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## NATIONAL LAW UNIVERSITY, JODHPUR CONDUCT, DISCIPLINE & OTHER MISC. REGULATIONS, 2016

### **Objectives:**

With a view to prescribe and control the nature of conduct and behavior by and for the employees of the University, matters related to discipline and disciplinary procedure are laid down for their effective implementation.

#### 1. **Short title and commencement:**

These Regulations may be called –*National Law University Jodhpur Conduct, Discipline and other Misc. Regulations, 2016.*

#### 2. **Applicability:**

These Regulations are applicable to all employees who are in the employment of the University in the category of University Administrative Services, University Faculty Services and University Managerial Services.

#### 3. **Definitions**

- (a) 'Disciplinary Authority' means the Vice-Chancellor and, or any other authority sub-delegated by the Vice-Chancellor to take disciplinary action in accordance with these Regulations.
- (b) 'Appellate Authority' means the Vice-Chancellor who has in his own jurisdiction sub-delegated his powers to any subordinate authority.
- (c) 'Competent Authority' means a authority appointed/delegated of such powers as may be required by the Vice Chancellor to regulate/monitor the services/conduct of the employee or a class of employees.
- (d) 'Inquiring Authority' means a person whether a employee of NLU or any other person appointed/delegated by the Disciplinary Authority to act in such a capacity to inquire into the charges leveled against the employee in accordance with the procedure laid down under these Regulations.
- (e) 'Assistant Officer' means a employee appointed by the employee to defend himself in the case of disciplinary proceedings pending/contemplated against him and who has been accepted by the Disciplinary Authority or Inquiring Authority, as the case may be.
- (f) 'Misconduct' means an action committed by employee during the course of his employment in the University which is subversive of discipline and, or is breach of or not following the code of ethics as prescribed by the University.

#### 4. **General**

Every employee of the University shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee and conduct himself at all times

in a manner which will enhance the reputation of the University. He shall act in courteous manners to all his fellow colleagues whether superior or subordinate.

## **5. Misconducts**

Without prejudice to the generality of the term 'Misconduct' the following acts of omission and commission shall also be treated as misconduct:

5.1 Theft, fraud or dishonesty in connection with the establishment or property of the University or of property of another person within the premises of the University.

5.2 Taking or giving bribes or any illegal gratification.

5.3 Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.

5.4 Furnishing false information regarding name, age, father's name, qualifications or previous service or any other matter germane to the employment at the time of employment or during the course of employment.

5.5 Acting in a manner prejudicial to the interests of the University.

5.6 Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superiors.

5.7 Absence without authorized leave or over staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.

5.8 Habitual late or irregular attendance or willful absence from duty.

5.9 Neglect of work or negligence in the performance of duty including malingering or slowing down of work.

5.10 Damage to any property of the University.

5.11 Interference or tampering with any safety devices installed in or around the premises of the University.

5.12 Drunkenness or riotous or disorderly or indecent behavior in the premises of the University or outside such premises where such behavior is related to or connected with the employment.

5.13 Gambling within the premises of the University.

5.14 Smoking within the premises of the University where it is prohibited.

5.15 Collection without permission of the competent authority of any money within the premises of the University except as sanctioned by any law of the land for the time being in force or Regulations of the University.

5.16 Sleeping while on duty.

5.17 Commission of any act which amounts to a criminal offence involving moral turpitude.

5.18 Absence from the employee's appointed place of work without permission or sufficient cause.

5.19 Commission of any act subversive of discipline or of good behaviour

5.20 Unauthorized use or occupation of the University's quarters, land or other property.

5.21 Assaulting or intimidating any employee of the University.

5.22 Breach of any law applicable to the works or of the conduct regulations and any other rules or orders issued by the University from time to time.

5.23 Writing of anonymous letters etc. addressing appeals or representations to an authority other than the appellate or the appropriate authority and forwarding advance copies of appeals or representations to any authority.

5.24 Refusal to work on holidays or on Sundays or extra hours when notified to do so in the exigencies of University's work.

5.25 Breach of Code of Professional Conduct and Ethics.

#### **5.26 EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES IN THE UNIVERSITY**

No employee shall use his position or influence directly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.

#### **5.27 TAKING PART IN POLITICS AND ELECTIONS**

5.27-A The display by an employee on his person, vehicle or residence of any election symbol shall amount to using his influence in connection with an election.

5.27-B Except in so far as may otherwise be specifically authorized by any law, no employee shall be a member of or be otherwise associated with any political party or any organisation which takes part in politics or assist any political movement or activity or stand for election without the permission of the University as a member of local authority or legislative body. 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.

#### **5.28 TAKING PART IN DEMONSTRATION**

No employee of the University shall engage himself or participate in any demonstration/ rally which involve incitement to an offence.

#### **5.29 JOINING OF ASSOCIATION BY EMPLOYEES**

No employee shall join, or continue to be a member of Associations the objects or the activities of which are prejudicial to the interest of sovereignty, integrity of India, public order or morality.

#### **5.30 ESSENTIAL SERVICES**

Without being exhaustive, the following services shall also be considered as essential services.

- A Maintenance of Electric power and Lighting services.
- B Maintenance of water services.
- C Services which must be carried on continuously.
- D Watch and ward /security/fire fighting services.
- E Sewerage work.
- F Canteen, Guest / Rest House / Field Hostel / Transit Camp.
- G Medical services.
- H Transport services (including operation & Maintenance).
- I Telephone / Telex and wireless services and other services relating to signal/speech communications.

Essential services will be maintained by the respective employees working in the respective departments and non-performance thereof shall be construed as a misconduct.

#### **5.31 UNAUTHORISED COMMUNICATION OF INFORMATION**

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

No employee of the University shall:

#### **5.32 GIVING OR TAKING DOWRY**

No employee of the University shall:

- A. give or take, abet giving or taking of dowry; or
- B. Demand directly or indirectly from the parents or guardians of a bride or bridegroom, as the case may be, any dowry. For the purpose of this Regulation, "Dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961), which reads as follows :

"In this Act "Dowry" means any property or valuable security given or agreed to be given either directly or indirectly"

### **5.33 RETURN OF UNIVERSITY'S PROPERTY**

A. Every employee shall before leaving the service return any of the property or equipment or tools belonging to the University issued or lent to him in connection with his employment in the University;

B. The cost of such property, equipment or tools not so returned, shall be deducted from his pay or the amount if any, due to him.

### **5.34 PRIVATE TRADE OR EMPLOYMENT**

A. No employee of the University shall, except with the prior sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment or negotiate for taking an employment; provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character and accept payment of honorarium within prescribed limits, subject to the condition that his official duties do not thereby suffer but he shall discontinue such work if so directed by the competent authority.

B. No employee of the University may accept any fee or any remuneration or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

### **5.35 CONVASSING OF NON-OFFICIAL OR OTHER INFLUENCES**

No employee shall bring or attempt to bring any outside influence to further his interests in respect of matters pertaining to his service in the University.

### **5.36 BIGAMOUS MARRIAGES**

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

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

Provided that the competent authority 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

C. An employee who has married or marries person other than an Indian national shall forthwith intimate the fact to the Competent Authority.

### 5.37 PROHIBITION OF SEXUAL HARASSMENT OF WOMEN

A. No employee shall indulge in any act of sexual harassment of any woman at her work place.

B. Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

### EXPLANATION

For the purpose of this Regulation "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- (a) Physical contact and advances; or
- (b) a demand or request for sexual favours ; or
- (c) Making sexually coloured remarks; or
- (d) Showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

**Note:** Protection, Prevention and Redressal of Complaints of Sexual Harassment of Women and for matters connected therewith or incidental to shall be dealt in accordance with Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act , 2013.

**Note:** The above instances of misconduct are illustrative in nature and not exhaustive.

### 6. SUSPENSION

6.1 The disciplinary authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Vice Chancellor by general or special order may place an employee under suspension.

- (a) Where a disciplinary proceeding against him is contemplated or is pending; or
- (b) Where a case against him in respect or any criminal offence is under investigation or trial.

6.2 An employee who is detained under custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention and shall remain under suspension until further orders.

6.3 An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

6.4 The suspended employee shall not leave the station without the written permission of the University.

6.5 Leave will not be sanctioned to the employees during suspension.

## **7. SUBSISTENCE ALLOWANCE**

7.1 An employee under suspension shall be entitled to draw subsistence allowance equal to 50 % of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in another employment or business or profession or vocation. In addition he shall be entitled to dearness allowance admissible on such subsistence allowance and other allowances he was in receipt of on the date of suspension, provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.

7.2 If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

## **8. TREATMENT OF THE PERIOD OF SUSPENSION:**

8.1 When the employee under suspension is reinstated, the competent authority may grant to him the following pay and allowances for the period of suspension:

(a) if the employee is exonerated and not awarded any of the penalties mentioned in Regulation-9-A and 9-B, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him ; and

(b) if otherwise, such proportion of pay and allowances as the competent authority may prescribe.

8.2 In a case falling under sub-clause (a) the period of absence from duty will be treated as a period spent on duty. In a case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

## **9. PENALTIES**

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee:

### **9-A Minor Penalties:**

9-A1. Censure.

9-A.2. Withholding the increments of pay with or without cumulative effect.

9-A.3. Recovery from pay of such other amount as may be due to him of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.

### **9-B. Major Penalties**

9-B.1 Termination of contract of service

9-B.2. Dismissal of services on ground of moral turpitude, theft, fraud or any other criminal offence while on duty or otherwise.

**Explanation:**

**The following shall not amount to a penalty within the meaning of this Regulation, namely:-**

(i) Termination of the service:

(a) Of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment,

(b) Of an employee appointed in temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of appointment,

(c) Of an employee appointed under contract or agreement in accordance with the terms of such contract or agreement.

(d) Of any employee on reduction of establishment.

(e) Of an employee consequent upon abandonment of employment due to overstaying his sanctioned leave beyond the period originally granted/subsequently extended or absenting unauthorisedly *ab initio*.

(f) Of an employee on account of his in-efficiency in performance of his duties.

**10. PROCEDURE FOR IMPOSING PENALTIES**

The Disciplinary Authority may impose any of the penalties specified in regulation 9 on any employee after following the procedure laid down hereunder.

**10-A. PROCEDURE FOR IMPOSING MINOR PENALTIES**

10-A.1 Where it is proposed to impose any of the minor penalties specified in clauses 21.1 to 21.3 of Regulation 21, the employee concerned shall be informed in writing of the imputations of misconduct or misbehavior against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 7 days. The defence statement if any, submitted by the employee shall be taken into consideration by the Disciplinary authority before passing order.

10-A.2 If the Disciplinary Authority having regard to its findings on all or any of the articles of charges is of the opinion that the charges leveled are proved then he may impose any of the penalties specified in Regulation 9-A.1 to 9-A.3 and shall make an order imposing such penalty accordingly.



10-A.3 If the Disciplinary Authority is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

### **10-B- PROCEDURE FOR IMPOSING MAJOR PENALTIES**

10-B.1 No order imposing any of the major penalties specified in clauses 9-B.1 and 9-B.2 of Regulation-9 shall be made except after an inquiry is held in accordance with this regulation.

10-B.2 Whenever an individual employee or a group of employees commit a misconduct individually or collectively then the Disciplinary Authority/authorities may constitute a inquiry to ascertain the veracity of quantum of misconduct by employee/employees.

10-B.3 Each of the employee involved in the misconduct should be issued a memorandum of article of charges (charge-sheet) based on the imputation of misconduct or misbehaviour allegedly committed by the employee/employees duly supported with documents/evidences of such facts and circumstances on the basis of which the alleged article of charges are based by the respective Disciplinary Authority.

10-B.4 The employees who have been issued the memorandum of article of charges shall be given a period of 7 days' time by the Disciplinary Authority to submit his reply of whether the individual employee admits or denies any of the article of the charges leveled against him.

#### **Explanation:**

It will not be necessary to show the documents listed with charge-sheet or any other document to the employee at this stage.

10-B.5 On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself or by any other employee appointed as an Inquiring Authority after taking such evidence as it may deem fit; provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The Disciplinary Authority shall, however, record its findings on each such charge after taking such evidence as it may think fit.

10-B.6 On the date fixed by the Inquiring Authority, the employee shall appear before the Inquiring Authority at the time, date and place specified in the notice.

10-B.7 The Inquiry Authority shall examine the memorandum and article of charges, documents and evidences supported therewith, written statement of reply submitted by the employee and further examine the matter after recording written statement of the employee in his presence of his acceptance or denial of the charges leveled against him. The Inquiry Authority may also further examine any other document/evidence as it may deem necessary and shall record his findings of guilt in respect of those articles of charges to which the employee concerned plead guilty and, or, he has examined and has come to the conclusion of guilt of the employee of the charges which he has not accepted.

10-B.8 The Inquiry Authority will submit his report of findings and recommendations to the Disciplinary Authority for his consideration and further decision in the matter.

10-B.9 If the Disciplinary Authority having regard to the findings on all or any of the articles of charges as ascertained and recommended by the Inquiry Officer is of the opinion that the charges leveled have been found proved against the employee then he may impose any of the penalties specified in Regulation 9-B (i) to (ii) on the employee and make an order imposing such penalty.

10-B.10 If the Disciplinary Authority having regard to its findings on all or any of the articles of charges is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

## **11. SPECIAL PROCEDURE IN CERTAIN CASE**

Notwithstanding anything contained in regulation 10-A and 10-B, the Disciplinary Authority may impose any of the penalties specified in Regulation 9-B (i) and (ii) in any of the following circumstances:

11.1 the employee has been convicted on criminal charge or on the strength of facts or conclusions arrived at by a judicial trial; or

11.2 where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these regulations.

## **12. APPEALS**

12.1 An employee may appeal against an order imposing upon him any of the penalties specified in Regulation 9-(i) and 9 (ii) or against the order of suspension referred to in regulation 7. The appeal shall lie to the authority notified from time to time.

12.2 An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified from time to time.

The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

## **14. REMOVAL OF DOUBTS/INTERPRETATION**

Where doubt arises as to interpretation of any of these regulations, the matter shall be referred to the Vice Chancellor whose decision shall be final.