

## **JNPT EMPLOYEES (CONDUCT) REGULATIONS**

<b><u>Schedule</u></b>	<b><u>General</u></b>	<b><u>Gifts/Dowry</u></b>
<b><u>Public Demonstrations</u></b>	<b><u>Private Trades</u></b>	<b><u>Investments</u></b>
<b><u>Property</u></b>	<b><u>Character</u></b>	<b><u>Forms</u></b>

## **NOTIFICATION**

G.S.R. 12(E) - In exercise of the powers conferred by Section 126 read with Section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Central Govt. hereby makes the following first regulations, namely:-

## **SCHEDULE**

In exercise of the powers conferred by Section 28 read with Section 124 of the Major Port Trusts Act 1963 (38 of 1963) the Board of trustees for Jawaharlal Nehru Port hereby makes the following Regulations namely

### **1. Short title, commencement and application:-**

\*(1) These regulations may be called the JNPT Employees (Conduct) Regulations, 1988 they shall come into force on the date of their publication in the Gazette of India

(2) They shall come into force on the date of their publication in the Gazette of India.

(3) Except as otherwise provided by or under these regulations, they shall apply to all persons employed in connection with the affairs of the Board.

Provided that nothing in sub-regulation (2) of regulation 3; regulation 9; regulation 12; Sub-regulation (2) of regulation 13; regulation 14; sub regulation (1) (2) and (3) of regulation 16; regulation 17 and regulation 18 shall apply to an employee drawing a pay less than rupees 1715 per mensem and holding a Class III or a Class IV post.

### **2. Definitions - In these regulations, unless the context otherwise requires,**

(a) "Board", "Chairman", "Deputy Chairman", and "Head of Department", means the Board, Chairman, Dy. Chairman and Head of Department of Nhava Sheva Port Trust.

(b) "Employee" means an employee of the Board and includes a person on Foreign Service,

(c) Government means the Central government

(d) "Members of family" in relation to an employee includes:

(i) The wife or husband as the case may be of the employee, whether residing with the employee, or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;

(ii) Son or daughter or step-son or step-daughter of the employee and wholly dependent on him but does not include a child or step child who is no longer dependent in any way on the employee or of whose custody the employee has been deprived of by or under any law;

(iii) Any other person related, whether by blood or marriage, to the employee's wife or husband, and wholly dependent on the employee;

(e) "Prescribed authority" means the appointing authority as specified in the schedule to the Jawaharlal Nehru Port Trust Employees (Classification, Control and Appeal) Regulations, 1987.

**Amended by JNPT Employees (conduct) Regulations 1994 vide notification no. [PR-12016/97/93-PE-I] dated April 26, 1994.**

## **GENERAL**

(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty and do nothing which is unbecoming of him as an employee of Jawaharlal Nehru Port trust.

"The following acts and omissions shall be treated as misconduct:-

(a) Willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;

(b) Theft, fraud or dishonesty in connection with the employer's business or property;

(c) Willful damage to or loss of employer's goods or property;

(d) taking or giving bribes or any illegal gratification;

(e) habitual absence without leave or absence without leave for more than 10 days ;

(f) habitual late attendance.

(g) habitual breach of any law applicable to the establishment ;

(h) riotous or disorderly behavior during working hours at the establishment or any act subversive of discipline ;

i. habitual negligence or neglect or work ;

ii. striking work including resorting to go slow, pen down, tool down, etc. or inciting others to strike in contravention of the provisions of any law, or rule having the force of law.

(2) No employee shall use his position or influence, directly or indirectly, to secure employment for any member of his family in any company or firm with which he has dealings in his capacity as an employee or with any other firm having dealings with the Board, without the prior permission of the Board:

Provided that where the acceptance of such employer, by a member of the family cannot await the prior permission of the board or is otherwise considered urgent, the matter shall be reported by the employee to the Board and the employment may be accepted provisionally subject to the permission of the Board.

(3) Every employee shall desist from dealing with a case relating to award of a contract or exercise of patronage in favor of a firm or company in which any member of his family is employed. (4) No employee shall bid at auctions arranged by or on behalf of the Board.

(5) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.

(6) Every employee is expected to conduct his private affairs so as not to bring discredit to his employers by his misdemeanor. In cases, where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board he shall render himself liable to disciplinary action.

(7) An employee who is convicted by a court of law or arrested by the police in a criminal case shall report the full facts of his case to his departmental superiors promptly. Failure to do so shall render him liable to disciplinary action.

#### **4. Taking part in politics and election :-**

\*(1) No employee shall take part in an election to any legislature or local authority Provided that:

(i) an employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) an employee shall not be deemed to have contravened the provisions of this regulation 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

(2) No employee shall take part in engage himself or participate in any demonstration which is prejudicial to 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 which involves contempt of court, defamation or incitement to an offence; or

(3) No employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

#### **5. Connection with Press or Radio :-**

(1) No employee shall, except with the previous sanction of the prescribed authority, own wholly or in part or conduct, or participate in the editing or managing of, any newspaper or other periodical publications.

(2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf or in the bonafide discharge of his duties, publish a book himself or through a publisher or contribute article to a book or a compilation of article or participate in a radio broadcast or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such a publication, broadcast or contribution is of a purely literary, artistic or scientific character.

***Amended by JNPT Employees (Conduct) Regulations 1994 vide notification no. {PR-12016/97/93-PE-I} dated April 26, 1994.***

## **6. Criticism of Board or Government**

No employee shall in any radio broadcast or in any document publish unanimously pseudonymously or in his own name or in the name of any other person or in any communication to the press or in any other 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, or the Board.

Provided that nothing contained in this regulation shall, in the case of any employee specified in the first provision to sub regulation (3) of regulation 1, apply to bonafide expression of views by him as an office bearer of a trade union of such employee for the purpose of safeguarding their service conditions of such employees or for securing any improvement therein; or

(ii) Which is capable of embarrassing the relations between the Board and the Government; or

(iii) Which is capable of embarrassing the relation between the Government and the Government of any foreign state:

Provided that nothing in this regulation shall apply to any statement made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

## **7. Evidence before Committee or any other Authority**

(1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Board, give evidence in connection with an enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-regulation 1, no employee giving such evidence shall criticise the policy or any action of the Board or of the Government.

(3) Nothing in this regulation shall apply to :-

(a) evidence given at any enquiry before an authority appointed by the Central or a State Government, by Parliament or by State Legislature or by the Board, or

(b) evidence given in any judicial enquiry, or

(c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or to the Board.

## **8. Unauthorised Communication of Information :-**

No employee shall, except in accordance with any general or special order of the Board or in the performance in good faith the duties assigned to him, communicate directly or indirectly, any official document or any part thereof or information to any person to whom he is not authorised to communicate such documents or information.

Explanation :- Quotation by an employee in his representation of or from any letter circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this regulation.

## **9. Subscription**

No employee shall except with the previous sanction of the Board ask for or accept contribution to, or otherwise associate himself with the rising of, any fund or other collections in pursuance of any object.

Explanation:-(1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.

(2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.

(3) Collection of subscription by an employee as a member of a service union of employee from amongst other members of the union.

(i) is unobjectionable and does not require prior sanction if-

(a) the proceeds are proposed to be utilised for welfare activities of the Union;

(b) a matter affecting the general interest of the members of the Union is in dispute and it is permissible under the rules of the Union to spend its funds over such matter.

(ii) is objectionable if the proceeds are proposed to be utilised for the defence of an individual member of the union against which departmental action is being taken on grounds which concern him in particular.

(4) Approach to the public for collecting funds for the Union without the previous sanction of the Board is objectionable.

## **GIFTS**

(1) Save as otherwise provided in these rules no employee shall accept or permit any member of his family or any person acting on his behalf to accept, any gift.

Explanation: - The expression gift includes free transport, boarding, lodging or other service or any other pecuniary advance provided by any person other than a near relative or personal friend having no official dealings with the employees.

Note: (i) A casual meal, lift or other social hospitality shall not be deemed to be a gift.

Note : (ii) An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations etc.

(2) On occasions, such as weddings, anniversaries funerals or religions functions when the making of gift is in conformity with the prevailing religious or social practice, any employee may accept gifts from his near relative but he shall make a report to the Board, if the value of any such gift exceeds :-

(i) Rs. 500 in the case of an employee holding any Class I or Class II post:

(ii) Rs. 250 in the case of an employee holding any Class III post; and

(iii) Rs. 100 in the case of an employee holding any class IV post.

(3) On such occasions as are specified in sub- regulation. (2) an employee may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Board if the value of any such gift exceeds :-

(i) Rs. 200 in the case of an employee holding any Class 1 or Class II post:

(ii) Rs. 100 in the case of an employee holding any class III post ; and

(iii) Rs. 50 in the case of an employee holding any Class IV post.

(4) In any other case, an employees shall not accept any gift without the sanction of the Board if the value thereof exceeds

(i) Rs.75 in the case of an employee holding an" Class I or Class II post ; and

(ii) Rs. 25 in the case of an employee holding any class III or Class IV post.

**11.Dowry :-** No employee shall:

(i) give or take or abet the giving or taking of dowry ; or

(ii) demand, directly or indirectly, from the parents or guardian of bride or bridegroom as the case may be, any dowry.

## **Public Demonstration In Honor of Employees**

No employees shall, except with the previous sanction of the Board, receive any complementary or valedictory address or acceptance testimonial or attend any meeting or entertainment held in his honour or in the honour of any other employee:

Provided that nothing in this regulations shall apply to:

(i) a farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person under the Board or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Explanation:- Acceptance of invitation to declare buildings, etc., open or to lay the foundation stones of new buildings, or to allow public places, institutions to be named after him attract the provisions of this regulation

## **Private Trade or Employment**

1) No employee shall, except with the previous sanction or the Board engage directly or indirectly in any trade or business or undertake any other employment

Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character or participate in sports activities as amateur subject to the condition that his official duties do not thereby suffer but he shall not undertake or shall discontinue such work, if so directed or admitted by the Board.

**Explanation:**

a) Canvassing by an employee in support of the business of insurance agency, commission agency etc. owned or managed by his wife or any other member of his family shall be deemed to be breach of this sub-regulation.

b) Every employee shall report to the Board if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

2) No Employee shall, except in the discharge of official duties, take part, without the previous sanction of the Board, in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force, or any co-operative society for commercial purposes:

Provided that an employee may take part in the registration, promotion or management of :-

(i) a literary, scientific or charitable society or of a company, club or similar organisation the aims and objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1960 (21 of 1860) or the Companies Act, 1956 (1 of 1956), or any other law for the time being in force: or

(ii) a co-operative society, substantially for the benefit of employee registered under the Co-operative societies Act, 1912 (2 of 1912), or any other law for the time being in force.

3) No employee shall accept any fee for any work done by him for any public or private body or any private person without the previous sanction of the Board.

**Investments, Lending and Borrowing**

1) No employee shall speculate in any stock, share or other investment.

Explanation :- Frequent purchase or sales, or both of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-regulation.

(2) No employee shall make or permit any member of his family or any person acting on his behalf to make any investment which is likely to embrace or influence him in the discharge of his official duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (i) or sub-regulation (ii) the decision of the Board thereon shall be final.

(4) No employee shall, except with previous sanction of the Board, lend money

(i) to any person possessing land or valuable property within the local limits of his authority or

(ii) at interest to any person:

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

(5) No employee shall, except in the ordinary course of business with a bank or firm of standing, lend or borrow or deposit money as a principle or an agent under pecuniary obligation to any person within the local limits of his authority or any other person with whom he is likely to have dealings; nor shall he permit any member of his family, except with the previous sanction of the Board, to enter into any such transaction:

Provided that an employee may accept a purely temporary loan of small amount, free of interest from a personal friend or relative or operate a credit account with bonafide trades man:

Provided further that nothing in this sub- regulation shall apply in respect of any .transaction entered into by an employee with the previous sanction of the Board.

(6) When an employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-regulation (4) or sub-regulation - (5), he shall forth with report the circumstances to the Board and shall thereafter act in accordance with such order as may be passed by the prescribed authority.

## **15. Insolvency and Habitual Indebtedness -**

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee . against whom any legal proceeding is instituted for the recovery of any debt due from him or adjudging him as an insolvent shall along with report full, facts to the Board.

Note :- The burden of proving that the insolvency of indebtedness was the result of circumstances which with the exercise of ordinary diligence the employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant of dissipated habits, shall be upon the employee.

## **Movable, Immovable and Valuable Property**

(1) (i) Every Employee shall on his first appointment to any post submit a return of his assets and liabilities in this form as (Annexure B) giving the full particulars regarding :-

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures and cash including bank deposits, inherited by him or similarly owned acquired, or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him ; and

(d) debts and other liabilities incurred b" him directly or indirectly.

(ii) Every employee shall submit an annual return in the Annexure B form giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.



(2) No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift or otherwise, either in his own name or in the name of any member of his family:

Provided that the previous sanction of the Board shall be obtained by the employee if any such transaction is (i) with a person having official dealings with the employee ; or (ii) otherwise than through a regular or reputed dealer.

(3) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of a member of his family he shall, within one month from the date of such transaction, report the same to the Board, if the value of such property exceeds Rs. 5000/- in case of an employee holding a Class 1 or Class II post, or Rs.2,500- in the case of employee holding a Class III or Class IV post

Provided that the previous sanction of the Board shall be obtained if any such transaction is

(i) with a person having official dealings with the employee;

(ii) otherwise than through a regular or reputed dealer.

(4) The Board may, at any time, by general or special order, require an employee to furnish within a specified period, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so, required, include details of the means by which, or the source from which, such property was acquired.

Explanation - 1: For the purpose of this regulation the expression "movable property" includes

(a) jewellery, insurance policies, the annual premia of which exceeds Rs. 2,000/- or one sixth of the total annual emoluments received from the Board whichever is less, shares, securities and debentures;

(b) loans advanced by such employees whether secured or not;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios, radiograms, television sets and video cassette recorders and players.

Explanation- II: For the purpose of this regulation lease means, except where it obtained from, or granted to a person having official dealings with the employee a lease of immovable property from year to year or for any terms exceeding one year or reserving a yearly rent.

Explanation-III Transaction as members of a Hindu undivided joint family shall not require the prior permission of the prescribed authority and in such cases, transaction in immovable property should be included in the annual property returns and these immovable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them. If the employee is unable to give an idea of his share of such property, he may give details of the full property and the names of the members who share it.

(5) Notwithstanding, anything contained in these regulations no employee shall, except with the previous sanction of the prescribed authority.

(a) acquire by purchase, mortgage, lease gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India

(b) dispose of by sale, mortgage, gift or otherwise or grant any lease, in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family.

(c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern for the acquisition or disposal of any immovable property as mentioned above either in his own name or in the name of any member of his family.

## **Vindication of Acts and Character of Employees**

(1) No employee shall except with the previous sanction of the Board, have recourse to any Court of the Press for the vindication of any official act which has been a subject matter of adverse criticism or an attack of defamatory character.

(2) Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and where any action vindicating his private character is taken or any act in his private capacity is done by him, the employee shall submit a report to the Board regarding such action.

### **18. Canvassing of Non-Official or other Outside Influence -**

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Board

### **19. Bigamous Marriages -**

(1) No employee

(a) shall enter into or contract a marriage with a person having a spouse living, or

(b) having a spouse living, shall enter into, or contract, a marriage with any other person:

Provided that the Board may, if it is satisfied at such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing exempt any person from the operation of this regulation.

(2) Every person Who enters into the Board's service after the commencement of these regulations shall make before such entry, a declaration in Annexure 'A'.

(3) An employee who has married or marries a person other than of Indian nationality shall forth with intimate the fact to the Board.

### **20. Drinking - An employee shall:-**

(a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being:

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such intoxicating drink or drug;

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

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

(e) not use intoxicating drinks or drugs to excess.

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

## **21. Interpretation -**

If any question arises relating to the interpretation of these regulations, it shall be referred to the Board for decision.

## **22. Delegation of Powers -**

The Board may, by general or special order, direct that any power exercisable by it or any prescribed authority under these regulations (except the powers under regulation 21) shall subject to such conditions, if any, as may be specified in the order be exercisable also by such officer or authority as may be specified in the order

## **FORMS**

### **ANNEXURE 'A'**

(See sub-regulation (2) of regulation 19)