THE UTTARAKHAND GOVERNMENT SERVANTS' CONDUCT RULES, 2002

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THE UTTARAKHAND GOVERNMENT SERVANT'S CONDUCT RULES, 2002

NOTIFICATION

No. 1473 A/Karmik-2/200

Dated Dehradun, November 22, 2002

MISCELLANEOUS

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Uttarakhand makes the following rules to regulate the conduct of government servants employed in connection with the affairs of the State :-

- **1. Short title** These rules may be called the Uttarakhand Government Servant's Conduct Rules, 2002.
- 2. Definition In these rules unless the context otherwise requires, -
 - (a) **"Government"** means the Government of Uttarakhand;
 - (b) **"Government servants"** means a such public servant who is appointed to public service and posts in connection with the affairs of the State of Uttarakhand.

Explanation – A Government servant whose services are placed at the disposal of a company, a corporation, an organization, a local authority the Central Government or the Government of another State by the Uttarakhand Government, shall, for the purposes of these rules by deemed to be a government servant notwithstanding that his salary is drawn from sources other than from the consolidated Fund of Uttarakhand;

- (c) **"Member of the family"** in relation to government servant, includes.
 - (i) The wife, son, step-son, unmarried daughter, or unmarried step-daughters 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 dependent on her, and
 - (ii) Any other person related, whether by blood or by marriage, to the government servant's wife or her husband, and wholly dependent on such government servant.

But does not include a wife or husband legally separated from the government servant or a son, step-son, unmarried daughter or unmarried step-daughter who is no longer, in any way dependent upon him or her, or of whose custody, the government servant has been deprived by law.

3. General – (1) Every government servant shall at all times maintain absolute integrity and devotion to duty.

- (2) Every government servant shall at all times conduct himself in accordance with the specific or implied orders of Government regulating behaviour and conduct which may be in force.
- (3) Prohibition of sexual harassment of working women
 - (i) No Government servant shall indulge himself in any sexual harassment to any women at his working place.
 - (ii) Every Government servant who is the in charge of a working place will take suitable steps to stop sexual harassment of women.

Explanation – For the purpose of this rule the sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as -

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

(4) No Government servant will employ the children below the age of fourteen years as domestic help.

- **4. Equal treatment for all** (1) Every government servant shall accord equal treatment to people irrespective of their caste, sect or religion.
 - (2) No government servant shall practice untouchability in any form.

4-A. Consumption of intoxicating drinks and drugs – 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 time being;
- (b) Not be under the influence of any intoxicating drinks or drug 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 drinks 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 intoxication drink or drug to excess.

Explanation – (1) For the purposes 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.

Explanation – (2) Any club :-

(a) Which admits persons other than government servants as members;

Or

- (b) The member of which are allowed to invite non-members as guests thereto even though the membership is confined to government servants, shall also, for purposes of Explanation-1, be deemed to be a place to which the public have or are permitted to have access.
- 5. Taking part in politics and elections -(1) No government servant shall be a number of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any movement or organization which is, or tends directly or indirectly to be subversive of the Government as by law established.

Illustration

XYZ are political parties in the State.

X is the part in power and forms the Government of the day.

A is a government servant.

The prohibitions of the sub-rule apply to A in respect of all parties, including X, which is the part in power.

(2) It shall be the duty of every government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly, to be subversive of 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, make report to that effect to the Government.

Illustration –

A is a government servant.

B is a member of the family of A, as defined in rule 2(c).

M is a movement or activity, which is, or tends directly or indirectly to lie, subversive of Government as law established.

A becomes aware that B's association with M is objectionable under the provisions of the sub-rule. A should prevent such objectionable association of B. If A fails to prevent such association of B. He should report the matter to the Government

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.

(3) No government servant shall canvas 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 government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) A government servant shall not be deemed to have contravened the provisions of this rule by reasons only that he assist in the conduct of an election in the due performance of a duty; imposed on him by or under any law for the time being in force.

Explanation – The display by a government servant on his persons, vehicle, or residence, of any electoral symbol shall amount to using his influence in connection with an election within meaning of subrule (4).

- 5.A Demonstration and strikes No government servant shall
 - (1) Engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
 - (2) Resort to, or in any way abet, any form of strike in connection with any matter pertaining to his service or the service of; any other government servant.
- **5.B** Joining of association by government servant No government servant shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.
- 6. Connection with press or radio (1) 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 news paper or other periodical publication.
 - (2) 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 bona fide 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 broadcast or such contribution is of a purely literary, artistic or scientific character.

- 7. Criticism of Government 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 any adverse criticism of any decision of his supervisor officers or of any current or recent policy or action of the

Uttarakhand Government or the Central Government or the Government of any other State or a local authority; or

- (ii) Which is capable of embarrassing the relation between the Uttarakhand Government and Central Government or the Government of any other States, or
- (iii) Which is capable of embarrassing the relations between the Central Government and the Government of any other foreign States;

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.

Illustration –

- (1) A, a government servant is dismissed from service by the Government. It is not permissible for B, another for B, another government servants, to say publicly that the punishment is wrongly, excessive or unjustified,
- (2) A public officer is transferred from station A to station B. No government servant can join the agitation for the retention of the public officer at station A.
- (3) It is not permissible for a government servant to criticize publicly the policy of government on such matters as the price of sugarcane fixed in any year nationalized of transport, etc.
- (4) A government servant cannot express any opinion on the rate of duty imposed by the Central Government on specified imported goods.
- (5) A neighboring State lays claim to a tract of land lying on border of Uttarakhand. A government servant cannot publicly express any opinion on the claim.
- (6) It is not permissible for a government servant to publish any opinion on the decision of foreign State to terminate the concessions given by it to the nationals of another State.
- 8. Evidence before committee or any other authority -(1) Save as provided in sub-rule (3) 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.
 - (2) Where any sanction has been accorded under sub-rule (1) no government servant giving such evidence shall criticize the policy of the Uttarakhand Government, the Central Government or any other State Government.
 - (3) Nothing in the rule shall apply to
 - (a) Evidence given at an inquiry before an authority appointed by the Government, by the Central Government, by the Legislature of Uttarakhand or by Parliament.

(c) Evidence given in any judicial inquiry.

9. Unauthorized communication of information – 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 in directly, any special document of information to any government servant or any other person to whom he is not authorized to communicate such document or information.

Explanation – Quotation by a Government servant in his representation to his official superior, of or from the notes in any file shall amount to unauthorized communication of information within the meaning of this rule.

10. Subscription – Government servant may, with the previous sanction of the Government, ask for, or accept or participate in the raising of a subscription or other pecuniary assistance for a charitable purpose connected with medical relief, education or other object of public utility; but it shall not be permissible for him to ask for subscription, etc., for any other purpose whatsoever.

Illustration –

A Government servant may, with the previous sanction of the Government raise subscription for the boring of a tube-will for the use of public or for the construction or repair of a public ghat.

11. Gift – A Government servant shall not without previous approval of the government –

- (a) Accept directly or indirectly on his own behalf or in behalf of any other persons, or
- (b) Permit any member of his family who is dependent on him to accept any gift, gratuity or reward from any person other than a close relation;

Provided that he may accept or permit any member of his family to accept from a personal friend a wedding present or present on a ceremonial occasion of a value not exceeding Rs. 1000. All government servants shall, however, use their best endeavour to discourage even the tender of such presents.

Illustration -

The citizens of a town decide to present to a sub-divisional officer, a watch exceeding Rs. 1000 in value appreciation of then services rendered by him during the flood, A can not accept the present without the previous approval of Government.

- **11.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, the word dowry has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

12. Public demonstrations in honour of government servants – No government servant shall, except with the previous sanction of the

Government, receive any complimentary or valedictory address, or accept any testimonial or attend any meeting or public entertainment held in his honour, or in the honour of any other government servants.

Provided that nothing in this rule shall apply to farewell entertainment of a substantially private or informal character and held in honour of a government servant on the occasion of his retirement for transfer or of any person who has recently quitted service of the Government.

Illustration –

A, a Deputy Collector, is due to retire, B, another Deputy Collector in the district, may given a dinner in honour of A to which selected persons are invited.

13. Private trade or employment – No government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade business or undertake any employment.

Provided that a government servant may, without such sanction undertaken honourary work of a social or charitable nature of occasional work of a literary, artistic or scientific character; subject to the condition that his official duties do not thereby suffer and that he informs his Head of Department, and when he is himself the Head of the Department, the Government, within one month of his undertaking such work; but the shall not undertake or shall discontinue, such work if so directed by the Government.

The permission to write and publish books and accept royalty therefore, in the case of publication of works other than those of purely literary, artistic or scientific character, will henceforth be granted on the following conditions.

- (1) The book does not bear the imprimatur or Government.
- (2) The author's name appears in the first page of the book without his official designation. There may, however, be no objection to the official designation to be given on the dustcover where the author is introduced to the public.
- (3) The author gives a statement under his name on the first page of the book or at any other suitable place, that the author's views and comments in the book are entirely the responsibility of the author and Government are in no way concerned with the publication of the book.
- (4) The author should also ensure that the book does not contain any statement of fact or opinion which has any adverse criticism of any current or recent policy or action of the State Government or Central Government or Government of any other State or local authority.
- (5) Government servants can be permitted to accept royalty both in lump sum or on a continuing basis on the sale-proceeds of the book written by them : provided that if
 - (a) (i) The book is written solely with the aid of the knowledge acquired in the course of service; or

(ii) The Government book is a mere compilation of Government rules, regulations or procedure.

The author (Government servant) should be required, unless the Government, by Special order, otherwise directs to credit to the general revenues one-third of the Income if it is in excess of Rs. 2500 or if the income is a recurring one, it is in excess of Rs. 25000 per annum.

- (b) (i) The book is written with the aid of knowledge acquired by the Government servant in the course of his service, but it is not a mere compilation of government rules, regulations or procedures, but reveals the author's scholarly study of the subject; or
 - (ii) The work neither has nor is likely to have any connection with the author's official position;

No part of the income recurring of non-recurring derived by him from the sale-proceeds or royalties of the book need be credited to the general revenues.

- (2) It has also been decided that sanction of Government is not necessary under Rule 13 of the Uttarakhand Government Servants Conduct rules, 2002, for publication by Government servants of works of literary, artistic or scientific character which are not aided by his official duties and the acceptance of royalty on percentage basis is not proposed. Government servant should, however, ensure that the publication strictly conform to the conditions mentioned in Para 1 above and do not infringe the provisions of the Government Servants Conduct Rules.
- (3) Prior sanction of Government should, however, be taken in all cases where continuing royalty is proposed. In granting such permission the possibility of the work being prescribed as a text book and the misuse of official position arising from such an event should also be considered.
- 14. Registration, promotion and management of companies 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, 1913, or under any other law for the time being in force.

Provided that a government servant may take part in the registration. Promotion or management of a co-operative society registered under the Cooperative Societies Act, 1912 (Act II of 1912), or under any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (Act XXI of 1860), or under any corresponding law in force.

Provided further that, if government servants attend any bigger cooperative Society or body as a delegate of any co-operative society, he will not seek election for any post of the bigger society or body. He may take part in such election only for purposes of casting his vote.

- **15. Insurance business** A government servant shall not permit his wife or any other relative who is either wholly dependent on him or is residing with him, to act as an insurance agent in the same district in which he is posted.
- **16. Guardianship of minors** A government servant may not, without the previous sanction of the appropriate authority, act as a legal guardian of the person or property of a minor other than his dependent.

Explanation – **1-**A dependent for the purpose of this rule means a government servant's wife, children and step-children and children's and shall also include his parents, sisters, brothers brother's children and sister's children if residing with him and wholly dependent upon him.

Explanation – **2.** Appropriate authority for the purpose of this rule shall be as indicated below;

For a Head of Department,	The S	State Gov	vernm	ient.
Divisional commissioner of a Collector.				
For a District Judge	The Administrative Judge of the			
High Court				
For other government servants	The	Head	of	Department
concerned.				

- 17. Action in respect of a relation -(1) Where a government servants submits any proposal or opinion or takes any other action, whether for of against any individual related to him, whether the relationship be distant of near, he shall with every such proposal, opinion or action, expressly state whether the individual is or is not 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 and proposal, opinion or any other action, and that proposal. Opinion or action is in respect of an individual related to him, whether the relationship by distant or near and whether that proposal, opinion or action affects the individuals 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.
- **18. Speculation** (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 rule.

- (2) If any Question arise whether a security or investment is of the nature referred to in sub-rule (1), the decision of the Government thereon shall be final.
- **19. Investments** -(1) No government servant shall make, or permit his wife or any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

(2) If any question arises whether a security or investment is of the nature referred to above; the decision of the Government thereon shall be final.

Illustration -

A District Judge shall not permit his wife, or son, to open a cinema house or to purchase a share therein, in the district where he is posted.

20. Lending and borrowing -(1) No government servant shall, except with the previous sanction of the appropriate authority, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person.

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

(2) No government servant shall, save in the ordinary course of business with a bank, co-operative society or a 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 be permit any member of his family except with the previous sanction of the appropriate authority to enter into any such transaction.

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

- (3) 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 (1) or sub-rule (2), he shall forthwith report the circumstance to the appropriate authority, and shall thereafter act in accordance with such orders as may be passed by he appropriate authority.
- (4) The appropriate authority in the case of government servants who are gazette officers shall be the Government and in the other cases the Head of the Office.
- **21. Insolvency and habitual indebtedness** A Government servant shall so manage his private affairs as to avoid habitual indebtedness of insolvency. A government servant who becomes the subject of legal proceedings for insolvency shall forthwith report the full facts to the head of the office or department in which he is employed.
- 22. Movable, immovable and valuable property (1) No government servant shall, except with the previous knowledge of the appropriate 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;

Provided that any such transaction conducted otherwise than through a regular any reputed dealer shall require the previous sanction of the appropriate authority. **Illustration** – **A.** A government servant proposes to purchase a house. He must inform the appropriated authority of the proposal. If the transaction is to be made otherwise than through a regular and reputed dealer. A must also obtain the previous sanction of the appropriate authority. The same procedure will be applicable if A proposes to sell his house.

(2) A Government servant who enters into any transaction concerning any movable property exceeding in value, the amount of his pay for one month or rupees five thousand, whichever is less, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the appropriate authority.

Provided that no Government servant shall enter into any such transaction except with or through a reputed dealer or agent of standing, or with the previous sanction of the appropriate authority.

Illustration – (i) A. Government servant whose monthly pay is Rs. 600 purchases a tap recorder for Rs. 700, or

(ii) **B.** A government servant whose monthly pay is Rs. 2000 sells a car for Rs. 1500. In either case A or B must report the matter to the appropriate authority. If the transaction is made otherwise than through a reputed dealer must also obtain the previous sanction of the appropriate authority.

- (3) At the time of first appointment and thereafter at intervals of five years, every government servant shall make to the appointing authority through the usual channel, a declaration of all immovable property, owned, acquired or inherited by him or held by him on lease or mortgage, and of shares, and other investments, which may, from time to time by held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon him. Such declarations should state the full particulars of the property, shares and other investments.
- (4) The appropriate authority may, at any time. By general or special order, require a government servant to submit within. A period specified in the order a full and complete statement of such movable immovable property held or acquired by him or by any member of his family as may be specified in the order. Such statement shall, if so required by the appropriate authority, include details of the means by which or the source from which such property was acquired.
- (5) The appropriate authority (a) in the case of a government servant belonging to the State service, shall for purposes of sub-rules (1) and (4), be the Government and for sub-rule (2), the Head of the Department.
 - (b) In the case of other government servants, for the purposes of sub-rule (1) to (4) shall be the Head of the Department.
- **23.** Vindication of acts and character of governments servants No government servant shall except with the previous sanction of the Government, have recourse (E) 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.

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

24. Canvassing of non-official or other outside influence – No Government servant shall bring or attempt to bring whether himself personally or through a member of his family, any political or other outside influence to bear upon any question relating to him interest in respect of matters pertaining to his service.

Explanation – Any act done by the wife or husband, as the case may be, or any member of the family of a Government servant and falling within the purview of this rule, shall be presumed to have been done at the instance, or with the connivance of the government servant concerned, unless the contrary shall have been proved.

Illustration – A is a Government servant and B a member of the family of A:C is a political party and D is an organization under G, B gained sufficient prominence in G and become an office bearer of D through D, B started sponsoring the cause of A to the extent that B sponsored some resolutions against as official superiors. This action which will be in violation of the provisions of the above rule on the part of B shall be presumed to have been done by B at the instance, or with connivance of A unless A is able to prove that this was not so.

- **24.A.** "A Representations by Government servants No Government servant shall whether personally or through a member of his family, make any representation to Government or any other authority except through the proper channel and in accordance with such directions s the Government may issue from time to time. The Explanation to rule 24 shall apply to this rule also."
- **25.** Unauthorized pecuniary arrangements No Government servant shall enter into any pecuniary arrangement with another government servant or any other person so as to afford any kind or advantage to either or both of them in any unauthorized manner or against the specific, or implied, provisions of any rule for the time being in force.

Illustration – (1) A is a senior clerk in an office and is due for officiating promotion. A is diffident of discharging his duties satisfactorily in the officiating post. B, a junior clerk, privately offers for a pecuniary consideration to help A. A and B accordingly enter into pecuniary arrangements. Both would thereby infringe the rule.

- (2) If, A the Superintendent of a an office proceeds on leave, B, the senior most assistant in the office, will be given a chance to officiate. If A proceeds on leave after entering into arrangement with B for a share in the officiating allowance A and B both would commit a breach of the rule.
- **26. Bigamous marriage** (1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the

Government, not withstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

- (2) No female Government servant shall marry-any person who has a wife living without first obtaining the permission of the Government.
- 27. **Proper use of amenities** No Government servant shall misuse or carelessly use, amenities provided for him by the Government to facilitate the discharge of his public duties.

Illustration – Among the amenities provided to Government servant are cars, telephones, residences, furniture, orderlies, article of stationeries etc. Instances of misuse or careless use of these are -

- (i) Employment of Government cars at Government expense by members of the family of the Government servant or his guests, or for other Non-government work.
- (ii) Making telephone trunk calls at Government expense on matters not connected with official work.
- (iii) Neglect of Government residence and furniture and failure to maintain them properly, and
- (iv) Use of Government stationery for non-official work.
- **28. Payment for purchases** Unless payment by installments is customary, or specially provided, or a credit account is maintained with a bona fide tradesman, no Government servant shall withhold prompt and full payment for the article purchased by him whether the purchases are made on tour or otherwise.
- **29.** Use of services without payment No Government servant shall without making proper and adequate payment, avail himself of any service or entertainment for which a hire or price or admission fee is charged.

Illustration – Unless specifically prescribed as party of duty, a Government servant shall not –

- (i) Travel free of charge in any vehicle plying for hire.
- (ii) See a cinema show without paying the admission fee.
- **30.** Use conveyances belonging to other No Government servant shall, except in exceptional circumstances, use a conveyance belonging to a private person or Government servant who is subordinate to him.
- **31. Purchases through subordinates** No Government servant shall himself ask or permit his wife, of 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 outstation on behalf of him, his wife or other member of his family, whether on advance payment or otherwise.

Provided that this rule shall not apply to the purchases which the inferior staff attached to the Government servant may be required to make.

Illustration -

A is a deputy collector.

B is a tehsildar under the deputy collector.

A should not allow his wife to ask B to have cloth purchased for her.

- **32. Interpretation** If any question arises relating to the interpretation of these rules. It shall be referred to the Government whose decision thereon shall be final.
- **33. Repeal and saving** Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to government servant under the control of the Government of Uttarakhand are hereby repealed.

Provided that an order made or action taken under the rules repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.
