GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT
Civil Secretariat, J&K

Subject: Use of social media by the Government Employees of Union territory of Jammu and Kashmir – Regarding.

Circular No.09-JK(GAD) of 2023
Dated:24-03-2023

An elaborate set of guidelines regarding use of social media by government employees have been notified for strict adherence/compliance vide Government Order No. 1646-JK(GAD) of 2017 dated 26.12.2017. Further, the provisions relating to the issue incorporated in the Jammu and Kashmir Employees Conduct Rules, 1971, are excerpted herein:

(i) Sub-rule (3) of Rule 13:

"(3) No Government employee shall, by any utterance, writing or otherwise discuss or criticize in public or in any meeting of any association or body any policy pursued or action taken by the Government nor shall he in any manner participate in any such discussion or criticism.

(ii) Rule-18:

18. Criticism of Government. - No Government employee shall, in any radio broadcast or in any document published in his own name or anonymously, psuedonymously or in the name of any other person or in any communication to the press or in any public utterance make any statement of fact or opinion:

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of India, Government of Jammu and Kashmir or any other State Government;

(ii) which is capable of embarrassing the relations between the Government of Jammu and Kashmir and the Government of India or the Government of any other State in India; or

(iii) which is capable of embarrassing the relations between the Government of India or the Government of Jammu and Kashmir and the Government of any foreign State:

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

Besides, the relevant legal framework that governs the social media users in general and conduct rules which over-see the employees' conduct in personal and professional life are enumerated as under:

(1) Article 19(2) of the Constitution of India, *which deals with the right to freedom of speech, also imposes reasonable restrictions, reproduced as under:*

"Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence."

(2) The Jammu and Kashmir Government Employees (Conduct) Rules, 1971:

These rules are applicable to all the Government employees of the State of Jammu and Kashmir and give details on the conduct that is expected of the employees in their personal as well as professional life. The rules list out the activities that are not to be carried out by the employees and violation of the conduct rules can be punished under rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

(3) The Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956:



Rule 30: Punishment

The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of a service, namely

(i) Censure;

(ii) fine not exceeding one month's pay;

(iii) withholding of increments and/or promotion;

(iv) reduction to a lower post and/or a lower time-scale and/or to a lower stage in time-scale;

(v) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;

(vi) Premature retirement on proportionate pension other than that specified in rule 226 (2) of Jammu and Kashmir Civil Service Regulations.

(vii) removal from the service of the State which does not disqualify from future employment;

(viii) dismissal from the service of the State which ordinarily disqualifies from future employment.

Despite the aforementioned elaborate guidelines and governing legal framework, it has been observed that government servants often engage themselves with social media in a manner which is in contravention to these rules. While using different social media platforms like Facebook, Twitter, Instagram, etc. or Instant Messaging applications like WhatsApp, Telegram etc., employees have been seen to air disparaging views on subjects that they are expressly barred under rules to comment upon. Employees have been seen to comment or act or behave in a manner that does not conform to the acceptable standards of official conduct, as envisaged in the aforementioned guidelines and the rules.

Such actions range from unauthorised communication of official information and/or dissemination of patently wrong or misleading information, airing of political or communal views etc. under their real or assumed identities.

In view of the foregoing, it has been felt expedient to reiterate the main features of guidelines already notified regarding use of social media for compliance by the government employees:

i. Employees, directly or indirectly, shall not publish, post or release any information on social media that is considered confidential or that is not meant for public dissemination, nor shall they pass any official document or any part thereof to any Government employee or any

such person to whom he is not authorized to communicate such document or information.

ii. No Government employee shall, through any post, tweet or otherwise, discuss or criticize on social media, any policy pursued or action taken by the Government, nor shall he/she, in any manner, participate in any such discussion or criticism on social media pages/communities/ microblogs.

iii. No Government employee shall post, tweet or share content that is political or anti-secular and communal in nature or subscribe to pages, communities or twitter handles and blogs of such nature.

iv. No Government employee shall himself/herself or through any person dependent on him/her for maintenance, or under his care or control, undertake any such activity on social media which is, or tends directly or indirectly to be, subversive of the Government as by law established in the Country on in the Union territory.

v. A Government employee may, for the purpose or removing misapprehensions, correcting mis-statements, and refuting disloyal and seditious propaganda, defend and explain to the public the policy of Government in his posts and tweets on social media.

vi. Government employees shall not post on social media, any such content or comments about co-workers or individuals, that are vulgar, obscene, threatening, intimidating or that violate the conduct rules or employees.

vii. No Government employee shall post grievances pertaining to their workplace on social media in the form of videos, posts, tweets or blogs or in any other form, but will follow the already established channels of complaint redressal existing in the departments.

viii. Government employees shall not indulge in sharing/partaking in so-called giveaways and contests on social media platforms, which are actually scams in disguise, as they could unknowingly spread malware or trick people into giving away sensitive data by sharing it on their profiles.

It is, however, clarified that the above guidelines are not intended to dissuade employees/departments from using social media for positive and constructive purposes.

It is accordingly enjoined upon all employees working in various government departments/PSUs/Corporations/Boards/Autonomous Bodies etc. to strictly

adhere to the guidelines and legal principles reproduced herein above and issued vide Government Order ibid., and refrain from indulging in unwarranted debates/discussions and sharing/commenting/posting inappropriate posts/content on social media platforms. Violation of these guidelines/rules shall tantamount to misconduct and invite disciplinary action against the delinquent official under the relevant rules.

All Administrative Secretaries/Deputy Commissioners/Heads of Departments/Managing Directors shall immediately proceed against the employees working in their departments/offices who are found to have violated the aforesaid guidelines and rules, in terms of the relevant disciplinary framework. Further, in case of a violation committed on a group platform, the 'Administrator', if they are serving government/semi-government employees, shall also be liable for disciplinary proceedings.

Sd/-
(Sanjeev Verma) IAS
Commissioner/Secretary to the Government

No. GAD-ADM0III/28/2023-09-GAD Dated:24.03.2023

Copy to:-

1. All Financial Commissioners (Additional Chief Secretaries).
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Director General, J&K Institute of Management, Public Administration and Rural Development.
5. Principal Secretary to the Lieutenant Governor.
6. Principal Resident Commissioner, J&K Government, New Delhi.
7. All Commissioners/Secretaries to the Government.
8. Chief Electoral Officer, J&K.
9. Chairman, Special Tribunal, J&K.
10. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
11. Divisional Commissioner, Kashmir/Jammu.
12. All Heads of Departments/Managing Directors.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. Director, Archives, Archaeology and Museums, J&K.
16. Director, Estates, Kashmir/Jammu.
17. Secretary, J&K PSC/SSB/BoPEE.
18. Secretary, J&K Legislative Assembly.
19. General Manager, Government Press, Jammu/Srinagar.
20. Private Secretary to the Chief Secretary.

21. Private Secretary to Commissioner/Secretary to the Government, GAD.
22. Private Secretary to Advisor (B) to Lieutenant Governor.
23. Circular/Stock file/Website, GAD. *"Hindi and Urdu Versions shall follow."*

(Shakeeb Arsallan) JKAS
Under Secretary to the Government