

**TUTICORIN PORT EMPLOYEES (CONDUCT)
REGULATIONS, 1979**

(Published in Gazette of India dated 01.03.1979)

(As amended)

G.S.R. 100(E).-- In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

1. Short title and Application.--(1) These regulations may be called the Tuticorin Port Employees (Conduct) Regulations, 1979.

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

(b) Except as otherwise provided by or under these regulations, they shall apply to all persons employed in connection with the affairs of the Tuticorin Port Trust:

2. Definitions.--In these regulations, unless the context otherwise required:-

(a) "Board", "Chairman", "Deputy Chairman", and "Head of a Department", shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963 (38 of 1963);

(b) "employee" means an employee of the Board;

(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 prescribed in the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979.

3. General.--(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty and do nothing which is of unbecoming of him as such employee.

"(1)(A) No employee shall--

- (a) act in a manner prejudicial to the interest of the Port;
- (b) be absent without sanctioned leave;
- (c) neglect work or show negligence in the performance of work including slowing down of work;
- (d) commit any act which is subversive of discipline or good behavior;

- (e) abet or attempt to abet any act which amounts to misconduct; and
- (f) act insubordination or disobedience, whether individually or in combination with others".

(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 such employee or with any other firm having dealings with the Board :

Provided that where the acceptance of such employment by a member of the family of such employee 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 favour 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 maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his employer by his misdemeanour. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance by neglect of his spouse and family, action may be taken against him on that score.

(7) An employee who is convicted by a court of law or arrested shall report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this may 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 -

- (i) 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;
- (ii) notwithstanding anything contained in this sub-regulation an employee covered by the definition of "workman" under the Industrial Disputes Act, 1947 (14 of 1947), would, however, have the opportunity for redressal of his grievances as permissible under the aforesaid Act.

(3) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests 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 Board, own wholly or in part or conduct, or participate in the editing or managing of, any newspaper or other periodical publication.

- (2) No employe 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 an 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 publication, broadcast or such contribution is of a purely literary, artistic or scientific character.

6. Criticism of Board/Government:-

No employee shall, in any radio broadcast or in any document, publish anonymously 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 a recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust.

Provided that in the case of any employee specified in the proviso to sub-regulation (2) of regulation 1, nothing contained in this regulation shall apply to bonafide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein; or

- (ii) Which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust; or

- (iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign State :

Provided that nothing in this regulation shall apply to any statements made or views expressed by an employee in his official capacity or 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 any 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 any Major Port Trust or of the Central Government or of a State Government.
- (3) Nothing in this regulation shall apply to --
 - (a) evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State legislature or by the Board or by any other Major Port Trust; or
 - (b) evidence given in any judicial enquiry; or
 - (c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board or by any other Major Port Trust or by the Chairman or Deputy Chairman or Head of a Department.

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. -- If an employee quotes or copies in his representation, appeal, etc., circulars and instructions of the Board or any other Major Port Trust, or Government, including those marked secret, notes and other information from files to which he is not authorised to have access, or which he is ordinarily not expected to have seen or to have retained, the action shall amount to unauthorised communication of information and shall be construed as involving contravention of this regulation.

9. Subscriptions. --

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

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 subscriptions by an employee as a member of a service union of employees 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 interests 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 matters.

- (4) No employee of the Board shall approach the general public or any individual or any industrial or commercial firm, organisation, etc. with whom the Port has any type of dealings for collecting funds for the unions.

10. Gifts. --

- (1) No person employed in the Port shall accept or permit any member of his family or any person acting on his behalf to accept any gift from any individual having official dealings with him or from any industrial or commercial firm, organisations, etc., with whom the Port Trust has dealings.

Explanation. -- The expression "gift" shall include 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 employee.

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 religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives 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 I 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 employee 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 any 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.

12. Public demonstrations, in honour of employees .--

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

Provided that nothing in this regulation 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 who has recently quitted service 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 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.

13. Private trade or employment. --

(1) No employee shall, except with the previous sanction of the Board, engage, directly or indirectly, in any trade or business or undertake any 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, 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 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, 1860 (21 of 1860) or the Companies Act, 1956, or any other law for the time being in force; or
- (ii) a co-operative society substantially for the benefit of employees registered under the Cooperative 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 body or any private person without the previous sanction of the Board.

14. Investments, lending and borrowing. --

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

Explanation.-- frequent purchase or sale 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 likely to embarrass 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 (1) or sub-regulation (2), the decision of the Board thereon shall be final.

(4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property within the local limits of his authority or at interest to any person;

Provided that 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 save in the ordinary course of business with a bank or firm of standing, lend or borrow or deposit money as a principal 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 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 bona-fide tradesman.

(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 forthwith 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 .--

(1) 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 forthwith report full facts to the Board.

(2) When an attachment order is to be enforced against an employee, the Chairman or Deputy Chairman should -

- (i) determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so,
- (ii) consider the question of taking disciplinary action against him.

16. Movable, immovable and valuable property .--

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

Provided that any such transaction conducted otherwise than through a regular or reputed dealer or with person having official dealings with the employee, shall require the previous sanction of the prescribed authority.

(2) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds Rs.10,000/- in the case of an employee holding any Class I or Class II post or Rs.5000/- in the case of an employee holding any Class III or Class IV post.

Provided that no employee shall enter into such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the prescribed authority.

Explanation .-- For the purpose of this sub-regulation, the expression "movable property" includes, inter alia, the following property, namely-

- (a) Jewellery, insurance policies the annual premia of which exceeds Rs.2000/- or one sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;
- (b) Loans advanced by such employee, whether secured or not;

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

(d) refrigerators, radios and radiograms.

(3) Every employee shall, on his admission in the service of the Board, submit a return as an annexure 'D' of all immovable properties owned, acquired or inherited by him on lease or mortgage, either in his own name or in name of any member of his family or in the name of any other person:

Provided that every group 'A' and group 'B' employee shall submit an annual return in the prescribed form as in Annexure 'D' during the month of January every year.

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

Explanation. --

(a) The construction of the house results in acquisition of immovable property and attracts the provisions of this regulation. The purchase of movable property required for the construction of the house attracts this regulation.

(b) Transactions as members of a Hindu Undivided Joint Family shall not require the prior permission of the prescribed authority. In such cases, transactions in immovable property should be included in the annual property returns and those in movable 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.

17. Vindication of acts and character of Employees .--

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

Explanation. -- 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 or any act done by him is taken, 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 interests in respect of matters pertaining to his service under the Board.

19. Bigamous marriages .--

No employee -

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

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

Provided that the Board may, if satisfied that 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.

(3) Every person who enters into the Board's service after the commencement of these regulations shall make, before such entry, a declaration in Annexure 'C'

(4) An employee who has married or marries a person other than of Indian Nationality shall forthwith 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) not consume 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.

21. Interpretation .--

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government whose decision thereon shall be final.

22. Delegation of Powers.--

The Board may, by general or special order, direct that any powers exercisable by it or any prescribed authority under these regulations (except the powers under regulation 21 and this regulation) 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.

NOTE: The Tuticorin Port Employees (Conduct) Regulations, 1979 published in the Gazette of India Dt. 1.3.1979 and subsequently amended vide

(i) Notification No. PW-PET-43/80, dated the 4th October, 1980.

(ii) Notification No. PW-PET-43/80, dated the 4th October, 1980.

(iii) Notification No. PW-PET-60/78, dated the 7th August, 1984.

(iv) Notification No. PR-12013/2/87-PET, dated the 27th March, 1987.

(v) Notification No. PR-12013/14/88-PE.I,

dated the 19th December, 1988.

(vi) Notification No. PR-12013/20/88-PE.II, dated the 8th June, 1989.

FORM I

(Form of report/application (for permission) to the prescribed authority for the building of, or addition to, a house under Regulation 16)

This is to report to you that I propose to build a house.

This is to request that permission may be granted to me for the building of a house.

The estimated cost of the land and the building is given below:

LAND

(1) Location (Survey numbers, Village, District, State)

(2) Area

(3) Cost

BUILDING

(1) Bricks (Rate/Quantity/Cost)

(2) Cement (Rate/Quantity/Cost)

(3) Iron and Steel (Rate/Quantity/Cost)

(4) Timber (Rate/Quantity/Cost)

(5) Sanitary fittings (Cost)

(6) Electrical fittings (Cost)

(7) Any other special fittings (Cost)

(8) Labour charges

(9) Other charges, if any

Total cost of land and Building-

Yours faithfully,

FORM II

(Form of report to the prescribed authority after completion of the building/extension of a house under Regulation 16)

Sir,

In my letter No.

dated I had reported that I proposed to build a house and permission was granted to me in order No. dated for the building of house. The house has since been completed and I enclose a Valuation Report, duly certified by

.....

(A firm of Civil Engineers or a Civil Engineer of repute)

Yours faithfully,

Date: (Signature)

VALUATION REPORT

I/We hereby certify that I/We have valued House

constructed by Shri/Shrimathi @

..... and I/we give below the value at which estimate the cost of the house under the following headings:

Heading Cost

Rs. Ps.

1. Bricks :

2. Cement :

3. Iron and Steel :

4. Timber :

5. Sanitary fittings :

6. Electrical fittings :

7. All other special fittings :

8. Labour charges :

9. All other charges :

Total cost of building

Date: Signature of the valuation
authority

+ (here enter details of the house)

@ (here enter name etc. of the employee)

ANNEXURE 'A'

Form of undertaking to be furnished by the employee if the port undertakes the defence under Regulation 17

The Board having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to the Board as may be required for my defence and further agree that I shall not hold the Board in any way responsible if the proceedings and in a decision adverse to me.

Signature of the employee

ANNEXURE 'B'

Form of bond to be executed by the employee for obtaining advance for undertaking the defence by himself under Regulation 17.

By this Bond I(here give the name and other particulars of the employee including the post held by him) acknowledge myself bound to the Board in the sum of Rs..... (here enter a sum representing double the amount advanced) to the said Board.

Now the above written bond is conditioned to be void in case the above bounden (employee), his personal representative or any person acting for and on behalf of the above bounden (employee) shall on demand, pay to said Board or its representatives or assigns or their attorney authorised to receive the same the said sum of Rs.....but in the event of the above bounden (employee) or his personal representative or any person acting for and on his behalf failing to pay the said sum on demand, the above written bond shall remain in full force and effect.

Dated this the _____ day of _____ 20 _____

Signature of the employee;

Witness:

.....

.....

.....

ANNEXURE 'C'

Declaration

I, Shri/Shrimathi/Kumari _____
declare as under :-

* (i) That I am unmarried/a widower/a widow.

* (ii) That I am married and have only one wife living.

* (iii) That I am married and have more than one wife living. Application for grant of exemption is enclosed.

* (iv) That I am married and that during the life time of my spouse I have contracted another marriage. Application for grant of exemption is enclosed.

(v) That I am married and my husband has no other living wife, to the best of my knowledge.

(vi) That I have contracted a marriage with a person who has already one wife or more living. Application for grant of exemption is enclosed.

@ 2. I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my application, I shall be liable to be dismissed from service.

Date: Signature.

* Please delete clauses not applicable.

@ Applicable in the case of clauses (i), (ii) and (iii) only. Application for Grant of Exemption.

[Vide para 1 (iii) (iv) (vi) of the Declaration]

To

Sir,

I request that in view of the reasons stated below, I may be granted exemption from the operation of restriction on the recruitment to service of a person having more than one wife living/woman who is married to a person already having one wife or more living.

Reasons: Yours faithfully,

Date: Signature

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ANNEXURE 'D'

Statement of Immovable property on first appointment for the year.....

1. Name of the employee (in full).....

2. Present post held.....

Name of District, Sub-division, Taluk and Village in which property is situated	Name and Details of property House and other buildings	Name and Details of Property Land	Present Value	If not in own name state in whose name held and his/her relationship to the employee	How acquired whether by purchase, lease or mortgage, inheritance, gift or otherwise with date of acquisition and name with details of persons from whom acquired	Annual Income from the property	Remarks
1	2	3	4	5	6	7	8

Date:**SIGNATURE**

Inapplicable Clause to be struck out

In cases, where it is not possible to assess the value accurately the approximate value in relation to present conditions may be indicated

Includes short term lease also