

राजस्थान सरकार
शिक्षा (ग्रुप-3) विभाग

क्रमांक:प.10(21)शिक्षा / ग्रुप-3 / 2008

जयपुर, दिनांक: 18 नवम्बर, 2013

निदेशक,
कॉलेज शिक्षा,
राजस्थान, जयपुर।

F. D. No. 892 / P.S. D. D.
Dated 27.11.13

JD(Adm)
23/11

विषय:-विधानसभा आम चुनाव 2013-सरकारी कर्मचारियों के राजनीतिक गतिविधियों में भाग लेने पर प्रतिबन्ध बाबत।

महोदय,

उपरोक्त विषयान्तर्गत मुख्य निर्वाचन अधिकारी राजस्थान, जयपुर के पत्र क्रमांक एफ 3 (1)(4)T/निर्वा/2013/5483 दिनांक 09.10.2013 की छाया प्रति मय संलग्नकों के भिजवाकर निर्देशानुसार निवेदन है कि कृपया प्रकरण में नियमानुसार आवश्यक कार्यवाही करवाने का श्रम करावें।

JA 21/11
DD
26/11

संलग्न:-उपरोक्तानुसार।

भवदीय,

प्रभूदयाल बैरवा
(प्रभूदयाल बैरवा)

सहायक शासन सचिव, उच्च शिक्षा

निदेशालय कॉलेज शिक्षा, राजस्थान, जयपुर

क्रमांक: एफ 26(परिपत्र)स्था/निकाशि/2013/ 1171

दिनांक 29 नवम्बर, 2013

1 डा धीरेन्द्र देवर्षि (व्याख्याता) प्रभारी बेवसाइट को भेजकर लेख है कि उक्त परिपत्र को बेवसाइट पर अपलोड करने का श्रम करे।

संयुक्त निदेशक

राजस्थान सरकार
निर्वाचन विभाग

क्रमांक:एफ.3(1)(4)I/निर्वा/2013/

जयपुर, दिनांक: 04 अक्टूबर, 2013

प्रेषक : मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

JSHE-1

का.प्रशा. / जयपुर एवं तक. शिक्षा

क्रमांक 7046

प्रेषिति : मुख्य सचिव,
राजस्थान सरकार, जयपुर।

10-10-13

दिनांक 10/10/13

विषय : विधानसभा आम चुनाव 2013 - सरकारी कर्मचारियों के राजनीतिक गतिविधियों में भाग लेने पर प्रतिबन्ध बाबत।

राजस्थान सचिवालय, जयपुर

महोदय,

प्राप्त क्रमांक 7616

दिनांक 10/10/13

उपरोक्त विषयान्तर्गत आपका ध्यान भारत निर्वाचन आयोग के परिपत्र क्रमांक 62/84 दिनांक 06.11.1984 (प्रति संलग्न) की ओर आकर्षित कर निवेदन है कि राज्य सरकार एवं केन्द्र सरकार के कर्मचारियों से यह अपेक्षा की जाती है कि वे चुनाव के समय निष्पक्ष रहें एवं किसी राजनीतिक गतिविधियों में भाग नहीं लें। चुनाव की घोषणा के बाद आयोजित होने वाली आम सभाएं प्रायः राजनीतिक दलों या अभ्यर्थियों द्वारा आयोजित होती हैं, अतः इन आम सभाओं में सरकारी कर्मचारियों को भाग लेने पर भी प्रतिबन्ध है। केवल वे अधिकारी/कर्मचारी ऐसी आम सभा में रह सकते हैं जिन्हें इन आम सभाओं के संबंध में कानून व्यवस्था बनाये रखने की जिम्मेदारी दी जाती है।

इस संबंध में लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 129 तथा धारा 134-क के प्रावधान भी अवलोकनीय हैं। धारा 129 के अनुसार कोई भी ऐसा व्यक्ति जिसे निर्वाचनों के संचालन या प्रबन्धन से संबंधित किसी कर्तव्य पर नियुक्त किया जाता है तो वह व्यक्ति/कार्मिक अपना मत (vote) देने से भिन्न ऐसा कोई कार्य नहीं करेगा जो किसी अभ्यर्थी के निर्वाचन की संभाव्यताओं (prospects) को अग्रसर करता हो। इस प्रावधान का उल्लंघन निर्वाचन अपराध माना गया है जिसमें 6 माह तक का कारावास या जुर्माना या दोनों से दण्डित किया जा सकता है। चूंकि आम चुनावों के संबंध में किसी भी सरकारी/उपक्रमों के कर्मचारियों की सेवाएं निर्वाचनों के संचालन अथवा प्रबन्धन के लिए ली जा सकती हैं इसलिए यह प्रावधान सभी सरकारी कर्मचारियों एवं उपक्रमों के कर्मचारियों पर लागू रहते हैं।

इसी प्रकार धारा 134-क के प्रावधानों के अनुसार यदि सरकार की सेवा में रहते हुए कोई व्यक्ति निर्वाचन में किसी अभ्यर्थी के निर्वाचन अभिकर्ता या मतदान अभिकर्ता या गणन अभिकर्ता के रूप में कार्य करता है तो उसे 3 माह के कारावास या जुर्माना या दोनों से दण्डित किया जा सकता है।

उपरोक्त प्रावधानों के अतिरिक्त सरकारी कर्मचारी के लिए बनाये गये आचरण नियमों में भी उनके किसी राजनीतिक गतिविधियों में भाग लेने पर प्रतिबन्ध है।

अतः अनुरोध है कि कृपया समस्त सरकारी कर्मचारियों को उनके विभागाध्यक्षों के माध्यम से उपरोक्त प्रावधानों की पालना सुनिश्चित कराने की व्यवस्था करावें।

संलग्न: उपरोक्तानुसार।

भवदीय,

ER

(अशोक जैन)

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

क्रमांक:एफ.3(1)(4)I/निर्वा/2013/5483

जयपुर, दिनांक: 09 अक्टूबर, 2013

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं पालनार्थ प्रेषित है -

1. समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव, राजस्थान सरकार
2. समस्त जिला निर्वाचन अधिकारी (कलक्टर्स), राजस्थान

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

**Government of Rajasthan
Election Department**

No : F3/III/A/Elec/SLA/2012/ 5475

Dated : 8th October 2013
9

From : **Chief Electoral Officer,**
Rajasthan

To: All Addl. Chief Secretary to Govt. of Rajasthan
All Principal Secretaries to Govt. of Rajasthan
All Head of Departments, Govt. of Rajasthan

Subject : Attachment of election pop-ups on all Government websites.

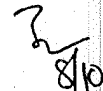
With reference to above cited subject, it is informed that Election Commission of India has announced the schedule of General Election of State Assembly-2013. As per the schedule, nomination will be started on 5th November 2013 and date of poll is decided as 1st December 2013. Following the directions of Election Commission of India, for increasing the voter turnout in the State, the department is running an intensive programme about elector's educations and their participation in voting.

For this purpose, the Department have designed 13-popups for making the appeal to the citizens of State of Rajasthan for casting their vote in forthcoming General Election of State Assembly-2013. These pop-ups have already been attached with the website of Chief Electoral Officer, Rajasthan (<http://ceorajasthan.nic.in>) and all official website of districts of Rajasthan. At the time of opening of website of CEO, Rajasthan or district concerned, one of the pop randomly selected from the list of all opens along with the home page of website of Chief Electoral Officer, Rajasthan or DEO concerned.

It was decided that for increasing the voter turnout in forthcoming General Election of State Assembly-2013, pop-ups designed by the Election Department, Rajasthan should be attach with website of all Government Department, website of all PSU & local bodies etc. This will definitely help us for making a good environment among the electors for casting the vote in the current election and also help to the Department for increasing the voter turnout in the State.

Therefore, you are requested to give the necessary directions to the concerned person of your department to ensure that election pop-ups must be attach on all official websites of your department and website of other office, PSU and undertakings of your department.

You are also requested to send the progress report in this regard to this Department latest by 12th October 2013 positively.


(Ashok Jain)
 Chief Electoral Officer

ITEM NO. 1

Election Commission's Letter No. 62/84, dated 06.11.1984 to Chief Secretaries to State/Union Territories, all Chief Electoral Officers and Ministries of Home Affairs and Law and Justice.

Subject: General Elections/Bye-elections - Guidelines for the conduct of Government servants

I am directed to invite your attention to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to say that the Government of India as well as the State Government have been, before conduct of a general election, issuing instructions regarding the conduct of Government servants in relations to an election, stressing that all the Government employees should maintain an attitude of strict impartiality.

2. The Government employees should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favouring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.
3. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government Officers should not themselves organize any election meetings or be present in person during any such meetings except those who may have to be present to the extent necessary for maintaining law and order and making necessary security arrangements.

The question as to whether a public meeting addressed by a Minister is officially sponsored or is held for election propaganda has to be decided by the Minister himself. In the meeting, the arrangement for organizing it is to be made on the Minister's behalf unofficially and the expenditure in that connection is to be borne by him or his party.

It is further made clear that a public meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

4. In this connection I am also to enclose a copy of the Ministry of Home Affairs' O.M. No. 25/44/49- Ests, dated 10th October 1949, which clarifies the position regarding the participation of Government servants in political activities vis-a-vis the attendance by Government servants at political meetings, for your information. The contents of the said O.M.

- may also be brought to the notice of all Government servants for their guidance.
5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and at the same hour, the party which applies first should be given preference.
 6. Further your attention is specially invited to the provisions of section 134-A of the Representation of the People Act, 1951, which reads as follows:
 "134-A Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent:
 If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months with fine, or with both."
 7. In this connection, I am also to forward herewith an extract of rule 5 of the Central Civil Service (Conduct) Rule, 1964, which inter alia prohibits the Government servants from taking part in politics and elections. It is presumed that similar provisions exist in the rules governing the conduct of Government servants of your State.
 8. I am, therefore, to request that necessary instructions in the above regard may kindly be issued by the State Governments emphasizing upon the Government servants that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in cases of doubt a Government servant should not hesitate to consult his superior officer.
 9. A copy of the instructions issued by the State Government may be forwarded for the Commission's record.

The receipt of this letter may please be acknowledged.

[The Commission's letter No. 62/79, dated the 13th November 1979 is hereby superseded.]

COPY

Ministry of Home Affairs O.M. No.25/44/49-Estts. dt. 10th October 1949

Subject: Participation by Government servants in political activities-attendance by Government servants political meeting

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

2. Enquiries have been received as to whether attendance by a Government Servant at public meetings organized by political parties would amount to

participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1, viz :

- (i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and
- (ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

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

- (1) Attendance at meetings organized by a political party would always be contrary to rule 23 (i) of the Government Servant's Conduct Rules unless all the following conditions are satisfied:
 - (a) that the meeting is a public meeting and not in any sense a private or restricted meeting.
 - (b) that the meeting is not held contrary to any propitiatory order or without permission where permission is needed, and
 - (c) that the Government servant in question does not himself speak, at or take active or prominent part in organizing or conducting the meeting.
- (2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation in a political movement, frequent or regular attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favor or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.
- (3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic right, e.g. the right to vote at elections to Legislature or Local Self-Government institutions.

4. I am to request that Government servant under the control of the Ministry of Finance etc., may be informed accordingly.

To

All Ministries of the Government of India etc., etc.

Extract of Rule 5 of the Central Civil Services (Conduct) Rules. 1964

"Rule 5. Taking part in politics and elections:

- (1) No Government servant shall be a member of nor 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 political movement or activity.
- (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 or the Government as by law established and where a Government servant is unable 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.
- (3) If any question arises whether a party is a political or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Government thereon shall be final.
- (4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority;

Provided that-

- (1) 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:
- (2) A Government servant shall not be deemed to have contravened the provisions of this sub-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 in force.

Explanation: The display by a Government servant on his personal 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.