

# National Housing Bank Employees (Conduct) Regulations, 1994

UNION OF INDIA

India

## National Housing Bank Employees (Conduct) Regulations, 1994

### Rule

### NATIONAL-HOUSING-BANK-EMPLOYEES-CONDUCT-REGULATIONS- of 1994

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**1917.**

S.O. 77(E) dated 3rd February, 1995. - In exercise of the powers conferred by Section 55 of the National Housing Bank Act, 1987 (53 of 1987), the Board, with the previous approval of the Reserve Bank of India and in consultation with the Central Government, hereby makes the following regulations, namely :

## Chapter I Preliminary

### 1. Short title, commencement and application.

(1)These regulations may be called the National Housing Bank Employees' (Conduct) Regulations, 1994.(2)They shall come into force on the date of their publication in the Official Gazette.(3)They shall apply to every whole-time employee of the National Housing Bank unless otherwise provided by the terms of any contract, agreement or letter of appointment but shall not apply to;(a)the Chairman and the Managing Director, and(b)staff employed temporarily.

## **2. Definitions.**

- In these regulations, unless there is anything repugnant in the subject or context : (a) "Act" means the National Housing Bank Act, 1987 (53 of 1987); (b) "Competent Authority" means the Authority appointed by the Board for the purpose of these regulations. (c) "family" means (i) in the case of male employee his wife, whether residing with him or not, but does not include a legally separated wife and in the case of a woman employee her husband, whether residing with her or not, but does not include a legally separated husband. (ii) children or step children of the employee, whether residing with the employee or not, and wholly dependent on such employer but does not include children or step-children of whose custody the employee has been deprived of by or under any law; and (iii) any other person related to, by blood or marriage, to the employee or to his spouse and wholly dependent upon such employee; (d) "Government" means the Central Government; (e) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in that Act.

## **3. Power to interpret and implement Regulations.**

(1) The power to interpret these regulations vests in the Chairman who is also hereby empowered to issue such administrative instructions as may be necessary to give effect to, and carry out the purposes of, the provisions of these Regulations or otherwise to secure effective control of the staff employed in the National Housing Bank. (2) The powers exercisable by an authority under these regulations shall be exercisable by any authority superior to the authority first mentioned.

# **Chapter II**

## **Conduct**

## **4. Scope of an employee's service.**

- Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the National Housing Bank and he shall serve the National Housing Bank in its business in such capacity and at such place as he may, from time to time, be directed.

## **5. Liability to abide by the Regulations and orders.**

- Every employee of the National Housing Bank shall at all times maintain absolute integrity and devotion to duty and discharge his duties honestly and with diligence, shall conform to and abide by these regulations and shall observe, comply with and obey all orders and directions which may, from time to time, be given to him in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed.

## **6. Employees to promote National Housing Bank's interest.**

- Every employee shall serve the National Housing Bank honestly and faithfully and shall use his utmost endeavours to promote the interest of the National Housing Bank and shall show courtesy and attention in all transactions.

## **7. Obligation to maintain Secrecy.**

- Every employee shall, while in service or after his retirement, resignation or discharge, maintain the strictest secrecy regarding the National Housing Bank's affairs and the affairs of its constituents and shall not divulge, directly or indirectly, any information of a confidential nature either to a member of the public or to an outside agency or to any other employee of the National Housing Bank not entitled to such information unless (i) divulging of such information is in accordance with the law or in accordance with the practices and usages customary amongst banks; (ii) he is compelled to divulge such information by judicial or other authority; (iii) instructed to do so by a superior officer in the discharge of his duties.

## **8. Giving of evidence.**

(1) Save as provided in sub-regulation (3), no employee shall except with the previous sanction of the competent authority, give evidence in connection with any inquiry conducted by any person, committee or authority. (2) Where any sanction has been accorded under sub-regulation (1), no employee giving such evidence criticise the policy or any action of the National Housing Bank or of the Government, or of a State Government. (3) Nothing in this regulation shall apply to any evidence given : (i) at an inquiry before an authority appointed by the Government, State Government Parliament, a State Legislature or National Housing Bank; or (ii) in any judicial inquiry; or (iii) at any departmental inquiry ordered by the competent authority.

## **9. Demonstrations.**

- No employee shall 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 any offence.

## **10. Joining of associations prejudicial to interests of the country.**

- 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.

## **11. Prohibition against joining certain Associations and strikes, etc.**

(1) No employee, who is not a 'workmen' within the meaning of the Industrial Disputes Act, 1947, shall (i) become or continue to be a member or office-bearer of, or be otherwise directly or indirectly associated with any trade union of employees of the National Housing Bank who are 'workmen' within the meaning of that Act, or a federation of such trade unions; (ii) resort to, or in any way abet, any form of strike or participate in any violent, unseemly or indecent demonstration in connection with any matter pertaining to his conditions of service or the conditions of service of any other employee of the National Housing Bank. (2) In relation to an employee who officiates in a higher grade or post which is not a grade or post of a 'workman' as aforesaid, this regulation shall apply for so long as such employee officiates in such higher grade or post.

## **12. Prohibition against participation in politics and standing for elections.**

- No employee shall take part in politics or in any political demonstration, or stand for election as member of a Municipal Council, District Board or any other Local Body or any Legislative Body : Provided that an employee shall not be deemed to have contravened the provisions of this regulating 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; Explanation. - The display by an employee on his personal vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-regulation.

## **13. Contribution to Newspapers, Radio, etc.**

(1) No employee shall except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication. (2) No employee shall, except with the previous sanction of the competent authority or except in the bonfire discharge of his duties, participate in a radio broadcast or television telecast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical or make public or publish or cause to be published or pass on to others any document, paper or information which may come into his possession in his official capacity. (3) No employee shall, except with the previous sanction of the competent authority publish or cause to be published any book or any similar printed matter of which he is the author or not to deliver talk or lecture in public meetings or otherwise: Provided that no such sanction shall be required of such broadcast or contribution or publication as of a purely literary, artistic, scientific, professional, cultural, educational, religious or social character: Provided further that this regulation will not apply to any statement to the press made by office-bearers of a registered Trade Union of the employees in any matter which is of the nature of trade dispute and does not contravene the provisions of Regulation 6.

## **14. Public demonstrations in honour of National Housing Bank employees.**

(1) No employee shall, except with the previous sanction of the competent authority, receive any

complimentary 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 of the National Housing Bank :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 of the National Housing Bank on the occasion of his retirement, or transfer, or any person who has recently quitted the service of the National Housing Bank; and(ii)the acceptance of simple and inexpensive entertainment arranged by the association of employees of the National Housing Bank.(2)No employee shall either directly or indirectly exercise pressure or influence on any employee of the National Housing Bank to induce or compel him to subscribe towards any farewell entertainment.

## **15. Employment after retirement.**

(1)No employee of the National Housing Bank, who has retired from service shall, within a period of two years from the date when he finally ceases to be in the National Housing Bank's Service, accept or undertake a commercial employment except with the previous sanction in writing of the competent authority :Provided that an employee who was permitted by the National Housing Bank to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.(2)For the purpose of this Regulation, "commercial employment" means,-(i)an employment in any capacity including that of an agent, under a Company, Co-operative Society, firm or individual engaged in trade, commercial, industrial, financial or professional business and also includes a directorship of such a company and partnership of such firm but does not include employment under a body corporate wholly or substantially held or controlled by Government;(ii)setting up a practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the retired officer-(a)has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or(b)has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or(iii)undertaking work involving liaison or contact with the offices or officers of the National Housing Bank and/or Government.Explanation. - For the purposes of this clause "employment under a co-operative society" includes the holding of any office, whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.

## **16. Employees not to seek outside employment.**

- No employee shall accept, solicit, or seek any outside employment or office whether stipendiary or honorary without the previous sanction of the Competent Authority.

## **17. Part-time work for outside bodies.**

- No employee shall undertake part-time work for a private or public body or a private person, or accept any free therefor, without the sanction of the competent authority which shall grant the sanction only in exceptional cases when it is satisfied that the work can be undertaken without

detriment to his official duties and responsibilities. The competent authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or in part, to the National Housing Bank.

## **18. Private Trading.**

(1) No employee or class of employee shall, except with the approval of the National Housing Bank, engage directly or indirectly in any trade or business. (2) No employee shall, except with the previous sanction of the National Housing Bank, take part in the registration, promotion or management of any bank or other company registered under the Companies Act or any other law for the time being in force : Provided that an employee may take part in the registration, promotion or management of Co-operative Societies under the Co-operative Societies Act or any other law for the time being in force, which have been formed mainly by the employees of the National Housing Bank and for their benefit.

## **19. Acceptance of gifts etc.**

(1) Save as otherwise provided in these regulations, 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" shall include free transport, boarding, lodging or other service or any other pecuniary advantage provided by any person other than a near relative or a personal friend having no official dealings with the employee but shall not include a casual meal, lift or other social hospitality. (2) On occasions, such as marriage, 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 shall make a report to the competent authority if the value of the gifts exceeds Rs. 500. (3) On such occasions as specified in sub-regulation (2) an employee may also accept gifts from his personal friends having no official dealings with him but he shall make a report to the competent authority if the value of such gifts exceeds Rs. 200/-. (4) In any other case, the employee shall not accept any gifts without the sanction of the competent authority if the value of the gifts exceeds Rs. 75/-: Provided that when more than one gift has been received from the same person or concern within a period of 12 months the matter shall be reported to the competent authority if the aggregate value thereof exceeds Rs. 500/-. (5) No employee shall solicit or accept or permit any member of his family or any person acting on his behalf to solicit or accept any gift from any person or institution having official dealings with the employee. (6) No employee shall (i) give or take or abet the giving or taking of dowry; or (ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry. Explanation. - For the purpose of this regulation, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

## **20. Speculations in stocks and shares and investments.**

- No employee shall speculate in any stock, share, or securities or commodities or valuables of any descriptions or shall make or permit any member of his family any investments which are likely to embarrass or influence him in the discharge of his official duties. No employee shall make investments in the acquisition of shares/debentures etc., in his name or in the names of

spouse/children/brothers/father/mother/step-mother/step-children, etc., wholly dependent on the employee out of quota reserved for friends and associates of directors of the company. If an employee desires to acquire shares/debentures etc. out of the promoters' quota of a company under some exceptional circumstances (e.g. when a close relative of the applicant is the chief promoter/director of the issuer company) he shall seek prior permission of the National Housing Bank for such acquisition. No employee shall apply for or accept allotment of shares/securities out of the employees' quota of any company. Provided that nothing in this regulation shall be deemed to prohibit an employee from making a bona fide investment of his own funds in such manner as he may wish. Explanation I. - Frequent purchase or sale or both of shares or securities or other investments shall be deemed to be speculation for the purpose of this regulation. Explanation II. - Acquisition or acceptance of shares or any other security by any employee or by any member of his family from out of the Promoters' Quota of any company or organisation having officing dealings with the National Housing Bank shall be deemed to be investment which is likely to embarss or influence the employee in the discharge of this official duties.

## **21. Restrictions on borrowings and lending.**

- No employee shall in his individual capacity (i) borrow or permit any member of his family to borrow or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money lender or a subordinate employee of the National Housing Bank or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the National Housing Bank; (ii) buy or sell stocks, shares or securities of any description without funds to meet the full cost in the case of a purchase of scrips of delivery in the case of a sale; (iii) incur debts at a race meeting; (iv) lend money in private capacity to a constituent of the National Housing Bank or have personal dealings with such constituent in the purchase or sale of bills of exchange, Government paper or any other securities; and (v) guarantee in his private capacity the pecuniary obligations of another person or agree to identify in such capacity another person from loss except with the previous permission of the competent authority: Provided that an employee may, give to or accept from a relative or personal friend a purely temporary loan of a small amount free of interest or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee : Provided further that nothing in this regulation shall apply to a loan which an employee may obtain from a co-operative credit society of which he is a member or stand as a surety in respect of a loan taken by another member from a co-operative credit society of which he is a member.

## **22. Employee in debt.**

- An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who is in debt shall furnish to the competent authority a signed statement of his position half-yearly on the 30th June and 31st December, and shall indicate in the statement the steps he is taking to rectify his position. An employee who makes a false statement under this regulation or who fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency court shall be liable to disciplinary action. Explanation I. - For the purposes of this regulation an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured or those taken from the

Employees' Co-operative Credit Society exceed his substantive pay for 12 months. Explanation II. - An employee shall be deemed to be unable to liquidate his debt within a reasonable time if it appears, having regard to his personal resources and unavoidable current expenses, that he will not cease to be in debt within a period of three years.

### **23. Advance draw of salary.**

- No employee shall draw his salary in advance without the previous sanction of the competent authority.

### **24. Subscriptions.**

- No employee shall, except with the previous sanction of the competent authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any objective whatsoever.

### **25. Movable, Immovable and valuable property.**

(1) Every employee, on his first appointment, shall submit a return of his assets and liabilities giving 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 name or in the name of any member of his family or in the name of any other persons; (b) shares, debentures and cash including bank deposits inherited by him or similarly owned or acquired or held by him. (c) other movable property inherited by him or similarly owned, or acquired or held by him; and (d) debts and other liabilities incurred by him directly or indirectly: Provided that in the cases of an employee who is already in service in the National Housing Bank on the date these regulations come into force, shall submit a return in terms of this regulation within three months of coming into force of these regulations, the return being with reference to the assets and liabilities as enumerated above of the employee on the date these regulations come into force. (2) Every employee shall, every year on a date to be specified by the National Housing Bank submit a return of his immovable property to the National Housing Bank. (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 (a) with a person having official dealings with the employee; or (b) otherwise than through a regular or reputed dealer. (4) Every employee shall report to the competent authority every transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family if the value of such a property exceeds Rs. 10,000. Provided that the previous sanction of the competent authority shall be obtained if any such transaction is - (a) with a person having official dealings with the employee; or (b) otherwise than through a regular or reputed dealer. (5) The National Housing Bank may at any time, by general or special order, require an employee to furnish, within a period to be specified in the order, 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 a statement shall, if so required by the National Housing Bank,



include the details of the means by which, or the sources from which, such property was acquired.

## **26. Seeking to influence.**

- No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect to matters pertaining to his service under the National Housing Bank.

## **27. Employees not to be Absent from Duty or be Late in attendance.**

(1)An employee shall not absent himself from his duties without having first obtained the permission of the competent authority, nor shall he be absent himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority:Provided that in case of unavoidable circumstances where availing of prior permission is not possible or difficult, such permission may be obtained later subject to the satisfaction of the competent authority that such a permission could not have been obtained:Provided further that in case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the competent authority, be dispensed with.(2)An employee who absents himself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances during such absence or overstay, and shall further be liable to such disciplinary measures as the competent authority may impose:Provided, however, that the competent authority may, at its absolute discretion, treat such period of absence or overstay, if not followed by discharge, dismissal or termination of services of the employee, as period spent on privilege, sick, special or extra a ordinary leave, but the employee shall not be entitled as of right to such treatment.(3)An employee who is habitually late in attendance, shall, in addition to such other penalty as the competent authority may deem fit to impose, have one day of casual leave forfeited for every three days he is late in a month. Where such an employee has no casual leave due to him, the period of leave to be so forfeited may be treated as privilege or extraordinary leave as the competent authority may determine.Explanation. - The competent authority may, at its absolute discretion, condone late attendance by any employee up to two days in a month, provided the circumstances under which the employee had to attend late were beyond his control and in that case such late attendance will not be taken into consideration for debiting the casual leave account in accordance with sub-regulation (3).

## **28. Absence from station.**

- No employee shall absent himself from his duty or leave the station, except on duty, without the prior permission of the competent authority.

## **29. Restrictions regarding marriage.**

(1)(i)No employee shall enter into, or contract a marriage with a person having a spouse living; and(ii)No employee, having a spouse, living, shall enter into, or contract a marriage, with any

person :Provided that the National Housing Bank may permit an Employee to enter into, or contract, any such marriage as is referred to in Cl. (i) or Cl. (ii) 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.(2)An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the National Housing Bank.

### **30. Consumption of intoxicating drinks and drugs.**

- 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 regulation the term 'public place' would include clubs (even exclusively meant for members where it is permissible for the members to invite non-members as guests) bars and restaurants, public conveyances and all other places or premises to which the public have or are permitted to have access, whether on payment or otherwise."

### **31. Vindication of acts and character of an employee.**

- No employee shall, except with the previous sanction of the National Housing Bank, have recourse to any court 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 :Provided that 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 for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to his immediate superior regarding such action.

### **32. Acts of misconduct.**

- A breach of any of the provisions of the regulations contained in this Chapter shall be deemed to constitute a misconduct punishable under the National Housing Bank Employees' (Discipline and Appeals) Regulations, 1994.

### **33. Repeal and Saving.**

(1)Every rule, regulation, bye-laws or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the employees is hereby repealed.(2)Notwithstanding such repeal any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these

regulations.