, there is a clear prohibition of transfer of property belonging to a member of a Scheduled Tribe in a scheduled area to a person who does not belong to the Scheduled Tribe. It is true that the regulation contains a provision for effecting such transfer with the consent of the competent authority, but it is expected that this enabling clause will be sparingly used in exceptional circumstances only. Of late, however, Government have come across some cases of purchase of lands belonging to Adivasis by senior Government officers in the name of their relatives in the districts of Koraput and Phulbani.

2. It is the declared policy of Government that purchase of land belonging to Adivasis should, by no means, be encouraged. It has, therefore, been decided that Government servants and their relatives should completely dissociate themselves from such deals which are morally unjustified even if legally correct. Any violation of this instruction will be deemed as conduct unbecoming of a Government servant within the meaning of the Conduct Rules and render the Government servants concerned liable for disciplinary action.

3. These instructions may be brought to the notice of all Government servants under your control.
4. Please acknowledge receipt of this communication.

Yours faithfully,
S. M. PATNAIK
Chief Secretary

No. 14040/Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 6th June, 1984

To

All Secretaries to Department of Government
All Heads of Departments
All Collectors.

Subject:- Need for strict observance of the provisions relating to consumption of intoxicating drinks and drugs as contained in Orissa Government Servants' Conduct Rules, 1959.

Rule 24 (A) of Orissa Government Servants' Conduct Rules, 1959 provides that, every Government servant shall :-

- 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 any 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) refrain from consuming any intoxicating drink or drug in a public place;
- d) not appear in a public place in a State of intoxication;
- e) not use any intoxicating drink or drug to excess.

2. it is hereby made clear that Government servants should not only observe and abide by the rules relating to intoxicating drinks or drugs in force in the area in which they happen to be for the time being, but should also keep a strict watch on the conduct of other Government servants under their disciplinary control in this regard and should not hesitate to impose the severest punishment on such Government servants if they are proved guilty of violating the rules and instructions issued in this regard. It is, therefore, reiterated that :-

- (i) every Government servant should scrupulously adhere to the provisions of the Conduct Rules relating to the consumption of intoxicating drinks or rugs;
- (ii) the disciplinary authorities should keep a strict watch on the conduct of all Government servants in regard to matter covered by the aforesaid provisions of the Conduct Rules; and
- (iii) the disciplinary authorities should take serious view of any violation of Rule 24(A) of the Orissa Government Servants' Conduct Rules, 1959 and should not hesitate to impose the severest punishment on such Government servants who are proved guilty of violating the said rules.

The above instructions may be brought to the notice of all Government servants and the disciplinary authorities under your control for strict compliance.

C. NARAYAN SWAMY
Special Secretary to Government

CHIEF SECRETARYS' D. O. NO. 12457-CS., DATED THE 25TH APRIL 1989
TO ALL HEADS OF DEPARTMENTS & ETC.

The State Cancer Control Board in their meeting held on the 16th June 1988 have expressed grave concern about the harmful effects of the tobacco smoking. You are aware that smoking is harmful for health and causes the various incurable diseases. It is not only enemical to the smokers themselves, but also effects other persons present in close proximity besides polluting the environment.

2. Government have, therefore decided that smoking in all State Government offices/institutions/all public transport systems/all educational and cultural institutions/all conferences and meetings conducted by the State Government and other public authorities should be banned.

3. All Officers under your control may be requested to take personal interest in communicating this directive and ensure its implementation.

4. This order will also be applicable to local organisations, co-operative institutions, statutory boards and Government companies as also Government aided institutions and clubs.

5. The above directive of the State Government may be brought to the notice of all concerned.

No. 25990-SC/3-5/90/Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 15th September, 1984

To

All Departments of Government
All Heads of Departments
All Collectors.

It has come to the notice of the Government that a section of Government servants have developed a tendency, of late, to encroach upon Government lands in order to ultimately claim settlement of the land with them under the normal laws, rules and procedures. While Government have not been averse to the idea of sympathetically considering providing land to Government servants for housing purposes in deserving cases, the tendency to resort to encroachment of Government land with the ultimate purpose of claiming settlement of the land is reprehensible. This tendency on the part of the Government servants has the effect of encouraging others among the public to claim settlement of land through encroachments. The situation arising out of this is embarrassing for the Government.

2. Clause 3 of the Orissa Government Servants' Conduct Rules enjoins upon every Government servant that he shall, at all times, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly. It is the conduct and character of Government servants that endows respect to the Government from the members of the public, the absence of it embarrasses the Government and reduces his effectiveness. Encroachment of Government land of whatever description and belonging to whatever Department is such an act of misconduct, which would attract the provisions of clause 3 of the Conduct Rules. Government expect that Government servants, taking advantage of the position they enjoy in their official capacity should refrain from attempts to acquire Government land by encroaching upon them either by themselves or through any member of their family.

3. It has also come to the notice of Government that in a number of cases encroachment of Government land by members of the public have been resorted to with the active connivance and continuing support of officers. Such connivance and support may be by over acts or intentional in action on the part of the officers of the Tahasils, Municipalities, Forest and Public Works Departments, whose duty is to detect encroachments and take timely action. It has always been enjoined upon the officers that any encroachment upon Government lands should be immediately dealt with and eviction of the unauthorised occupants effected, but the instructions are followed more in the breach than adherence in as much as there are a number of cases of encroachments which have been subject matters of litigations because the unauthorised occupants have claimed continuous possession over a long period of time. Apparently such occupation for a long period of time is definitely the result of inaction of the Government functionary to take timely action. Such cases would lead Government to believe that failure to take action timely is attributable to connivance and support for the unauthorised occupants. Apart from anything else, encroachment cases may resulting from this kind of inaction on the part of the functionaries is liable to be considered as an act of misconduct on the part of Government servants within the meaning of clause 3 of the Conduct Rules.

4. In consideration of all this, Government desire that whenever a case of encroachment upon Government land by any functionary of the Government comes to the notice of the Head of the Office and or the Controlling Officer, he should, apart from taking immediate action to evict the encroachers, initiate disciplinary proceedings against the officers concerned. In case where encroachment by members of the public for a long period of time are detected the Head of the Office or the Controlling Officer should make an immediate enquiry to ascertain as to how the encroachments could be allowed for a long time without taking any action. While taking action against the unauthorised occupant, the Head of the Office and or the Controlling Officer should immediately cause an enquiry to ascertain whether such continuous possession by an unauthorised occupant was not due to the negligence of duty of the Government functionaries concerned. When the enquiry reveals that there was negligence of duty, disciplinary proceedings should be started immediately against the officer concerned under intimation to the Administrative Department.

5. These instructions may be circulated among all offices under your control.

6. Receipt of this letter may please be acknowledged.

C. NARAYANA SWAMY
Special Secretary to Government

No. 13442-2R/1-31/91-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 18th May, 1991

To

All Departments
All Heads of Departments
All Collectors.

Subject :- Executive Instructions on Rule 21 of the Orissa Government Servants' Conduct Rules, 1959.

The undersigned is directed to say that according to sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 no Government Servant 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 or a benamidar. References have been made to this Department to clarify whether it will be construed as violation of sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, if the wife of a Government servant has purchased immovable property without obtaining prior permission of the competent authority and the Government servant himself has not purchased the property in the name of his wife.

2. It is therefore, clarified that all transactions both of immovable and movable property made out of the funds of the Government servant irrespective of the person in whose name the transaction is made should be governed strictly by sub-rules (1) and (3) of Rule 21 that is :-

- (a) *Transactions in immovable property* – In all cases the transactions should be with the previous knowledge of the prescribed authority.
- (b) *Transactions in movable property* – In all cases submission of a full report to the prescribed authority immediately after completion of the transactions is necessary.

3. Transactions entered into by the spouse or any other member of family of a Government servant out of his or her own funds (including Stridhan, gifts, inheritance) as distinct from the funds of Government servant himself, in his own name and in his or her own right would not attract the provisions of sub-rules (1) and (3) of Rule 21. In such cases, transactions made in immovable and movable property should be included in the property returns to be submitted by property should be reported to the prescribed authority immediately after the Government servant comes to know of them.

4. However, the transactions made in immovable and movable property by the spouse or any other member of family of a Government servant with some one with whom the Government servant has official dealings then the Government servant should obtain prior permission of the prescribed authority.

5. Gazetted Government servants who transfer any immovable property or movable property exceeding Rs. 4,000 in value and Non-Gazetted officers who transfer any immovable property or movable property exceeding Rs. 2,000 in value to any member of his family should report of obtain sanction of the prescribed authority in accordance with Rule 21.

C. NARAYANA SWAMY
Special Secretary to Government

No. 27021-2R/1-12/97 (Pt.-II)-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 4th October, 1991

From

Shri H. S. Chahar, I. A. S.,
Special Secretary to Government

To

All Principal Secretarys to Government
All Commissioners-cum-Secretaries to Government
All Heads of Departments
All Collectors.

Subject:- Code of conduct of Government servants in connection with Press and Elected Representatives.

Sir,

I am directed to say that Rule 7 of the Orissa Government Servants' Conduct Rules, 1959 lays down that no Government servant shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or 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 Orissa, of the Government of India or the Government of any other State; or
- (ii) which is capable of embarrassing the relation between the Government of Orissa and the Government of India or the Government of any other State; or
- (iii) which is capable of embarrassing the relation between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to the statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

“*Explanation I* – Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

Explanation II – For purposes of this rule a club shall be deemed to be a public place.”

Similar provisions have also been made in the Rule 7 of All India Services (Conduct) Rule, 1968.

Further in Book Circular No. 47, dated the 10th July 1990 detailed instructions have been issued regarding the principles to be followed to maintain cordial relationship between the Members of Parliament and State Legislators and Government servants.

But it has come to the notice of the Government that the above instructions are not being followed scrupulously. It is once again, therefore, brought to the notice of all Government servants that Members of Parliament and State Legislators occupy very important place as representatives of the people. It should be part of the duty of every official to extend courtesies and provide adequate assistance to the Members to enable them to fulfill their obligations to the people. No Government servant should make statements or give opinion in public criticising the functioning of the Government or elected representatives.

Any violation of these instructions will attract suitable disciplinary action against the concerned Government servants.

These instructions may be brought to the notice of all subordinate officers for their information and future guidance.

Yours faithfully,
H. S. CHAHAR
Special Secretary to Government

U. O. I. Note No. 84

GENERAL ADMINISTRATION DEPARTMENT

The 18th November, 1999

A number of instances have come to my notice where grievances pertaining to the problems of an employee are being raised by the relatives of such employee. Most often the spouse, sometimes the in-laws and in some rare case the grand parent (s). Such representations through one's relatives amounts to misconduct within the meaning of Rule 23 of the Orissa Government Servants' Conduct Rules, 1959 especially if such representation was made with the consent/knowledge of such employees. The relevant rule is quoted below :-

“No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions.”

It is possible that the concerned employees may take stand that such representation was made without his/her consent/knowledge. Therefore, all such representations received in future should be forwarded to the concerned employee asking him/her whether this representation has his/her consent. If the answer is in affirmative, the employee is liable for disciplinary action for misconduct under O. C. S. (CCA) Rule 1962 (Preferable under Rule 16). But if the answer is in the negative, no action on such representation is called for.

Such a step is necessary to curb the growing permissiveness in service matters, I am sure you would take note of this and to take suitable action. This matter may also be brought to the notice of all Heads of Departments/Public Sector Undertakings under your control.

All Principal Secretaries
All Commissioner-cum-Secretaries

S. B. AGNIHOTRI
Special Secretary, G. A. Department

No. 12128-SC/6/40/2001-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 7th April, 2001

From

Shri U. N. Behera, I. A. S.,
Special Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject:- Prohibition of sexual harassment of working women.

The undersigned is directed to say that in the case of Vishaka and Others *Vrs.* State of Rajasthan and other [JT 1997 (7) SC 884], the Hon'ble Supreme Court has laid down the following guidelines and norms to be observed to prevent sexual harassment of working women.

2. It shall be the duty of the employer or other responsible persons in work place or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

3. In pursuance of the guidelines of the Supreme Court the Orissa Government Servants' conduct Rules, 1959 have already been ammended and a new rule (rule 4-A prohibition of sexual harassment of

working women) has been inserted vide Notification No. 33648-Gen., dated the 8th September 2000 (Copy enclosed as annexure I).

4. Any act of violation of the above provision of rule 4-A of the Orissa Government Servant's Conduct Rules, 1959 by any Government servant shall be treated as misconduct and appropriate disciplinary action should be initiated against the delinquent Government servant in accordance with the provisions contained in Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

5. Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every Department/Office for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such mechanism for redressal of grievance already exists it may be made more effective and in particular women officers should preferably handle such complaints.

6. Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines and norms laid down by the Hon'ble Supreme Court (Copy enclosed as Annexure II).

7. The above instructions should be brought to the notice of all subordinate offices under their control for strict compliance.

Yours faithfully,

U. N. BEHERA

Special Secretary to Government

ANNEXURE I

No. 33648-2R/1/13/7/2000 Pt. II-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 8th September, 2000

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rule further to amend the Orissa Government Servants' Conduct Rules, 1959, namely :-

(1) This rule may be called the Orissa Government Servants' Conduct (Amendment) Rule, 2000.

(2) It shall come into force on the date of its publication in the *Orissa Gazette*.

In the Orissa Government Servants' Conduct Rules, 1959, after rule 4, the following rule shall be inserted, namely :-

Prohibition of sexual harassment of working women

“4-A – (1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

(3) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule, Sexual harassment includes such unwelcome sexually determined behaviour, whether directly or otherwise, as –

- (a) physical contact and advances,
- (b) demand or request for sexual favour,
- (c) sexually coloured remarks,
- (d) showing any pornography, or

- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature”.

By order of the Governor

S. B. AGNIHOTRI

Special Secretary to Government

ANNEXURE II

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. [JE 1997 (7) SC 384]

HAVING REGARD to the definition of Human Rights' in Section 2 (d) of the protection of Human Rights Act, 1993. TAKING NOTE of the fact that present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the employer or other responsible persons in work places and other Institutions;

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of Sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

(For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as –

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victims' employment or work whether she is drawing salary or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women have reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps –

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

- (b) The Rules/Regulations of Government and Public Sector Bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid Prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action :

Where such conduct amounts to misconduct in employment as defined by the relevant service rules appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee :

The complaint mechanism, referred to in (6) above, should be adequate to provide where necessary, a Complaints Committee, special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints committee should involve a third party, either N. G. O. or other Body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government Department.

8. Workers Initiative :

Employees should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act of omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Government are requested to consider adopting suitable measures including legislation to assure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the protection of Human Rights Act, 1993.

APPENDIX A

FORM

Name (in full) of Officer

.....

Designation

.....

Pay

.....

A. Immovable Property

(1) Lands

Sl No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidars) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) Houses

Sl No.	Precise Location	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(3) Immovable properties of other description (including mortgages and such other rights)

Sl No.	Brief description	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

B. Movable Property

(1) Cash, Bank balance, Credit, Insurance Policies, Shares, Debentures, etc.

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Loans that may have been given to others	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(2) Other movable (including jewellery and other valuable, motor vehicle, refrigerators and other articles or materials of value of Rs. 4,000.00 and over for each item in respect of Gazetted Officers and Rs. 2,000.00 and over for each item in respect of Non-gazetted Officers).

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

I hereby declare that the declaration made above is complete, true and correct to the best of my knowledge and belief.

Date..... Signature

Note (1) – The categories of assets noted in brackets in above heads are only illustrative and not meant to be exhaustive. In case of jewelleries and ornaments their total weight in totals and their cash value should be given in column 3 of Form B (2).

Note (2) – The filling the Form, endeavour should be made to provide Government with as complete a picture as possible of the Government servant’s assets and no asset of appreciable value should be omitted by reason of any literal interpretation of the directions given.