BANK OF INDIA OFFICER EMPLOYEES' (CONDUCT) REGULATIONS, 1976

In exercise of the powers conferred by Section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Board of Directors of Bank of India in consultation with the Reserve Bank and with the previous sanction of the Central Government hereby makes the following Regulations, namely:-

1. Short Title, Commencement and Application :

(1) These Regulations may be called Bank of India Officer Employees' (Conduct) Regulations, 1976.

(2) They shall come into force on 1st January 1977.

(NOTE: Additions/Amendments to the Regulations will be effective from the date indicated thereagainst).

(3) They shall apply to all officer employees of the Bank, recruited in India, whether working in India or outside India, but shall not apply to :

(i) the Chairman of the Bank;

(ii) the Managing Director of the Bank;

(iii) any wholetime Director, if any;

(iv) those who are in casual employment or paid from the contingencies;

(v) Award staff.

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2. Definitions :

In these regulations unless the context otherwise requires:

(a) "Act" means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(b) "Award Staff" means the persons covered by the "Award" as defined in the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955);

(c) "Bank" means Bank of India;

(d) "Board" means the Board of Directors of the Bank;

(e) "Competent Authority" means the authority appointed by the Board for the purpose of these regulations;

(f) "Family" means –

(i) in the case of male officer employee his wife, whether residing with him or not, but does not include a legally separated wife and in the case of woman officer employee her husband, whether residing with her or not but does not include a legally separated husband.

(ii) Children or step-children of the officer employee, whether residing with the officer employee or not, and wholly dependent on such officer employee, but does not include children or step

children of whose custody the officer employee has been deprived of by or under any law; and

(iii) Any other person related to, by blood or marriage, to the officer employee or to his spouse and wholly dependant upon such officer employee;

(g) "Government" means the Central Government;

(h) "Managing Director" means the Managing Director of the Bank;

(i) "Officer Employee" means a person who holds a supervisory, administrative or managerial post in the Bank or any other person who has been appointed and is functioning as an Officer of the Bank, by whatever designation called, and includes a person whose services are temporarily placed at the disposal of the Central Government or a State Government or any other Government undertaking or any other public sector bank or the Reserve Bank of India or any other organisation, but shall not include casual, work charged or contingent staff or the Award Staff;

(j) "Public Sector Banks" means –

(i) a corresponding new Bank specified in the First Schedule to the Act;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(iii) A subsidiary Bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959); and

(iv) any other Bank which the Central Government may determine to be a public sector bank for the purpose of these regulations, having regard to its manner of incorporation.

3. General :

(1) Every Officer employee shall at all times take all possible steps to ensure and protect the interests of the Bank and discharge his duties with utmost integrity, honesty, devotion and diligence and do nothing which is unbecoming of an officer employee.

(2) Every Officer employee shall maintain good conduct and discipline and show courtesy and attention to all persons in all transactions and negotiations.

(3) No Officer employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

"provided wherever such directions are oral in nature, the same shall be confirmed in writing by his superior official"

(4) Every officer employee shall take all possible steps to ensure the integrity and devotion to duty of all persons for the time being under his control and authority.

4. Observance of Secrecy :

Every officer employee shall maintain the strictest secrecy regarding the Bank's affairs and the affairs of its constituents and shall not divulge directly or indirectly any information of a confidential nature, either to a member of the public or to an outside agency, or to any other employee of the Bank not entitled to such information, unless –

(i) divulging of such information is in accordance with the law or in accordance with the practices and usages customary amongst banks;

(ii) he is compelled to divulge such information by judicial or other authority;

(iii) instructed to do so by a superior officer in the discharge of his duties;

5. Employment of Members of Family of Bank Officers in Firms enjoying the Bank's Clientage and Grant of Facilities to such Concerns.

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

(2) No officer employee shall, except with the prior permission of the competent authority permit his son, daughter or any other member of his family to accept employment in any private undertaking with which he has official dealings, or any other undertaking having to his knowledge official dealings with the Bank;

Provided that where the acceptance of the employment cannot await prior permission of the competent authority, or is otherwise considered urgent, the matter shall be reported to the competent authority, within three months from the date of receipt of offer of employment (Inserted in terms of Bank of India Officer Employees' (Conduct) (Amendment) Regulations, 1992, published in the Gazette of India dated 6.2.1993 in Bank's circular No.1992-93/25 dated 10.3.1993) and the employment may be accepted provisionally subject to the permission of the competent authority.

(3) No Officer employee shall, in the discharge of his official duties, knowingly grant or authorise the grant of any advance or banking facilities to or enter into or authorise entering into by or on behalf of the Bank any contract, agreement, arrangement or proposal in any matter or give or sanction any contract or loan to any undertaking or person if any member of his family is employed in that undertaking or under that person or if or any member of his family is employed in that undertaking or under that person or if he or any member of his family has interests in such matters or contacts in any other manner and the officer employee shall refer every such matter or contract or loan to his superior officer and the matter or contract or loan shall thereafter be disposed of according to the instructions of the authority to whom such reference is made.

Explanation : A person is not deemed to have any interest in an undertaking for the purpose of this sub-regulation if he is only a shareholder having not more than 2 per cent of the paid up capital of the undertaking in his name.

6. Taking up Outside Employment :

(1) No Officer employee shall, except with the previous sanction of the Bank engage directly or indirectly in any trade or business or undertake any other employment:

Provided that an officer employee may, without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, scientific, professional, cultural, educational, religious or social character, subject to the condition that his official duties do not thereby suffer but he shall not undertake or shall discontinue such work if so directed by the competent authority after recording reasons for the same.

Explanation : Canvassing by an officer employee in support of the business of insurance agency or commission agency, owned or managed by a member of his family shall be deemed to be a breach of this sub-regulation.

(2) Every officer employee shall report to the Bank if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No officer employee shall, without the previous sanction of the Bank, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes.

Provided that an officer employee may take part in registration, promotion or management of a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

(4) No officer employee shall accept any payment, in the form of fee, remuneration, honorarium and the like in cash or kind for any work done by him for any public body or any private person without the sanction of the competent authority.

(5) No officer employee shall act as an agent of, or canvass business in favour of an Insurance Company or Corporations in his individual capacity.

7. Contribution to Newspapers, Radio, etc…….. :

(1) No Officer employee shall, except with the previous sanction of the competent authority, own wholly or in part or conduct or participate in the editing or management of any newspaper or any other periodical publication.

(2) No Officer employee shall, except with the previous sanction of the competent authority or except in the bonafide discharge of his duties, participate in radio broadcast or contribute any article or write any letter either in his own name or anonymously or in the name of any other person to any newspaper or periodical or make public, or publish or cause to be published or pass on to others any document paper or information which may come into his possession in his official capacity.

(3) No Officer employee shall except with the previous sanction of the competent authority publish or cause to be published any book or any similar printed matter of which he is the author or not or deliver talk or lecture in public meetings or otherwise;

Provided that no such sanction is, however, required if such broadcast or contribution or publication is of a purely literary, artistic, scientific, professional, cultural, educational, religious or social character.

8. Demonstration :

No Officer employee shall engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence.

9. Joining of Associations Prejudicial to Interests of the Country :

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

10. Giving Evidence :

(1) Save as provided in sub-regulation (3) no officer employee shall, except with the previous approval of the competent authority, give evidence in connection with an enquiry conducted by any person, committee or authority.

(2) Where any approval has been accorded under sub-regulation (1), no officer employee giving such evidence shall criticise the policy or any action of the Government or of a State Government or of the Bank.

(3) Nothing in this regulation shall apply to any evidence given -

(a) at an enquiry before an authority appointed by the Government, State Government, Parliament or a State Legislature; or

(b) in any judicial enquiry; or

(c) at any departmental enquiry ordered by the competent authority.

11. Public Demonstrations in Honour of Bank Officers :

(1) No officer employee shall, except with the previous sanction of the competent authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other employee of the Bank :

Provided that nothing in this sub-regulation shall apply to -

(a) a farewell entertainment of a substantially private and informal character held in honour of the officer employee or any other employee of the Bank on the occasion of his retirement or transfer or any person who has recently quitted the services of the Bank; and

(b) the acceptance of simple and inexpensive entertainment arranged by association of employees of the Bank.

(2) (a) No officer employee shall either directly or indirectly exercise pressure or influence on any employee of the Bank to induce or compel him to subscribe towards any farewell entertainment.

(b) No officer employee shall collect subscription for farewell entertainment from any intermediate or lower grade employee for the entertainment of any employee belonging to any higher grade.

12. Seeking to Influence :

No officer 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 Bank.

Action against an officer for violating aforesaid provision of Conduct Regulations would be taken in following manner:-

(i) He should be advised by the Disciplinary Authority to desist from approaching Members of Parliament/State Legislature, to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of such advice need not be placed in the Officer's service folder;

(ii) If he repeats despite the issue of advice on the earlier occasion, then a written warning should be issued to him/her by the Disciplinary Authority and copy thereof be placed in the officer's service folder;

(iii) If again it is repeated despite issue of warning, then major penalty proceedings should be initiated against him/her under Clause 6 of Officer Employees' (Discipline & Appeal) Regulations, 1976.

(Action taken in terms of para 3 (ii) and (iii) be advised to enable warning/penalty to be noted in the Officer's Service Record).

2. Also, in the Articles of Charge specific mention of Conduct Regulation 12 should be made.

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13. Absence from Duty :

(1) No officer employee shall absent himself from his duty or be late in attending office or leave the station without having first obtained the permission of the competent authority :

Provided that in the case of unavoidable circumstances, where availing of prior permission is not possible or is difficult, such permission may be obtained later, subject to the satisfaction of the competent authority that such a permission could not have been obtained.

(2) No officer employee shall ordinarily absent himself in case of sickness or accident without submitting a proper medical certificate;

Provided that in the case of temporary indisposition or sickness of a casual nature the production of a medical certificate may, at the absolute discretion of the competent authority, be dispensed with.

14. Acceptance of Gifts :

(1) Save as otherwise provided in these regulations, no officer employee shall accept or permit any member of his family or any person acting on his behalf to accept any gift.

Explanation : The expression "Gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the officer employee.

Note : A casual meal, lift or other social hospitality shall not be deemed to be a gift.

(2) On occasions such as marriages, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an officer employee may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds Rs.500/-.

(3) On such occasions, as specified in sub-regulation (2), an officer employee may also accept gifts from his personal friends having no official dealings with him but he shall make a report to the competent authority if the value of such gifts exceeds Rs.200/-.

(4) In any other case, the officer employee shall not accept any gifts without the sanction of the competent authority, if the value of the gifts exceeds Rs.75/-.

Provided that when more than one gift has been received from the same person or concern within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value thereof exceeds Rs.500/-.

Note : As a normal practice an officer employee shall not accept any gift from any person or institutions having official dealings with the officer employee.

(5) No officer employee shall -

(a) give or take or abet the giving or taking of dowry; or

(b) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation : For the purpose of this regulation, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

15. Lendings and Borrowings :

No officer employee shall, in his individual capacity -

(i) borrow or permit any member of his family to borrow or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money lender or a subordinate employee of the Bank or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the Bank;

(ii) buy or sell stocks, shares or securities of any description without funds to meet the full cost in the case of a purchase of scrips or delivery in the case of a sale;

(iii) incur debts at a race meeting;

(iv) lend money in private capacity to a constituent of the Bank or have personal dealings with such constituent in the purchase or sale of bills of exchange, Government paper or any other securities; and

(v) guarantee in his private capacity the pecuniary obligations of another person or agree to indemnify in such capacity another person from loss, except with the previous permission of the competent authority.

Provided that an officer employee may give to, or accept from, a relative or personal friend a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee;

Provided further that an officer employee may obtain a loan from a co-operative credit society, of which he is a member, or stand as a surety in respect of a loan taken by another member from a co-operative credit society, of which he is a member.

16. Advance Drawal of Salary :

No officer employee shall draw his salary in advance or overdraw his account with the Bank against security or otherwise, without the previous sanction of the competent authority.

17. Subscriptions :

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

Employees are prohibited from collecting donations or soliciting advertisements from the customers for any activities whatsoever, and even if they do so as office bearers or trustees or in any other capacity, of any organisation, institution, association, etc.

(2) If employee asks for or accepts contribution or solicits advertisements from customers or others and his/her explanation is not found satisfactory, then disciplinary proceedings should be initiated for breach of Conduct Regulation 17.

(3) For trade union purpose also acceptance of donations/collection of advertisements tariffs is not a legitimate trade union activity/right. The provision does not provide for any acceptance of donation. It is the contributions by the members and that too optional that may form fund for trade union purpose.

(4) (i) Collection of donations and advertisements from clients by the employees is an unhealthy practice capable of lot of abuse and such actions are also violative of good conduct expected of a public servant;

(ii) In the circumstances, such actions on the part of employees are to be considered as attracting vigilance angle and are required to be dealt with severely whenever it comes to notice.

(iii) The collection of donations and advertisements from clients by even office bearers on behalf of their Association, assuming that there is no individual gain, but still it would be a gain for the group to which the public servant belongs and even such actions, therefore, would be construed as attracting vigilance angle.

(5) A very serious view will be taken in cases of collection of donations and advertisements from clients by the employees, and that cases of collection of donations and advertisements from clients by the employees, if reported, should be immediately referred to the Chief Vigilance Officer for obtaining his advice on future course of action to be taken.

18. Speculations in Stocks and Shares and Investments :

No officer employee shall speculate in any stock, share or securities or commodities or valuables of any descriptions or shall make investments which are likely to embarrass or influence him in the discharge of his duties.

Provided that nothing in this regulation shall be deemed to prohibit an officer employee from making a bonafide investment of his own funds in such securities as he may wish to buy.

Note : Frequent purchase or sale of both of shares or securities or other investments shall be deemed to be speculation for the purpose of this regulation.

19. Indebtedness :

An officer employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An officer employee against whom any legal proceedings are 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 Bank.

20. Movable, Immovable and Valuable Property :

(1) Every officer employee, on his first appointment, and every other employee of the Bank, on promotion to a post of an officer employee in the Bank, shall submit a return of his assets and liabilities giving full particulars regarding -

(a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his name or in the name of any member of his family or in the name of any other person;
(b) shares, debentures and cash including bank deposit inherited by him or similarly owned or acquired or held by him;
(c) other movable property inherited by him or similarly owned or acquired or held by him; and
(d) debts and other liabilities incurred by him directly or indirectly:

Provided that in the case of an officer employee who is already in service in the Bank on the date these regulations come into force, shall submit a return in terms of this regulation within three months of coming into force of these regulations, the return being with reference to the assets and liabilities as enumerated above of the officer employee on the date these regulations come into force.

(2) Every officer employee shall, every year submit a return of his movable, immovable and valuable property including liquid assets like shares, debentures as on 31st March of that year to the Bank before the 30th day of June of that year.

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

Provided that the previous sanction of the competent authority shall be obtained by the officer employee, if any such transaction is -

(a) with a person having official dealings with the officer employee;

(b) otherwise than through a regular or reputed dealer.

(4) Every officer employee shall report to the competent authority every transaction concerning movable property owned or held by him either in his name or in the name of a member of his family if the value of such a property exceeds Rs.25,000/-:

Provided that the previous sanction of the competent authority shall be obtained if any such transaction is -

(a) with a person having official dealings with the officer employee; or

(b) otherwise than through a regular or reputed dealer.

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

21. Vindication of Acts and Character of an Officer Employee :

No officer employee shall, except with the previous sanction of the Bank, have recourse, to any court or the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character;

Provided that nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity, and where any action for vindicating his private character or any act done by him in private capacity is taken, the officer employee shall submit a report to his immediate superior regarding such action within a period of 3 months from the date such action is taken by him.

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22. Restriction Regarding Marriage :

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

(ii) No officer employee, having a spouse living, shall enter into, or contract, a marriage with any person.

Provided that the Bank may permit an officer employee to enter into, or contract, any such marriage as is referred to in Clause (i) or Clause (ii) if it is satisfied that -

(a) such marriage is permissible under the personal law applicable to such officer employee and the other party to the marriage; and

(b) there are other grounds for so doing.

(2) An officer employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Bank.

23. Consumption of Intoxicating Drinks and Drugs :

An officer employee shall -

(i) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(ii) not be under the influence of any intoxicating drink or drug during the course of his duty, and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

(iii) refrain from consuming any intoxicating drink or drug in a public place;

(iv) not appear in a public place in a State of intoxication;

(v) not use any intoxicating drink or drug to excess.

Explanation : For the purpose of this rule 'Public Place' means any place or premises to which the public have or are permitted to have access, whether on payment or otherwise.

24. Acts of Misconduct :

A breach of any of the provisions of these regulations shall be deemed to constitute a misconduct punishable under the Bank of India Officer Employees' (Discipline & Appeal) Regulations, 1976.

24A. Prohibition of Sexual Harassment of Working Women :

(i) No officer employee shall indulge in any act of sexual harassment of any woman at her work place;

(ii) Every officer employee, who is incharge of a work place, shall take appropriate steps to prevent sexual harassment to any woman at such work place.

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Explanation : For the purpose of this regulation "sexual harassment" includes such unwelcome sexually determined behaviour (whether directly or otherwise) as -

(a) Physical contact and advances;

(b) A demand or request for sexual favours;

(c) Sexually coloured remarks;

(d) Showing pornography; or

(e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

25. Interpretation :

If any question arises as to the application or interpretation of any of these regulations, it shall be referred to the Board for its decision.

26. Repeal and Saving :

(1) Every rule, regulation, bye-law or every provision in any agreement or resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations, and applicable to the officer employees to whom these regulations are applicable, is hereby repealed :

(2) Notwithstanding such repeal any order made or action taken under the provisions so repealed shall be deemed to be made or taken under the corresponding provisions of these regulations.

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