

Block 4

**EMPLOYER-EMPLOYEE
RELATIONS**

ignou
THE PEOPLE'S
UNIVERSITY

UNIT 14 EMPLOYEE UNIONS*

Structure

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- 14.1 Introduction
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14.0 OBJECTIVES

After reading this Unit, you should be able to:

- Explain the objectives of civil service unionism in general;
- Understand the origin and growth of employee unions in pre- and post-Independent India;
- Underline certain aspects relating to right to association;
- Identify the important functions and activities of employees unions; and
- Explain rules relating to grant of recognition of unions/associations.

14.1 INTRODUCTION

The extent of Employer-Employee relations in public service depends vastly on the nature of Civil Service unionism. The harmony and hostility of relations rests with the strengths and weakness and the philosophy of unionism among the government employees. Public-Employee relations are also governed by the changing nature of the public employer and its dictatorial or democratic attitude in solving the mutual problems. In this Unit, we propose to study the objectives of Civil Service unionism, the origin and growth of employees unions and also the important functions and activities of the employees' union.

*This Unit has been adopted from BPAE-104, Block 6

14.2 NEED FOR EMPLOYEES ASSOCIATION

A basic question as to why Civil servants form and join the association are of more importance in Civil Service than the working and its composition. Associations are the creations of Civil servants and their groups where objectives are many and varied. Pigors and Myers write: "Unionism springs from the basic aspirations of those employees who become convinced that they can gain more through membership in a union than by going at it along". Membership in a trade union is encouraged by the government on the ground that representative associations not only promote good staff relations but are also essential for effective negotiations on conditions of service. An association often develops as a result of government's limited point of view and of restricted communication within the structure. Today associations are, in another sense, faithful representatives of the society from which they emerge. Associations are thus, on the one hand, essential instruments for improving the welfare of their employee and on the other, they have pressed the government to become liberal in dealing with them. Since Civil Servants have been denied the right to strike and participate in the political activities by the Civil Service rules and regulations, they have demanded the provision of a machinery whereby the employees' grievances may be redressed. In order to get their grievances and complaints heard through any government machinery, they feel the necessity of forming staff associations. Through associations the employees feel better security, liberty and courage rather than remaining alone. Staff associations make it possible for civil servants to express their day-to-day difficulties and grievances to the administrative authorities in a formal way by submitting applications and petitions or by holding informal talks with the management. Civil servants seek membership of these associations because the peculiar and diverse needs of the Civil Service cannot be achieved without collective representation and bargaining. They become members with the hope that it may help lessen their anxiety and distress and will further the scope of leading a happy life. The original reasons for unionisation were the effects of continual internal reorganisation and reform. Then followed security of employment and better conditions of service. The foregoing considerations advance the acceptance of unionism as a continuing feature of our politico-administrative system.

14.3 OBJECTIVES OF EMPLOYEES UNIONS

The Employees Unions regarded themselves as a part of the administration. They are yearning for opportunities for full participation in the development of the country. The employees unions are positive assets to sound and progressive administration.

The following may be said to be the objectives behind the establishment of organisations:

- 1) To acquaint the government with the point of view of the employees as there might be many problems where the management and the employees might be having differing point of views. If the two are aware of the point of view of each other, harmonious relations between the two can develop.
- 2) The organisation provide an opportunity to the government to know the opinion of the employees on any given issue. No government can possibly contact all its employees individually. They could be easily contacted through the medium of the organisation. The opinion of the organisation is the collective opinion of the employees.

- 3) The organisation belongs to the employees. It stands with them through thick and thin. There is a feeling of oneness between the employees and the organisation.
- 4) The associations meet the social expectations of the members. It satisfies the ego of the office bearer. They feel that they are doing something useful and beneficial for their members.

The unions make it possible for employees to express their point of view to the government as a whole, while developing a feeling of oneness between the employees and the administration. Thus, they help in developing harmonious relations between government and employees.

The employees unions provide a feeling of identification with the securing of certain personal objectives. They want to do something for themselves. They provide an outlet for natural social aspirations of employees. The unions want to promote efficiency, protect merit systems and improve the quality of administration.

14.4 GROWTH OF EMPLOYEE UNIONS

Pre-Independence

During the early British rule, there was little or no consciousness of common needs and interests among civil servants because of the greater inheritance and partnership in the administration by the English rulers. Indians who were largely employed at the pleasure of the Britishers, had little or no interest in the formation of an association and whatever urge there was, got submerged in the movement of the people for realisation of the goal of India's independence. Of course, before World War I there were associations of government employees such as the Amalgamated Society of Railway Servants of India and Burma (1897), the Indian Civil Service Association (1918), etc. but they were mostly manned by Britishers and the Anglo-Indians. Hence, their existence carried not much significance in the development of unions except as a matter of historical interest.

During the British rule of centralised administration, the general mass of lower and middle level civil servants did not find an opportunity to get organised. By the beginning of the 20th century, however, modern association had secured for itself a place in the economic and political life of the country. Employees organised themselves to press their demands but, by and large, it was only in those cases where they could evoke public sympathy that they succeeded, and such sympathy was hard to come by.

After World War I, political and economic conditions in the country caused, partly by the freedom struggle led by Mahatma Gandhi and his followers and partly by the drain theory advocated by Dadabhai Naoroji as the cause of poverty of India, roused new aspirations in the minds of civil servants to form associations. Further the establishment of the International Labour Organisation (1919) had its impact on the growth of trade unions and staff associations in the country. Lower grade employees working in the Railways and the Post and Telegraph Department began to organise themselves into unions. While some unions chose to operate independently others felt the need for coordination of their activities at the national level.

The formation in 1920 of the All India Trade Union Congress (AITUC) was a manifestation of these urges. Further, the enactment of the Trade Union Act, 1926,

facilitated the formation and growth of trade/staff unions in India. The setting up of the popular governments in the provinces in the late thirties under the Government of India Act, 1935, quickened the pace of the growth of unions and staff associations in the provinces. The Act vested in the governors the responsibility to “safeguard the interests and rights of civil servants. During World War II (1939-45) the relations between the government and its employees further deteriorated. Economic conditions began to worsen and the cost of living rose very high and this made the life of employees, especially the low paid, difficult. As a result, of an intense agitation resorted to by the unions of the Railways and the Postal employees for the amelioration of their condition of service, the government appointed a “Pay Commission” to go into the whole question of scale of wages, pensions and other conditions of service and also the question of setting up some machinery for negotiations between the government and the United Kingdom. The Commission was pained to find that there was “an absolute distrust on the part of many grades of public servants as to their ever receiving a fair response from the government to their representations”. It strongly recommended that the administration should encourage and foster the growth of unions of civil servants. This recommendation gave a further impetus to the development and organisation of civil service associations.

Post-Independence

After the attainment of Independence, employees in the civil service felt pride in the formation of association. Slowly and gradually, all classes of civil servants began to organise themselves into associations. The Government of India felt the importance of associations and consequently an article to this end was incorporated in the draft constitution now the Indian Constitution in force from 26 January, 1950, which provides for the right to ‘form associations and unions’ subject to ‘public order or morality’. Civil servants enjoy this fundamental right as much as any other group of citizens and their right to form unions or associations is no different from workers outside the government. This article is a milestone in the development of staff associations and unions in India as a whole.

The civil servants outside the Railways and the P&T largely remained unorganised. There were loose organisations among the Income Tax, Audit and Accounts, Customs, Civil Aviations and Public Works Departments. The All India Federation of Income Tax Employees, though formed in 1949, was not recognised by the government as its President Asoka Mehta was not an employee of the Income Tax Department. It was only recognised in 1954 after its re-birth in 1953. It is now one of the strong federations with about 40 affiliated associations/unions.

The All India Non-Gazetted Audit and Accounts Association was only recognised in 1956, though the employees started organising since 1923. It was de-recognised in 1959 and it took long time to get re-recognition.

The All India Ordinance Employees Federation was set up in 1947 with heterogeneous Defence workers organisations. In May 1953, they united and formed All India Defence Employees Federation (AIDEF). In 1959, forty unions affiliated to the AIDEF left it and formed the Indian National Defence Workers Federation (INDWF) with the support of Indian National Trade Union Congress (INTUC). Both the Federations have been recognised by the government. The employees unions in the Defence Ministry are large in number and strong in their representative capabilities.

In 1947, there were 27 unions in P & T recognised by the government. The government initiated a Realignment scheme, proposing all the unions to come under one Federation. Accordingly, all the Non-Gazetted employees of P & T were realigned into nine All India Trade Unions and National Federation of P & T Employees (NFPTE) came into existence in 1954. Since then till 1968, the NFPTE enjoyed exclusive recognition. In 1969, the P & T Department recognised rival unions and the Federation of National P & T Organisation (FNPTO). In spite of rivalry, the employees unions in P & T are very strong.

The All India Railwaymen's Federation (AIRF) was formed in 1924. It has been one of the powerful trade unions in India under the eminent leadership of V.V. Giri, Jaya Prakash Narayan, N.M. Joshi, Peter Alvares and George Fernandes. Till 1948, AIRF had the privilege of the exclusive recognition of the government. In 1949, the government also recognised a new organisation, namely the Indian National Railway Workers' Federation (INRWF). In 1953, a merger of the AIRF and INRWF took place and a new Federation in the name of National Federation of Indian Railwaymen (NFIR) came into existence. However, despite the unity efforts in 1957, the AIRF was revived. The former INRWF retained the name of NFIR. In 1974, a third Federation, viz., the Indian Railway Workers Federation was formed with the support of AITUC. There are also category-wise All India Associations, for Station Masters, Locomen Running Staff, Guards, Signals and Telecommunication Staff, Commercial Clerks, Ministerial Staff. The recognition of category-wise unions also became strong.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

1) Give reasons why civil servants should have an association?

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2) Analyse the objectives of employees unions.

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3) Discuss the growth of employee unions in post-Independence period.

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14.5 RIGHT TO FORM UNIONS AND ASSOCIATIONS

The organisation of employees was confronted with a number of problems during their growth and stabilisation. The most crucial problem was the struggle to achieve the right to form Unions/Associations. The Right of Association is central to the concept of constitutional democracy. It is difficult for anybody to function without freedom to associate with others. People find much of their identity in some form of group activity in economic, social, political and professional terms. It must be the obligation of the government to protect the right of Association from invasion and to refrain from making inroads into the right by its own activities.

The Constitution of India under Article 19(1)(c) guarantees the right to form associations and unions to its citizens. It is natural that government employees also resort to take up association type of activity for protecting their service conditions.

14.6 IMPORTANT FUNCTIONS OF EMPLOYEES UNION

- Protecting the rights of employees including ventilation of grievances and negotiation with the government.
- Undertaking measures for social, economic, and cultural advancement of the employees.
- Promoting academic matters including publication of journals and other literature.
- Settlement of disputes through joint consultation/collective bargaining.
- Achieving free trade union rights including full citizenship with right to contest elections.
- To ensure the framing of labour legislation to guarantee the growth of free trade unionism without discrimination between government and non-government labour.

14.7 RESTRICTIONS ON RIGHT TO JOIN EMPLOYEE UNIONS

The government's policy is to encourage the development of healthy trade union movement. The Indian Trade Union Act, 1926, and the Constitution of India, 1950, permitted the employees to form Unions/Associations. But the government through the Civil Service (Conduct) Rules, 1955, based on the Conduct Rules of 1937 and subsequent amendments in 1957 and 1964 restricted the right to join Unions/Associations.

According to the Conduct Rules, no government servant shall join or continue to be a member of any service association of government servants, (a) which has not within a period of six months from its formation, obtained the recognition of the government under the rules prescribed in that behalf, (b) recognition in respect of which it has been refused or withdrawn by the government under the said rules. However, these rules are not applicable to the Railway employees. The said rules deprived them of trade

union rights including the right to association and demonstrate. As such the utility of the Right to Association is linked with the Right to Recognition. Therefore, the employees protested against the Conduct Rules and the Recognition Rules.

14.8 RULES OF RECOGNITION

It is pertinent to note that the grant and continuance of recognition provides a legal status to the Union/Association to represent the grievances of employees, negotiate and bargain with the employer. Recognition encourages legitimate union activity. The Indian Trade Union Act, 1926 did not extend its provisions to the civil servants. The Trade Union Law has made no provision for compulsory recognition of unions by the employers.

In spite of the limitations and restrictions the employees organisations focussed their grievances from time to time since the 1920s. To curb the mounting unrest and the threat of direct action, the government issued the Central Civil Services (Conduct) Rules, 1955 and they were amended in 1964.

In 1959, a new set of Rules known as the Central Civil Service (Recognition of Service Associations) Rules, 1959 were made under Article 309 and clause 5 of Article 148 of the Constitution of India. The provisions of the Rules laid certain conditions for purposes of recognition:

- a) No person, who is not a government servant, is connected with the affairs of the Association.
- b) The executive of the Association is elected from amongst the members only.
- c) The Association shall not respond to support the cause of individual government servants.
- d) It shall not maintain any political fund or lend itself to the propagation of the views of any political party or politician.

The Ministry of Labour issued separate rules for recognition of unions of workers who are industrial employees. According to these rules:

- a) The membership of the union must be confined to workmen employed in the same industry or industries closely allied or connected with each other.
- b) The union must be a representative of all workmen employed in that industry. No class of workmen must be excluded from membership.
- c) The union must be registered under the Trade Union Law.
- d) The union must make a suitable provision in their constitution regarding the procedure for declaring strikes.

The Railway Ministry also issued another set of rules for the recognition of associations of Non-Gazetted Railway servants. However, they are not very different from the Rules of the Labour Ministry. The grant and continuance of recognition under the Labour and Railway Ministry's Rules rests with the discretion of the government and the Rules of Ministry of Home Affairs (Rules of Recognition, 1959) also provide recognition only when specified conditions are fulfilled.

Except in the case of civil servants who are governed by the Recognition Rules of 1959, both Labour Ministry's rules and the Railway Ministry's rules permit the association of outsiders as the executive of the unions. However, the former employees and retired employees are allowed in civil service associations.

The Recognition Rules of 1959 restricted the free movement of trade unions. According to the rules every association which seeks recognition has to submit a list of members and office bearers and must have at least 15 per cent of a distinct category of government servants as members. The rules were stringent and demanded liberal application of the rules. For a long time the government had not followed any clear policy in regard to recognition. The unions had to fight and struggle to get the recognition as different ministries had followed different recognition rules.

The Recognition Rules of 1959, have undergone a further change in the form of Central Civil Services (Recognition of Service Association) Rules, 1993. These Rules have been notified in part (II), Section 3, Sub-Section (I) of the Gazette of India dated 5th November 1993.

These Rules apply to all Service Association of Central Government employees including civilian employees in the defence services, but not to industrial employees of Ministry of Railways and workers employed in Defence installation of Ministry of Defence for whom separate Rules for Recognition exist.

The Service Association which fulfils the following conditions may be recognised by the government, namely,

- a) An application for recognition of Service Association has been made to the Government containing Memorandum of Association, Constitution Bye-Laws of the Association, Names of the Office-Bearers, total membership and any other information as may be required by the Government;
- b) The Service Association has been formed primarily with the object of promoting the common service interest of its members;
- c) Membership of the Service Association has been restricted to a distinct category of Government Servants having common interest, all such Government Servants' being eligible for membership of the Service Association;
- d) (i) the Association represents minimum 35 per cent of total number of a category of employees provided that where there is only one Association which commands more than 35 per cent membership, another Association with second highest membership, although less than 35 per cent may be recognised if it commands at least 15 per cent membership;
(ii) The membership of the Government Servant shall be automatically discontinued on his ceasing to belong to such a category;
- e) Government employees who are in service shall be members or office bearers of the Service Association;
- f) The Service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination;

- g) The Executive of the Service Association has been appointed from amongst the members only;
- h) The funds of the Service Association consist inclusively of subscriptions from members and grants, if any made by the Government, are applied for the furtherance of the objects of the Service Association.

Further, every Service Association recognised under these Rules shall comply with the following conditions, namely:

- a) The Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association;
- b) The Service Association shall not expose or support the cause of individual Government Servants relating to service matter;
- c) The Service Association shall not maintain any political fund or lend itself to the propagation of the view of any political party or a member of such party;
- d) All representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary to the Government/Head of the Organisation or head of the Department or office;
- e) A list of members and office bearers; and up-to-date copy of the rules and an audited statement of accounts of the Service Association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st day of July each year;
- f) The Service Association shall abide by and comply with all the provisions of its constitution/bye-laws;
- g) Any amendment in the constitutional bye-laws of the Service Association after its recognition under these Rules, shall be made only with the prior approval of the Government;
- h) The Service Association shall not start or publish any periodical, magazine or bulletin without the prior approval of the Government;
- i) The Service Association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Government of any state or any Government authority, or to good relations between the Government of India and the Government of a foreign State;
- j) The Service Association shall not address any communication to, or enter into correspondence with, a foreign authority except through the Government which shall have the right to withhold it;
- k) The Service Association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the central Civil Service (Conduct) Rules, 1964; and
- l) Communication addressed by the Service Association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

1) Discuss the important functions and activities of Employees Unions.

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2) Analyse the restrictions on Right to join employee unions.

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3) Explain the rules relating to grant of recognition of Association/Unions.

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14.9 CONCLUSION

Public employees have in many countries demanded the right to form Employees Unions. There is a high degree of variation among the public employee organisations and in the nature of formal relations between the unions and their governments. Their fundamental objectives are to get redressal of the grievances of the employees pertaining to the service conditions through joint consultation, collective bargaining and by direct action if felt necessary. Ultimately they have aimed at maintenance of harmonious relations between the government and employees by settling their problems through negotiations in a peaceful manner in order to promote efficiency, protect merit system and improve the effectiveness of the administration.

14.10 GLOSSARY

Conduct Rules	: An established regulation or guide for conduct procedure, usage, etc., for government employees.
Recognition Rules	: In Civil Service, a statement of decisions concerning the manner in which organisational policies and plans should be carried out.

Right to Recognition : A term applied to employer acceptance to be the bargaining agents for his employees.

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14.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Essential instruments for improving the welfare of the employees.
- Press the government to become liberal in dealing with them.
- In order to get their grievances and complaints heard through any government machinery, they feel the necessity of forming staff associations.
- In these associations employees feel better security, liberty and courage.
- Make it possible for employees to express their day-to-day difficulties and grievances to the administrative authorities.

Employer-Employee Relations

- Peculiar and diverse needs of the civil service cannot be achieved without collective representation and bargaining.
 - The original reasons of unionisation were the effects of continual internal reorganisational reform.
 - Security of employment and better conditions of service.
- 2) Your answer should include the following points:
- To acquaint the government with the point of view of the employees.
 - The organisations provide an opportunity to the government to know the opinions of the employees on any given issue.
 - Feeling of oneness between the employees and the organisation.
 - The association should meet the social expectations of the members.
- 3) Your answer should include the following points:
- All India Federation of Income Tax employees formed in 1949, it was not recognised by the government.
 - It was only recognised in 1954.
 - The India Non-Gazetted Audit and Accounts Association was only recognised in 1956, though the employees started organising since 1923.
 - It was de-recognised in 1959 and it took a long time to get re-recognition.
 - In 1947, there were 27 unions in P & T recognised by the government.

Check Your Progress 2

- 1) Your answer should include the following points:
- Protecting the rights of employees including ventilation of grievances and negotiations with the government.
 - Undertaking measures for social, economic and cultural advancement of the employees.
 - Promoting academic matters including publication of Journals and other literature.
 - Settlement of disputes through joint consultation/collective bargaining.
 - Achieving free trade union rights including full citizenship with the right to contest elections.
 - To ensure the training of labour legislation to guarantee the growth of free trade unionism without discrimination between government and non-government labour.
- 2) Your answer should include the following points:
- The Indian Trade Union Act, 1926, and the Constitution of India, 1950, permitted the employees to form into associations.

- Through the Civil Service (Conduct) Rules, 1955, based on the Conduct Rules of 1937 and subsequent amendments on 1957 and 1964 restricted the right to join unions.
- According to the Conduct Rules, no government servant shall join or continue to be a member of any service association of government servants.
 - which has not within a period of six months from its formation, obtained the recognition of the government under the rules prescribed in that regard.
 - Recognition in respect of which has been refused or withdrawn by the government under the said rules.
- As such the utility of the Right to Association is linked with the right to recognition.

3) Your answer should include the following points:

- The Indian Trade Union Act, 1926 did not extend its provisions to the civil servants.
- Trade Union Law has made no provision for compulsory recognition of unions by the employees.
- In 1959, a new set of Rules known as the Central Civil Service (Recognition of Service Associations) Rules, 1959 were made under Article 309 and clause 5 of Article 148 of the Constitution of India.
- The Ministry of Labour issued separate rules for recognition of unions of workers who are industrial employees.
- Except in the case of civil servants who are governed by the Recognition Rules of 1959, both Labour Ministry's rules and the Railway Ministry's rules permit the associations of outsiders as the executive of the unions.
- Former employees and retired employees are allowed in civil service associations.
- For a long time the government had not followed any clear policy in regard to recognition.
- Central Civil Services (Recognition of Service Association) Rules, 1993, should also form a part of your answer.

UNIT 15 RIGHTS OF PUBLIC SERVANTS*

Structure

- 15.0 Objectives
- 15.1 Introduction
- 15.2 Fundamental Rights Guaranteed to the Citizens
- 15.3 Classification of Fundamental and Other Rights
- 15.4 Personal Rights
- 15.5 Civil Rights
- 15.6 Freedom of Speech and Expression
- 15.7 Political Rights
- 15.8 Trade Union Rights
- 15.9 Service Rights
- 15.10 Conclusion
- 15.11 Glossary
- 15.12 References
- 15.13 Answers to Check Your Progress Exercises

15.0 OBJECTIVES

After reading this Unit, you should be able to:

- Explain the fundamental and other rights guaranteed to the citizens and the public servants;
- Discuss the restrictions imposed by the government in exercise of the rights by Public Servants; and
- Highlight the service rights of the government employees.

15.1 INTRODUCTION

The constitution of different countries guarantee certain fundamental rights to all the citizens irrespective of birth, caste, creed, colour or sex. Public servants being citizens enjoy certain fundamental rights. However, the public servants have to perform public functions for which the constitution empowers the states to regulate their rights and impose obligations on them. In regard to various rights of public servants, different countries have evolved different systems of rights over a period of time depending upon the genius of their people, their historical background, the stage of their economic development and their political and administrative structure.

The public servants are first citizens and then employees. But they have a special duty to maintain the structure of the states' Law and Order. There is a special status of

*This Unit has been adopted from BPAE-104, Block 6

double status applicable to the employees as citizens and as Public Servants. Their position is closely related to the conception of democratic government which expects employees to render faithful service to all the people, without the thought of their own interests. There are also arguments that public employees must be granted the role of the normal citizen even though they are public employees and they cannot be treated as second class citizens.

In this Unit, we will study the fundamental and other rights guaranteed to the citizens and the public servants, restrictions imposed by the government in exercise of the rights by Public Servants and highlight the service rights of the government employees.

15.2 FUNDAMENTAL RIGHTS GUARANTEED TO THE CITIZENS

The citizens are guaranteed certain fundamental rights by the Constitution. The rights may be classified as under:

- a) Right to Equality
- b) Right to Freedom
- c) Right against Exploitation
- d) Right to Freedom of Religion
- e) Cultural and Educational Rights
- f) Right to Constitutional Remedies

Some of these rights may not be available to persons serving in the armed services. Moreover, fundamental rights except protection against conviction and protection of life and personal liberty may be suspended. Freedoms guaranteed automatically get suspended during emergency. Restrictions are imposed or reservations are made on certain rights with regard to public employment and public services.

15.3 CLASSIFICATION OF FUNDAMENTAL AND OTHER RIGHTS

The rights guaranteed to the citizen by the Constitution may be classified into the following:

- 1) Personal Rights
- 2) Civil Rights
- 3) Political Rights
- 4) Trade Union Rights
- 5) Service Rights

15.4 PERSONAL RIGHTS

Some of the personal rights are:

- a) **Right to life and liberty:** The private life of an individual is considered a matter of his conscience, freedom of which is guaranteed by all the states. The Constitution of India (Article 21) provides protection of life and liberty to all persons. It also includes the freedom of movement.
- b) **Equality before law and equal protection of law (Article 14):** It means that the state cannot discriminate the citizens on grounds of religion, race, caste, sex or place of birth. However, Article 15 provides protective discrimination and reservations for women, children, backward castes, scheduled castes and scheduled tribes as Socially and Educationally Backward Classes of Citizens in the matter of education and employment.
- c) **Right to freedom of Religion (Article 25-28):** Under this right, all persons have the freedom of conscience and the right to profess, practise and propagate religion under certain regulations.
- d) **Right to private property:** Under this right all the persons may acquire, hold and dispose property.
- e) **Right to practise any profession or to carry out any occupation, trade or business.**

The Constitution guarantees all these rights to the citizens, but in regard to the public servants, the state regulates their personal conduct and private relationships which tend to affect their integrity, reputation, confidence and the dignity of the public office. Therefore, the governments through Civil Servants Conduct Rules and Codes prescribed and regulated the required behaviour from the public employees. The relationship between the government and the civil servants rests on contractual basis. Any breach of the code, conduct rules and the contract leads to different types of punishment, dismissal from service. However, the imposition of these restrictions is not an abrogation of their fundamental rights nor an invasion of fundamental rights.

15.5 CIVIL RIGHTS

Right to Private Trade and Employment

The civil liberties of the government employees are curtailed more than those of other citizens by the special duties imposed on them and the special responsibilities they hold by virtue of their office. With regard to civil servants' civil life, the state regulates their conduct and private relationship in so far as they tend to affect their integrity and reputation. In view of this, certain restrictions are placed on an official's right to take part in private business. In most cases, it is positively forbidden for an official to have any business dealings in the fields with which he/she comes into contact in the ordinary course of his/her duties. The temptations which might arise could place an unreasonable strain on one's integrity, particularly if his official duties require him to control certain branches of business.

Therefore, certain restrictions, limitations are imposed by the Civil Service Regulations. Except with the previous permission of the government, no civil servant can engage in trade or business in support of the business owned or managed by any members of the family.

American government restricts the personal right of civil servants in the sense that they

cannot coach anybody either individually or in group in order to prepare him/her for taking the competitive examinations for entry into government service. It is improper for any government servant to be associated with any such programme either by way of tuition or in any other manner. The government servants cannot accept the membership of such societies, institutions or clubs which oblige their members to go on strike in pursuance of their objectives. But with the framework of the rules the federal employees have the right to petition to the Congress either individually or collectively.

In France the civil servants enjoy civic rights more than any other country. They may join any political party. They have the right to strike. These rights have wide and far-reaching consequences. The government servants in India, UK and USA do not have such rights.

Right to Contract

Freedom of contract is a fundamental right of the citizens. In view of the integrity and impartiality, for the civil service this right to contract is restricted. Such as they are not allowed to:

- engage in any speculative investment,
- permit trade by any member of their family,
- lend money to any person living in the locality of their authority,
- borrow money from any other person with whom they are likely to have official dealings.

Further, they are required to take prior permission of the government for purchase and disposal of their properties exceeding certain limits.

Right to Vindication of His Acts or Character

In- parliamentary democracy where the civil servants are expected to be in the background and where they are supposed to be neutral, the minister holds responsibility for the commissions and omissions of the civil servants. As such, in India, the civil servants are precluded from taking recourse to a law court or to the press for the vindication of any of their official acts which has been the subject matter of adverse criticism or attach of defamatory character. However, in France, the civil servants have the right to file suits in the courts against such administrative decisions which have an adverse impact on the collective interests of the civil services and in the event of violation of rules and norms of personnel administration.

Subscriptions and Gifts

Civil servants are not allowed to ask for nor accept any contributions or associating themselves with the raising of any fund in pursuance of any object. It was declared that in the interest of maintaining the efficiency and integrity of government employees, it is essential to prevent them from soliciting or receiving funds for any purpose unconnected with his office.

Public employees also cannot accept any gifts. Even their family members are also not permitted to accept any such gifts. They have to report to the government when they accept any gifts and seek permission of the government to accept them.

15.6 FREEDOM OF SPEECH AND EXPRESSION

In the Commonwealth countries of Australia, Canada, England and India, the Civil servants have to seek prior permission of the competent authorities for publishing a book or article or for speaking to general audience. However, Australia takes somewhat more lenient attitude towards the violation of these norms by its civil servants than Canada, India and England.

In the United States of America the Hatch Act of 1939 allowed its federal employees to express their views on political subjects, rather than only to express them privately. However, at the same time, it proclaimed that the Act was intended to prohibit the same activities that the Civil Service Commission considered legitimate under 1907 Regulations, which allowed only private expression. The second Hatch Act of 1940 extended these regulations to positions in state employment and allowed public employees to express their opinion on 'candidates' as well as on political subjects.

A French official outside his office can criticise the government and express views contrary to the general policy of government. But he cannot express personal criticism directed towards the work of the particular service to which he belongs. Similarly, in Germany, outside the service a public servant can express his personal opinions on political questions also. He cannot adopt a standpoint which is in opposition to the government. But he must have a certain regard for his position. The law of 1953 obliges him to exercise that moderation and discretion with regard to political activities which incumbent upon him in his position as servant of the community.

In India, the Civil Servants cannot express against any policy or action of the government. They cannot also express on any matter pertaining to politics of parties and matters of public controversy.

Criticism of Government Policy

According to the Civil Service (Conduct) Rules in India, government servants are not permitted to communicate anything to the press, make any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any policy of the government or which leads to embarrassing relations between the internal governmental agencies and the governments of foreign states. The employees are also forbidden from giving any evidence without prior permission to any inquiry which is not duly authorised.

The purpose of this restriction is to maintain the political neutrality of the civil services and to keep them away from public controversies and to enable the civil servants to serve the government of the day with all the loyalty.

In Britain, the civil servants have freedom to express their opinions on non-political matters of public importance provided they do not direct their activities towards any party politics.

In USA the government may restrict the exercise by its employees of their right to criticise government policy. The employees may be disciplined: (a) if their criticism is false and is made with actual malice; (b) if criticism involves disclosure of information which is confidential; (c) if the criticism is made outside the channels prescribed by, or is in violation of a statute, Executive order or regulation, and (d) if the criticism adversely affects job performances, discipline, work relationships or the goals of the organisation.

Speech and Expression on Political Matters

In India the civil servants are prohibited from participating in any political activity and movement. They cannot make any public expression of their views other than those of purely literary, scientific or artistic nature. They are restricted from participating in any way in the editing, managing any publication. Thus, they are completely deprived of the freedom of press.

In Britain, the civil servants those who involve in the formulation and execution of public policy (executive group) have no freedom of expression on political matters. However, the Minor and Manipulative Groups, whose duties are of only routine character have freedom to political expression as well as activity.

Unauthorised Communication of Official Information

In USA under the Hatch Act 1939, no employee of the government can use his official authority or influence for political purposes. Any person violating the provisions of this Act shall be removed from the position held by him.

In India, as per the Conduct Rules, no government servant shall communicate directly or indirectly any official document or information, except in the form prescribed, to any government or person to whom he is not authorised to communicate. The Official Secrets Act 1923 also lays down service restrictions on unauthorised communication of official information. The restrictions and severe punishments are necessitated to prevent the employees from communicating such information to the enemy countries or to unsocial elements or to use such information to serve the personal ends of the employees. Therefore, the civil servants are put under special obligation to use and protect official information with the utmost care.

Second ARC Recommendations (2009)

In India, civil service values have evolved over years of tradition. These values also find place in various rules, including the Code of Conduct. The current set of 'enforceable norms' are 'Conduct Rules', typified by the Central Civil Services (Conduct) Rules-1964 and analogous rules applicable to members of the All India Services, the code of behaviour as enunciated in the Conduct Rules, while containing some general norms like 'maintaining integrity and absolute devotion to duty' and not indulging in 'conduct unbecoming of a government servant', are generally directed towards cataloguing specific activities deemed undesirable for government servants. There is no Code of Ethics prescribed for civil servants in India. A comprehensive Civil Service Code can be conceptualized at three levels. At the apex level, there should be a clear and concise statement of the values and ethical standards that a civil servant should imbibe. These Values should reflect public expectations from a civil servant with reference to political impartiality, maintenance of highest ethical standards and accountability for actions. At the second level, the broad principles which should govern the behaviour of a civil servant may be outlined. This would constitute the Code of Ethics. At the third level, there should be a specific Code of Conduct stipulating in a precise and unambiguous manner, a list of acceptable and unacceptable behaviour and actions. The Commission feels that the values and the Code of Ethics should be given a statutory backing by including them in the proposed Civil Services Bill.

The Conduct Rules need to be completely redrawn based on the values and code of ethics. The proposed Central Civil Services Authority may be consulted while drawing

up the Conduct Rules and for interpreting any 'grey areas' that may emerge in enforcing these Conduct Rules. The recommendations regarding the 'Civil Services Values' and the 'Code of Ethics' would have to be incorporated in the proposed Civil Services Bill.

However, the Government of India has taken decision to defer the above recommendations of the ARC.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

1) Discuss the Fundamental and other Rights guaranteed to the citizens.

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2) Explain Civil Rights of civil servants.

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3) In India whether civil servant can express against any policy or actions of the government? Discuss.

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15.7 POLITICAL RIGHTS

Right to Political Activity

The right of political activities of the public servants in a democratic government is determined by the constitutional theory of government. Political neutrality of civil servants has been regarded as one of the cardinal conditions for the success of a democratic government. The parliamentary form of government demands from civil service not only neutrality and unimpeachable integrity but also impartiality to conduct.

The question of rights to engage in political activities in UK was referred by the government to Masterman Committee in 1948. As per the recommendations of the committee and in consultation with the employees a set of regulations were issued in

1953. While the concept of political neutrality has been kept intact, particularly of the higher civil service, a distinction has been drawn between national and local political activities. The civil servants has been classified into (a) the politically free group, (b) the politically restricted group and (c) those who are allowed to participate in national political activity, subject to permission.

In regard to local political activities, barring those civil servants who are required to obtain permission for participation, all others are allowed to take part in those activities. A civil servant in the politically free group who is contesting for parliament is obliged to submit his resignation before nomination. He is entitled to be reinstated in the post whether he is elected to parliament or not.

All staff in the intermediate and restricted groups who have been given permission to engage in any of the political activities are expected at all times to maintain a reserve in political matters and not to put themselves forward prominently on one side or the other.

In USA regulations are laid down on the political activities of public employees. They prohibited the following activities:

- 1) serving as a candidate or alternate to a political party convention,
- 2) soliciting or handling political contributions,
- 3) engaging in electioneering,
- 4) being a candidate for elective political office,
- 5) leading or speaking to partisan political meetings or rallies.

In India, the government servants, under the Conduct Rules are not free to indicate the manner in which they propose to vote or have voted. They are forbidden to canvass or use their influence in an election to any legislature or local authority. The government servants are not expected to attend election meetings organised by any political party except in the official capacity. They cannot stand for election to the parliament or to state legislature. They are required to resign in order to contest elections. Thus, in India, the civil servants are debarred from taking part in politics. They cannot be members of any political party nor even subscribe or assist any political movement or activity.

In many democratic countries with certain exceptions, right to political activities of the civil servants are restricted in one way or the other. They can exercise only the right to vote. The restrictions imposed on the rights of political activities will only show the nature of the government and the expected role of the public employees in the government. It is a part of the evolutionary process of the government.

Right to Contest Elections

France has the most liberal electoral laws. Irrespective of the levels all French Civil Servants are allowed to run for any representative office in the country. During their tenure in the representative assembly they continue to be on the public service rolls and enjoy their seniority and pension rights. Germany and Australia have a great deal of liberalism in this respect. In Germany and Australia public servants have to resign their positions in public service after their election. However, if they lose in the election

or else intend to return to public service after the expiry of their term in the legislature they enjoy the privilege of reinstatement to a position equivalent to their previous positions in the public service.

England follows different methods as per the recommendations of the Masterman Committee. The entire public service has been divided into three categories. Of the total employees in the state service, 62 per cent including Industrial Staff and most of the Non-Industrial Staff have no restrictions on their political activities; clerical staff, typists and some minor technical staff representing 22 per cent may with the approval of their departmental authorities, take part in all political activities, except contesting for election to parliament. The executive and higher staff representing 16 per cent is debarred from any political activity, but may be granted permission to engage in local political activity.

The electoral rights of civil servants in Canada are relatively more liberal than UK. The federal public servant in Canada may apply to the Public Service Commission for a leave of absence without pay for seeking political nomination of federal, provincial or territorial legislature. If a civil servant is elected, he ceases to be a public employee.

In the United States of America the Hatch Act of 1939 and 1940 regulates the political activities of the federal and to a limited extent those of provincial and local civil servants. However, they are allowed to run in the local elections so long as their participation in local politics does not affect their efficiency.

In Italy and Spain, the public servant if elected to Parliament is granted indefinite leave of absence and if he ceases to be a Member of Parliament, he is entitled either to return to his post or if he is too old he can retire from service. In Denmark, Sweden and Austria the civil servants can remain in office and also can sit in parliament. In these countries precaution is taken that no civil servant contests in the area of where he had worked last.

15.8 TRADE UNION RIGHTS

Right to Association

The public servants in Australia and France enjoy the right to association with trade unions. In Canada, India, Germany and England certain restrictions are imposed upon public servants' right to association. In Germany its Civil Servants may join or form only those associations whose objectives are in keeping with the objectives of existing constitutional order only. In Canada and England the public servants are not allowed to associate with outside unions. In India the right to association has been guaranteed to every citizen. Public Servants, therefore, are free to form associations or join associations already in existence, but the government would consult or negotiate with only those associations which have been recognised by it. In the United States the public employees are legally free to form associations and unions and to associate themselves with outside associations or organisations.

Right to Strike

Whether the civil servants' right to strike is granted or not, this right is exercised widely in India, France, Canada, Australia, America and England.

In England the public servants are not denied the right to strike under the law. In

France they have the right to strike. In Germany, however, public servants right to strike does not exist under the law. The penalties for violating the law include loss of one's job. In India all non-industrial public servants are denied the right to strike the law. The public employees in America do not have the right to strike. Under the provisions of the Act of 1947 strikes by the Government Servants had been declared illegal. In all the countries, wherever the employees go on illegal strikes, penalties or punishments are awarded as per the disciplinary or Conduct Rules.

15.9 SERVICE RIGHTS

Civil Service has a special relationship with its government when compared to the relationship between employer and employee in private employment. The civil service enjoys good prospects of public employment like the security of tenure, career, service facilities and superannuity benefits. On the other hand it maintains relations with the public in whom the state sovereignty lies. As such the civil service occupies a key position in the government. Therefore, the state provides certain service rights to the employees to enable them to discharge their rightful job in the right manner.

Appointment

Today, the public employer in democratic countries guarantees equal protection of the laws to all citizens seeking public employment. However, under the constitutional provisions or executive orders certain 'reservations' are made to the minorities and backward communities and socially weak. The judiciary has viewed such representative public services as desirable. However, the principle of equality of opportunity cannot be denied by the process of selection. But, discriminatory law in respect of residential qualifications, age, language, etc., may be enacted by the state. Thus, in India, reservations are provided in public employment of SCs and STs. The state is empowered to require every able-bodied person within its jurisdiction to work for a reasonable period for "public purposes" such as Defence services, Home guards, Social services, etc. Public employees are expected to serve anywhere under any conditions prescribed by the government.

Life Tenure

Public employment is more attractive due to its life tenure and prestige attached to it. However, the sovereign employer enjoys the pleasure to terminate, dismiss the services of any employee, without assigning any reasons for such kind of action. The principle of 'during the pleasure of the government' has now been converted in practice into 'during the good behaviour'. Therefore, only in cases of 'misconduct', gross negligence or incompetence this provision is exercised. Otherwise the civil servants in general, remain in service, irrespective of change of the governments. Thus, the continuity of service under the different rules of the government is ensured. The civil servants are also entitled to certain privileges, facilities, allowances, advancements and promotions under the rules prescribed from time to time. The government cannot alter the conditions of their service to the disadvantage of the employees except by changing the existing Laws and Rules.

Rights and Privileges

Although the service tenure of all government employees is at the pleasure of the government, normally, they hold office during the good behaviour and their terms of

service are regulated by Executive Rules and Administrative orders. Such of the Rules and Orders are issued subject to the provisions of the constitution. Sometimes the government is required to consult the public service commission for their opinion. Therefore, the governments cannot make rules and change rules without constitutional authority. The government is further required to place these rules and regulations on the Table of the Legislature for their approval. Thus, the civil servants enjoy privileges and rights guaranteed by the constitution. The civil servants are not at the mercy of the executive government without changing the existing rules.

Procedural Safeguards in the Event of Removal or Dismissal

The constitution and the rules framed under the provisions of the constitution provide certain important procedural safeguards to prevent any injustice. Any punishment can be imposed on the civil servant only according to prescribed procedure, which is laid down in India under Classification, Control and Appeal Rules (CCA Rules). As per the Rules no civil servant can be removed or dismissed by an authority subordinate to the one who appointed him. No one can be removed or dismissed until the civil servant has been given a reasonable opportunity of showing cause against the action proposed to be taken. Compulsory retirement before the age of superannuation is not considered removal or dismissal as there is no substantial loss of accrued service benefits like pension, etc.

Second ARC Recommendations (2009)

Disciplinary Proceedings

The Commission has recommended that Article 311 of the Constitution should be repealed and appropriate and comprehensive legislation under Article 309 could be framed to cover all aspects of recruitment and service, even with regard to dismissal, removal or reduction in rank. A comprehensive Public Services Bill is currently being prepared by Government of India. It would be opportune therefore to include in this new legislation, appropriate provision for rationalization of the cumbersome disciplinary procedures that presently make it difficult to ensure accountability in government departments. With the repeal of Article 311, the CCS (CCA) Rules, 1965 would also have to be repealed and new rules framed. The Commission is of the view that the following changes are necessary while drawing up disciplinary procedures:

- The new Civil Services Law should set out only the minimum statutory disciplinary and dismissal procedures required to satisfy the criteria of natural justices leaving the details of the procedure to be followed to the respective departments. A natural corollary of this proposition is that the CCS (CCA) Rules, 1965 would be repealed.
- The penalty of dismissal or removal of a public servant should only be imposed by an authority three levels higher than the present post held by that public servant whereas all other penalties may be imposed by an authority who is two levels higher. The right to appeal to an officer at least one level higher than the disciplinary authority would be continued.
- However, no penalty would be imposed without holding an inquiry/interview wherein the accused Government servant is given an opportunity of being heard.
- The inquiry into the charges brought against a government servant should be a simple two stage process with the following parameters:

- The charges against the government servant should be communicated to him in writing.
- The inquiry process should be based to the maximum extent possible on documentary rather than oral evidence.
- Fixed and brief time limits should be prescribed for admission and denial of documents from both sides followed by a meeting/disciplinary interview to give the government servant chance to respond to the charges.
- The degree to which an oral examination would be part of the inquiry process and the extent to which the procedures that are borrowed from court proceedings such as cross examination, re-examination etc., would be permissible; should be left to the enquiry officer to decide depending on the facts of the case but should not be the norms as is currently the case.
- Preponderance of probabilities rather than beyond reasonable doubt would be the standard of evidence required for the inquiry authority to reach his/her conclusions.
- The two –stage consultation with the CVC in cases involving a vigilance angle should be done away with, only second stage advice after the completion of the disciplinary process, should be obtained. In addition for cases involving a vigilance angle, no consultation with the UPSC should be required.
- Consultation with the UPSC should be mandatory only in cases leading to the proposed dismissal of a government servant and all other types of disciplinary cases should be exempted from the UPSC's purview.

The Government of India has taken decision on the above recommendations as follows:

DoPT has issued an order stating that in cases involving vigilance issues, the consultation with UPSC will continue while second stage consultation with CVC has been dispensed with. However, in those cases where consultation with UPSC is not required, the second stage consultation with CVC will continue.

Code of Ethics for Civil Servants

'Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and parastatal organizations. Any transgression of these values should be treated as misconduct, inviting punishment.

The above recommendation has been accepted by the Government of India.

In this context, conflict of interest is an important area which should be adequately addressed in these codes. Also, serving officials should not be nominated on the board of public undertakings. This will, however, not apply to non-profit public institutions and advisory bodies.

The above recommendation has been partially accepted by the Government of India. As serving officials provide an important linkage between the Government and PSUs, it may not be appropriate to accept the recommendation about not nominating serving officials on the Board of Public Undertakings. However, conflicts of interest can be effectively handled by further strengthening the Conduct Rules. The guidelines on corporate governance of Public Sector Undertakings issued recently also take note of this concern.

Protecting the honest civil servant

The Raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Risk-taking should form part of government functioning. Every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry.

The Central Vigilance Commission has recognised this possibility of genuine commercial decisions going wrong without any motive whatsoever being attached to such decisions.

There are genuine apprehensions about the system's ability to protect an honest public servant. Fortunately, there are sufficient safeguards in the law and procedure to ensure protection of an honest civil servant against baseless, mala-fide malicious and motivated complaints.

The Central Vigilance Commission has instituted a mechanism for screening cases of public sector executives within its jurisdiction. The question is one of exercising due discrimination to protect an honest civil servant from being dragged through investigative processes involving harassment and loss of prestige and enormous anguish.

There is a general perception among offices and managers that anti-corruption agencies do not fully appreciate administrative and business risks and that they tend to misinterpret the motives where the decision has gone awry or where a loss is caused in a commercial transaction. Such a perception is not without foundation. It is essential therefore for the investigating agencies to establish that their actions are designed in such a way as to protect honest officers.

The crucial question is one of ensuring a balance between equality before law and protection of an honest civil servant who has his reputation to safeguard, unlike a corrupt one. Such a balance could be achieved by an impartial agency which would screen cases of prior permission for investigation and sanction prosecution of public servants involved in corruption. The Commission has already recommended that the Central Vigilance Commission should be empowered to give such permission.

There is need for a special investigation unit reporting to the proposed Lok Pal (Rashtriya Lokayukta) to investigate allegations of corruption against investigating agencies. This unit should be multi-disciplinary and should also investigate cases of allegations of harassment against the investigating agency. Similar units should also exist in States under the State Lokayuktas.

The Government of India has accepted all the above recommendations.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

- 1) Analyse the Right to association of Indian Civil Servants with the civil servants of other countries.

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- 2) Political Neutrality of civil servants has been regarded as one of the cardinal conditions for the success of a democratic government. Discuss.

- 3) Explain the Service Rights of Civil Servants.

15.10 CONCLUSION

Though the civil servants are more enlightened citizens, all the rights guaranteed by the constitution of different countries, do not guarantee such rights to their public employees. The grant of different rights and their denial is governed by the theory of the constitutional government and the place and role assigned to the public servants. The government servants for this purpose are classified into Industrial, Non-industrial, Administrative and Clerical, Ministerial and accordingly were given the rights depending upon their extent and nature of participation in the arrangement of public offices. All the governments in theory believe in the concept of sovereign employer in which the public employers are 'Government Servants', required to conduct themselves under a framework of Rules, Regulations. However, they are not second class citizens but enjoy certain privileges and facilities more than the ordinary citizen.

15.11 GLOSSARY

Strikes	: Organised method of withholding labour supply in order to force the employer to grant employees their demand.
Fundamental Rights	: Those rights which are protected against any violation either by the authority of the executive or by the legislature through an independent and impartial judiciary. Part III of the Indian Constitution contain these rights.

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15.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Right to equality
- Right to freedom
- Right against exploitation
- Right to freedom of Religion
- Cultural and Educational Rights
- Right to Constitutional Remedies
- Personal Rights
- Civil Rights
- Political Rights
- Trade Union Rights
- Service Rights

2) Your answer should include the following points:

- Right to Private Trade and Employment
- Right to Contract
- Right to vindication of his acts or character
- Subscriptions and Gifts

3) Your answer should include the following points:

- In India the civil servants have to seek prior permission of the competent authorities for publishing book, article and speaking to general audiences.
- In India, the civil servants cannot express against any policy or action of the

government.

- They cannot also express on any matter pertaining to politics of parties and matters of public controversies.
- According to Civil Service (Conduct) Rules in India, government servants are not permitted to communicate anything to the press.
- Make any Public Utterance.
- Make any statement of fact or opinion which has the effect of an adverse criticism of any policy of government or which leads to embarrassing relations between the internal governmental agencies and the governments of foreign states.
- The employees are also forbidden from giving any evidence without prior permission to any inquiry which is not duly authorised.
- Purpose of this restriction is to maintain the political neutrality of the civil services and to keep them away from public controversies and to enable the civil servants to serve the government of the day with all the loyalty.

Check Your Progress 2

1) Your answer should include the following points:

- Australia and France enjoy the right to association with trade unions.
- In Canada, India, Germany and England certain restrictions are imposed upon public servants' right to association.
- In Germany its civil servants may join or form only those associations whose objectives are in keeping with the objectives of existing constitutional order only.
- In Canada and England the public servants are not allowed to associate with outside unions.
- In India the right to association has been guaranteed to every citizen.
- Civil Servants, therefore, are free to form associations or join associations already in existence, but government would consult or negotiate with only those associations which have been recognised by it.
- In United States the public employees are legally free to form associations and unions and to associate themselves to outside associations or organisations.

2) Your answer should include the following points:

- The right to political activities of the public servants in a democratic government is determined by the constitutional theory of government.
- The parliamentary form of government demands from civil service not only neutrality and unimpeachable integrity and impartiality to conduct.
- In India, the government servants, under the Conduct Rules are not free to indicate the manner in which they propose to vote or have voted.

Employer-Employee Relations

- They are forbidden to canvass or use their influence in an election to any legislature or local authority.
- The government servants are not expected to attend election meetings organised by any political party in the official capacity.
- They cannot stand for election to the parliament or to state legislature. They are required to resign in order to contest elections.
- In India the civil servants are detained from taking part in politics.
- They cannot be members of any political party nor even subscribe or assist any political movement or activity.
- In many countries with certain exceptions right to political activities of the civil servants are restricted in one way or the other.
- They can exercise only the right to vote.
- The restrictions imposed on the rights to political activities will only show the nature of the democratic government and the expected role of the public employed in the government.

3) Your answer should include the following points:

- Appointment
- Life Tenure
- Rights and Privileges
- Procedural safeguards in the event of removal or dismissal

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