

ORDINANCE – 33: CODE OF CONDUCT, DISCIPLINE, PENALTY & APPEAL RULES (NON-TEACHING STAFF)

In pursuance of the provisions of Section 27 of the Guru Gobind Singh Indraprastha University Act 1998 (9 of 1998), the Board of Management of the University hereby makes **Ordinance – 33: Code Of Conduct, Discipline, Penalty & Appeal Rules (Non-Teaching Staff)**. This Ordinance has been framed in the exercise of the powers conferred upon the University Under Section 5 of the Guru Gobind Singh Indraprastha University Act 1998 read with the provisions of Statute 32. The provisions of this Ordinance are applicable to all the Non Teaching Staff of the University.

PART-I

1. APPLICATION

1.1 The provisions contained in this Ordinance shall apply to all employees of the University including academic staff other than University teachers. These shall also not apply to:-

- (a) any member of the All India Services;
- (b) any person in casual/ contract appointment;
- (c) monthly rated, daily rated, work-charged and other employees not on regular establishment.

2. DEFINITIONS

2.1 In this Ordinance unless the context otherwise requires:-

- (a) “Appointing Authority” means the authority empowered to make appointments in a cadre in which the employee is for the time being included.
- (b) “Appellate Authority” means the authority specified in the Appendix appended to these rules.
- (c) “Competent Authority” means:-
 - (i) “The Board of Management” in the case of the Group ‘A’ employees.
 - (ii) “The Vice-Chancellor” in the case of all other employees.
- (d) “Disciplinary Authority” means the authority competent under these rules to impose on an employee any of the penalties specified in Rule No. 19.
- (e) “Employee” means any person in the service of the University who is a member of a cadre of one of the categories of posts created under the University and includes any such person on foreign service to other Institution/ organization or whose services are temporarily placed at the disposal of this University.
- (f) “Members of the 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 stepson or stepdaughter of the Employee and wholly dependent on him, but does not include a child or stepchild who is no longer in any way dependent on the Employee or of whose custody the Employee has been deprived by or under any law;
- (iii) any other person related, whether by blood or by marriage, to the employee or to such employee's wife or husband and wholly dependent on such employee.
- (g) "Prescribed authority" means the Vice-Chancellor or the authority prescribed by the Board of Management for the purpose of these rules as a whole or for any individual rules.
- (h) "Schedule" means the schedule appended to these rules.
- (i) "Service" means service under the University.

PART-II

CONDUCT RULES

3. GENERAL

- 3.1 Every employee shall at all times- (i) maintain absolute integrity; (ii) maintain devotion to duty; and (iii) do nothing which is un-becoming of an employee of the University. He shall also be strictly honest and impartial in his official dealings.
- 3.2 An employee shall at all time be courteous in his dealings with other members of staff, students and members of the public and shall not in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.
- 3.3
 - (a) Unless otherwise stated specifically in the terms of appointment, every employee is a whole time employee of the University and may be called upon to perform such duties as may be assigned to him by the Competent Authority even beyond scheduled working hours and on closed holidays and Sundays. These duties shall inter-alia include attendance at meetings of committees to which he may be appointed or nominated by the University.
 - (b) An employee shall observe the scheduled hours of work, during which he must be present at the place of his duty.
 - (c) Except for valid reasons and/ or unforeseen contingencies, no employee shall be absent from duty without prior permission.
 - (d) No employee shall leave station except with the previous permission of the Competent Authority, even during leave or vacation.

- (e) Whenever leaving the station, an employee shall inform the Head of the Department/ Division/ School/ Centre to which he is attached, or Vice-Chancellor if he is himself the Head of the Department/ Division/ School/ Centre the address where he would be available during the period of his absence from station.

- 3.4
- (a) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
 - (b) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall where he is acting under such direction, obtain the direction in writing, wherever practicable and, where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of direction as soon thereafter as possible.

Explanation I:- An employee who habitually fails to perform the

task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub-rule (1) of this rule.

Explanation II:- Nothing in clause (ii) of sub-rule (4) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

- 3.5
- (a) No employee shall indulge in any act of sexual harassment of any person at his/her work place.
 - (b) Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any person at such work place.

Explanation : For the purpose of this rule, “sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as-

- (i) physical contact and advances;
- (ii) demand or request for sexual favours;
- (iii) sexually coloured remarks;
- (iv) showing any pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

4. **TAKING PART IN POLITICS/ ELECTIONS AND JOINING OF ASSOCIATIONS** shall be as per Central Civil Services (CCS) Conduct Rules found in force.

5. **DEMONSTRATION AND STRIKES** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
6. **CONNECTION WITH PRESS OR RADIO OR TELEVISION OR OTHER MEDIA OR PATENTS** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
7. **CRITICISM OF THE UNIVERSITY/GOVERNMENT** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
8. **EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
9. **UNAUTHORISED COMMUNICATION OF INFORMATION** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
10. **SUBSCRIPTIONS** shall be as per Central Civil Services (CCS) Conduct Rules found in force.
11. **MOVABLE, IMMOVABLE AND VALUABLE PROPERTY**
 - 11.1 Every employee shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the University, 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 by him directly or indirectly.

NOTE.1. – Sub-rule (1) shall not ordinarily apply to Class IV servants but the University may direct that it shall apply to any employee or class of such employees.

NOTE.2 - In all returns, the values of items of movable property worth less than [Rs. 10,000] may be added and shown as a lumpsum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

NOTE.3 – Where an employee already belonging to a servant or holding a post is appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

- 11.2 An employee belonging to any service or holding any post included in Group ‘A’ and Group ‘B’ shall submit an annual return in such form as may be prescribed by the University in this regard 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.
- 11.3 No employee shall, except with the previous knowledge of the competent 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 member of his family:
- Provided that the previous sanction of the competent authority shall be obtained by the employee if any such transaction is with a person having official dealings with him.
- 11.4 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 competent authority, if the value of such property exceeds twenty thousand rupees in the case of an employee holding any Class I or Class II post or fifteen thousand rupees in the case of an employee holding any Class III or Class IV post:
- Provided that the previous sanction of the competent authority shall be obtained by the employee if any such transaction is with a person having official dealings with him.
- 11.5 The University or the competent authority may, at any time, by general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf by any member of his family as may be specified in the order. Such statement shall, if so required by the University or by the competent authority, include the details of the means by which, or the source from which, property was acquired.
- 11.6 The University may exempt any category of employees belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Board of Management.

Explanation I. - For the purposes of this rule-

11.6.1 The expression “movable property” includes –

- (a) jewellery, insurance policies, the annual premia of which exceeds [Rs.10,000] or one-sixth of the total annual emoluments received from University, whichever is less, shares, securities and debentures;
- (b) all loans, whether secured or not, advanced or taken by the employee;]
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios [radiograms and television sets]

11.6.2 “Competent Authority” means –

- (a)
 - (i) the Vice Chancellor, in the case of an employee holding any Class I & Class II post except where any lower authority is specifically specified by the Board of Management for any purpose;
 - (ii) Registrar, in the case of an employee holding any Class III or Class IV post;
- (b) In respect of an employee on foreign services or on deputation to any other Ministry or any other University, the parent department on the cadre of which such employee is borne or the Ministry to which he is administratively subordinate as member of that cadre.

Explanation II. – For the purpose of this rule ‘lease’ means, except where it is 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 term exceeding one year or reserving a yearly rent.

12. **GIFTS** shall be as per Central Civil Services (CCS) Conduct Rules found in force.

13. **DOWRY**

13.1 No employee shall:-

- (a) give or take or abet the giving or taking of dowry; or
- (b) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:- For the purposes of this rule, “dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

14. **PRIVATE TRADE OR EMPLOYMENT** shall be as per Central Civil Services (CCS) Conduct Rules found in force.

15. EMPLOYMENT OF NEAR RELATIVES OF UNIVERSITY EMPLOYEES

15.1 No employee shall use his position or influence directly or indirectly to secure employment of any member of his family in the University and/ or in any college/ institute affiliated to the University;

15.2 No employee, except with the previous sanction of the University, permit his son, daughter or other dependent to accept employment in any Institute/ College affiliated to the University and/ or company or firm with which he has official dealings or in the Institute/ College/ Company/ Firm which has official dealings with the University:

Provided that where the acceptance of the employment cannot await prior permission of the University or is otherwise considered urgent, the matter shall be reported to the University; and the employment may be accepted provisionally subject to the permission of the University.

15.3 No employee shall, in the discharge of his official duties deal with any matter or give or sanction any contract or any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed off according to the instruction of the authority to whom the reference is made.

16. SUBLETTING AND VACATION OF UNIVERSITY ACCOMMODATION

16.1 Save as otherwise provided in any other law for the time being in force, no Employee of the University shall sublet, lease or otherwise allow occupation by any other person of University accommodation which has been allotted to him.

16.2 An Employee shall, after the cancellation of his allotment of University accommodation vacate the same within the time limit prescribed by the allotting authority.

17. CRIMINAL PROCEEDINGS

17.1 An employee who gets involved in some criminal proceedings shall immediately inform the competent authority through the Head of the Department/ Division/ School/ Centre to which he is attached, irrespective of the fact whether he has been released on bail or not.

17.2 An employee who is detained in police custody whether on criminal charge or otherwise for a period longer than 48 hours shall not join his duties in the University unless he reports the same to, and obtains written permission to that effect from the Vice-Chancellor.

18. VINDICATION OF ACTS AND CHARACTER OF EMPLOYEES

- 18.1 No employee shall, except with the previous sanction of the competent authority, have recourse to any Court of Law or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.
- 18.2 Nothing in this rule 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 for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the prescribed authority regarding such action.

19. RESTRICTION REGARDING MARRIAGE

19.1 No employee shall enter into, or contract, a marriage with a person having a spouse living; and

19.2 No employee having a spouse living, shall enter into, or contract, a marriage with any person;

Provided with the University may permit an employee to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if it is satisfied that –

- (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- (b) there are other grounds for so doing.

19.3 An employee who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the University.

20. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS

20.1 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 drink or drug;
- (c) Refrain from consuming any intoxicating drink or drug in a public place;
- (d) Not appear in a public place in a state of intoxication;
- (e) Not use any intoxicating drink or drug 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. REPRESENTATIONS

- 21.1 Whenever an employee wishes to put forth any claim or seeks redressal of any grievance or of any wrong done to him, he must forward his case through proper channel, and shall not forward such advance copies of his application to any higher authority, unless the lower authority has rejected the claim, or refused relief, or the disposal of the matter is delayed by more than three months.
- 21.2 No employee shall be signatory to any joint representation addressed to the authorities for redressal of any grievance or for any other matter.

22. PROHIBITION REGARDING EMPLOYMENT OF CHILDREN BELOW 14 YEARS OF AGE

- 22.1 No employee shall employ to work any child below the age of 14 years.

PART-III

SUSPENSION, PUNISHMENT & APPEALS, ETC.

Except as provided under Statute 22 of the Guru Gobind Singh Indraprastha University Act, an employee shall be governed by the provisions as per Central Civil Services (CCS) Conduct Rules found in force.

PART-IV

Revision and Review shall be governed by the provisions as per Central Civil Services (CCS) Conduct Rules found in force.

SECTION – V **MISCELLANEOUS**

23. SERVICE OF ORDERS, NOTICES ETC.

- 23.1 Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post/speed post.

24. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY

- 24.1 Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

25. REMOVAL OF DOUBTS/ INTERPRETATIONS

25.1 If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Board of Management which shall decide the same. Decisions/ instructions of the Govt. of India issued from time to time qua any of these rules shall, *moutatis mutandi*, be applicable.

26. DELEGATION OF POWERS

26.1 The Board of Management may by general or special order, direct that any power exercisable by it under these rules, (except the powers under Rule 20 of these rules) 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.