

KVIC EMPLOYEES (CLASSIFICATION, CONTROL & APPEAL) REGULATIONS 2003

The Gazette of India ICP-33004/99 1. REGD. NO. D. L.-33004/99 241] No. 2411 EXTRAORDINARY 11 3 PART U—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY 27, 6, 1925 NEW DELHI, TUESDAY, MAY 27, 6, 1925 -4 26 2003 QTÄT.Ä. 433(, 1956 (1956 61) 27 , 1961 2. 1463 GI/2003 2-1m - 1 ETOI.- (1) 2003 (1) 2 (q) (q) (1) (2) THE GAZETTE OF INDIA : EXTRAORDINARY "3Tü1R' a*zrq, 1956 , 1956 (2) (q) , 1956 \$1 4 Rag , ...3P.ßT "Râzr \$1 4 (2) FT) ..n.ßT ..3p.ßT ..3P.n•r 11—SEC. 3. 3 d. (2) (3) (4) 5. 6. mq-2 (1) frit-Fit-q--q -a-ftv-a _ 1. 2 3 4 -a-a-q•qß 13500 -a-a-;TRÄ 9000 13500 OB.-TAT 4000 -â -a 9000 4000 34TQ, Ali-ll q•i-2, Ali-3 Ali-4 3tft 'q' 4 8. THE GAZETTE OF INDIA : EXTRAORDINARY ART II—SEC. 3 i 7. (2) fib) fib-ur \$1 ,qiq a-gi \$1 , (2) fib) 3FQT, \$1 5 ?T1fta, \$1 , \$1 qtg, agi , gel 9. (3) (4) (5) (i) (ii) 7 10. (iii) (v) (vi) (vii) (viii) (1) (2) A-Qr qm-6 g (VI) (X) qiq, a, 11 qiq (qi?) ,1850 (1850 37) t, (qi@) 1850 iii 10 THE GAZETTE OF INDIA : EXTRAORDINARY (12) [PART IPSEC. 3(i)] (iii) (12) (13) (14) (15) 11 (16) (17) (18) (19) (20) (21) fig t, I tea:pT- qiA \$1 a-8i *7tr, (VD (x) \$1 agi Aim, yq: 12 (22) 11. GAZETTE OF INDIA : (I) R@ré traT (e) (PART II—SEC. qti 14 13. 14

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2. GAZETTE OF INDIA : EXTRAORDINARY Definitions.- In these regulations, unless the context otherwise requires :- (a) "Appointing authority" in relation to an employee means - (i) the authority empowered to make appointments to the service of which the employee is for the time being a member or to the grade of the service in which employee is for the time being included, or (ii) the authority empowered to make appointments to the post which the employee for the time being holds, or (iii) the authority which appointed the employee to such service, grade or post, as the case may be, whichever authority is the highest authority; (b) "Chairman" means the Chairman appointed under sub-section (3) of section 4 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the (c) "Chief Executive Officer" means the Chief Executive Officer appointed under clause (d) of sub-section of section 4 of the Act; (d) "Commission" means the Khadi and Village Industries Commission, established under section 4 of the Act; (e) "Disciplinary authority" means the authority competent under these regulations to impose on an employee any of the penalties specified in clause (i) to (v) of regulation and to institute disciplinary proceedings against employee for the imposition of any of the penalties specified to (x) of regulation 9 of the act [that such disciplinary authority is not competent vide 6. -these regulations to impose any of the aforesaid penalties; (3(i) (f) "Employee" means any person appointed by the Commission to any service or post in connection with the affairs of the Commission. including the employees whose services are placed by Commission at the disposal of a Company, "Board, "firm, local authority, an organisation, State Government or the Central Government notwithstanding the fact that his salary is drawn from sources other than that of the Commission; (g) "Financial Adviser" means the Financial Adviser appointed under clause(c) of sub-section (2) of Section 4 of the Act ; (h) "Schedule" means the

Schedule to these regulations; 3. Application (1) These regulations shall apply to every employee appointed to any post under the Commission whether borne on regular or trading or schematic or work charged or project establishment, or any other official whose wages or salary or honorarium are paid by the Commission but shall not apply to- (a.) any person appointed with specific contractual stipulation that he could be discharged from service on one month's notice, (b) any person in casual appointment, (c) any person appointed on deputation, training, or otherwise from other departments, to whom the rule of parent department shall apply. (2) Notwithstanding anything contained in sub-regulation (1) above, the Commission may, by order and with previous sanction of the Central Government, exclude any class of employees from the application of all or any of these regulations. PART- 11 CLASSIFICATION 4. Classification of Posts . - (1) The posts of the Commission shall be classified as follows:- Sr.No. 1. 2. 3

4. Description of Posts A post carrying a pay or a scale of pay with a maximum of not less than Rs.13,500 A post carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500 A post carrying a pay or a scale of pay with a maximum of not less than Rs.4,000 but less than Rs. 9,000 A post carrying a pay or a scale of pay the maximum of which is Rs. 4,000 or less. Classification of posts Group A: Group 'B' Group 'C' Group 'DI' (2) Each of the above Groups shall consist of posts and grades of services specified in the Schedule. (3) All the posts shall be referred in all official communications by the above classification. (4) All references to Class-I, Class-II, Class-III and Class-IV in all rules, orders, regulations, instructions, schedules, notifications in force, immediately before the commencement of these regulations shall be construed as references to Group "A", Group "B", Group "C" and Group "D" respectively and any reference to "Class or Classes" therein in this context shall be construed as reference to "Group or Groups", as the case may be. 31 PART-III APPOINTING AND DISCIPLINARY AUTHORITIES Appointing Authority All appointments of employees 5. under the Commission shall be made by the Commission or by the authorities to whom such powers have been delegated by the Commission from time to time. 6

7. Disciplinary Authority (1) The Commission may impose any of the penalties specified in regulation 9 on any employee.(2) Without prejudice to the provisions of sub-regulation (1), any of the penalties specified in regulation 9 may, be imposed on an employee by the appointing authority or the authority specified in the Schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the Commission. Authority to institute proceedings .- (1) The Commission or any other authority empowered by it by general or special order may — (a) institute disciplinary proceedings against any employee ; (b) direct a Disciplinary Authority to institute disciplinary proceedings against any employee on whom that Disciplinary Authority is competent to impose under these regulations any of the penalties specified in regulation 9. (2) A Disciplinary Authority competent under these regulations to impose any of the penalties specified in clauses (i) to (v) of regulation 9 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (vi) to (x) of regulation 9 notwithstanding that such disciplinary authority is not competent under these regulations to impose any of the latter penalties. PART - SUSPENSION Suspension The appointing authority or any authority to which it (1) subordinate or the disciplinary authority or any other empowered in that behalf by the Commission, by general or order, may place an employee under (a) where a disciplinary proceeding against him is contemplated or is pending ; or (b) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State ; or where a case against him in respect of any criminal (c) offence is under investigation, inquiry or trial Provided that, except in case of an order of suspension made by an authority lower than the appointing authority, the authority forthwith report to the appointing the circumstances in which the order was made. (2) An employee shall be deemed to have been placed under suspension by an order of appointing authority — (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours; (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction. 39 Explanation . '[t]he period of forty-eight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction for this purpose, intermittent periods of

imprisonment, if any, shall be taken into account. Where a penalty of dismissal, removal or compulsory retirement service imposed upon an employee under suspension is set aside in appeal or on review under these rules, the case remitted for further inquiry or action or with any other directions, the order of his dismissal, removal or compulsory retirement shall remain in force until further orders. (4) Where an order of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case. (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so. (b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and other disciplinary proceedings are commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings. (c) 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.

PART -V PENALTIES AND DISCIPLINARY AUTHORITIES

Penalties The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee of the Commission, namely :-

Minor Penalties — (i) censure; (ii) withholding of his promotion; (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Commission by negligence or breach of orders; (iv) reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension. (v) withholding of increments of pay ;

Major Penalties - save as provided for in clause (iv), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service; compulsory retirement; removal from service of the Commission which shall not be a disqualification for future employment in the Commission or Government; dismissal from service which shall ordinarily be a disqualification for future employment in the Commission or Government: Provided that, in every case in which the charge of possession of assets disproportionate to known source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (ix) or clause (x) shall be imposed: Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation . The following shall not amount to a penalty within the meaning of this regulation, namely (i) withholding of increment of an employee on account of his failure to pass any departmental examination which may have been prescribed governing his service condition;

1463 GLE3—4 42 THE GAZETTE OF INDIA EXTRAORDINARY PART IV SEC. (ii) stoppage of an employee at the Efficiency Bar in the time scale of pay on the ground of his un-fitness to cross the Bar; (iii) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible; (iv) reversion of an employee officiating in a higher service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct; (v) reversion of an employee

appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules, regulations and orders governing such probation; (vi) replacement of the services of an employee, whose services had been borrowed from a State Government or any authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such employee had been borrowed ; (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ; (viii) termination of the services- (a) of an employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules, regulations and orders governing such probation, or (b) of a temporary employee, or (c) of an employee, employed under an agreement, in accordance with the terms of such agreement. 43 10. PROCEDURE FOR PENALTIES - (1) No order imposing any of the penalties specified in clauses (vi) to (x) of regulation 9 shall be made after an inquiry held, as far as may be, in the manner provided in this regulation and regulation 11, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act. (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint under this regulation or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof. Explanation. — Where the disciplinary authority itself holds the inquiry, any reference in sub-regulation (7) to sub-regulation (20) and in sub-regulation (22) to the inquiring authority shall be a reference to the disciplinary authority. (3) Where it is proposed to hold an inquiry against an employee under this regulation and regulation 11, the Disciplinary Authority shall draw up or cause to be drawn up- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge; (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain - (a) a statement of all relevant facts including any admission or confession made by the employee; 4-4 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained. (4) The Disciplinary Authority shall deliver or cause to be delivered to an employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and state whether he desires to be heard in person. (5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint under sub-regulation (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation 11. If no written statement of defence is submitted by the employee the Disciplinary Authority may, itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-regulation (2), an inquiring authority for the purpose. (c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an inquiring authority for holding any inquiry into such charge, it may, by an order, appoint an employee or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge. 45 (6) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the Inquiring Authority- (i) (ii) (iii) (iv) (v) (7) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour; a copy of the written statement of the Defence, if any, submitted by the employee; a copy of the statements of witnesses, if any, referred to in sub-regulation (3); evidence proving the delivery of the documents referred to in sub-regulation (3) to the employee; and a copy of the order appointing the "Presenting Officer". The employee shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow. (a) The employee may take assistance of any other (8) employee posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the

purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits : Provided that the employee may take the assistance of any other employee posted at any other station, if the Inquiring Authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits. (b) The employee may also take the assistance of a retired employee to present the case on his behalf, subject to such conditions as may be specified by the Commission from time to time by general or special order in this behalf. 46 GAZEITE OF : EXTRAORDINARY [PART II—SEC. (9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and .if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee thereon. (IO) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge\to which the employee pleads guilty. (11) The Inquiring Authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence - (i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-regulation (3); (ii) submit a list of witnesses to be examined on his behalf; NOTE. - If the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-regulation (3), the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority. give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discovery or production of any documents which are •in the possession of the Commission but not mentioned in the list referred to in sub-regulation 47 NOTE. - The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Commission. (12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of .documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition: Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case. (13) On receipt of the requisition referred to in sub- regulation (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of documents. (14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross- examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit. 48 GAEITE OF : EXTRAORDINARY [PART II—SEC. 3(i)] (15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re- examine any witness and in such ease the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the employee to produce new evidence, if it is of the opinion that the production

of such evidence is necessary in the interest of justice. NOTE. - New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally. (16) When the case for the Disciplinary Authority is closed, the employee shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded, and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed. (17) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so •prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority. 49 (18) . The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him. (19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the employee, or permit them to file written briefs of their respective case, if they so desire. (20) If the employee to whom a copy Of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this regulation, the Inquiring Authority may hold the inquiry ex-parte. (21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (v) of regulation 9 [but not competent to impose any of the penalties specified in clauses (vi) to (x) of regulation 9], has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the •penalties specified in clauses (vi) to (x) of regulation 9 should be impoSed on the employee, that authority shall forward the records' of the inquiry to such Disciplinary Authority as is competent to impose last mentioned penalties. (b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if •it is of the opinion that further examination of any of the witnesses is necessary in the interest' of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the employee such penalty as it may deem fit in accordance with these regulations. 146.3 GI/03—7 50 GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. (22) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself : Provided that if the succeeding Inquiry Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it, may recall, examine, cross- examine and re-examine any such witnesses as hereinbefore provided. (23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain - (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour ; (b) the defence of the employee in respect of each article of charge ; (c) an assessment of the evidence in respect of each article of charge; (d) the findings on each article of charge and reasons therefore. Explanation. - If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article .of charge different from the original articles of the charge, it may record its findings on such article of charge : Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is' based or has had a reasonable opportunity of defending himself against such article of charge. 51 11. (ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the recârd's of inquiry which shall include - (a) the report prepared by it under clause (i) ; (b) the written statement of defence, if any, submitted by the employee; (c) the oral and documentary evidence produced in the course of the inquiry ; (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiry; and (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry. Action on the inquiry report . - (1) The Disciplinary Authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in

writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation IO, as far as may be. (2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of the Inquiring Authority on any article of charge to the employee who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority, within 15 days, irrespective of whether the report is favourable or not to the employee. (3) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the matter as specified in sub-regulations (4) and (5). 52 NE GAZETTE OF INDIA : EXTRAORDINARY 11—SEc. (4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (v) of regulation 9 should be imposed on the employee it shall, notwithstanding anything contained in regulation 12, make an order imposing such penalty. (5) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (vi) to (x) of regulation 9 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed

12. Procedure for imposing minor penalties .- (1) Subject to the provisions of sub- regulation (4) of regulation 11, no order imposing on an employee any of the penalties specified in clause (i) to (v) of regulation 9 shall be made except after - (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal ; (b) holding an inquiry in the manner laid down in sub- regulations (3) to (23) of regulation 10 in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary ; (c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; and (d) recording a finding on each imputation of misconduct or misbehaviour. ['m 3(i)] 13. 53 (2) Notwithstanding anything contained in clause (b) of if in a case it is proposed after sub-regulation (1), considering the representation, if any, made by the employee under clause (a) of that sub-regulation, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-regulations (3). to (23) of regulation IO before making any order imposing on the employee any such penalty. The record of the proceedings in such cases shall (3) include - (iii) (iv) (v) (vi) a copy of the intimation to the employee of the proposal to take action against him; a copy of the statement of imputations of misconduct or misbehavior delivered to him; his representation, if any; the evidence produced during the enquiry; the findings on each imputation of misconduct or misbehaviour ; and the orders on the case together with the reasons therefore. Communication of Orders . - Orders made by the Disciplinary Authority shall be communicated to the employee who shall also be supplied with a copy of its finding on each article of charge, or where the Disciplinary Authority is not the Inquiring Authority, a statement of the findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the Inquiring Authority 54 14. THE : EXTRAORDINARY Common Proceedings . [PART IPSEC. (1) Where two or more employees are concerned in any case, the Commission or any authority competent to impose penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding. NOTE. - If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent .of the others. (2) Any such order shall specify - (i)the authority which may function as the Disciplinary Authority for the purpose of such common proceeding; (ii)the penalties specified in regulation 9 which such Disciplinary Authority shall be competent to impose; (iii)whether the procedure laid down in regulation IO and regulation 11 or regulation 12 shall be followed in the proceeding. IS. Special procedure in certain cases .

- Notwithstanding anything contained in regulations 10 to regulation 14- (i) (ii) where any penalty is imposed on the employee on the ground of conduct which has led to his conviction on a criminal charge, or where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or (iii) where the Commission is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these regulations. The Disciplinary Authority • may consider the circumstances of the case and make such orders thereon as it deems fit : Provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i)

16. Provisions regarding officers lent to State Governments, etc.(1) Where the services of an employee are lent to another Department or to a State Government or any authorities sub-ordinates thereto or to a local or other authority or to any organisation under Central Government (hereinafter in this regulation referred as the "borrowing authority"), , the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing such employee under suspension and of the Disciplinary Authority for the purpose of conducting disciplinary proceeding against him : Provided that the borrowing authority shall forthwith inform the Commission which lent the services of the employees of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be. (2) In the light of the findings in the disciplinary proceedings conducted against the employee- if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) of regulation 9 should be imposed on the employee, it may, after consultation with the Commission , make such orders on the case as it deems necessary : 56 GAZETTE OF INDIA EXTRAORDINARY CART II—SEC. Provided that in the event of •a difference of opinion between the borrowing authority and the Commission, the services of the employee shall be replaced at the disposal of the Commission; (ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (vi) to (x) of regulation 9 should be imposed on the employee, it shall replace his services at the disposal of the Commission -and transmit to it the proceedings of the enquiry and thereupon the Commission may, if it is the Disciplinary Authority, pass such orders thereon as it may deem necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which -shall pass orders on the case as it may deem necessary : Provided that before passing any such order, the Disciplinary Authority shall comply with the provisions of sub-regulations (4) and, (5) of iregulation 11. Explanation. - The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with regulation 10

17. Provisions regarding omcers borrowed from Central/ State Governments, etc.(1) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services have been borrowed by Commission from Central Government or from a State Government or an authority, su bordinate thereto or a local or other authority, the authority lending his services (hereina.fter in this regulation referred to as "the lending authority") shall forthwith be informed of the circumstances leadingxto the order of the suspension of the employee or of the commencement of the disciplinary proceeding, as the case may be. 51 In the light of the findings in the disciplinary (2) proceeding conducted against the employee, Disciplinary Authority is• of the opinion that any of the penalties specified in clauses to (v) of regulation 9 should be imposed on him, it may subject to the provision of sub- regulation (4) of regulation 11, after consultation with the lending authority, pass such orders on the case, as it may deem necessary : Provided that in the event of a difference of opinion between the Commission and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority: (3) Where the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (vi) to (x) of regulation 9 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of tht\$ inquiry for such action, as it may deem necessary. PART - vn APPEA&S Orders against which no appeal lies . - Notwithstanding anything contained in this part, no appeal shall lie against - 18. 1463 GLÆ3—8 (i) (ii) (iii) any order made by the Commission ; any order of an interlocutory nature or of the nature of a (step-in-aid of) the final disposal of a disciplinary proceeding, other than an order of suspension ; any order passed by an Inquiring Authority in the course of an inquiry under regulation 10. 58 19. OF ENDIA EXTRAORDINARY Orders

against which appeal lies . IPART II—SEC. 3(i) Subject to the provisions of regulation 18, an employee may prefer an appeal against all or any of the following orders, namely ; (iii) (iv) an order of suspension made or deemed to have been made under regulation 8; an order imposing any of the penalties specified in regulation 9, Whether made by the Disciplinary Authority or by any Appellate or Revising Authority; an order enhancing any penalty, imposed under regulation 9 ; an order which - (a) denies or varies to his disadvantage his pay, allowances; pension or other conditions of service as regulated by rules, regulations agreement; or (b) interprets to his disadvantage the provisions of any such rule, regulation or agreement; an order - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar; (b) reverting him while officiating in a higher service, grade or post, * to a lower service, grade or post, otherwise than as a penalty; (c) reducing or withholding the pension or denying the maximum pension admissible to him under these regulations; (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof ; (e) determining his pay and allowance - (i) for the period of suspension , or (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post , time scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his service, grade or post ; or 59 20. (f) determining whether or not the period from the date of his suspension Or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time -scale or pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as-a period spent on duty for any purpose. Explanation.- In this regulation - (i) the expression 'employee' includes a person who has ceased to be in the service of the Commission ; the expression "pension" includes additional pension, gratuity and any other retirement benefit. Appellate Authority . - (1) An employee, including a person who has ceased to be in the service of the Commission, may prefer an appeal against all or any of the orders specified" in regulation 19 to the authority specified in this behalf either in the Schedule or by a general or a special order of the Commission or where no such authority is specified - to the Commission where such order is made by any other authority ; (ii) where such employee is or was holder of a Group 'C' or Group 'D' post, to the authority to which the authority making the order appealed against is immediately subordinate. (2) Notwithstanding anything contained in sub-regulation (i) an appeal against an order in a common proceeding held under regulation 14 shall lie to the authority' to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately sub-ordinate : (3) GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC 21

22. Provided that where such authority is sub-ordinate to the Commission in respect of an employee for whom Commission is the Appellate Authority in terms of clause (i) of sub-regulation (1), the appeal shall lie to the Commission (ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the Appellate Authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.(3) An employee may prefer an appeal against an order imposing any of the penalties specified in regulation 9 to the Commission, where no such appeal lies to it under sub-regulation (1) or sub-regulation (2) * if such penalty is imposed by any authority other than the Commission, on such employee in respect of his activities connected with his work as an office bearer of an association, federation or union, participating in the Joint Consultation and Compulsory Arbitration Scheme. Period of limitation of appeals , No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant : Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. Form and contents of appeal . - (1) Every person preferring an appeal shall do so separately and in his own name. (2) The appeal shall be presented to the authority to whom the appeal lies, and a copy shall be forwarded by the appellant . to the authority, which made the order 61 23. appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself. (3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellate Authority without any unavoidable delay, and without waiting for any direction from the Appellate Authority. Consideration of appeal . - (1) In the case of an

appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions of regulation 8 and having regard to the circumstances of the case, the order of the suspension is justified or not and confirm or revoke the order accordingly. (2) In the case of an appeal against an order imposing any of the penalties specified in regulation 9 or enhancing any penalty imposed under the said regulation, the Appellate Authority shall consider - (a) (b) (c) whether the procedure laid down in these regulations has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice ; whether the findings of the Disciplinary Authority are warranted by the evidence on the record; and whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe ; and pass orders - (i) confirming, enhancing, reducing or setting aside the penalty; or 62 GAZETTE : EXTRAORDINARY 11—SEC. (ii) remitting the case to the authority which imposed or enhanced the penalties or to any other authority with such direction as it may deem fit in the circumstances of these cases : Provided that - (i) if such enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (vi) to (x) of regulation 9 and an inquiry under regulation 10 has not already been held in the case, the Appellate Authority shall, subject to the provisions of regulation 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation 10 and thereafter, on consideration of the proceedings of such inquiry and make such orders as it may deem fit ; (ii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (vi) to (x) of regulation 9 and an inquiry under regulation 10 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty ; and (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of regulation 12, of making a representation against such enhanced penalty. (3) In an appeal against any other order specified in regulation 19 ,the Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable. 63 24. Implementation of orders in appeal . - The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority

25. PART - VIII REVISION AND REVIEW Revision (1) Notwithstanding anything contained in these regulations- the Commission ; or (ii) the Appellate Authority, within six months of the date of the order proposed to be revised ; or (iii) any other authority specified in this behalf by the Commission by a general or special order, and within such time as may be .prescribed in such general or special order ; may at any time, either on its own motion or otherwise call for the records of any inquiry and revise any order made under these regulations from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, and may :- (a) confirm, modify or set-aside the order ; or (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed ; or (c) remit the case to the authority which made the order to or any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or (d) pass such other orders as it may deem fit :

26. GAZETTE OF INDIA : EXTRAORDINARY Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in the clauses (vi) to (x) of regulation 9 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under regulation 10 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in regulation 10 subject to the provisions of regulation 15.(2) No proceeding for revision shall be commenced until (i) the expiry of the period of limitation for an appeal, or (ii) the disposal of the appeal, where any such appeal has been preferred. (3) An application for revision shall be dealt with in the same manner as if it were an appeal under these regulations. Review . The Commission may, at any time, either on its own motion or otherwise review any order passed under these regulations, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to its notice : Provided that no order imposing or enhancing any penalty shall be made by the Commission unless the employee concerned has

been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in regulation 9 or to enhance the minor penalty imposed by the order sought to be reviewed to any 6 27. of the •major penalties and if an inquiry under regulation IO has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in the regulation IO, subject to the provisions of regulation 15

PART MISCELLANEOUS Service of orders, notices, etc. - Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered or speed post. 28. Power to relax time-limit and to condone delay . - 29. 1463 (31103—9 Save as otherwise expressly provided in these regulations, the authority competent under these regulations to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay. Removal of doubts . - (1) Any proceedings under the Khadi and Village Industries Commission Employees (Conduct, Discipline and Appeal) Regulations, 1961 pending at the commencement of these regulations shall be continued and disposed of, as far as may be, in accordance with the provisions of these regulations, as if, such proceedings were proceedings under these regulations. (2) Nothing in these regulations shall be construed as depriving any person to whom these regulations apply, of any right of appeal which had accrued to him under the GAZETTE OF : EXTRAORDINARY [PART 11—SEC. regulations, notification or orders in force before the commencement of these regulations. (3) An appeal pending at the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these regulations as if such orders were made and the appeals were preferred under these Regulations. (4) As from the commencement of these regulations any appeal or application for review against any orders made before such commencement shall be preferred or made under these regulations, as if such orders were made under these regulations: Provided that nothing in these regulations shall be construed as reducing any period of limitation for any appeal or review provided by any regulation in force before the commencement of these regulations

30. Interpretation - If any question arises relating to the interpretation of these regulations, it shall be interpreted in accordance with the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and related orders and decision of the Government of India. (See regulation 2 (h) TABLE SHOWING DESCRIPTION OF POST UNDER REGULAR ESTABLISHMENT. APPOINTING AUTHORITY. AUTHORITY COMPETENT TO IMPOSE PENALTIES AND APPELLATE AUTHORITY IN RESPECT OF THE POSTS OF THE COMMISSION. S.NO. 1. 1. 2. 3. 4. 5. 6. 7

8. Description of Post 2. Joint Chief Executive Officer Deputy Chief Executive Officer Principal Scientific Officer Chief Scientific Officer Deputy Director Senior Scientific Officer Civil Engineer Appointing Authority 3. Commission Chairman Chief Executive Officer Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in regulation 9 Authority 4. Commission Chairman Chairman Chief Executive Officer Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer Penalties 5. All (For minor penalties) to All penalties (For minor penalties) (i) to (v) All penalties (For minor penalties) (i) to (v) Appellate Authority 6 Commission (for minor penalties I to Commission Chairman (for minor penalties) (i) to (v) Chairman Chief Executive Officer (for minor Penalties) (i) to (v) 9. 10. 11. 12. 13. 14. 15. 16 17. 18. 19. 20. 21. 22. 23. 24. 25

26. Senior Hindi Officer Assistant Director Research Officer Hindi Officer Senior Personal Assistant Accounts Officer Superintendent Care Law Officer Senior Translator Junior Engineer Sanitary inspector Fuel Chemist/Bb-Chen-Ā Accountant Librarian (Puurity) scientific Officer Sub-Editor Chief Executive Officer financial Adviser Joint Chief Executive Officer/Depahy Chief Executive Officer Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer Financial Adviser Joint Chief Executive Officer Deputy Chief Executive Officer Joint Chief Executive Officer/ Deputy Chief Executive Director All Penalties (For minor penalties) All penalties (For minor penalties) (i) to (v) All penalties (For minor penalties) (i) to (v) Chairman Chief Executive Officer or minor Penalties (i) to (v) Chairman Financial Adviser (for minor penalties) (i) to (v) Chief Executive Officer

Joint Chief Executive Officer/ Deputy Chief Executive Officer (for minor penalties) (i) to (v) O 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44

45. Photographer-Cum-Darkroom Assistant Printing Manager Senior Alist Stenographer (Selection Grade) Economic Investigator-I Lecturer Steno -I (English/Hindi) Assistant Chemist/Assistant Foreman Assistant Accountant/Auditor-I/ Senior Cashier Mechanic Technical Assistant Craft Teacher Junior Translator Junior Sub-Editor Economic Investigator-III Statistician • Exhibition Assistant Legal Assistant Artist Assistant Development Officer/ Assistant Development Officer-III Charge man/Supervisor -II Spinning Instructor/Analyst Joint Chief Executive Officer Deputy Chief Executive Officer Joint Chief Executive Officer I Deputy Chief Executive Officer Director All Penalties (For minor penalties) (i) to (v) Chief Executive Officer Joint Chief Executive Officer IDy. Chief Executive Office (or minor Penalties) (i) to (v) 46. 47. 48. 49. 50. 51. 52. 53 54, 55. 56. 57. 58. 59. 60

61. Assistant Lecturer (HRD) Assistant Librarian Supervisor-II Upper Division Clerk Auditor-I' Driver Senior Cook Steno-II (English/Hindi) Assistant Care Taker Fitter Foreman Lower Division Clerk Carpenter Skilled Artisan Supervisor -III/Mistry Library Assistant Joint Chief Executive Officer 'Deputy Chief Executive Officer Director Joint Chief Executive Officer / Deputy Chief Executive Officer Director Director Deputy Director/Assistant Director All Penalties (For minor penalties) (i) to (v) All Penalties (For minor Penalties) (i) to (v) Chief Executive Officer Joint Chief Executive Officer /Deputy Chief Executive Officer (for minor penalties) (i) to (v) Joint Chief Executive Officer/ Deputy Chief Executive Officer Director (for minor penalties) (i) to (v) o 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74 75. 76. 77. 78. 79

80. Electrician (JBCRI Wardha) Assistant Supervisor Drivers Artisans/Auditor-II/Worker/Fitter/Mistry Instructor Qualified Mechanic Cook Cine Operator Plumber Lab Attendant Weaving/Sizing Guide/Weaver Misan-IVA Potter Carpenter Datary Lab Atendant Watchman-cum-cook Helper/Tapper Director Director Deputy Director/Assistant Director All Penalties (For minor Penalties) (i) to (v) Joint Chief Executive Officer/ Deputy Chief Executive Officer Director (for minor penalties) (i) to (v) 81.82. 83. 84. 85. 86. 87. 88. 89. 90 Note: Apiary Assistant Helper/Gardener/ Store Attendant/Watchman Lab Boy Worker-IV-B Watchman Watchman-cum/Attendant/Worker- Grade-n Helper peon Kiln AttendanVSkilled Labour Cane Weaver Sweeper Director Director Deputy Director/Assistant Director All Penalties (For minor Penalties) (i) to (v) Joint Chief Executive Officer/ Deputy Chief Executive Officer Director (for minor penalties) (i) to (v) o For the posts which are not covered in the Schedule or to be created from time to time the appointing authority, authority competent to impose penalties and appellate authority shall be the same authorities as are provided for posts of equivalent pay scales in this Schedule. TABLE SHOWING DESCRIPTION OF POST UNDER CANTEEN CADRE APPOINTING AUTHORITY AUTHORITY COMPETENT TO IMPOSE PENALTIES AND APPELLATE AUTHORITY IN RESPECT OF THE POSTS OF THE S.No. 1. 1. 2. 3. 4. 5. 6. 7. 8. 9

10. Note: Description of Service 2. Manager (Canteen) Assistant Manager Halwai Coupon Clerk Cook Assistant Halwai Coffee/Tea Maker Bearer Sweeper Wash Boy Appointing Authority 3. Director COMMISSION Authorised • competent to impose . penalties and penalties which it may impose (with reference item numbers in regulation 9) Authority • 4. Director Deputy Director/ Assistant Director Penalties 5. All Penalties (For minor Penalties) (i) to (v) Appellate Authority 6 Joint Chief Executive Officer/Deputy Chief Executive Officer Director (for minor penalties) (i) to (v) For the posts which are not covered in the Schedule or to be created from time to time the appointing authority, authority competent to impose and appellate authority shall be the same authorities as are provided for posts of equivalent pay scales in this Schedule. TABLE SHOWING DESCRIPTION OF POST UNDER ACTIVITIES APPOINTING AUTHORITY. AUTHORITY COMPETENT TO IMPOSE PENALTIES AND APPELLATE AUTHORITY IN RESPECT OF THE POSTS OF THE COMMISSION. S.No. Description General Manager-I Bee • Assistant Manager Director Manager, I Director Accounts Officer Accountant Accountant Cashier Assistant Designer Designer-cum-artist — Development Assistant Executive Officer C-1 Z Executive Officer — Assistant Director in charge of the mess Exn • Executive Officer Exa • Paes (Ex parte) Far Pases C) b (v) C. A. Erect — Executive Officer Exa & l' pae — es) i Chief Executive 19 20. 21 24 26 28 Godown Manager tm-ha • ge ' St Q L * epe 5. s. q. q. r. Acceptorant \$y Agpment officer u. Accountant Assistant in charge _ . F Jonnt Chief Executive Officer Deputy Chief -

Executive-Officer General Manager Penalties For penalties Y to Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer for minor penalties) 32. 33. 34 35. 36. 38, 39. 40. 41 42. 43. 44. 45. 46. 47. 48

49. Cashier Decorator Driver Grade-I Electrical Foreman Electrical Supervisor Foreman/Mechanic (Assistant Development Officer) Head Cashier Incharge Technical Junior Manager Manager-II Mechanic Foreman Mechanic Operator Quality Inspector Readymade Incharge/Senior Cutter/Artisan Junior Cutter S.Q.C. Investigator Sales Incharge Salesman Salesman/Girls-I Joint Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer General Manager All Penalties (For minor penalties) Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer (for minor penalties) (i) to (v) o til 50 • 51 52. 53. 54. 55. 56. 57 , 59. 61 62 63 64 65 66 Shift Supervisor (Assistant Development Officer) Shop floor Incharge-II Senior Cotton Selector Store Clerk/Purchase Incharge/Sales-I Storekeeper-I Supervisor-I Turner/Superintendent]Manager.Senior Instructor i . Vastragar Incharge i Account Clerk/ Storekeeper/ Supervisor —It / Steno Account Clerk-cum-Cashier Accounts Clerk Accountant-IV Cashier Cashier/(Upper Division Clerk) Godown keeper Junior Cashier Junior Cotton Selector Mecnamcai-cum-Electician Joint Chief Executive Officer General Manager IDirector (Marketing) Joint Chief Executive Officer/Deputy Chief Executive Officer General Manager General Manager/Director (Marketing) Manager-IIAssistant General Manager/Manager-III Deputy Director All Penalties (For minor penalties) All Penalties (For minor penalties) Chief Executive Officer Joint Chief Executive Officer/Deputy Chief Executive Officer (for minor penalties) (i) to (v) Joint Chief Executive Officer/Deputy Chief Executive Officer General Manager/Director (Marketing) (for minor penalties) (i) to (v) General: futana•gev - 74 76 32 33 a4 85 86 87 Senior SEncBAcc0!JTts S&n041 Stena-ft (t T vost}. Storekeeper Storekeeper 'Acca.u'Tts CEefk I-ek Supervisor4i Upper: Divrs/on Clerk t*per Clerk Accountant) Upper Divrsf;c6 C+.eöc- Cashier41.} ASsistärtt Storekeeper Black.sauth Checker Clerk Typst General# Manager Manager-f,,ü •Deoutg Oprector (For minor penalties Execub-ve Chief Executive Officer General Manager./Drec•Z.r (Markettrt.g') ('for minor penalties» to (v)) 88. 89 90. 91 92 93. 94 95 96. 97 96 100. 101 | •102 103 104 105 106 Driver Fitter Junior Lower Clerk Lower DiyÉü1 C.läk. (iTyp\$) Lower Divism i. Salesman , SalesmanVGiriS-âHN S a 'estian-lli/.hmdr 'Ireru.lö(T Store Typist Store (illerk Turner typiét/Clert Welder Wireman Daftary Driver/Helper Gaeral ((kTkämg)) Gzraail ((krketmg)) I GBE* Direcbr All! Penalties ('Fur miäur parates) (GI) (V) Jdat Executive Officer/Dewty Chief Executive (k:er Garza Managed'Diredar (Marketing)) (for penalties) (i) to (v) 107 108 109 112 113 114. 115. 116. 117. 118. 119. 120. 121 122. 123. 124

125. I Helper/Packer Attendant Chowkidar Helper Helper and Peon-cum- Watchman Helper Assembly Helper Fitter Helper M.C.Operator Helper MC Shop Helper Tinsmith Helper Turner Helper Welder Helper/Carpenter Mazadur Mechanic-III Packer peon Peon/Watchman General (Marketing) General Manager/ Director (Marketing) Manager-IIAssistant General Manager/Manager-I/Deputy Director All Penalties (For minor penalties) (i) to (v) Joint Chief Executive Officer/Deputy Chief Executive Officer General Manager/Director (Marketing) (for minor penalties) (i) to (v) O 126. 127. 128. 129. 130. 131. 132. 133

134. Note: Peon-cum-Watchman Salesman-IV Shop Assistant Storekeeper Sweeper Sweeper/Watchman Tanner/Master/Flesher/Watchman/ Helper/Worker/Packer Watchman Watchman Packer General Manager/Director (Marketing) General Manager/ Director (Marketing) Manager-IIAssistant General Manager/Manager- III Deputy Director All Penalties (For minor penalties) (i) to (v) Joint Chief Executive Officer/Deputy Chief Executive Officer General Manager/Director (Marketing) (for minor penalties) (i) to (v) For the posts which are not covered in the Schedule or to be created from time to time the appointing authority, authority competent to impose penalties and appellate authority shall be the same authorities as are for post of equivalent pay scales in this Schedule. IF. No. A-120.34/7/2002-Kxnc1 A. P. PADHI, Jt. secy. 82 1. THE GAZETTE OF INDIA : EXTRAORDINARY 26 2003 434(31).— {PART [I—SEC. 1956 (1956 61) 27 g-q, Rä-) 1 96 2. (I) Ä5T (3) 3 {Pip-T 3-12.1@T 3 {Q4AT 3T9Töt fr--q-\$l 7171 1956 4 (2) 1956 -efi--€f : a-rfr;vUT, füfi-4H_2 3-T*fTH 3417h-rT 3 {pirt #137, -z:T17TT I (i) (ii) (iii) (i) (ii) 3-T?XAT -a-a 3-T94AT 3T2-1Äl -QI-ä-t--dl --9r -q-ÉT -QT -#04 -q-uf-a 314 3ip- (p#TjT) üÉpq-q,2003 T}EGAZETTE OF INDIA • EXTRAORDINARY IPART 11—SEC. 30)]- 3. (i) (ii) (iii) (2) (i) (ii) (iii) (iv) (v) (vi) .3.FZ1

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8. GAZETIE OF INDIA : EXTRAORDINARY 3T2.TQT th--# -ö-GTITR 3-T2BT i [PART 11—SEC. 3(iY1 (2) (3) (i) (ii) a...TQ_BT -a 3Tt:Ä -q-æ-r , -m -q-e4T, x-å 3E-qfrT -GT , æi•æQ-IT, -Qr-q-rq•--ä, -q-e4T, -q-rqt3T 3•q-ä;- -J-y-+Éßö (2) (3) (4) 9. *TIT, AT a-tr 341-81 -a-rlT I 3.Tt:Ä -a-Ét : g-JT<T : -*é 3T2AÄT t.TTGf 88 10. 11. 12. (2) (3) GAZETTE OF INDIA • EXTRAORDINARY tat , fö-q-?ret a-PET q.:n-rT 74T AT 72.2?t Ä52.FT *TTT tr. fä;---€f 89 13. 14. 1463 GI/03—12 Gi) (iii) ATüt I 37 aft fifi, (3) -42.1T AT *TIT I (3) ötr- 3Tßip-r, (IT) 37TZ?ßT a..q-rr AT A1-q GAZETTE OF INDIA : EXTRAORDINARY [?ART 11—SEC. 15. 16. (2) (3) RAT, () t, a-tr -314-61? Aft-a-GA, ail-GA, -G-q-a-*r -g-u-r *TIT- (i) tTIXUT fä-td 91 (i) (ii) (4) (5) ; 3iR (2) (3) Bir, a-11t17T Gilt, I 3.-p_xq-r 3.-p_xq-r t, ft;--€r 1 18. (i) *TIT 3-fr(AT (ii) 3V-4@T 1417T-fidT 3-P-TÄT 3V-4@T 1.- 'QZT' 1961 (1961 YQf7.- AT tTIT. (i) (ii) Vt-a : -Ä- -rrzrr ; AT 92 19. THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 3.*r-c 3h-r (45) 3.T2..ÄT fä-g ft-#T. -; .Tfi : 3.Fq -a-tTT, 1 956 (1 956 I) (iii) (2) (3) (4) (5) 93 (TD ; (u-qfe.f fi æi-rraq] 860 (1860 21) (ii) (ED (Z) -GI-QT 94 20

21. GAZETIE OF : EXTRAORDINARY [PART II—SEC. 3(i)J (D (2) (1) (2) (3) (4) •qe.(T TIX, 311-ä-a-q fiävr, 72.11 3.TQ-rq•r 3RTf-a -qFIT -4T -a-fi (i) aq-q; iT 95 [3(i)] 22. (ii) æ:ff2T 3.TäT24T RTÄT ZIT e-TTRTRIXUT -qq *-rlT 3.11<77 -q-lfr-g -q? errtr GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 23. (2) ft-g-?ö (77) -q-fi •a-TTT, frqOT-2.- (ii) ZT(T 34-q;-å AT 3-11* 31 3FZT9 TT, -ar aqfrf--€T : -ä-q*q *TTT I 97 (3) (4) (5) 1463 GLO—13 3.fr -q•æ q-at 3ipiITT a-h-c Afra-x 34fifa yq-rf (4) a-ATTT. () 3T2.RT -q-g•r 3.fi.j-a -e-tlfi:q-« -a-a 24, 25, (i) (ii) THE GAZEffe OF INDIA EXTRAORDINARY 23 (2 Tir 26. 27. 28

29. THE GAZETIE OF INDIA : EXTRAORDINARY (PART 11—SEC. 30. (3-11@XUT) fizrq,1964 R-12034/7/2002- NOTIFICATION New Delhi, the 26th May, 200.3 434(E)• -.1n exerc.ise of the powers conferred by section 27 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Commission with the previous sanction of the Central Government and in partial supersession of the Khadi and Village Industries Commission Employees (Conduct, Discipline and Appeal) Regulations, 1961 (so far as they relates to the regulations of conduct of the employees), except as respects things done or omitted to be done before such supersession, hereby makes the following-regulations, namely: 1. Short title, commencement and application. - (1) These Regulations may be called the Khadi qad Village Industries Commission Employees (Conduct) Regulations, 2003. (2) They shall come into force on the date of their publication in the Official Gazette. (3) They shall apply to every person appointed to any post Commission, whether borne on regular or trading or ochematic or work charged or project establishment, including a casual employee, or any other official whose wages or salary or honorarium are paid by the Commission. 101 2. Dennitions . - In these regulations, unless the context otherwise requires,- (a) "Chairman" means the Chairman appointed under sub- section (3) of section 4 of the W•ladi and Village Industries Commission Act, 1956. (hereinafter referred to as the Act); (b) "Chief Officer" means the Chief Executive Officer appointed under clause (d) of sub-section (2) of section 4 of the Act; (c) "Commission" means the Khadi and Village Industries Commission established under section 4' of the; (d)"Competent authority" means the Appointing authority or (e) (f) Disciplinary authority as defined under regulation 2 of the Khadi and Village Industries Commission Employees (Classification, Control and Appeal) Regulations,2003 or any other authority declared by the Commission as such from time to time. "Employee" means any person appointed by the Cornmission to any service or post in connection with the affairs of the Commission; including the employees whose services are placed by the Commission at the disposal of a Company, Board, Bank, local authority, an organisation, State Government or the Central Government notwithstanding the fact that his salary is drawn from sources other than that of the Commission. "Member 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 ; son or daughter or step/ son or step-daughter of the employee and wholly dependent on him, but does not 102 (iii) CAZETTE OF INDIA : EXTRAORDINARY include a child or step-child 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; Any other person related, whether by blood or marriage, to the employee or to the employee's wife or husband and wholly dependent on the employee, (g) "Prescribed authority " meane Chairman, in the case

of employees holding the post of Joint Chief Executive Officer, Deputy Chief Executive Officer and Principal Scientific Officer; The appointing authority, as defined in the Khadi and Village Industries Commission Employees (Classification Control, and Appeal) Regulations, 2003, for other categories of employees, 3, GENERAL, • (1) Every employee shall at all times- (i) (ii) (iii) (iv) maintain absolute integrity ; maintain devotion to duty ; and do nothing which is unbecoming of an employee, every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all the employees for the time being under his control and authority, no employee shall, in the performance of his official duties, or in 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 , the direction of the official superior shall ordinarily be in writing, Oral directions to subordinates shall be avoided, as far as possible, Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter, An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall 103 (v) (vi) be the duty of the official superior to confirm the direction in writing. Every employee shall observe regulations of procedure and other regulations framed by the Commission and also circulars and instructions issued by the competent authority from time to time. Every employee shall wear khadi or pottu during the period of his service under the Commission, 4, • 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 clause (ii) of sub-regulation (i), • = An employee who is habitually not punctual or frequently remains absent without prior permission shall be deemed to be not maintaining devotion to duty within the meaning of clause (ii) of sub-regulation (1), • Nothing in (ii) of sub-regulation (2) 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, Promptness and Courtesy • No employee shall in the performance of his official duties, act in a discourteous manner; in his official dealings with the public or otherwise adopt (b) dilatory tactics or willfully cause delays in disposal of work assigned to him, Observance of Government" policy • • Every employee shall, at all times 104 6

7. GAZETTE OF INDIA : EXTRAORDINARY Part II—SEC. act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wild life and cultural heritage ; observe the Government's policies regarding prevention of crime against women. Prohibition of sexual harassment of working women - (1) No employee shall indulge in any act of sexual harassment of any woman at her work place. (2) 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 rule, 'sexual harassment includes such unwelcome sexually determined behaviour, whether directly or otherwise, as - (a) (b) (d) physical contact and advances; demand or request for sexual favours; sexually coloured remarks; showing any pornography; or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. Employment of near relatives of employees. employee of the Commission shall use his position or influence directly or indirectly to secure employment for any member of his family in any society, institution, company or firm. (2)(i) No Group 'A' or Group 'B' Officer shall, except with the previous sanction of the prescribed authority permit his son, daughter or other dependant, to accept employment in any society, institution, company or firm with which he has official dealings or in any other society, institution, company or firm having official dealings with the Commission : Provided that where the acceptance of the employment cannot await prior permission of the prescribed authority or is otherwise considered urgent, the matter shall be reported to the prescribed authority and the employment may be accepted 105 provisionally subject to the permission of the prescribed authority. (ii) An employee shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any society, institution, company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that society, institution, company or firm. (3) NO employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any society, institution, company or firm or any other person if any member of his family is employed in that society, institution, 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 of according to the instructions of the authority to whom the reference is made

8. Taking part in politics and elections.-(1) No employee shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. (2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Commission. (3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-regulation (2), the decision of the Commission thereon shall be final. 1463 (31/03—14 106 (4) GAEITE OF INDIA DCTRAORDINARY [PART 11—SEC. 30)) No employee shall canvass or otherwise interfere with or use his influence in connection with, or take part in, an election. to any legislature or local authority: Provided that 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 : Provided further that an employee shall not be deemed to have contravened the provisions of this •sub-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. - The display by an employee on his person, Explanation . 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. Joining of association by employees.- No employee shall join, 9. or continue to be a member of an association the objects or activities of which are prejudicial to the interests of the Commission or the interest of the sovereignty and integrity. of India, or public order or morality

10. Demonstration and strikes.- No employee shall — (i) engage himself or participate in any demonstration, which is prejudicial to the interests of the Commission, or the sovereignty and integrity of the India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or (ii) resort to, or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee

11. Connection with press or other media.- (1) No employee shall, except with the previous sanction of the Commission, own wholly or in part; or conduct or participate in the editing or management of ,any newspaper or other periodical publication or electronic media. (2) Nothing in•, sub-regulation (1) shall apply in case an employee in the bonafide discharge of his official duties publishes a book or participates in a public media. 107 (3) An employee publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of the Commission

12. Criticism of Commission or Government.- No employee shall in any radio broadcast, telecast through any electronic media; or in any document published in his own name or anonymously, pseudonymous or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion - (i) (ii) (iii) which has the effect of an adverse criticism of any current or recent policy or action of the Commission or Central Government or a State Government : Provided that, nothing contained in this clause shall apply to bonafide expression of views by an employee as an office-bearer of a trade union or association of employees for the purpose of safeguarding the conditions of service of such employees or for securing an improvement thereof, or which is capable of embarrassing the relations between the Commission and the Central Government or Government of any State or between the Central Government and the Government of any State, or 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 in the due performance of the duties assigned to him

13. Evidence before any Committee or any other *uthority.- (1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Chief Executive Officer, 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 shall criticise the policy or GAZETTE OF INDIA : EXTRAORDINARY (PART 11—SEC. any action of the Commission or of the Central Government or of a State Government. (3) Nothing in this regulation shall apply to - (a) evidence given at an inquiry before an authority appointed by the Commission or Central Government, Parliament or a State Legislature; or. (b) evidence given in any judicial enquiry ; or (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Commission. Unauthorised communication of information.- No employee 14. shall, except in accordance with any general or special order of the Commission or in the performance in good faith of duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any employee or any other to whom he is not authorised to communicate such person document or information. Quotation by an employee of or from any letter, Explanation . - circular or office memorandum or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this regulation. IS. Subscriptions.- No employee shall, except with the previous sanction of the prescribed 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 object vcha tsoever. (1) Save as otherwise provided in these regulations, no Gifts . • lployee shall accept, or permit any member of his family or anv other person acting on his behalf to accept any gift. The expression 'gift' shall include free transport, G:.cnation . no, -lodging or other service or any other pecuniary advantage i by any person other than a near relative or personal friend I l,-lvng no official dealings with the- employee. any action of the Commission or of the Central Government or of a State Government. (3) Nothing in this regulation shall apply to - (a) evidence given at an inquiry before an authority appointed by the Commission or Central Government, Parliament or a State Legislature; or. (b) Evidence given in any judicial enquiry ; or (c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Commission. Unauthorised communication of information.- No employee 14. shall, except in accordance with any general or special order of the Commission or in the performance in good faith of duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any employee or any other person, to whom he is not authorised to communicate such document or information. E&LAMTZON . - Quotation by an employee of or from any letter, circular or office memorandum or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this regulation

15. Subscriptions.- No employee shall, except with the previous sanction of the prescribed 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 object whatsoever

16. GiRs (1) Save as otherwise provided in these regulations, no employee shall accept, or permit any member of his family or any other person acting on his behalf to accept any gift.. - 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 personal friend having no official dealings with the employee. 110 Note 1 THE GAZETTE OF INDIA : DCIRAORDINARY II—SEC. A casual meal, lift or other social hospitality shall not be deemed to be a gift. Note 11:- An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations, etc., having official dealings with him. (2) On the occasions such as weddings, anniversaries, funerals or religious functions, when the making of the gift is in conformity with the prevailing religious and social practice, an employee may accept gifts (the value of which does not exceed rupees five thousand or the limit as may be modified from time to time) from his near relatives or from his personal friends having no official dealings with him, but shall make a report to the Commission, if the value of such gift exceeds- (i) rupees five thousand in the case of an employee holding any Group 'A' post ; (ii) rupees three thousand in the case of an employee holding any Group 'B' post; (iii) rupees one thousand in the case of an employee holding any Group 'C' post ; and (iv) rupees five hundred in the case of an employee holding any Group 'DI post. (3) In any other case, an employee shall not accept any gift without the sanction of the prescribed authority if the value exceeds - (i) rupees one thousand in the case of employees holding any Group 'N or Group 'B post ; and (ii) rupees two hundred and fifty in the case of

employees holding any Group 'C' or Group 'D' post. (4) Notwithstanding anything contained in sub-regulations (2) and (3), an employee, being • a member of the Indian delegation or otherwise, may receive and retain. gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Commission in this regard from time to time. 111 (5) An employee shall not accept any gifts from any foreign firm which is either contracting with the Commission or is one with which the employee had, has or is likely to have official dealings. Acceptance of gifts by an employee from any other firm shall be subject to the provisions of sub-regulation (3). 17. Dowry.- 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 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). 18. Public demonstrations in honour of employees.- No employee shall, except with the previous sanction of the Commission, 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: Provided that nothing in this regulation shall apply to - a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his transfer or retirement or any person who has recently quitted the service of the Commission ; or the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions. Note .- Exercise of pressure or influence of any sort on any employee • to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Group 'C' or Group 'D' employees under any circumstances for the entertainment of any employee not belonging to Group 'C' or Group 'D', is forbidden. 112 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC

19. Private trade or employment.- (1) Subject to the provisions of sub-regulation (2), no employee shall, except with the previous sanction of the Chief Executive Officer - (a) (b) (c) (d) (f) engage directly or indirectly in any trade or business; or assist directly or indirectly in the promotion of a society or trust or cooperative society receiving financial assistance from the Commission or Khadi and Village Industries Board; negotiate for, or undertake, any other employment; or hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not; or canvass in support of any business of insurance agency, commission agency, etc. owned or managed by any member of his family; or take part except in the discharge of his official duties, in the registration, promotion or management of any Bank or other Company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any Co-operative society for commercial purposes; participate in or associate himself in any manner in the making of - (ii) (iii) a sponsored media (radio or television) programme ; or a media programme commissioned by Government media but produced by a private agency ; or a privately produced media programme including video magazine : Provided that no previous permission shall be necessary in case where the employee participates in a programme produced or commissioned by Government media in his official capacity. 113 (2) (3) (4) 1463 GI/03 15 An employee may, without the previous sanction of the Chic: Executive Officer , (a) (b) (c) (d) undertake honorary work of a social. or charitable nature; or undertake occasional work of a literary, artistic or scientific character; or participate in sports activities as an amateur; or take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society of a club or similar organisation, the aims or objects of which relate to promotion of sports. cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force; or take part in the registration, promotion or management (not involving the holding of elective office) of a co- operative society substantially for the • benefit. of the employees, registered under the Co-Operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force . Provided that he shall discontinue taking part in such activities, if so directed by the Commission ; and in a case falling under clause(d) or clause (e) of this sub-regulation, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in sucl-l activity, report to the Commission giving details of the nature of his part_icipation. Every employee shall report to the Commission if any member of his family is engaged in a trade or business or owns or Inanages an l nsurance agency or colli1nissi011 agency. Every employee shall report to the Commission if

any member of his family has promoted or is office-bearer of any institutions 114 GAZETTE OF INDIA EXTRAORDINARY coming under the purview of the Commission or Khadi and Village Industries Board. (5) Unless otherwise provided by general or special orders of the Commission, no employee shall accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority. The term 'fee' as used here shall have the meaning Explanation. assigned to it in Fundamental Rule 9 (6-A)

20. Subletting and vacation of Commission accommodation, - (1) Save as otherwise provided in any other law for the time being in force, no employee shall sublet, lease or otherwise allow occupation by any other person of the commission accommodation which has been allotted to him.(2) An employee shall, after the cancellation of his allotment of Commission accommodation vacate the same within the time limit prescribed by the allotting authority

21. Investment, lending and borrowing.• (1) No employee shall speculate in any stock, share or other investment : Provided that nothing in this sub-regulation shall apply to occasional investments made through stock brokers or other persons duly authorised and licensed or who have obtained a certificate of registration under the relevant law. 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, which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares out of the quotas reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to embarrass the employee. 115 (3) If any question arises whether any transaction is of the nature referred to in sub-regulation (1) or sub-regulation (2), the decision of the Commission thereon shall be final. (i) No employee shall, save in the ordinary course of business (4) with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf, - (a) lend or borrow or deposit money, as a principal or an agent, to, or from or with, any person or firm or private limited company within the limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company ; or (b) lend money to any person as interest or in a manner whereby return in money or in kind is charged or paid : Provided that an employee may give to, or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest, or operate credit account with a bonafide tradesman or make an advance of pay to his private employee : Provided further, that nothing in this sub-regulation shall apply in respect of any transaction entered into by an employee with the previous sanction of the prescribed authority. (ii) When an employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-regulation (2) or sub-regulation (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority. Insolvency and habitual indebtedness. - An employee shall 22. 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 for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the prescribed authority. GAZETTE OF INDIA : EXTRAORDINARY 11—SEC. 23 The burden of proving that the insolvency or NOTE. indebtedness was the result of circumstances which, with the exercise of ordinary diligence, an employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee. Movable, immovable and valuable property.- (1) (i) Every employee shall on his first appointment submit a return of his assets and liabilities, in such form as may be prescribed by the Commission, giving the full particulars regarding - (a) (b) (d) NOTE 1 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 ; shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him ; other movable property inherited by him or similarly owned, acquired or held by him ; and debts and other liabilities incurred by him directly or indirectly. Sub-regulation (1) shall not ordinarily apply to Group 'D' employees but the Chief Executive Officer may direct that it shall apply to any such employee or class of such employees. NOTE 2 In all returns, the values of items of movable property worth less than rupees ten thousand may be added lumpsum. The value of articles of daily use and shown as such as clothes, utensils,

crockery, books, etc., need not be included in such return. (ii) Every employee holding any post included in Group A and Group 'B' shall submit an annual return in such form as may be prescribed by the Commission 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 117 mortgage either in his own name or in the name of any member of his family or in the name of any other person. This return shall be filed by 31st January for the previous calendar year. (2) No employee 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 member of his family . Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him. (3) 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 rupees fifteen thousand in the case of an employee holding any Group 'A' or Group 'B' post or rupees ten thousand in the case of an employee holding any Group 'C' or Group 'D' post • Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him. (4) The Commission or the prescribed 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 or by any member of his family as may be specified in the order. Such statement, shall, if so required by the Commission • or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired. (S) The Chief Executive Officer may exempt any category of employees belonging to Group 'C' or Group 'D' from any of the provisions of this regulation except sub-regulation (4). Explanation I.- For the purposes of this regulation the expression 'movable property' includes - 118 (a) (b) (c) (d) • THE GAZETTE OF INDIA • EXTRAORDINARY [PART 11—SEC. 3(i)] jewellery, insurance policies, the annual premia of which exceeds rupees ten thousand - or one-sixth of the total annual emoluments received from Commission, whichever is less, shares, securities and debentures ; all loans, whether secured or not; advanced or taken by the employee , motor cars, motor cycles, horses or any other means of conveyance ; and refrigerators, radios, electric and electronic items. Explanation 11.- For the purposes of this regulation '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

24. Restriction in relation to acquisition and disposal of immovable property outside India and transaction with foreigners, etc.- Notwithstanding anything contained in sub- regulation (2) of regulation 23, no employee shall, except with the previous sanction of the prescribed authority - (c) 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 ; 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 • enter into any transaction with any foreigner, foreign Government, foreign organisation or concern, for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member • of his family, or any immovable property for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family

25. Vindication of acts and character (1) No employee shall, except with the previous sanction of the prescribed authority, 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 defamatory character: Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the Commission, he shall be free to assume that the permission as sought for has been granted to him. (2) Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity • and where any action 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

26. Canvassing of non-official or other outside 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 of matters pertaining to his service under the •Commission

27. Restriction regarding marriage (1) No employee shall enter into, or contract, a marriage with a person having a spouse living , and no employee having a spouse living, shall enter into, or contract, a marriage with any person : Provided that the Commission may permit an employee to enter into, or contract, any such marriage if it is satisfied that - such marriage is permissible under the personal law (a) 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 Commission. 120 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC

28. Consumption of intoxicating drinks and drugs- - ND employee shall consume any intoxicating drink or drugs provided that nothing in this regulation shall apply to an employee who has been advised for reasons of heair_h by medical practitioner authorized in this behalf bv the Commission to take any such drinks or drugs as medicine

29. Prohibition regarding employment of children below fourteen years of age.- No employee shall employ to work any child below the age of fourteen years

30. Interpretation.- If any question arises relating to the interpretation of these regulations, .. it shall be. interpreted in accordance with the Central Civil Services (Conduct) Rules, 1964 and related orders and decision of the Government of India. [F. No. A-12034t7/2002-Kvrq A. P. PADHI, Jt. secy. Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-I] 0054.

