

THE PASNI FISHERIES HARBOUR AUTHORITY'S

EMPLOYEES (CONDUCT)

REGULATIONS, 2003

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NOTIFICATION

[8 July, 2003]

No. SO-II(CD&F)12-12/2003/533/. In exercise of the powers conferred by Section 30 of the Pasni Fisheries Harbour Authority Ordinance, 1983? (VIII of 1983) the Authority with the prior approval of the Government of Balochistan is pleased to make regulations to regulate the Conduct of Employees of Pasni Fish Harbour Authority, namely:—

1. Short title, extent and commencement, — (1) These regulations may be called the Pasni Fisheries Harbour Authority's Employees (Conduct) Regulations, 2003.

(2) They shall apply to all of its employees whereas these rules shall not apply to casual work charged staff with less than three years service and persons employed on contract service or deputation with the Authority who shall be governed by the terms and conditions as laid down in their appointment or deputation order as the case may be.

(3) The shall come into force at once.

2. Definition. — In these regulations unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

(1) "Ad-hoc Appointment" means an appointment so made for a person under the prescribed manner and method of recruitment, pending the regular recruitment against such post by the said method.

(2) "Appointment Authority" means the authority referred to in this regulations.

(3) "Authority" means the Pasni Fisheries Harbour Authority established under section 4 to the Pasni Fisheries Harbour Authority Ordinance, 1983, here matter referred to as the Ordinance or an office redesigned by the Authority to exercise the powers of the Authority made under these regulations.

(4) "Board" means the Board of the Director of Authority constituted under section 5 of the Ordinance.

(5) "Cadre" means the strength of service of a part of service sanctioned as separate and.

(6) "Chairman" means the Chairman of the Board of Director of the Pasni Fisheries Harbour Authority.

These rules have been issued by the Coastal Development and Fisheries Department, Government of Balochistan, vide its Notification No. SO-I (CD&F)12-12/2003/533, dated 8" July, 2003; and published in the Balochistan Gazette (Extraordinary) N dated 8" July, 2003.

Balochistan Ordinance VIII of 1983; promulgated by the Government of Balochistan on 25" June, 1983; published in the Balochistan Gazette (Extraordinary) No. 164, dated 25" June, 1983; protected and declared continue in force by article 270A of the Constitution of Balochistan.

Islamic Republic of Pakistan (1973).

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“Chief Executive Officer” means the Managing Director of the Board of Directors of PFHA designated to perform function of the Authority on behalf of the Board of Directors.

“Class” means class of service.

“Competent Authority” means the Board of the Chairman the Managing Director of any other officer or Authority designated to exercise any power for the execution of these regulations and the Ordinance.

“Employee” means a person holding the portfolio of the PFHA except.

(i) A person on deputation from the Government or any other agency.

(11) A person who is paid from contingent budget.

(iii) Person who is a “WORKER” under the Factories Act 1934 (XXV of 1934) or the Workmen’s Compensation Act, 1923 (VII of 1923).

“Government” means the Government of Balochistan.

“Misconduct” means conduct prejudicial to good order of service discipline or unbecoming of a gentlemen of contrary to any service law or rules or to the PFHA Employees (conduct) Regulation 1983 or violation of instructions of orders issued by or on behalf of the PFHA and includes any act on the part of an employee of the Authority to bring political or other extraneous influence directly or indirectly to bear on the authority or any officer in respect to any matter relating to his appointment promotion transfer, punishment or other conditions of his device and also includes.

(i) Negligence in efficiency, in attention, impertinence, inordinate delay in the performance of duty willful insubordination or disobedience whether alone or in combination with others to any lawful and reasonable order of a superior;

(11) Willful or negligent damage and omission or commission against the interest of or resulting in loss to the Authority.

(iii) Riotous or disorderly behaviors during working hours.

(iv) Breach and evasion of rules, regulations, order instructions;

(v) Irregular late attendance absence without leave and habitual absence from duty.

(vi) Conviction for a criminal offence involving moral turpitude.

(vii) Revealing any confidential information or handing over confidential documents or copies thereof relating to the affairs of the Authority, projects or associated matters sponsored or managed by the Authority.

(viii) Acceptance of gifts, gratification, gratuities rewards loans or financial benefits what so ever, directly or indirectly on his behalf or on behalf any other persons(s) of his family from companies associated with sponsored

or managed by the Authority or from subordinate employees or from person having or expected dealing with the Authority or candidates for employment in the Authority.

(13) "Ordinance" means the Pasni Fisheries Harbour Authority Ordinance, 1983! (VHI of 1983).

(14) "Penalty" means a penalty which may be awarded under the chapter of PFHA Employees conduct Regulations 1983.

(15) "Permanent Employee" means an employee confirmed against a permanent post.

(16) "Regulations" means the regulations made under the ordinance.

(17) "Rules" means the rules made under the ordinance.

(18) "Secretary" means Secretary of the Board of Director, nominated among the members of the Board.

PART I— CONDUCT

3. Gifts. — (1) Save as other provided in these no employee shall accept or permit any member of his family to accept from any gift the receipt of which will place him under the duress of official obligation from the donor. In case the refusal of the donor, then the refusal of a received and handed over to Managing Director PFHA for further decision to its disposal.

(2) The decision of the Managing Director of the PFHA will be final to determine the obligatory nature of the gift.

(3) Any employee should avoid the acceptance of gift from or in a foreign state without offending the feeling of the donor. If however he can't do so he may accept the gift, but shall report its receipt to the Authority for orders as to its disposal from the Managing Director.

(4) Officer of the Authority in the Senior Administrative Grade may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Government of comparable or high level:

Provided that the value of the gift in each case does not exceed Rs. 500/00. If the gift is capable of being used in a department of the Authority or at official residence, it should be used accordingly. If the gift cannot be used, the officer may retain it for his own use.

4. Acceptance of Foreign Rewards. — No employee shall, except with the approval of the Authority accept a foreign award, title or decoration.

Explanation:- For the purpose of this rule the expression "approval of the Authority" means prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior approval.

5. Public demonstration in honour of employee. — No employee shall encourage meetings to be held in his honour of presentation of addresses of which the main purpose is to praise him. Without intinging this regulation the employee of the PFHA may:

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Gazette (Extraordinary) No. 164, dated 25" June, 1983; protected and declared continue in force by article 270A of the Consti

Islamic Republic of Pakistan (1973).

(a) With the prior permission of the Managing Director engage in fund raising meant for charitable purposes.

(b) With the prior permission of the managing Director, PFHA involve in raising of fund for person who has recently quitted the service of the Authority.

(c) May attend a public meeting or party held in his honour while on training or posting abroad provided the employee of the PFHA will keep regular. Accounts of all the funds raising and submit to the Managing Director PFHA for Scrutiny.

6. Subscription. — No employee shall except with the previous sanction of the competent Authority ask for or accept, or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object what so ever.

7. Lending and borrowing money.— _ (1) No employee shall lend money to. Or borrow money from. Or place himself under any pecuniary obligation to any person within the local limits of his Authority or any person with whom he has any official dealings:

Provided that an employee may.

(i) deal in the ordinary course of business with a joint Stock company, bank or a firm of standing or the House Building Finance Corporation;

(11) accept a purely temporary loan of small amount, free of interest,

from a personal friend or the operation of a credit account with a bonafide tradesman.

(2) When an employee is appointed or transferred to a post of such a nature where a person is resident from whom he has obtained a loan or is under his personal financial or pecuniary obligation and will be subject to the Authority of his jurisdiction or will reside, possess immovable property, or carry on business within the declare the circumstances to his competent Authority if he is a gazette officer through the usual channel, and where he is a non-gazetted employee, to the head of his office.

8. Buying and selling of valuable moveable and immovable property. — (1)

With the exception of a transaction made in good faith with a recognized dealer, a PFHA employee who intends to transact any purchase sale or disposal by other means of movable or

immovable property including agricultural and urban lands, bonds, shares and securities exceeding in value Rs. 5000 (Rupees Five thousand) with a person residing, possessing immovable property or carrying on business within the station, district or other local limits for which such PFHA employee is appointed, shall declare his intention to the Managing Director any such declaration shall state fully the circumstances, the price offered or demanded and in the case of disposal otherwise than by sale, the method or disposal. Such PFHA employee shall thereafter act in accordance with such orders as may be passed by the Managing Director

Explanation:- A plot purchased for building a house from Co-operative Housing Society of Development Scheme of the Authority or bonds, shares or securities purchased from the approved security exempted from the application of this regulation on the employees. Similarly an employee who is about to quit the station district or other local limits for which he has appointed

may without reference to any Authority, dispose of any of his moveable property by calculating list of if generally or by causing it to be sold by public auction.

9. Construction of building etc. — An employee shall not construct a

building for residential or commercial purposes till such time he has obtained a sanction of the competent Authority through an application made in this behalf disclosing the sources from which the cost of such construction be met.

10. Declaration of property.— At the time of entering in to the service of the Authority, such an employee shall file a declaration with Authority through the usual channel the details and value of all of his movable and immovable property including share certificates, securities, insurance policies, case and jewelry having a total value of Rs. 50,000/00 (Rupees Fifty thousand only) or more belonging to or held by him or by member or his family individually or collectively and such declaration shall:—

(a) State the location of such a property (District wise)

(b) Give details separately individual items of jewellery exceeding Rs. 50,000/00 (Fifty thousand only rupees) in value, and.

(c) Give such additional information as the competent Authority may be general or special order require.

(2) Every employee shall submit to the Authority through usual channel, an annual return of assets in the month of December showing an increase or decrease of property as shown in the declaration under this regulation as the case may be, the list annual return.

11. Disclosure of assets, immovable, movable liquid.— A PFHA employee shall disclose all his assets, immovable, movable, or liquid when required to do so by the Authority.

12. Speculation and Investment. — (1) No employee shall speculate in investments for the purpose of this sub-rule the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No employee shall make, or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No employee shall make any investment the value of which is likely to be affected by some event of with information is available to him as an employee and is not equally available to the general public.

(4) If any questions arise whether a security or an investment is of nature referred to in any of the foregoing sub-rules the decision of the competent Authority shall be final.

13. Promotion and management of companies etc. — No employee shall, except with the previous sanction of the competent Authority take part in the promotion, registration or

management of a Co-operative Society registered under the Co-operative Societies Act, 1925 (Sindh Act VII of 1925), or under any similar Law, subject to the provision of any general or special order of the Authority.

14. Private trade, employment or work. — (1) The employees of the PFHA are not allowed to enter in any trade employment other than that of PFHA till such time he has obtained the written permission of the Managing Director PFHA.

Provided that may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict, or is not inconsistent with his position or obligation as an employee of the Authority; but he shall not undertake, or shall discontinue, such work if so directed by the Authority. An employee who has any doubt the propriety of undertaking any particular work should refer the matter for the order of the Managing Director.

Provided further that a non-Gazetted employee may, without such sanction undertake a small enterprise which absorbs family labour and where he does so

(2) Irrespective of the sub-regulations (1) of this regulation, no employee shall engage himself with any private trust foundation or similar other institution which is not sponsored by the Authority.

(3) The membership of the recreation and sports clubs are exempted from the conditions of these regulations.

15. Sub letting of residential accommodation allotted by the Authority. — No employee shall, sublet or share the residential accommodation or any portion thereof let to him by the Authority, or allows the same to be used by persons other than his family.

16 Employee not to live beyond his means, etc. — No employee shall live beyond his means or indulge in ostentation on the occasion of marriage or other ceremonies.

17. Solvency and habitual indebtedness. — (1) An employee shall avoid habitual indebtedness, if an employee is adjudged or declared insolvent or if the whole or that portion of his salary which is liable to attachment is frequently attached for debt and has been continuously so attached for two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened the provision of this rule unless he proves that the insolvency or indebtedness is the result of circumstances which with the exercise of ordinary precaution and diligence, he could not have foreseen or over which he has no control and has not proceeded from extravagant or dissipated habits.

(2) An employee who applies to be, or is adjudged or declared insolvent, shall forthwith report his insolvency to the competent Authority.

18. Un-authorized communication of official document or information. — No employee shall, except in accordance with any special or general order of the competent Authority, communicate directly or indirectly any official information or the contents of any official document to any employee not authorized to receive it, or to a non-official person, or to the press.

19. Approach to members of the Assemblies etc. — No employee shall approach any member of the National Assembly or Provincial Assembly or any other non-official person to intervene of his behalf in any matter directly or indirectly, except through proper channel.

20. Management etc: of news papers or periodicals. — No employee shall, except

with the previous sanction of the competent Authority own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

21. Radio Broadcast or Television Programmes and communications to the press. — No employee shall, except with the previous sanction of the competent Authority or any

other Authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a Radio Broadcast or Television Programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical.

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may be considered likely to jeopardize the integrity of the employee, the security of Pakistan, or friendly relations with foreign states, or to offend public order, decency or morality or to amount to contempt of court, defamation or incitement to an offence:

Provided further, that such sanction shall generally be granted, if such broadcast or television programme or such contribution or letter is of a purely literary artistic or scientific

character.

22. Publication of information and public speeches capable of embarrassing Authority or Government, — No employee shall in any document published or in any public utterance or

television programme or in any Radio Broad cast delivered by him, make any statement or fact or opinion which is capable or embarrassing the Authority or the Federal or Provincial Government; Provided that technical staff both Gazetted and non Gazetted may publish research on technical subject, if such papers do not express views on political issues or on the policy of the Authority of the Government and do not include any information of a classified matter.

23. Evidence before committees. — (1) No employee shall give evidence

before a public committee except with the previous sanction of the competent Authority.

(2) No employee giving such evidence shall criticize the policy of the decisions of the Authority or of the Central or any Provincial Government.

(3) The provision of this rule shall not apply to evidence given before statutory committees which have powers to compel attendance and the giving of answers, not to evidence given in judicial inquiries.

24. Taking part in politics and elections. — (1) No employee shall take part in subscribe in aid of, or assist in any way any political movement in Pakistan or relating to the affairs of Pakistan.

(2) No employee shall permit any person dependent on him for maintenance or under his care or control to take part in or in any way assists, any movement or indirectly to be, subversive of Government as by law established in Pakistan or of the Authority.

(3) No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in any election to a legislative body whether in Pakistan or elsewhere:

Provided that an employee who is qualified to vote at such election may exercise his right to vote, but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(4) No employee shall permit any member of his family to act in a manner in which he himself is not permitted by sub rule (3) above to act.

(5) An employee who issues an address to electors in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub rule (3) above to have taken part in an election to such body.

(6) The provisions of sub rule (3) and (5) of this rule shall, so far as may be, apply to elections to local authorities or bodies, save in respect of employee required or permitted by or under any law or order or Government for the time being in force to be candidates at such elections.

(7) If a questions arises whether any movement or activity falls within the scope of this rule decision of the competent Authority thereon shall be final.

25. Propagation of sectarian creed etc.— No employee shall propagate such sectarian

creed or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the employee in particular and amongst the people in general.

26. Nepotism, favoritism and victimization, etc. — No employee shall indulge in

provincialism, nepotism favoritism, victimization or willful of office.

27. Vindication by employees of their public acts or character. — (1) An employee may not without the previous sanction of the competent Authority have recourse to any court of law or to the press for the vindication of his public acts or character from defamatory attacks. When the Authority grants, sanction to an employee to have recourse to a court of law, the Authority will

ordinarily bear the cost of the proceedings, but may leave the employee to institute them at his own expenses. In the latter case, if he obtains a decision in his favour, the Authority may reimburse him to the extent of the whole or any part of the cost.

(2) Nothing to the extent in these rules limits or otherwise the right of an employee to vindicate his private acts or character.

28. Membership of service associations. — No employee shall be member, representative or officer of any association representing or purporting to represent employees of the Authority or any class of employees unless staff association satisfies the following conditions,

namely:—

(a) Membership of the association and its office bearers shall be confined to a distinct class of employees and shall be open to all employees of that class.

(b) The association shall not be in any way connected with or affiliated to any

association which does not, or any federation of associations which do not satisfy condition (1) above.

(c) The association shall not be in any way connected with political party or organization, or engage in any political activity.

(d) The association shall not:—

(i) issue or maintain any periodical publication except in accordance with any general or special order of the competent Authority, and

(11) except with the previous sanction of the competent Authority publish any representation on behalf of its members, whether in the press or otherwise.

(e) The association shall not, in respect of any election to a legislative body, or to a local Authority, or body, whether in Pakistan or elsewhere:—

(i) Pay or contribute towards any expenses incurred in connection with his candidature by a candidate for such election.

(11) By any means support the candidature of any person for such election or;

(111) Undertake or assist in the registration of electors, or the selection of a candidate for such election.

(f) The association shall not:—

(i) maintain or contribute towards the maintenance of any member of a legislative body, or of any member of a local Authority or body, whether in Pakistan or elsewhere; or

(11) pay, or contribute towards the expenses of any trade union which has constituted a fund under section 16 of the Trade Unions Act 1926 (Act XVI of 1926).

29. Use of political or other influence. — No employees shall bring or attempt to bring

political or other outside influence, directly or indirectly to bear on the Authority or on any other employee in support of any claim arising in connection with his employment as such.

30. Approaching foreign missions and aid giving agencies. — No employee shall approach, directly or indirectly, a foreign mission in Pakistan or any foreign and giving agency to secure for himself invitations to visit a foreign country or to solicit offers of training facilities abroad.

31. Loss of security pass issued by PFHA or Government of Balochistan / Pakistan. — A employee in possession of security pass issued to him by on behalf of the Authority or Government will ensure its safety custody and in case of loss thereof, will immediately report the matter to the police station and to the Managing Director PFHA.

32. Marriage with foreign nationals. — No employee shall except with the previous permission of the Board marry a foreign national.

33. Delegation of power. — The Pasni Fisheries Harbour Authority may, by general or special order delegate to any Officer or Authority subordinate to it, all or any of its powers under this chapter.

