

CHAPTER - XIX

REWARDS AND MEDALS

“What you think of achieving can be easily achieved if you concentrate your attention on that object and direct your effort accordingly” (Thirukural)

REWARDS

General:

839. Rewards may be granted to subordinate Police officers (From Police constables to Inspectors of Police) of various Police units and private individuals in good work and in deserving cases for service of special merit rendered, but not for work, such as taking action on admissions and confessions made after arrest of accused persons, which shows no outstanding detective skill.

840. Rewards may also be granted to those Police personnel who have been decorated with Indian Police Medal for meritorious service, Chief Minister’s Medal, Lt. Governor’s Medal and the President’s Police Medal for distinguished services and those who have secured first, second and third places of the concerned fields and the shooting competition in the All India Police Duty Meet.

Class of Rewards

841. The following categories of rewards, depending upon the nature of the good work and the rank of the Police officers, will be sanctioned.

- (i). Good Service Entry (GSE)
- (ii). Money Rewards
- (iii). Money rewards plus GSE
- (iv). Meritorious Service Entry (MSE)
- (v). Commendation certificates
- (vi). Commendation certificates with money rewards.

MONEY REWARDS BY THE DEPARTMENT

842. The Inspector General of Police, Puducherry and the Senior Superintendent of Police may sanction money rewards to Police personnel, members of the public or members of other departments for good work done by them in any sphere of Police activity to the extent indicated below: (G.O. M.S. No. 114, dated 10-09-1985 of the Home Department read with the letter No. 14046/16/84-GPI dated 29-07-1985 of the Government of India, Ministry of Home Affairs, New Delhi).

- (i). Inspector General of Police - Upto Rs. 500/- in each case subject to the budget grant in a financial year.
- (ii). Senior Superintendent of Police - Upto Rs. 150/- in each case subject to total of Rs. 2500/- in a financial year.

MONEY REWARDS BY OTHERS

843. Any Police officers, other than superior Police officers, are eligible for money rewards in the following cases:

- (i). rewards offered by the Government,
- (ii). rewards offered by courts,
- (iii). rewards offered by private persons or corporate bodies or other department of government, subject to the orders within the sanctioning powers of the Inspector General of Police who should decide whether the reward-money should go to the individuals concerned or to PPWS or to the Head of the Account of the Police Department, under the 'Receipt head' or partly to both individuals or PPWS.
- (iv). rewards offered by the customs, excise and other similar departments, and
- (v). rewards offered by other states and the Government of India.

844. Police officers should under no circumstances accept rewards direct from any source-All sums of money tendered by private persons or corporate bodies or offered by courts / other departments, etc. should first be received by the Inspector General of Police, Puducherry or on his behalf the Assistant Inspector General of Police, Puducherry and deposited in the Treasury under the Head of Account, "0055-Police-800-other receipts". Before accepting the rewards offered by private persons and corporate bodies the Inspector General of Police or the Assistant Inspector General of Police will satisfy themselves that money rewards are given voluntarily. If the money rewards exceed the financial power of the Inspector General of Police, the money so received from others should be ordered by the government for distribution by issue of an order.

845. Rewards of whatever nature whether for services in aid of Police justice or for the capture of escaped convicts or the encouragement or acts of humanity and courage or in appreciation and recognition of outstanding or exceptional works in solving serious crimes and apprehending the accused in a difficult situation or in performing excellent duties under a particular circumstance, should be granted and disbursed as speedily as possible. Rewards in connection with cases brought to trial should be granted after convictions. All the recommendations for grant of rewards should be submitted by the concerned Superintendent of Police in the following form.

CONFIDENTIAL

No.

Office
dated

REWARD ROLL

Sl. No.	Names of Police officials, Rank & Number, Station/Unit attached	Reward recommended	Good work done
1	2	3	4

Note:-

A few words of recommendation shall be made underneath the above columns in note-sheet form and forwarded to the concerned Senior Superintendent of Police who will either accord sanction within his powers or send it to the Inspector General with his recommendation, if any.

REWARDS SANCTIONING POWERS OF OFFICERS

846. The following are the powers of officers (reward sanctioning authorities) to sanction the rewards to various ranks of the Police department.

- (i). The Inspector General of Police -
 - (a). Cash reward of Rs. 500/- per head per case to the Police personnel from the rank of constables to Inspectors working in local Police, Armed Police and other units including the Finger Print Bureau.
 - (b). GSE (Good Service Entries) to PCs upto the rank of SIs in any branch of the Police Department or both money rewards and GSE.
 - (c). MSE (Meritorious Service Entry) to Inspectors of Police and the Director of Finger Print Bureau or with Money Reward and MSE.
 - (d). Superintendent of Police – Commendation or appreciation letter.
- (ii). Senior Superintendent of Police -
 - (a). Money reward of Rs. 125/- per head per case only to those working under his control in the rank of PCs to SIs.

(b). GSE to PCs upto SIs or both money reward and GSEs

DEPARTURE OF ESCAPED PRISONERS FROM JAILS

847. Rewards for the recapture of prisoners escaping from Jails will be sanctioned by the Inspector General of Prisons (i.e) Deputy Inspector General of Police (Armed Police), Puducherry. The Reward roll / Recommendation of the reward shall be sent by the concerned Superintendent of Police to the Inspector General of Prison, through the Senior Superintendent of Police of the districts / units.

REWARDS FOR THE CAPTURE OF DESERTERS

848. Rewards are granted by the military authorities for the apprehension of deserters from the Army, but not in the case of a deserter surrendering himself before the Police station.

REWARDS OF SAVING LIFE / PROPERTY AND PUTTING OUT FIRE

849. The Inspector General of Police may also sanction rewards to subordinate Police officers of and below the rank of Inspector of Police for rescuing life and property and putting out fire, within his financial powers.

REWARDS COMMUNICATION OF

850. All the money rewards granted to Police personnel by the Police department or accepted from other sources will be communicated to the individual and to the officers concerned for filing it in the personnel confidential file and entering it in the service books, etc.

OTHER REWARDS:

Meritorious Service Entries (MSE)

851. The MSE's will be awarded by the Inspector General of Police for conspicuous good work meriting special recognition. Inspectors of Police and officers of the corresponding rank including in the Finger Print Bureau are eligible for this reward.

Letters of appreciation

852. The Inspector General and the Deputy Inspector General of Police are empowered to issue LETTERS OF APPRECIATION and COMMENDATION to gazetted Police officers, including the Assistant Inspector General of Police or the Senior Superintendent of Police or the Additional Senior Superintendent of Police, as the case may be, which will be sent in the form of Demi-official letter.

Good Service Entries (GSE)

853. “Good Service Entries” will be awarded by the Inspector General and the concerned Senior Superintendents of Police for good detection, display of skill or any good work meriting special recognition. Such GSEs will be awarded to SIs, ASIs, HCs and PCs and the officers of the corresponding rank working in the Police Department and the members of the Home Guards organization.

Note:-

The entries in the service records to account the GSEs/MSEs shall be made as early as possible.

Rewards by Foreign Government

854. Acceptance of any present or any kind of reward in any form from any foreign state without the consent of the President of India is prohibited under the Constitution of India.

Rewards to other Government servants

855. Government servants of other departments may also be granted rewards as an incentive for assisting the Police in the detection of any heinous or serious case or for the apprehension of offenders or for any strenuous work connected with the Police administration. Rewards to government servants of other departments should be paid through the Head of the department concerned.

856. The rewards may also be awarded to the Ministerial staff, other than the gazetted officers who are entitled to be granted with letters of appreciation, working in the Police Department in line with other Government servants.

Rewards to private individuals

857. Rewards may be in the form of cash or any other suitable article or Commendation Certificate with or without cash in the case of private individuals. Rewards to private persons should not be in the form of medals. Such rewards may be sanctioned in the event of the following good works individually or collectively exhibited by private individuals.

- (a). Giving information leading to the detection of a crime.
- (b). Apprehension of offenders or wanted criminals.
- (c). Participation in the programmes of the Community policing.
- (d). Participation in the traffic educational and regulation programmes.
- (e). Any other occasion in which the individual has exhibited a conspicuous good work in having assisted the Police.

Note:-

- (i). The names of the rewardees, if so desired, shall be kept secret.
- (ii). Money rewards shall not exceed the financial powers of the Reward sanctioning authorities.
- (iii). Private individuals include Traffic Wardens, students who volunteer traffic duties, Special Police Officers who assist the Police, members of CLG and the members of the neighbour-hood watch scheme.

858. Officers of and above the rank of Superintendent of Police may grant to the above private individuals and others, letters of thanks or of appreciation or any certificate acknowledging and appreciating the services rendered by these persons to the Police in cases where money rewards are not possible or appropriate. Such presentations may be given to them at suitable public functions or departmental functions.

859. General

- (i). Money & other rewards may also be granted to I.R. Battalion personnel of and below the rank of Inspectors for service of special merit associated with Puducherry Police.
- (ii). Gazetted officers of the Police department should not be granted money reward by the Inspector General & Senior Superintendent of Police, but they may be offered money rewards by the government or by private persons.
- (iii). Rewards granted to the Government or by the Inspector General will be published in the
 - (a). Newspapers,
 - (b). Government gazettee, and
 - (c). The C&O sheet published by the CRB.

MEDALS

860. The Police Medals will be awarded to the members of Puducherry Police Force in two levels namely

- (a). State, and
- (b). National.

The Government of India have instituted the following medals.

- (i). The President's Police and Fire Services Medals for gallantry or distinguished service;
- (ii). Police medals for gallantry or meritorious service;
- (iii). Prime Minister's Medal for life saving; and
- (iv). Police (Special Duty) Medal.

861. The recommendation for the consideration of the award of service medals namely the President's Police Medal for distinguished service and Police medal for meritorious service shall be sent to the Home Department, Puducherry on the following prescribed format on the occasion of the Republic Day before the stipulated time as fixed by the government of India, Ministry of Home Affairs from time to time.

RECOMMENDATION FOR THE AWARD OF PRESIDENT'S POLICE MEDAL FOR DISTINGUISHED SERVICE/POLICE MEDAL FOR MERITORIOUS SERVICE ON THE OCCASION OF REPUBLIC DAY

1.	Name (In capital words)	Surname	Middle name	First name
2.	Initial appointment	Year	Rank	Service Cadre
3.	Total Police service as on (the date & year of awarding medal)	Year	Months	
4.	Date of Birth	Day	Month	Year
5.	Age as on (the date and year of awarding medal)	Year	Months	
6.	Whether belongs to SC/ST/OBC			
7.	Present posting, with complete postal address	Designation	Place	Date
8.	Rewards	No.	Total amount in Rs.	
	A) Cash Awards			

	B). Others	
	i). Commendation	
	ii). Appreciation	
	iii). Good Service Entries	
	iv). Any other rewards (specify)	
9.	Year of award of Police Medal for Meritorious Service	
10.	Punishment(s)	Details of Penalty Year(s)
11.	Details of any enquiry pending against the officer	
12.	Details of disciplinary proceedings pending/contemplated against the recommended, if any	Year Nature of Allegation Present Status
13.	ACR grading for 10 years	
14.	Brief citation	

862. The recommendation with the citation for the award of the President's Police Medal for distinguished service and Police medal for Meritorious Service shall be sent by the Superintendent of Police concerned in the case of subordinate officers (PCs to Inspectors) to the Chief Office on reference of inviting such recommendations. In case of gazetted Police officers, the immediate superior officer shall be the recommending authority. The Inspector General of Police, will select the Police officers deserving to be recognized, through the selection Committee as constituted by him from time to time. The recommendations where they will be sent to the Home Department, Puducherry, where they scrutinized with regard to eligibility, etc. Then the Government of Puducherry will forward the same to the Government of India for consideration. Regarding the award of service medals (Police Medal for meritorious service and President's Police Medal for distinguished service) twice a year, the following instructions of the Government of India, while making recommendations to a Police officer, shall be strictly followed:

- (i). Citation should not exceed 200 words
- (ii). Integrity / character and antecedent certificates in respect of the recommendee should be sent on the prescribed proforma
- (iii). A certificate, after verifying from the service records of the recommendee to the effect that the officer recommended for the award of service medal has not been earlier awarded the same medal as there is no provision for Bar to President's Police Medal for distinguished service and to the Police medal for meritorious service, should be sent.
- (iv). 'No objection certificate' wherever applicable shall be furnished.

- (v). Two passport size photographs with negatives in respect of recommendee for the award of President's Police medal for distinguished service should also be furnished.
- (vi). The ACR gradings for the last 10 years should be furnished. ACR gradings with average / good shall not be taken into consideration.

863. A certificate in the following form should be furnished in respect of each recommendation by the recommending officer.

CERTIFICATE

Certified that the integrity of Sri.
 President's Police and
 recommended for the award of the
 Police Medal.

Fire Service Medal for gallantry.
 Distinguished meritorious service.

is above suspicion and that he has never incurred censure nor was concerned in proceedings that was censured in a Court of Law.

Certified also that no judicial
 Proceedings are pending in respect of }
 the incident underlying the recommendation. } For gallantry only.

(2). The qualification for the present of the medals are given in clause 3 of the statutes governing their grant, issued by the President.

The Statues and Rules governing the award of the President's Police and Fire Service Medal and the Police medals are printed below:-

The President's Police and Fire Service Medal and the Police Medal

NOTIFICATION

New Delhi, the 1st March 1951

864. The President is pleased to institute the following awards to be conferred on members of Police Force and organized Fire Services throughout the Indian Union in consideration of meritorious service or gallantry and outstanding devotion to duty, to the designated "President's Police and Fire Service Medal" and "Police Medal" respectively and to make, ordain and establish the following statutes governing them which shall be deemed to have effect from the twenty sixth day of January in the year on thousand nine hundred and fifty. President's Police and Fire Service Medal.

Firstly – The award shall be in the form of a medal and styled and designated the "PRESIDENT'S POLICE AND FIRE SERVICES MEDAL" (hereinafter referred to as the Medal).

Secondly – The Medal shall be circular in shape, made of silver with gold gift, one and three eight inches in diameter and shall have embossed on the obverse the design of the President's flag on a shield in the centre and words "President's Police and Fire Service Medal" above and "INDIA" below the shield along the edge of the medal separated by two five pointed heraldic stars. On the reverse, it shall have embossed the State Emblem in the centre and the words "FOR GALLANTRY or FOR DISTINGUISHED SERVICE", as the case may be, along the lower edge and a wreath joined by a plain clasp at the top along the upper edge, on the rim, the name of the person to whom the medal has been awarded shall be inscribed.

Thirdly – The medal shall only be awarded to those who have either performed acts of exceptional courage and skill exhibited conspicuous devotion to duty as members of a recognized Police force or Fire Service within the territory of India.

Fourthly – The names of those to whom this medal may be awarded shall be published in the *Gazettee of India* and a Register of such names shall be kept in the Ministry of Home Affairs by such person as the President may direct.

Fifthly – Each medal shall be suspended from the left breast and the riband, of an inch and three eight in width, shall in the case of distinguished service, be half blue and half silver white and in the case of awards of acts of exceptional courage and gallantry the riband will be half blue and half silver white the two colours being separated by a vertical red line one eighth inch in width

Sixthly – Any act of gallantry which is worthy of recognition by the award of the PRESIDENT'S POLICE AND FIRE SERVICES MEDAL, but it performed by one upon whom the decoration has already been conferred may be recorded by a Bar attached to the riband by which the medal is suspended. For every such additional act an additional Bar may be added and for each Bar awarded a small silver rose with gold silt shall be added to the riband when worn alone.

Seventhly – It shall be competent for the President to cancel and annual the award to any person of the above Decoration and that there upon his name in the Register shall be erased. It shall, however, be competent for the President to restore any decoration which may have been so forfeited. Every person to whom the said decoration is awarded, shall, before receiving the same, enter into an agreement to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be published in the *Gazettee of India*.

Eighthly – It shall be competent for the President to make rules to carry out the purposes of these statutes.

“Police Medal”

Firstly – The award shall be in the form of a medal and style and designated the POLICE MEDAL (hereinafter referred to as the Medal)

Secondly – The Medal shall be circular in shape, made of bronze one and three eighth inches in diameter, and shall have embossed on the observe the State Emblem in the Centre, and the words “POLICE MEDAL” above and the State motto “Satyameva Jayate” in Devanagri script at the bottom of the State Emblem along the edge of the medal separated by two five-pointed heraldic stars. On the reverse, it shall have embossed the words “FOR MERITORIOUS SERVICE” or FOR GALLANTRY” as the case may be, exactly at the centre enclosed between two parallel straight lines connected at either end to each other by a concave line, and the words “INDIAN” above the “POLICE ” below, the whole being encircled by a wreath joined by a plain clasp at the bottom. On the rim the name of the person to whom the medal has been awarded shall be inscribed.

Thirdly – The medal shall be awarded to only those members of a recognized Police Force or of a properly organized Fire Service within the territory of India, who have performed service of conspicuous merit and gallantry.

Fourthly – The names of those to whom this medal may be awarded shall be published in the *Gazettee of India* and a Register of such names shall be kept in the Ministry of Home Affairs by such person as the President may direct.

Fifthly – Each medal shall be suspended from the left breast and the riband, of an inch and three-eighth in width, shall be dark blue with a narrow silver stripe on either side and a crimson stripe in the centre, and in the case of award for acts of conspicuous gallantry, each of the blue portions of the riband shall contain a silver line down the middle.

Sixthly – Any distinguished conduct or act of gallantry which is worthy of recognition by the award of the “POLICE MEDAL” but it performed by one upon whom the decoration has already been conferred may be recorded by a Bar attached to the riband by which the medal is suspended. For every such additional act an additional Bar may be added and for each Bar awarded a small silver rose shall be added to the riband when worn alone.

Seventhly – It shall be competent for the President to cancel and the annul the award to any person of the above Medal and that thereupon his name in the Register shall be erased. It shall, however, be competent for the President to restore any medal which may have been so forfeited. Every person to whom the said decoration is awarded shall, before receiving the same, enter into an agreement to return the medal if his name is erased as aforesaid. Notice to cancellation or restoration in every case shall be published in the *Gazettee of India*.

Eighthly – It shall be competent for the President to make rules to carry out the purposes of these statutes.

865. In accordance with statute “eighthly” of the statutes relating to the award of the President’s Police and Fire Service Medal and the Police medal, the following rules governing them are notified:-

866. **President’s Police and Fire Services Medal**

- (1). Recommendation for awards on the ground of conspicuous gallantry shall be made as soon as possible after the occasion on which the conspicuous gallantry was shown; and in special circumstances the recommendations for awards on other grounds may be made at any time for an immediate award.
- (2). All recommendations shall state the name and rank of the person recommended, the name of the Police or Fire Service which he is or was a member and particulars of the gallantry or service for which the grant of the medal is recommended.
- (3). The number of medals awarded in any one year shall not exceed forty-five, unless the President is of opinion that special circumstances in any year justify the award of medals in excess of that number.
- (4). The medal shall be awarded:-
 - (i). for conspicuous gallantry in saving life and property or in preventing crime or arresting criminals. The risk incurred being estimated with due regard to the obligations and duties of the officers concerned.
 - (ii). a specially distinguished record, in Police Service;
 - (iii). success in organizing Police or Fire service or in maintaining their organizations under special difficulties.
 - (iv). special service in dealing with service or widespread outbreak of crime or public disorder of fire; and
 - (v). prolonged service, but only when distinguished by very exceptional ability and merit.
- (5). When awarded for gallantry, the medal shall carry monetary allowances the rates and subject to the conditions set forth below. The charges thereof shall be borne by the

revenues of the State-Union Territories concerned in respect of recipient belonging to the State-Union Territories and by the respective Central Police-Security Organisation in respect of officers belonging to these organizations.

- (a). Where an officer who has already been awarded either the King's Police and Fire Service Medal or that Medal and a Bar or Bars thereto for GALLANTRY, is subsequently awarded the President's Police and Fire Services Medal for a further act of gallantry. He shall be paid a monetary allowance attached to the Bar to the latter Medal in addition to the original allowance and not the full allowance attached to the Medal itself. Where an officer who has already been awarded the Indian Police Medal for gallantry is subsequently awarded the President's Police and Fire Services Medal for a further act of gallantry he shall be paid the full allowance attached to the latter Medal in addition to the original allowance.
 - (b). The allowance shall be granted from the date of the act, for which the award is given, unless it is forfeited for misconduct, shall continue until death.
 - (c). Where a recipient is in receipt of the allowance at the time of his death it shall be continued for life or till re-marriage of his widow (the first married wife having the preference). In the case of a posthumous award of the medal-or-bar, the allowance shall be paid from the date of the act for which the award is made, to the widow (the first married wife having preference) for her life or till remarriage.
 - (d). All the recipients of this gallantry award shall be entitled to the monetary allowance on a uniform rate irrespective of their ranks. The rates of monetary allowance for the Medal shall be Rupees sixty *per mensem* and for the Bar to the Medal it shall be Rupees thirty *per mensem*.
- (6). The medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the President, brings the force into disrepute.
 - (7). Recommendations for the announcement of awards for distinguished service on the 26th January (Republic Day) and 15th August (Independence Day) should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs not later than the 26th October and the 15th May respectively each year.

867. **Police Medal**

- (1). Recommendations for awards on the ground of conspicuous gallantry shall be made as soon as possible after the occasion on which the conspicuous gallantry was shown and on special circumstances for awards on other rounds may be made at any time for an immediate award.

- (2). Each recommendation will state the name and rank of the person recommended, the Police Force or Fire Service of which he is or was a member and particulars of the action or service for which the grant of the medal is recommended.
- (3). The number of medals awarded in one year (excluding Bars) shall not exceed one hundred and seventy five but if the president considers that special circumstances in any one year justify the award of medals in excess of one hundred and seventy-five and number shall not exceed two hundred.
- (4). The Medal will be awarded:-
 - (i). for conspicuous gallantry awards for gallantry will be made as soon as possible after the event occasioning the grant;
 - (ii). for valuable services characterised by resource and devotion to duty including prolonged service of ability and merit.
- (5). (a). When awarded for gallantry the medal shall, subject to the condition set forth for the President's Police and Fire Service Medal for gallantry carry a monetary allowance on a uniform rate of Rupees forty per mensem and the Bar Rupees twenty per mensem, irrespective of the rank of the recipient. The charges thereof shall be borne by the revenues of the State/Union Territories concerned in respect of the recipients belonging to the State. Union Territories and by the concerned Central Police Security organizations in respect of the recipients belonging to these organizations.
 - (b). Where an officer who had already been awarded either the Indian Police Medal or that medal and a Bar or Bars thereto for gallantry is subsequently awarded the Police Medal for a further act of gallantry he shall be paid a monetary allowance attached to the Bar to the latter medal in addition to the original allowance and not the full allowance attached to the medal itself. Where an officer who has already been awarded the King's Police and Fire Service Medal for gallantry is subsequently awarded the Police Medal for a further act of gallantry he should be paid the full allowance attached to the latter medal in addition to the original allowance.
- (6). The medal for gallantry shall be worn next to and immediately after the "PRESIDENT'S POLICE FIRE SERVICES MEDAL" for distinguished service.
- (7). The award of the medal will not be a bar to the subsequent award of the PRESIDENT'S POLICE AND FIRE SERVICE MEDAL.
- (8). The medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the President's brings the force into disrepute.

- (9). Recommendations for the announcement of awards for meritorious service on the 26th January (Republic Day) and the 15th August (Independence Day) should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs not later than the 26th October and 15th May respectively each year.

NOTIFICATION

New Delhi, the 4th November 1987

868. The following amendments shall be made in the rules governing the award of the President's Police Medal and Police Medal published in Part I, Section 1 of the Gazette of India of 10th March 1951, under Notification No. 4-Press/51, dated the 1st March, 1951, as amended from time to time (Notification dated 4th November 1987).

869. "All the recipients of this gallantry award shall be entitled to the monetary allowance on a uniform rate, irrespective of their ranks. The rate of monetary allowance for the medal as also for the Bar to the medal shall be Rupees one Hundred per mensem."

870. "When awarded for gallantry the medal as also the Bar to the Medal shall, subject to the conditions set forth for the President's Police Medal for gallantry, carry a monetary allowance on a uniform rate of Rupees sixty per mensem, irrespective of the rank of the recipient. The charges thereof, shall be borne by the revenue of the State/Union territories concerned in respect of the recipients belonging to the State/Union Territories and by the concerned Central Police / Security organizations in respect of the recipients belonging to those organizations".

871. (a). ***Officers on deputation – Procedure regarding recommendation of medal*** – The case of officers who are on deputation to the organizations like Central Bureau of Investigation, Intelligence Bureau, etc. have to be considered by those organizations. While considering such cases, these organisations refer to the State Government for their concurrence before recommending these cases to Government of India. The State Government in turn call for the views of the Director General of Police, who offers his views after scrutinizing their personal files.

(b). In order to ensure that the cases of officers on deputation are not left out, whenever recommendations for the award of Medals to officers of this State are sent to the Government, it should be examined whether any of his seniors are on deputation to the organisations like Central Bureau of Investigation, Intelligence Bureau, etc. If any of his seniors are on deputation, the concerned organization to which he is on deputation should be informed of the fact that his junior is being recommended for the award of medal, so that the case of his senior may be considered for the award by the organization, if it so desires.

872. ***Order of precedence for Police and other awards:-*** The Order of precedence wearing of various medals and decorations as determined by the President of India (vide President's Secretariat Notification No. 41 pres./76, dated 16th June 1976) is reproduced below.

- (1). President' Police and Fire Service Medal for gallantry.
- (2). President's Police Medal for gallantry
- (3). Police Medal for gallantry
- (4). Wound Medal
- (5). Poorvi Star
- (6). Paschimi Star
- (7). Raksha Medal 1965
- (8). Sangram Medal
- (9). Police (Special Duty) Medal 1962
- (10). President's Police and Fire Service Medal for distinguished service
- (11). President's Police Medal for distinguished service.
- (12). Police medal for meritorious service
- (13). Indian Independence Medal 1947
- (14). Independence Medal 1950
- (15). 25th Independence Anniversary Medal.

873. No recommendation for award of medal for distinguished or meritorious service should be sent, where an officer has been awarded a punishment. However, in cases where an officer has been censured or awarded minor punishment outside a court of law for minor shortcomings, a statement should be furnished showing the nature of punishment and the circumstances in which the officer was punished indicating the reasons which justify the officer being considered specially for the award.

874. While forwarding nominations for the award of the President's Police and Fire Service medal for distinguished services and the award of the President's Police and Fire Service medal and Police medal for gallantry, copies of photographs of the officer who is considered for such award should be sent.

875. For recommendation of any award, secrecy shall be maintained.

876. While sending recommendations for gallantry, in addition to the citation, the following information documents should be furnished.

- (a). A copy of the First Information Report or the report made to the Inspector General of Police.
- (b). Details about the composition of the Police party and in case the party has been divided into groups, the number of police men included in each group should be mentioned. The details of arms carried by the Police party should be mentioned.
- (c). The details of the injuries, if received, by the Police personnel should be furnished.

- (d). The details of the injuries, if received, by the criminals and in case the criminals were killed in the incident, a copy of the wound certificate or the postmortem examination, as the case may be, will be sent.
- (e). If any magisterial enquiry and / or departmental enquiry was conducted into the matter, a copy of the inquiry report should be furnished.

877. Prime minister medal for life saving

- (a). The Prime Minister's medal for life saving will be awarded in cases where exemplary devotion to duty is shown by a Police officer in saving human life
- (b). The announcement and the presentation of the award will be made by the Government of India during the All India Police Duty Meet.

878. The Police (Special Duty) Medal:

- (a). The Police (Special Duty) Medal will be awarded to the members of the Police forces in recognition of their services under condition of particular hardship and severe climate.
- (b). The recommendation for the award of this medal should be sent as soon as officers become eligible for the award through proper channel.

State Awards

879. There are four state medals / awards namely

- (i). "Lieutenant Governor's Police Medal" for extraordinary Service;
- (ii). "Chief Minister's" Police Medal for Best Service;
- (iii). "Chief Minister's" Police Medal for Very Good Service ; and
- (iv). "Chief Secretary's Rolling Trophy" for the best maintained Police Station

880. The Lieutenant Governor's Medals will be awarded during the Republic Day every year and the Chief Minister's Medals and Chief Secretary's Police Trophy will be awarded during the Independence Day every year.

881. STATUTES AND RULES RELATING TO THE LIEUTENANT GOVERNOR'S POLICE MEDAL FOR EXTRAORDINARY SERVICE

Firstly: The award shall be in the form of a medal and styled and designated as the lieutenant Governor's Police medal (hereinafter referred to as the 'Medal')

Secondly: The medal shall be circular in shape, made of silver one and three eighths inches in diameter, and shall have embossed on the obverse the design of Ayee-Mandapam,

Pondicherry, and words “Jiz epiy MSeh; fhty; gjf;fk;” above and “g[Jit khepyk;” below the design. On the reverse, it shall have embossed the Pondicherry Police insignia in the centre and words “FOR EXTRAORDINARY SERVICE” above and “kfj;jhd gzpf;fhf” below the insignia. On the rim the name of the person to whom the medal has been awarded shall be inscribed.

Thirdly : The award shall be applicable to Police personnel working in local police, armed police and other units of Pondicherry Police force. There shall be a maximum of two medals awarded every year and officers of the rank of Police constables to Sub-Inspectors of Police only shall be eligible for the same

Fourthly : The medal shall only be awarded to those who have performed any extraordinary work, exceptional act of bravery and exemplary record of honesty as a member of the Police force.

The medal shall also be awarded for sportsmanship and public relations or any other specialized skill in Police executive or technical work.

Fifthly : To be eligible for the award a member of the service should have completed service for a period of not less than ten years in the force on the first January of the year in which medal is awarded. The personnel recommended for the award should have a clean default sheet.

Sixthly : The members of the service will be eligible for the grant of medals only once in their service. Those who are awarded “the Lieutenant Governor’s Police Medal” will also be eligible for the “Chief Minister’s Police Medal” for good/very good/ best service and vice versa. Those who have been awarded the President Police distinguished service or Police medal for meritorious service will not be eligible for the award of this medal for a period of two years from the date of award of the above medals.

Seventhly : The names of those to whom this medal may be awarded may be published in the gazettee of Pondicherry and a register of such names may be kept in the Home Department.

Eighthly : Each medal shall be suspended from the left breast and the riband of an inch and three eighth in width shall, in the case of distinguished service be half blue and half silver white, and in case of awards for acts of exceptional bravery and extraordinary work, the riband will be half blue and half silver while the two colours being separated by a vertical red line 1/8” width.

Ninthly : Any act of gallantry which is worthy of recognition by the award of “the Lieutenant Governor’s Police medal”, but is performed by one upon whom the decoration has already been conferred, may be recorded by a Bar attached to the riband by which the medal is suspended. For every such additional act of additional bar may be added and for each bar awarded a small silver rose with gold gilt shall be added to the riband when worn alone.

Tenthly : The concerned Superintendent of Police / Commandant, Pondicherry Armed Police, will prepare a list of deserving personnel for the award of this medal. While forwarding the list to Inspector General of Police, Pondicherry through Senior Superintendent of Police, the Superintendent of Police / Commandant will furnish the requisite details in the prescribed proforma and append, a certificate that the qualifications laid down for this medal are satisfied. Thereafter, a Board consisting of the Chief Secretary, Inspector General of Police and Senior Superintendents of Police will meet and finalise the list before 26th October each year and forward the same to Lieutenant Governor for final selection. Senior Superintendent of Police while forwarding the list of Police personnel to be awarded this medal will append citations and see that the citations contain clear and specific details of the outstanding work. They will also furnish a certificate to the effect that the rules and procedures had been correctly followed.

Eleventhly : It shall be competent for the Lieutenant Governor to cancel and annul to any person of the above decoration and that thereupon his name shall be erased in the Register. It shall, however, be competent for the Lieutenant Governor to respite any decoration which may have been so forfeited. Every person to whom the decoration is awarded shall, before receiving the same, enter into an agreement to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be published in the Gazettee of Pondicherry .

Twelfthly : The award of the Lieutenant Governors Police medal shall be subject to the regulations made in the schedule annexed to this notification.

SCHEDULE

REGULATION

882.(1). Recommendations for awards on the ground of conspicuous gallantry shall be made as soon as possible after the occasion on which the conspicuous gallantry was shown and in special circumstances recommendations for awards on other grounds may be made at any time for an immediate award.

(2). All the recommendations shall state the name and rank of the person recommended, the name of the Police force or the unit of the Police force of which he is or was a member and particulars of the gallantry or service for which the grant of the medal is recommended.

(3). The medals shall be awarded

(i). for conspicuous gallantry in saving life and property, or in preventing crime or arresting criminals, the risks incurred being estimated with due regard to the obligations and the duties of the officer concerned and for outstanding detective work in the preceding year.

- (ii). success in organizing Police service and maintaining the organization under special difficulties.
- (iii). special service in dealing with serious or widespread outbreaks of crime or public disorder or fire.
- (iv). exceptional record of honesty and integrity.
- (v). for winning a minimum of two gold medals in the scientific aids to investigation or for winning one gold medal or first place in any of the following meet or competition in a particular year :

A. All India Police Duty Meet.

- (a). Rifle and Revolver Shooting ;
- (b). Wireless Competition ;
- (c). Cryptograph ;
- (d). Motor Transport.

B. All Indian Police Sports and Games Meet.

C. All India Police Equestrian Meet

D. All India Police Combat Shooting Competition

E. All India Police Aquatic and Cross-Country Meet

F. All India or Open National Meets in any discipline.

- (4). The medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the Lieutenant Governor, brings the force into disrepute.
- (5). While making recommendations for the medal, it should be specifically reported whether the nominees have at any time incurred any censures of a court or have been concerned in proceedings that have been censured by Courts of Law. A certificate in the following form shall be furnished by the concerned Superintendent of Police / Commandant in respect of each recommendation:

CERTIFICATE

(i). Certified that the integrity of Thiru. recommended for the award of the Lieutenant Governor's Police medal for extraordinary work, exceptional act of bravery and exemplary record of honesty is above suspicion and that he has neither incurred censure nor was concerned in proceedings that was censured in a Court of Law.

(ii). Certified also that no Judicial proceedings are pending in respect of the incident under in the recommendations.

(6). The medal will be presented by the Lieutenant Governor, Pondicherry, during the Republic Day Celebrations on 26th January every year.

(7). Recommendations for the announcement of award for distinguished service on the 26th January (Republic Day) should be forwarded so as to reach the Inspector General of Police, Pondicherry not later than the 26th October of each year.

The Chief Minister's Police Medal

883. The Chief Minister is pleased to institute the following medals to be conferred in members of the Police force throughout the Union Territory of Pondicherry in consideration of 20/30 years of unblemished service rendered by them, to be designated "Chief Minister's Police Medal" and to make the following rules, to regulate them, which shall be deemed to have come into force from the 1st day of August, 1991, namely:- (G.O. Ms. No. 17, dated 25-05-1992)

884. Rules relating to the Chief Ministers Police Medal for Very Good and Best Service

Firstly, the medals shall be designated as the Chief Minister's Police Medal (hereinafter referred to as the medal). Secondly, the medals shall be of two categories and to be conferred on the Police personnel from the rank of Police constable to Sub-Inspector, as follows :-

- (i). annually, two medals for 'Very Good Service' rendered by the Police personnel from the above said ranks, who have 20 years of unblemished record of service and
- (ii). annually two medals for 'Best Service' rendered by the Police personnel from the above said ranks, who have 30 years of unblemished record of service, shall be awarded.

Thirdly, the Chief Minister's Police Medal for 30 years of 'Best Service' shall be circular in shape, made of silver, one and three-eighth inches in diameter, and shall have embossed on the obverse the design of Ayee-Mandapam, Pondicherry and words "Kjy;thpd; fhty; gjf;fk;" above and "g[Jit khepyk;" below the design. On the reverse, it shall have embossed two crossed swords with the Pondicherry Police insignia in the centre and words 'For Best Service' above and "jiyrpwe;j gzpf;fhf" below the insignia. On the rim, the name of the person to who the medal has been awarded shall be inscribed, and that for 20 years of "Very Good Service" shall be circulate in shape, made of bronze, one and three eighth inches in diameter and shall have embossed on the obverse the design of Ayee Mandapam, Pondicherry and words "Kjy;thpd; fhty; gjf;fk;" above and "g[Jit khepyk;" below the design. On the reverse, it shall embossed the posture of a Policeman holding a rifle in firing position in the centre and words 'FOR VERY GOOD SERVICE' above and "kpfr;rpwe;j gzpf;fhf"

below the insignia. On the rim, the name of the person to whom the medal has been awarded shall be inscribed.

Fourthly, to be eligible for the medal, a member of Police service should have completed twenty or thirty years of service, as the case may be, on the first day of August in the year in which medal is awarded

Fifthly, the members of the service will be eligible for the grant of a medal only once in their service. Those who are awarded the Chief Minister's Police Medal will also be eligible for the Lieutenant Governor's Police medal for gallantry service and vice versa. Those who have been awarded the President's Police Medal for distinguished service, a Police medal for meritorious service will not be considered for the award of the Chief Minister's Police Medal in the year of award of the said medals.

Sixthly, the names of those to whom this medal may be awarded shall be published in the gazette of Pondicherry and register of such names shall be kept in the Home Department.

Seventhly, each medal shall be suspended from the left breast and the riband of an inch and three eighth in width, shall be dark blue with narrow silver stripe on either side and a crimson stripe in the centre.

Eighthly, any distinguished conduct which is worthy of recognition by the award of the Medal but is performed by one upon whom decoration has already been conferred may be recorded have a Bar attached to the riband by which the medal is suspended. For every such additional act, an additional bar may be added and for each for awarded a small silver rose shall be added to the riband when worn alone.

Ninthly, the concerned Superintendent of Police / Commandant, Pondicherry Armed police, will prepare list of deserving persons for the award of this medal and forward the same to the Inspector General of Police, Pondicherry through Senior Superintendent of Police. While forwarding the list, the SPs/CMT will furnish details in the prescribed proforma and send a certificate that the qualifications laid down for this medal are satisfied. Thereafter, a board consisting of the Chief Secretary, the Inspector General of Police and Senior Superintendents of Police will meet and finalise the list before 15th May each year and forward the same to Chief Minister for final selection. Superintendents of Police while forwarding the list of Police personnel to be awarded with this medal, will append citation and see that the citations contain clear and specific details of outstanding work. They will also furnish a certificate to the effect that the rules of procedures had been correctly followed.

Tenthly, it shall be competent for the Chief Minister to cancel and annul to any person of the above medal and thereupon his name shall be erased from the Register. It shall, however, be competent for the Chief Minister to restore any medal which may have been so forfeited. Every person to whom the said decoration is awarded shall, before receiving the same, enter into an agreement to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be published in the gazette of Pondicherry.

Eleventhly, the award of the Chief Minister's Police Medal shall be subject to the regulations made in the schedule annexed hereto:

SCHEDULE

885. REGULATIONS FOR THE AWARD OF CHIEF MINISTER'S POLICE MEDAL

- (1). Recommendations for awards on the ground of unblemished service shall be made at any time for an immediate award.
- (2). Each recommendation shall state the name and rank of the persons recommended, the Police force or unit of which he is or was a member and his period of service.
- (3). The medal will be awarded for unblemished service of twenty / thirty years, of completed service at the end of the year immediately before the event occasioning the grant.
- (4). The medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the Chief Minister, brings the force into disrepute.
- (5). While making recommendations for the medal, it should be specifically reported whether the nominees have at any time incurred any censure of a court or have been concerned in proceeding that have been censured by Courts of Law. A certificate in the following form shall be furnished by the concerned Superintendent of Police / Commandant in respect of each recommendation:-

CERTIFICATE

Certified that the integrity of Thiru. recommended for the award of the Chief Minister's Police Medal for Very Good / Best Service, is above suspicion and that he has neither incurred censure nor was concerned in proceedings that was censured in a Court of Law.

- (6). The Medal will be presented by the Chief Minister, Pondicherry during the Independence Day celebrations on 15th August of every year.
- (7). Recommendations for the announcement of awards for Very Good / Best Service shall therefore be forwarded, so as to reach the Inspector General of Police, Pondicherry not later than 15th May of that year of the award of medal.

The Chief Secretary's Police Trophy for Best Police Station

886. The Lieutenant Governor, Pondicherry is pleased to institute a Trophy to be called as the "Chief Secretary's Police Trophy for Best Police Station" to be presented to the Best Police Station in the Union Territory of Pondicherry in consideration of the performance of the Police

Stations in a calendar year and for the above purpose hereby makes the following rules, namely:-
(G.O. Ms. No. 41, dated 05-08-2003 of the Home Department).

887. THE CHIEF SECRETARY'S POLICE TROPHY FOR BEST POLICE STATION RULES, 2003

(1). Short Title and Commencement:-

- (a). These rules may be called the Chief Secretary's Police Trophy for Best Police Station Rules, 2003
- (b). They shall come into force from the first day of August, 2003.

(2). Aims and Objects:-

The object of the scheme is to institute a Trophy to be presented to the Best Police Station throughout the Union Territory of Pondicherry in consideration of the performance of the Police Station in the preceding calendar year in the various fields mentioned at Rule 6 below.

(3). Nature of Trophy

The Trophy will be in the form of a sports cup in circular shape of 12 inches height made of copper and shall have embossed on the base "Chief Secretary's Police Trophy for Best Police Station (Name of the Police Station), ----- year". In addition to this trophy a cash reward of Rs. 5,000/- (Rupees Five Thousand only) also shall be paid to the concerned Police station.

(4). Nomination of Police Station

- (i). The Superintendent of Police in charge of the regions shall nominate the number of Police Stations mentioned below in their area for the selection for the award every year. (1). Pondicherry North Sub-Division – 2 Police Stations. (2) Pondicherry South Sub-Division – 3 Police Stations. (3) Karaikal Sub-Division – 2 Police Stations and (4) Mahe and Yanam Sub-Divisions – 1 Police Station each.
- (ii). The Traffic Police Stations, CID Police Station, All Women Police Station and PCR Cells can also participate in the selection.
- (iii). The Superintendent of Police concerned may send their nominations of such Police Stations after observing the principles of nominations. The nominations should be made by the concerned Superintendent of Police so as to reach on or before 1st day of June every year.
- (iv). The Police Station which won the cup shall not be nominated for a period of next 3 years.

(5). Selection Procedure:-

- (i). The Best Police Station for award of trophy shall be selected by a Committee consisting of the Senior Superintendent of Police (C&I) as Chairman and the Superintendent of Police (Intelligence) and the Superintendent of Police (Headquarters) as members.
- (ii). The Committee shall conduct inspection of all nominated Police Stations before 30th day of June and shall submit their recommendations to the Inspector General of Police on or before 10th July.
- (iii). While forwarding the recommendations, the Committee shall furnish the details of justification for selection of a Police Station and shall also furnish a certificate to the effect that the rules and procedures have been correctly followed.
- (iv). The Inspector General of Police shall select the Best Police Station based on the recommendations of the Committee and shall send it to the Home Department, Pondicherry for further action by 15th of July.

(6). Mode of Selection

The mode of selection shall be purely on the performance of the Police Station in the following fields:-

- (a). Rate of Crime and detection ;
- (b). Maintenance of Law and Order;
- (c). Preventive action;
- (d). Maintenance of Station Records
- (e). Turnout of Police Officers and Men and knowledge in Police procedures of the staff;
- (f). Neatness and tidiness of the Station premises;
- (g). Preservation of Human Rights / Complaint against Police personnel;
- (h). Police Public relation and Community Liaison Group meetings;
- (i). Welfare of Police personnel and recreation facilities provided by the Station House Officer.
- (j). Status on computerization of Station records; and
- (k). Any other exemplary performances related to Police.

(7). Presentation of the Trophy

The trophy shall be presented to the selected Best Police Station by the Hon'ble Chief Minister during the Independence Day celebration every year.

(8). Maintenance of Record

The names of the Police Stations which are awarded the Trophy shall be published in the Gazette of Pondicherry and a register of such names shall be kept in the Home Department, Pondicherry.

Note:-

- (i). The Superintendents of Police while nominating the Police Station for this competition should note that the Police Station in which the complaints of custodial violence / death are reported shall not be chosen for the period under review and selection.
- (ii). Now that the rural sub-division has been formed, Superintendents of Police South and North will nominate two Police Stations each.

* * *

CHAPTER - XX

CONDUCT, DISCIPLINE AND DEPARTMENTAL PROCEEDINGS

“Since the observance of moral principles yields spiritual excellence, it ought to be guarded as more important than preservation of one’s life” (Thirukural)

888. Members of the Indian Police Service are governed by the All India Services (Conduct) Rules 1968. Members of Puducherry Police Service are bound by the Central Civil Services (Conduct) Rules, 1964. The Ministerial staff including the Senior Accounts Officer, Junior Accounts Officer and the Officer on Special Duty will also be governed by the CCS (Conduct) Rules, 1964.

889. Non-gazetted Police officers or subordinate officers of Puducherry Police of various ranks from Police Constables to Inspectors of Police and the officers of the Police Department carrying status of these subordinate officers of various units of Puducherry including the Finger Print Bureau, Wireless (Technical), Police Photographer are governed by:-

- (a). the Central Civil Services (Conduct) Rules, 1964, and
- (b). the Puducherry Police Subordinate Services (Discipline and Appeal) Rules 1968.
- (c). the Police Act, 1861, and
- (d). the Police Forces (Restrictions of Rights) Act, 1966.

Note:-

Generally, all Police officers are accountable under the provisions of the Police Act, 1861, the Police Forces (Restriction of Rights) Act, 1966 and other laws wherever specified with regard to Police.

890. The disciplinary proceedings of the gazetted officers of Puducherry Police Service and all categories of ministerial staff including the Group ‘D’ employees will be conducted under the provision of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

891. The departmental proceedings of the subordinate officers (both upper and lower subordinates of Police department) shall be conducted under the provisions of the Puducherry Police Subordinate Services (Discipline and Appeal) Rules, 1968.

892. The principles and code of conduct of the Police of this territory are stipulated under chapter IV of this manual.

893. **CONDUCT RULES**

- (a). Every Police officer shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of a Police officer,
- (b). No Police officer shall, in the performance of his duties or in exercise of the powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall obtain such direction in writing, wherever practicable, and where it is not practicable, shall obtain written confirmation as soon, thereafter, as possible.
- (c). No Police officer shall evade or shirk the responsibility devolving legitimately on him and seek instruction from, or approval of a superior authority when such instruction or approval is not necessary in the scheme of distribution of powers and responsibilities.

894. **TAKING PART IN POLITICS AND ELECTIONS**

- (1). No Police officer shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2). A Police officer shall be deemed to have permitted a member of his family or a person dependent on him, to take part in, or to assist a movement or activity, if he has not taken every possible precaution and done everything in his power to prevent such a person so acting or if, when he knows or has reason to suspect that such person in so acting, he does at once inform the State Government or the officer to whom he is subordinate.
- (3). No Police officer shall canvas 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

- (i). a Police officer 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;
 - (ii). a Police officer shall not be deemed to have contravened this provisions 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.
- (4). Seditious propagandism or the expression of disloyal sentiments by a Police officer will be regarded as a serious breach of Police conduct.

895. **CONNECTION WITH THE RADIO, PRINT AND ELECTRONIC MEDIA**

- (1). No Police officer shall except with the previous sanction of the Government of Puducherry, 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). Police officers should not habitually engage themselves in the activities of broad casting on radio, telecasting on a TV or contributing articles to the press, even in purely literary, artistic or scientific character. However, a Police officer who is invited or who wishes to deliver a talk should intimate the Inspector General of Police through proper channel, the subject on which he proposes to talk and if it is on the subject directly or indirectly connected with his official duties or if so required, shall submit the full text of the talk for his approval before it is delivered.

PUBLICATION OF BOOKS

896. Even though a Police officer is not required to obtain the sanction of the competent authority for publishing a book on a purely literary, artistic or scientific subject, he has to obtain the sanction of the prescribed authority for accepting any remuneration for the work from a source other than the consolidated fund.

897. There is no objection to giving farewell entertainment on the occasion of a Police officer's retirement or transfer provided it is of a substantially private and informal character. But no Police officer shall accept gifts of more than trifling value as specified in the Central Civil Services Conduct Rules at the time of transfer or retirement.

898. A Police officer shall not accept any gifts from any foreign firm which is either contracting with the Government of India or is one with which the Police officer had, has or is likely to have official dealings.

899. In any other case, a Police officer shall not accept any gift without the sanction of the government, if the value exceeds:-

- (i). rupees one thousand in the case of gazetted Police officers holding group (A) or group (B) posts, and
- (ii). rupees two hundred and fifty in the case of upper and lower subordinates group (C) including group (D) employees.

900. PRIVATE TRADE OR EMPLOYMENT

- (1). Police officers may take part in the promotion by cooperative societies, but no Police officer shall, except with the sanction of the competent authority, hold office in any cooperative society or serve on any committee appointed for the management of its affairs, unless the society is composed wholly of Police officers or partly of Police officers and partly of other government servants in the Police Department. The superior Police officer should get the previous sanction of the Inspector General of Police, while

the subordinate officers should get the written sanction of the Assistant Inspector General of Police.

- (2). A Police officer who is a member of a co-operative society composed wholly of Police officers or partly of Police officers and partly of other Government servants, in the Police department may accept remuneration for keeping the accounts of the society, with the sanction of the Inspector General of Police.
- (3). Subject to the sanction of the Government or the Inspector General of Police officers may hold office in co-operative house building societies or serve on any committee appointed for the management of the affairs of such societies.

Explanation

- (4). Co-operative house building societies shall include all types of co-operative societies whose object is the construction of houses for their members or the grant of loans for such construction to their members within the meaning of the cooperative Societies Act.

LENDING AND BORROWING

901. Police officer shall speculate in any stock, share or other investment. The provisions of the Rule under the CCS (Conduct) Rules relating to investments, lending and borrowing shall be followed.

902. A Police officer who belongs to a joint Hindu family carrying on the business of money lending as an ancestral profession may be exempted by the Inspector General from the prohibition, provided he takes no active share in the business and is not employed in a district in which the transactions of the firm are carried on.

INSOLVENCY AND HABITUAL INDEBTEDNESS

903. If a Police officer is adjudged or declared insolvent or has incurred debt aggregating to a sum which in ordinary circumstances, he could not repay within a period of two years or if a part of his salary is frequently attached for debt or has been continuously so attached for a period of two years or is attached for a sum which, in ordinary circumstances, he could not repay within a period of two years, he may, unless he proves that the insolvency or indebtedness in the result of circumstances which, the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, be presumed to have contravened the provision of CCS (Conduct) Rules.

904. A Police officer who has been removed from the service on account of insolvency will not be eligible for re-employment in any branch of the public service.

905. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY

- (1). The restrictions imposed on the acquisition of immovable property by purchasing or taking it as a gift, apply equally to the acquisition of land under the CCS (Conduct) Rules.
- (2). The circumstances, the prices offered or demanded and in the case of disposal by sale or otherwise the method of disposal should be furnished while seeking sanction contemplated in the said rules.

906. Every Police officer shall on his first appointment to any service or post submit a return of his assets and liabilities, in form No. I under Rule 18(1) of the Central Civil Services (Conduct) Rules, 1964, giving the 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 own 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 deposits inherited by him or similarly owned acquired, or held by him;
- (c). other movable property inherited by him or similarly owned, acquired or held by him; and
- (d). debts and other liabilities incurred by him directly or indirectly.

906.(A) **Note**

- (i). In all returns, the values of items of movable property worth less than (Rs. 10,000) may be added and shown as lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.
- (ii). Every Police officer holding any post included in Group 'A' and Group 'B' shall submit an annual return in form No. I under Rule 18(1) of the Central Civil Services (Conduct) Rules, 1964, 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 mortgage either in his own name or in the name of any member of his family or in the name of any other person.
- (iii). No Police officer 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 him/her if any such transaction is with a person having official dealings with him/her.

- (iv). Where a Police officer 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 Rs. 15,000 in the case of holding any Class I or Class II post or Rs. 10,000 in the case of holding any Class III or Class IV post.

Provided that the previous sanction of the prescribed authority shall be obtained by him/her if any such transaction is with a person having official dealings with him.

- (v). The Government or the prescribed authority may, at any time, by general or special order, require a Police officer 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 Government or by the prescribed authority, include the details of the means by which, or the source from which, property was acquired.

907.(B) **Note:-**

(i). The expression “movable property” includes

- (a). jewellery, insurance policies, the annual premia of which exceeds (Rs.10,000) or one-sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;
- (b). all loans, whether secured or not, advanced or taken by the Government Servant;
- (c). motor cars, motor cycles, horse or any other means of conveyance; and
- (d). refrigerators, radios (radiograms and television sets and computers)

(ii). “prescribed authority” means

- (a). (i). the Government, in the case of Police officer holding any Group “A” post, except where any lower authority is specifically specified the Government for any purpose;
- (ii). Head of Department, in the case of a Police officer holding any Group “B” post;
- (iii). Heads of Office, in the case of a Police officer holding any Groups “C” or “D” posts;
- (b). in respect of a Police officer working in other departments on deputation, the Police department on the cadre of which such Police officer is borne and the Police officer working in the vigilance and anti-corruption Police unit, the prescribed authority will be the Chief Vigilance Officer.

908. LENDING AND BORROWING

No Police officer shall, save in the ordinary course of business 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, 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 local 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 lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid ;

Provided that a Police officer 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 that nothing in this regard shall apply in respect of any transaction entered into a Police officer with the previous sanction of the Government.

ASSOCIATION OF POLICE OFFICERS IN TRADE UNION MOVEMENT

909. Every Police officer shall bear in mind the provisions of the Police Forces (Restriction of Rights) Act, 1966, according to which, no Police officer shall, without the express sanction, be a member of or be associated in any way with, any trade union, labour union, political association, or with any class of trade unions, labour unions or political associations or be a member of, or be associated in any way with, any other society, institution, association, or organisation that is not recognized as part of the force of which he is a member or is not of a purely social, recreational or religious nature, participate in or address any meeting or take part in any demonstration organized by any body of persons for any political purpose or for such other purposes.

910. No Police officer should pay or contribute towards the expenses of any trade union which has constituted a fund under section 16 of the Indian Trade Unions Act, 1926.

POLICE OFFICERS NOT TO PARTICIPATE IN STRIKE

911. No Police officer should engage in any strike or similar activities which include commission or omission involving a deliberate intention to compel his superior officers or the Government to do something and shall include any demonstrative fast usually called 'Hunger strike' for similar purposes.

RELIGIOUS ACTIVITIES

912. Though the Police officers are entitled in their private lives, freely to profess or practise any religion, they should so conduct themselves in public as to leave no room for an impression to arise that they are likely in their official dealings to favour persons belonging to any religion.

USE OF VEHICLES

913. The habitual use by Police officers of transport belonging to members of the public is prohibited.

DIRECTIONS FOR PAYMENT OF EXPENSES

914. Whenever the Inspector General, Deputy Inspector General or the Senior Superintendent of Police receives complaints about non payment of dues by any officer subordinate to them, they should look into them and try to find out if the officer concerned really owes any money to the applicant. If, on enquiry it is found that a Police officer does owe money to the applicant, he should be instructed to pay it off within the specified time either in lump sum or in suitable installments as circumstances may permit. If the Police official concerned refuses to pay the dues or prolongs payment, he will be liable for departmental action. If on enquiry, it is found that the Police official does not owe any money, the applicant should be informed accordingly and if he is not satisfied with the reply, he should be asked to seek remedy through the Civil Court.

USE OF SUBORDINATE POLICE OFFICER ON PRIVATE BUSINESS

915. The employment of a subordinate Police officer in making purchases or in any private matter in which receipt or expenditure of money is concerned, is strictly prohibited. It is however, not intended that this prohibition should preclude any officer from employing his subordinates to provide for him a conveyance or necessary supplies while he is traveling on duty on payment, though in all such transactions constant vigilance is needed to prevent cheating and extortion.

PROHIBITION OF RECEIPT OF REWARDS FROM PUBLIC

916. Police officers are strictly forbidden from receiving any kind of “gifts, rewards or gratification” from members of the public, though the offer of such gratification may be trivial or of a customary nature on occasions like ‘Ayudha Pooja’ ‘Diwali’ and ‘Pongal’.

BEHAVIOUR TOWARDS MEMBERS OF PARLIAMENT AND LEGISLATURES

917. All police officers should give due courtesy and regard to the members of Parliament and State Legislatures who are representatives of the people. It should be borne in mind that these representatives chosen by the people have important functions to perform under the Constitution and it is the duty of every Police officer to listen to them and redress the grievances put forth by them according to law to the best of their ability. When the elected representatives come to the offices of Police officers, they should be given seats. When officers are unable to accede to the requests or suggestions, the reasons for the officer’s inability to do so should be courteously explained to them.

918. The superior Police officers will be free to meet the Members of Parliament and Members of Legislative Assembly and understand the problems of their constituencies or of any assembly segment.

REPRESENTATIONS FROM MEMBERS OF THE LEGISLATURE

919. Whenever members of the Legislature approach Superintendent or other Police officers, a patient hearing should be given to them, as they have a certain responsibility towards the public. As far as possible local members should be taken into confidence.

920. BEHAVIOUR OF POLICE OFFICERS TOWARDS THE PUBLIC

- (a). Every member of the Police force should regard himself as a servant and guardian of the general public and treat all law-abiding citizens, irrespective of their social position, with unfailing patience, courtesy and tact. While addressing members of the public, all officers and men must use the honorific plural to the person addressed. The aim should be to make the Police force trusted and respected by the people.
- (b). The heads of offices should ensure that their subordinates treat the members of the public approaching them on official business with consideration and courtesy, so as to encourage them to represent their grievances to them. They should also take steps to ensure that members of the public, when they come to see them on business are not kept waiting unnecessarily and their complaints and applications are promptly looked into and disposed of.

921. A Police officer should always remember to keep his temper. He is likely to be much more effective, if he is tactful, conciliatory or firm as the occasion demands. He will be more respected and more efficient if he does so.

922. By the employment of tact and conciliatory but firm methods, the public ordinarily can be induced to comply with directions and thus the necessity of employing force may be obviated. But where strong action is really needed, a Police officer should not feel shy of taking it for fear of allegations or complaints being made against him by the public, nor should he allow himself to be deflected from the right course of action by an interference from any source. He can count upon the support of his superiors so long as he discharges his duties loyally, faithfully and honestly.

TENDING EVIDENCE

923. While giving evidence and on every other occasion, a Police officer should speak the truth, the whole truth and nothing but the truth. He must not be swayed by any desire to assert his own importance or to secure a conviction or an acquittal by any other temptations. When repeating a conversation or statement, he should not exaggerate, misrepresent or suppress any part of it.

924. Every Police officer should adopt every legitimate means in his power to assist in raising the prestige of the service in the estimation of the public and in securing its goodwill and respect by right behaviour on or off duty. He should always be available to those who seek his aid.

GUIDANCE BY SUPERIOR OFFICERS

925. Superior officers should encourage the subordinate officers to be upright, honest and faithful. They should put down with a firm hand arrogant, overbearing, rough or unmannerly conduct on the part of the subordinate Police officers whenever it comes to their notice. It should be realized that no matter how successful one may be in the detection of crime or proficient in any field of Police work, he is liable to be punished if he shows himself incapable of treating the public properly.

BEHAVIOUR OF STATION HOUSE OFFICERS

926. Continuous efforts should be made to improve the existing relations between the force and the public by Station House Officers. They should treat complaints with consideration and not regard them as persons creating work or soliciting a favour. They should not keep them waiting unnecessarily to have their complaints registered and attended to. Similarly, the complainants should not be harassed by asking them to provide supplies and transport. It should be remembered by the Police officers that the complainant has already suffered a loss of some kind and unless he is treated with sympathy, understanding and consideration, the reputation of the Police would be in serious jeopardy. All complaints shall be attached with patient hearing and all cognizable offences shall be registered without any reservation.

BEHAVIOUR WITH WITNESSES

927. Witnesses should be treated with consideration and with full respect due to their standing in society. They should not be made wait for long duration under the grounds that the investigation officer has been busy with the works.

TREATMENT OF SUSPECTS

928. In dealing with suspects, officers should be as forbearing and reasonable as possible. Torture or use of force in any form should be strictly avoided. Officers shall not create an opportunity to be alleged that they violated Human Rights.

TREATMENT OF UNDER TRIAL PRISONERS

929. Under trial prisoners should be treated with consideration. Whatever the investigating officer may think of the charge and evidence against them, it should be borne in mind that the law does not consider them guilty until they are convicted. They are entitled to such reasonable consideration as is compatible with their safe custody and production before the Court.

930. Regarding the use of hand-cuffs for the under-trial prisoners the following points should be borne in mind:-

- (a). Hand cuffs or other fetters shall not be forced on a prisoner convicted or under trial – while lodged in a Jail anywhere in the country or while transporting or in transit from one Jail to another or from Jail to Court and back. The Police and the Jail authorities, on their own, shall have no authority to direct the handcuffing of any inmate of a Jail in the country or during transport from one Jail to another or from Jail to Court and back.
- (b). Where the Police or the Jail authorities have well-grounded basis for drawing a strong inference that a particular prisoner is likely to jump Jail or break out of the custody then the said prisoner be produced before the Magistrate concerned and a prayer for permission to handcuff the prisoner be made before the said Magistrate. Save in rare cases of concrete proof regarding proneness of the prisoner to violence, his tendency to escape, he being so dangerous / desperate and the finding that no other practical way of forbidding escape is available, the Magistrate may grant permission to handcuff the prisoner.
- (c). In all the cases where a person arrested by Police, is produced before the Magistrate and remand-judicial or non-judicial is given by the Magistrate the person concerned shall not be handcuffed unless special orders in that respect are obtained from the Magistrate at the time of the grant of the remand.
- (d). When the Police arrests a person in execution of a warrant of arrest obtained from a Magistrate, the person so arrested shall not be handcuffed unless the Police has also obtained orders from the Magistrate for the handcuffing of the person to be so arrested.
- (e). Where a person is arrested by the Police without warrant the Police officer concerned may if he is satisfied, on the basis of the guidelines given in para above, that it is necessary to handcuff such a person, he may do so till the time he is taken to the Police Station and thereafter his production before the Magistrate. Further use of fetters thereafter can only be under the orders of the Magistrate as already indicated.
- (f). In the event of an attempt, of an under trial prisoner inside the court hall to use criminal force aimed at dishonouring the Magistrate, the escort PC/PCs who is / are producing him in the Court shall physically prevent him from doing so.

GUIDELINES FOR HANDCUFFING OF PRISONERS

931. The Supreme Court of India in Premshankar Shukla Vs. Delhi Administration pronounced a Judgement regarding handcuffing of prisoners. On the basis of the Judgement, the following guidelines “On handcuffing of prisoners” have been laid down, which shall be strictly followed.

- (i). Whenever it is found that a prisoner is desperate and dangerous and the Police officer who arrested such person feels that in the particular case, handcuffing is essential a detailed report shall be recorded in the general diary by him specifying the reasons as to why handcuffing is essential in that particular case.
- (ii). The reasons should include previous criminal history, involvement in heinous / violent crime, desperate nature or association (like a member of a notorious gang) any previous attempted escape, etc.
- (iii). Such persons should be handcuffed while being taken to be produced in the Court or to make seizure of MOs/CPs
- (iv). The escort from the Police Station or from PAP shall get a copy of the General Diary entry and take it along with the remand papers to the Court and produce the General Diary entry and get the approval of the presiding officers of the Court for continuing the use of handcuffs as and when the accused is produced in the Court subsequently.
- (v). When the presiding officer of the Court approves the handcuffing, the fact that the particular prisoner shall continue to come in handcuffs shall be got mentioned in the warrant.
- (vi). Thereafter, it will be the responsibility of the Jail authorities to clearly indicate to the escort parties, taking the prisoner to court and back that he is to be handcuffed or not and the in-charge of the escort party will take action accordingly.
- (vii). In case, the handcuffing is not approved by the Court in any particular case, the escort party shall give a special report to the concerned SHO who will write this fact in the General Diary.
- (viii). In other cases, handcuffs will not be used.
- (ix). There will, however, be no bar to a prisoner being handcuffed if a situation arises while the prisoner is being escorted, giving rise to a reasonable apprehension of his escaping or being rescued or indulging in violence unless he is handcuffed.
- (x). In such a case, a proper report will be got recorded explaining the specific circumstances in the lock-up / Jail Guard sentry relief book, as the case may be, produced in the Court when the prisoner is presented there.

932. GUIDELINES FOR ESCORT OF TERRORISTS AND HIGH SECURITY PRISONERS OUTSIDE JAILS

- (i). High risk escape prone prisoners with such antecedents and those dangerous for the society or for State Security should be handcuffed in transit. Where prior permission of courts cannot be obtained, an ex post facto sanction for the same

should be obtained. Some apparently well behaved prisoners by their external behaviour / actions conceal their actual designs to commit an offence or to use criminal force for any unlawful purpose. They need to be kept under proper vigil.

- (ii). The strength of an escort party should be so adequate for long journeys that the escort men can have rest by rotation. For dangerous prisoners the escort should consist of a supervisory officer of the level of Sub-Inspector or Inspector, as the case may be.
- (iii). Handcuffs, chains, etc. should be checked regularly.
- (iv). For long journeys, torch lights and very light pistols should be carried.
- (v). Prison van should be used for escorting dangerous prisoners. There shall be at least two vehicles for long journeys. Wireless sets should be provided. Additional guards should be provided in a separate vehicle in cases, the journey is very long.
- (vi). Journeys should continue during day time, as far as possible in good conditions of visibility.
- (vii). On admission into a Jail, the escort officer should inform the Prison officer about the antecedents, dangerous conditions, allegiance towards terrorism / extremism of the prisoners.
- (viii). Similarly while taking over a prisoner from the prison, the escort officer shall collect the information about the prisoner on the following points.
 - (a). the prisoner's escape and his past attempts,
 - (b). his conduct in the Jail whether it is so undesirable and dangerous,
 - (c). details of the other members of his gang, and
 - (d). about his indecent behaviour or suicidal tendencies, etc.
- (ix). The composition of the escort party for such prisoners depends upon the number and the type of prisoners.
- (x). While escorting high security risk prisoners, automatic weapons should be carried. The guard in the immediate proximity of the prisoner should preferably be 'unarmed' to avoid snatching of weapon.
- (xi). Before departure from and on return to the prison, a THOROUGH SEARCH of the prisoners should be done to ensure possession of unauthorized articles including any food item.
- (xii). In case the escort is to be performed through trains, the same should be done in a separate reserved compartment.

- (xiii). For long journeys the escort party should be provided with suitable advance for diet and for meeting other contingencies and for ensuring that the escort team does not seek hospitality from others.
- (xiv). In the court the escort should ensure PROPER VIGIL over the high risk prisoner so that he does not have a chance to mix with anyone or to plan to escape or to make in attempt to use criminal force against the presiding officer of the Court.
- (xv). The escort should ensure that no unauthorized person meets a prisoner nor does he accept any article like food, drink, books, etc.
- (xvi). Persons who are permitted by the Courts to meet prisoners should be thoroughly checked both by hands and by hand-held metal detectors. It should be borne in mind that they should not take with them any communication equipments including cell phones, cigarettes and match boxes.
- (xvii). In case it becomes necessary to hospitalize a high security prisoner, separate accommodation should be earmarked for such a person and the guard should ensure extreme vigil.
- (xviii). The escort party should be briefed every time to avoid having a halt, albeit, brief in congested areas.
- (xix). During long journeys halts en-route should preferably be at Police-lock-ups or prisons. In other places the prisoner should be kept in close proximity and in the direct vicinity of the escort personnel, at all times, even when the prisoners go to the toilet. Securing by means of long chain can be done, if necessary.

SURVEILLANCE OF EX-CONVICTS

933. An ex-convict must be watched carefully to see whether he is really a bad character, but this can be done sympathetically and without harassment. If he improves, the watch can be gradually reduced. If he does not, the Police are still in a position to know his movements and associates. It should be remembered that an ex-convict reformed means so many crimes not committed and hence considerate treatment which gives him a chance of reforming is a sound preventive measure.

VISITORS TO RESIDENCES

934. Police officers should discourage visits of private persons, who have any dealing directly or indirectly with their work, to their residences and should not deal with official monetary transactions with them in their residences.

WARNING BOARDS AT STATIONS

935. In every Police office and Police station a board should be hung up in a conspicuous place with the following notice in Tamil language pasted on it:-

“All Police officers are required to treat the members of the public approaching them on official business with consideration and courtesy. Members of the public are requested to co-operate with the Government in stamping out corruption. Do not tip or bribe any member of this office/Police Station. If any tip or bribe is asked for, please report to the under signed”.

(signed) Superintendent of Police

Telephones Office -----

Residence -----

Cell phone -----

COURTEOUS BEHAVIOUR

936. Every Police officer must constantly remember that he is a servant of the public and is, therefore, under an obligation to behave with proper courtesy towards them. Any Police man whether in a Police station or on outpost or on patrol duty or for that matter anywhere, is bound to help the public to the best of his ability. Police man should not impose more restrictions on the people than are warranted so far as their harmless actions, movements, conduct and speech are concerned. It is his duty to refrain from rude behaviour and the causing of annoyance while conducting searches, to act with strict regard for decency and with gentleness in dealing with women and children, and to treat every member of the public with politeness. When on duty, he must give his name and number, when asked by any member of the public.

POLICE OFFICER’S BEHAVIOUR WHILE ON DUTY

937. It is improper for Police officers, while on duty in uniform to smoke, chew pan or talk leisurely with friends in public. Such exhibition creates an unfavourable impression in the minds of the public who cannot distinguish whether such men are on or off duty at that time. While on duty in plain clothes, the Police officers should carry with them identification cards for being shown when required.

NEGLECT OF FAMILY AND CHILDREN

938. Police officers should maintain a decent standard of conduct even in their private lives and should not neglect to take proper care of their wives and children. Disregard by them of obligations towards their wives and children tend to injure their reputation and thereby undermine the trust and confidence which the public repose in them.

BEHAVIOUR TOWARDS OFFICERS OF OTHER DEPARTMENTS

939. The Police officers should treat the officers of the other departments and organizations such as Judiciary, Home Guards and the Armed Forces with respect and courtesy due to their status and the rank they hold. Whenever the Army or the Para military forces are called in aid of the civil power to deal with civil disturbances, senior Police officers should ensure that the Army and Armed Police personnel of all ranks are given due respect by the members of the Police Force.

BEHAVIOUR OF POLICE OFFICERS TOWARDS SUBORDINATES AND SUPERIORS

940. Senior Police officers must strictly avoid the use of unduly harsh language while addressing or talking to their juniors and subordinates. They should show their subordinates the same consideration as they themselves would expect from their superiors. It is essential that members of the subordinate staff, in turn, should behave respectfully towards their superiors and do their duty satisfactorily.

CONSUMPTION OF ALCOHOL, DRUGS

941. A Police officer shall not consume any intoxicating drink or drug in a public place, or in a manner that would affect the performance of duty.

BEHAVIOUR OF POLICE PARTIES DURING JOURNEYS

942. When Police parties are sent from one region to another on duty, officers in charge of the parties must keep their men under proper control throughout the journey. When traveling by rail they should get suitable seating arrangements made by the railway authorities and should not cause inconvenience to other passengers. Whenever possible, Superintendents or other Police officers concerned should give timely intimation of the despatch of large parties by train to the railway authorities not only of the starting stations but of all junctions on the route where the parties may have to change the trains.

CONTACT WITH RETIRED POLICE OFFICERS

943. List of retired Police officers living in the jurisdiction of Police stations should be kept in each Police Station and periodically contacted by the Station House Officer of the Station. During the tour, the Inspecting officers, should as far as practicable, meet as many retired Police officers as possible.

944. The district Police officers should be in touch with the retired Police officers and attend to their welfare to the extent possible. The retired Police officers should, as far as possible, be invited to attend functions such as district sports, ceremonial parades on special occasions and farewell parties. They should be actively associated with the celebration of the Police Rising Day on 1st October every year.

GRANT OF CERTIFICATES TO INDIVIDUALS BY POLICE OFFICERS

945. Police officers should not issue character certificate to members of the public as there is a grave danger inherent in this practice since a certificate of good character issued by a Police officer creates an impression that the Police authorities have nothing against the individual. Police officers are also forbidden from giving certificates of character or conduct to their subordinates other than discharge certificates.

ATTESTATION

946. Gazetted Police officers may attest copies of documents like testimonials, marriage, birth or death certificates required for recruitment or education or other purposes on request from the members of the public. This work, though not a legal formality, is only a civic duty related to their status.

INSTRUCTIONS WHILE SUBMITTING REPRESENTATIONS

947. The following instructions shall be followed in regard to the submission of representations by Police officers, in respect of any matters pertaining to their service, other than disciplinary matters;

- (i). All representations should be concise, set out the grounds relied upon by the Police officer and clearly specify the relief sought.
- (ii). Any Police officer who has a grievance from which he seeks relief must send his representation in his own name. Joint representations by more than one Police officer will not be considered.
- (iii). The representation should invariably be accompanied by a copy of the order appealed against, if any.
- (iv). The representation to the Inspector General or to the Government should be sent through the proper channel.
- (v). The representation should be submitted within three months of the order appealed against. A representation submitted beyond that period will only be entertained at the discretion of the Government on being satisfied that there were adequate reasons for not submitting the representation within time.
- (vi). Where Government has already passed an order on a representation, a fresh representation on the same subject will not be entertained unless the representation on the face of it discloses new grounds not placed before the Government when the previous order was passed and adequate reasons are adduced for not placing those grounds before Government at the time. Any such representation received will be merely recorded and no action will be taken thereon.

- (vii). An officer who receives a representation from a subordinate officer will transmit the papers to proper authorities, with his comments and with the relevant records, if any, in his possession, with the least possible delay.
- (viii). The representation should, however be withheld when;
 - (a). It is time-barred and sufficient reasons are not assigned for delay in submitting the representation.
 - (b). a copy of the order appealed against is not annexed to the representation.

Note:-

The fact that a representation has been withheld and the reasons thereof, shall be communicated to the Police officer concerned.

- (ix). The representation received from a Police officer should be forwarded by his immediate superior officer through the official channel. The practice sometimes adopted of handing back the representation to the aggrieved officer himself with the remarks of the higher officer, for being taken personally to the higher authority is not correct. All noting on representation by officers at all levels and in the Secretariat is confidential and should not be communicated to unauthorized persons.
- (x). The Police officer who after having made a representation, does not receive an order thereon within a period of two months, shall be entitled to send copies of his representation directly with a copy of such communication to the authority through whom the representation was originally addressed. Where the advance copy received does not show that the proper authorities at lower levels have been approached for securing necessary relief, no action need be taken on the representation. Where, however, the advance copy indicates that relief from the appropriate authorities at lower levels has been sought and in vain, the authority who receives the representation should take prompt action to get the relevant records and pass suitable orders in the case.

948. INTERVIEWS WITH THE INSPECTOR GENERAL OF POLICE AND DEPUTY INSPECTION GENERAL OF POLICE

- (a). A Police officer whether on duty, leave or under suspension, must obtain the written permission of the Superintendent in the unit, before seeking an interview with the Inspector General of Police/Deputy Inspector General of Police, on any official matter in which he is personally concerned.
- (b). Interviews with the object of obtaining cancellation of transfer orders should not be permitted, as transfers are ordered only after careful consideration and will not be cancelled or modified, except for reasons of an exceptional nature, which may be represented by means of an application submitted through the proper channel.

- (c). When a Superintendent in the sub division / unit and the Senior Superintendent of Police grant permission to an officer for an interview with the Inspector General or Deputy Inspector General, he/they should send to them, an aid memoir giving full facts of the case. The Police officer seeking interview should not go for interview until orders have been received by him granting such an interview. The aid memoir and other records relating to the subject matter of interview should be made available to IGP and DIGP at the time of interview.

949. APPLICATIONS BY POLICE OFFICERS FOR POSTS

- (a). A Police officer who applies for appointment to service under the administrative control of the Government or to any post therein will not be eligible for appointment if he has applied without the consent of the Head of the Department.
- (b). An application for a post outside the department whether within the State or under another State or Central Government should be submitted through the authority competent to appoint him. If the application is for a post outside the State Government, a letter of resignation should also accompany. The competent authority will decide whether the application should be forwarded or not.

950. APPLICATIONS BY POLICE OFFICERS FOR PRIVATE EMPLOYMENT

- (i). No Police officer shall apply for private employment or signify his willingness to accept such employment unless expressly permitted to do so in writing, the authority to grant permission, in the case of superior officers being the Government and in the case of subordinate officers, the Inspector General.
- (ii). Permission to apply for or accept private employment shall normally be granted to a person who is on leave preparatory to retirement, unless the employment is in a commercial concern. Permission to apply for or accept private employment in a commercial concern will be granted only in very exceptional cases will be subject to such conditions as may be laid down.
- (iii). Where a Police officer who is not on leave preparatory to retirement is permitted to apply for an employment, he should resign his appointment under Government before applying for such employment. His premature resignation may, however be accepted without detriment to the public service.

951. ISSUE TO COURT OF LAW

- (a). Police officers seeking redress of their grievance arising out of their employment or conditions of service should in their own interest and also consistent with official propriety and discipline, first exhaust the normal official channels or seek redress through a Court of law.

- (b). Whenever a Police officer asks for permission to sue the Government in a Court of law for the redressal of his grievances after exhausting them, he may be informed that such permission is not necessary and that, if he decides to have recourse to a Court of law, he may do so on his own responsibility.

DEPARTMENTAL ENQUIRES, PUNISHMENTS AND APPEALS

General:-

952. The Departmental Enquiries to the Police officers when the breach of discipline or misconduct / criminal misconduct is reported, will be conducted under the provisions of the following rules depending on the rank of Police officers:-

- (a). to the IPS officers by the All India Services (Discipline & Appeal) Rules, 1969;
- (b). to the PPS officers by the Central Civil Services (Classification, Control and Appeal) Rules, 1965;
- (c). to the subordinate Police officers (from the rank of Police Constables to Inspectors and officers having similar rank in the Police Department working in various units like Wireless, Motor transport, Finger Print Bureau, Computer, Photography, Store, etc.) by the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules 1968; and
- (d). to the ministerial staff and the 'D' group employees not covered under the Police Act and Rules by the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

953. Due to the very nature of the functions in the Police Department, good administration is vitally dependent on a high standard of discipline. The training of the Police personnel at every stage on various subjects including Police duties, discipline, routine and the manual / standing orders provide them a positive awareness of the procedures and processes prescribed and a meaningful approach towards the procedure and standards making them accountable for commission and omission embracing the acts of misuse and abuse of official position, moral turpitude, unprofessional conduct and violation of human rights. These acts are termed either as criminal misconduct or misconduct which shall be dealt with departmentally under the provision of the above said Rules, observing the cardinal principles of the natural justice and of the guiding principles that no one shall be punished unless he / she has been given reasonable opportunity to defend himself/herself against the action proposed to be taken against him/her.

CLASSIFICATION OF PENALTIES

954. Under the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The following penalties may be imposed on the erring Police officers and the other staff working in the Police department namely:

- (i). censure,
- (ii). withholding of his promotion,
- (iii). recovery from his pay of the whole or part of any pecuniary loss caused by him/her to the government by negligence or breach of orders, and
- (iv). withholding of increments of pay.

955. **MAJOR PENALTIES**

- (v). reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the charged official will earn increments of pay during the period of such reduction and whether on the expiry of such reduction will or will not have the effect of postponing the future increment of his pay,
- (vi). reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the servant 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 servant was reduced and his seniority and pay on such restoration to that grade, post or service,
- (vii). compulsory retirement,
- (viii). removal from service which shall not be a disqualification for future employment under the government, and
- (ix). dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

956. **UNDER THE PONDICHERRY POLICE SUBORDINATE SERVICES (DISCIPLINE AND APPEAL) RULES, 1968**

The following penalties may, for good and sufficient reason and as hereinafter enumerated, be imposed upon members of the Police subordinate service namely:-

- (a). Black mark or minor punishment of confinement to quarters for a period not exceeding 15 days with or without punishment drill or of extra drill, guard and fatigue duty,
- (b). Reprimand
- (c). Censure,

- (d). Withholding of increment of promotion or good conduct pay or fine to any amount not exceeding one months pay,
- (e). Reduction to a lower rank in the seniority list or to a lower grade, post or time scale or to a lower stage in the same time scale or removal from any office of destination or special emolument,
- (f). Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders,
- (g). Suspension for a period not exceeding 15 days in the case of Sub-Inspectors and Constables if the penalty of reduction to a lower grade, post to time scale of to a lower stage in the same time scale cannot be imposed,
- (h). Compulsory retirement otherwise than under Article 465 or under Note 1 to Articles 165 of the Civil Service Regulations,
- (i). Removal from service which shall not be a disqualification for future employment under the government and
- (j). Dismissal from service which shall ordinarily be a disqualification from employment under the government.

Note:-

The black mark, reprimand, censure, etc. will be applicable, as detailed below, within the meaning of PPSS (Discipline and Appeal) Rules.

957. The following instructions on the imposition of certain punishments shall be remembered.

(A) ON BLACK MARK:

- (i). Black mark – The Black mark system will be applicable only to Constables and Head Constables of the General Police Force.
- (ii). An offence shall not be punished by the award – both of specific punishment and of a black mark.
- (iii). A black mark should not be awarded for petty offences for which punishment drill, extra guard duty, extra work or fatigue duty might be sufficient.
- (iv). Not more than one black mark shall be awarded for any one offence.
- (v). Uninterrupted good conduct for a period of six months spent on duty, shall cancel one black mark and each successive period of six months of uninterrupted good

conduct shall cancel one black mark. Uninterrupted good conduct for one year shall cancel all black marks.

- (vi). Black mark shall take effect from the date of the offence unless otherwise stated.
- (vii). A black mark should not be awarded on every occasion upon which it may be necessary to warn or reprimand an officer.

(B). ON REPRIMAND

Reprimand is a lesser penalty than censure and shall therefore be given when the offence is such as not to merit a censure

(C). ON CENSURE

A censure should be given only when the offence is such as seriously to affect the character of the officer or his suitability for the department.

(D). ON DEFERRED PUNISHMENTS

A punishment or an award of a black mark, or reprimand or a censure can be held in abeyance when an officer has a previous good record. It may be held in abeyance for a period ranging from 3 to 6 months at the end of which, the order of punishment will be cancelled if the offender's conduct is found to be good while on duty during the period of postponement. If the offender's conduct is found to be unsatisfactory at any time during the period of postponement, the punishment may at once be confirmed. Such a black mark, reprimand or censure subsequently confirmed will take effect from the date of offence to which it relates.

(E). ON SUSPENSION

The suspension in itself is a specific punishment as laid down in the PPSS (Discipline and Appeal) Rules. Generally a member of the Police service could be placed under suspension under the following categories,

- (i). An enquiry into grave charges against him/her is contemplated or is pending .
- (ii). A complaint against him/her of any criminal offence is under investigation or trial and such suspension is necessary in the public interest.
- (iii). When a member of the service is detained in custody whether on a criminal charge or otherwise for a period longer than 48 hours, he should be deemed to have been suspended.
- (iv). An order of suspension made or deemed to have been made under this Rule 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.

- (v). During the period of suspension, the pay and allowances will be regulated in accordance with the rules.
- (vi). Period of suspension to be treated as duty, if only a minor penalty is imposed after conclusion of the disciplinary proceedings (G.O. Ms. No. 4, dated 10-02-1986 of the General Administration Department, Government of Pondicherry):-

958. Government servant could be placed under suspension if a prime-facie case is made out justifying his/her prosecution or disciplinary proceedings which are likely to end in his / her dismissal, removal or compulsory retirement. These instructions thus make it clear that suspension should be resorted to only in those cases where a major penalty is likely to be imposed on conclusion of the proceedings and not a minor penalty. Where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of a minor penalty, the suspension can be said to be wholly unjustified in terms of FR (54-B) and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under FR 54(B).

959. **SUITABILITY OF PUNISHMENT**

- (i). Suitability of punishment should be carefully considered. Punishment should fit the default, be sufficiently deterrent without being harsh, and above all, immediately felt.
- (ii). It is not correct to punish a Police officer, however high or low, merely on suspicion or insufficient evidence. If the charge is not proved and the circumstances of the case demand that benefit of doubt should be given, officers should state their opinion clearly and drop the departmental proceedings.
- (iii). Police officers found guilty or behaving improperly towards members of the public should be dealt with severely in the interest of creating and maintaining good relations between the Police and the public. Similarly, the cases of insubordination shall be handled. However, it shall be seen as to whether there are any extenuating circumstances or other valid answers to the charge as leniency in such cases tends to foster a sense of indiscipline and indifference towards superior officers.
- (iv). Fraud, dishonesty, corruption or continued or willful negligence and all offences involving moral disgrace meet with their appropriate punishment in dismissal.

- (v). **Fine:-** Except for absence without leave, fine shall not be inflicted as a punishment. Fine should ordinarily be imposed on Head Constables and Constables.

DISCIPLINARY AUTHORITIES

960. The Inspector General will be the disciplinary authority for upper subordinates from Assistant Sub-Inspectors of Police to Inspectors of Police, and

961. The Asst. Inspector General of Police or any Senior Superintendent of Police as appointed by the Government of Puducherry will be the disciplinary authority for lower subordinates (i.e) Police Constables and Head Constables.

962. The Administrator of the Union territory of Puducherry, will be the disciplinary authority for gazetted Police officers.

963. When a Disciplinary Authority acts under the discipline and appeal rules with a view to imposing penalty on a Police official, it performs a quasi-judicial function.

CHARGED OFFICIAL

964. All Police personnel including IPS officers, against whom the departmental proceedings are instituted, are entitled to the protection of Article 311 of the Constitution of India, Since the members of the Indian Police Service, being All India Service are governed by the All India Services (Discipline and Appeal) Rules 1969 and since the other officers are the subordinate Police personnel and civil servants of the state.

965. When once the Departmental Inquiry is ordered, the Suspect Public Servant will be called the Charged Official.

ANONYMOUS AND PSEUDONYMOUS COMPLAINTS

966. No action need be taken on anonymous and pseudonymous complaints. However, such complaints may be enquired into, if they contain any verifiable details or information.

INQUIRING AUTHORITY

967. Once the Disciplinary Authority is satisfied that an enquiry is necessary, or he is directed by higher authority to hold an enquiry, the first step will be to appoint an inquiring authority. If the higher authority has directed the officer to hold the inquiry himself, he himself will be the inquiring authority. While appointing the inquiring authority, the competent authority should ensure that the officer selected to conduct the inquiry is a person who has not conducted the preliminary enquiry and who has not at any time, before being so appointed, expressed an opinion about the guilt of the charged Police officer.

968. Appointment of an inquiring authority should ordinarily be made by designation and not by name. If the incumbent in an office is changed due to transfer, etc, his successor shall continue the enquiry from where it was left by his predecessor.

969. Four copies of the order of appointment of an Inquiring Authority to conduct the inquiry should be prepared for distribution as follows: -

- ❖ The original and duplicate copies should be sent to the office of the concerned Superintendent of Police under whom the charged officer is serving for service and return of the duplicate copy with the acknowledgment of the charged officer.
- ❖ The third copy should be sent direct to the Inquiring Authority.
- ❖ The fourth copy will be retained in the D.E. section of the Disciplinary Authority.

Note:-

- (i). The acknowledgment duplicate copy received from the charged officer should be filed in the original departmental enquiry file / records.
- (ii). The officer appointed to conduct the inquiry should conduct it himself and not entrust it to any other officer.

JOIN ENQUIRY / COMMON DEPARTMENTAL PROCEEDINGS

970. Where more than one Police officer of different ranks are involved in a single default and it has been decided to hold a joint inquiry against all such erred Police officers, the disciplinary authority in respect of the charged officials holding the highest rank or post, should appoint the inquiring authority in respect of all accused / charged Police officers to conduct the inquiry under common proceedings. In such cases, sufficient number of copies of the order should be prepared for service on all charged officials.

ORDER SHEET

971. The inquiring authority should maintain a record or notes of proceedings in the form of an order sheet, as appended below in which he should make brief record of the day-to-day proceedings of the inquiry including oral and written requests of the charged officials or on his behalf, if so permitted, the requests of the defence assistant and the orders passed on such requests. The order sheets shall be signed invariably by the Inquiry officer, Charged official, Defence Assistant, deponents and a copy of the order sheet shall be given to the Charged official / Defence Assistant.

ORDER SHEET

Dated:

(brief notes of proceedings of the day)

CHARGED OFFICER

INQUIRING AUTHORITY

DEFENCE ASSISTANT

DEPONENT (PWs/DWs)

PRINCIPLES OF NATURAL JUSTICE

972. There are two cardinal principles of natural justice which are to be fundamentally observed in a departmental enquiry.

- (i). “No one shall be a judge in his own case”. In other words, the authority deciding the matter must not have anything like personal interest in the particular case.
- (ii). “Hear the other side”. The charged Police official must have an adequate or reasonable opportunity to present his defence and prove his innocence.

PRESENTING OFFICER AND DEFENCE ASSISTANCE

973. Under Rule 14 (5) (c) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, “where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may by an order, appoint a government servant or a legal practitioner, to be known as the “PRESENTING OFFICER” to present on its behalf the case in support of the articles of the charge”, and under sub-rule 8 of the said rule, “the suspect government servant may take the assistance of any other government servant to present the case on his behalf, (defence assistant) 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”.

974. Even though, there is no provision to have Presenting Officer and the Defence Assistant under the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968, the Right to have Defence Assistance, if so requested, may be permitted by the Inquiring Authority subject to the condition that defence assistance by a legal practitioner shall not be allowed. It may also be noted that where a presenting officer is not appointed in a departmental enquiry against a subordinate Police officer, the Inquiring Authority must fulfill the functions of the Presenting Officer.

PONDICHERRY POLICE SUBORDINATE SERVICES (DISCIPLINE AND APPEAL) RULES, 1968 -PROCEDURE FOR CONDUCTING ORAL ENQUIRES UNDER THE RULE 3(B) (MEMORANDUM NO. 3514/HOME(I)/69 DATED 24-07-1970 OF THE HOME DEPARTMENT):-

975. The following procedure is prescribed to be followed by offices of the Police Department while conducting departmental enquiries against the members of the Pondicherry Police

Subordinate Service. The procedure so prescribed are in continuation and in amplification of the Pondicherry Police Subordinate Service (Discipline and Appeal) Rules, 1968.

976. While observing the cardinal principles of justice, it should be borne in mind that the formalities given in the statutory rules and orders are followed to allay misgivings.

REPORT

977. When a lapse or misdemeanour is committed by a member of the Subordinate Police Service, the controlling gazetted Police officer viz., Superintendent of Police should get a report of the incident. On the submission of the report, if the Superintendent of Police feels that the default is such as to merit serious action, he could cause A PRELIMINARY ENQUIRY to be made immediately, or he may directly conduct the Preliminary Enquiry; or the preliminary enquiry may cause to be conducted by the orders of SSP/DIGP/IGP, depending upon the complaint where it is lodged.

PRELIMINARY ENQUIRY

978. Before commencing any enquiry against a Police officer with regard to a disciplinary matter, it is necessary that there should be sufficient evidence gathered by way of preliminary enquiry and the authority competent to order the inquiry should be satisfied that there is sufficient PRIMA FACIE evidence to institute disciplinary proceedings against the Police officer concerned. The Preliminary Enquiry may be made by or under the orders of any officer under whose administrative control of the officer alleged to be at fault is working or was working at the time the acts complained of were committed, but the decision to hold the inquiry can only be taken by the disciplinary authority under the Rules. Such preliminary enquiries may be conducted against the Police officers by such officers who are superiors as noted below:-

Against	By
PCs, HCs and officers of the corresponding rank.	SIs and above and officers of corresponding rank
ASIs, SIs and officers of the corresponding rank	Inspectors and above and officers of corresponding rank
Inspectors and officers of corresponding rank and above	SPs / Selection Grade SP / Addl. SSPs and Senior Superintendent of Police.

ORDERS FOR DEPARTMENTAL PROCEEDINGS

979. On completion of the preliminary enquiry the disciplinary authority should, after going through the papers of enquiry, decide:

- (a). Whether a prime-facie case exists for further action,
- (b). If so, whether an inquiry should be held or whether the Police officer should be prosecuted in a Court of Law,

- (c). Whether the Police officer concerned should be suspended pending an inquiry or prosecution, and
- (d). Whether the services of the Police officer concerned could and should be terminated without an enquiry (under Article 311 of the Constitution)

CALLING FOR EXPLANATION

980. Any officer may ask for an explanation from a subordinate officer in respect of any matter pertaining to his duties and it will often be advisable before initiating an inquiry to obtain the explanation as, after obtaining it, the reporting authority may feel that there is no case to initiate an enquiry at all. The taking of such explanation is however, not compulsory and the authority competent to order the enquiry will have to decide, according to the circumstances of each case, whether or not any such explanation should be obtained before issue of a memorandum of article of charge with the summary of misconduct.

981. If the preliminary enquiry does not reveal misconduct of such serious nature as to merit the imposition of major penalties, but is felt that some informal action is called for, a written warning or reprimand or censure may be communicated to the erring officer, as the case may be.

982. In cases, where action is warranted u/s 7 of the Police Act, 1861, the Inspector General or the Deputy Inspector General or the Asst. Inspector General or the Senior Superintendent of Police concerned, on being satisfied over the report of the preliminary enquiry will order for departmental enquiries under the provisions of the Puducherry Police subordinate services (Discipline and Appeal) Rules 1968 or the Central Civil Services (Classification, Control and Appeal) Rules 1965 and nominate the enquiry officers above the rank of the charged officer.

PROCEDURE FOR HOLDING DEPARTMENTAL PROCEEDINGS

983. The holding of Departmental proceedings under section 7 of the Police Act has to be done in a systematic and correct manner so as to eliminate chances of miscarriage of justice. The procedure must envisage a correct pattern which should be convincing and impartial. The following method is therefore prescribed for the holding of a regular departmental proceedings under section 7 of the Police Act.

INSPECTION OF DOCUMENTS BY CHARGED OFFICIAL

984. The Inquiring Authority should give every reasonable facility to the charged officers to inspect any documents or records necessary for the purpose of preparing defence. This process is called Preliminary Hearing which shall be done before the start of the oral enquiry under Rule 3 (b) of PPSS (Discipline and Appeal) Rules, 1968. Such inspection during the preliminary hearing should be arranged in the presence of a responsible Police officer to ensure that the records are not tampered with in any manner. The documentary evidence in the custody of the charged official should be produced by him along with his written statement. If it is produced later, the Inquiring Authority may admit or reject in his discretion. Normally such evidence

should not be rejected unless it has the effect of unnecessarily prolonging the enquiry and the charged official has not offered a reasonable excuse for not having produced the evidence earlier.

985. The charged officer should be permitted to inspect the documents mentioned in the Memorandum of Charge and if required, Xerox copies of the same should be supplied to him and these facts should be indicated in the order sheet. Documents and records not so referred in the memo of charge, but which the charged officer considers relevant should be made available to him, unless there are special and valid reasons for not doing so, such as non-availability, irrelevancy or the confidential character of the records. If any particular record has been withheld, the reasons for doing so should be recorded in writing in the proceedings file and also communicated to the charged officer in the form of a separate order, a copy of which, with the charged officer's acknowledgment should be kept in the proceedings file.

TO BE HEARD IN PERSON

986. If, within the prescribed time, or such further time as the Inquiring Authority may give, no written statement in defence is filed and no request, in writing, is made for an inquiry or being heard in person, the Inquiring Authority may either record his findings forthwith without holding any further enquiry, or, at his discretion, inquire into the matter further to satisfy himself about the truth of the charges. An inquiry must be held if the charged officer asks for it, or has expressed a desire to be heard in person, or having regard to the written statement in defence or the statement made by the charged officer himself when he is heard in person, a further inquiry is necessary to decide the truth of the charges.

987. Should he wish only to be heard in person, the actual proceedings will commence only after the action specified below has been taken by the Inquiring Authority.

- (a). The charged Police officer, in his written explanation, should ordinarily have cited all his defence witnesses and documents for the consideration of the Inquiring Authority. The documents cited, which need not be proved by being produced by a witness, will be collected and examined by the Inquiring Authority, but no witnesses need be examined unless the accused officer asks for an oral inquiry or the Inquiring Authority thinks that it is necessary to do so for a correct appraisal of the charges. In the latter case, it is better that a complete inquiry is held.
- (b). The Inquiring Authority shall examine the charged Police officer orally if he desires to be heard in person. The charged officer should not be compelled to be a witness to the Inquiring Authority in addition to what he has already stated in his written explanation. There is no question of examining witnesses when the charged officer is being heard in person. The Inquiring Authority will record the personal representation of the charged officer and proceed to dispose of the charges.

FIRST HEARING OF THE CHARGED OFFICER DURING ORAL ENQUIRY

988. When the charged officer appears for the enquiry on the date of first hearing, the inquiry officer should put the following questions, which, with their answers should be recorded in wiring in the proceedings file. The questions and answers should be recorded as noted below:

Q. (I.O) Have you received a copy of the article of charge and the summary of misconduct?.

A. (C.O) Yes or No.

Q. (I.O) You have submitted a written statement in reply to the article of charge and the summary of misconduct. Do you agree that it has been taken on record?

A. (C.O) Yes or No; if the charged officer wishes to add something, the same should be recorded.

Q. (I.O) Have you understood the charge?

A. (C.O) The reply should be recorded in the way the charged officer gives.

Q. (I.O) Do you plead guilty?

A. (C.O) Yes or No.

Q. (I.O) Have you any objection to my holding the inquiry against you?

A. (C.O) The reply be recorded.

Q. (I.O) Have you anything else to say before I proceed with the inquiry

A. (C.O) Reply be recorded.

989. The above recorded 'Questions' and 'answers' should be read over to the charged officer and his signature and that of the Inquiring Authority appended to it. The following certificate should be written at the end of each of questions and answers:-

"Recorded by me, read over (and translated) to the deponent and acknowledged by him to be correct".

990. When a charged officer who is on leave fails, without sufficient cause, to obey a written order requiring him to attend the inquiry on a specified date, he will be liable to have his leave cancelled and to be suspended and treated as having absconded with the accusation or accusations hanging over him. It is incumbent on the charged Police officer whether he is under suspension or on leave, to leave his address in the Police Headquarters and the officer conducting the inquiry and also communicate any change of address. Any orders intended for the charged Police officer will be sent to the address furnished by him, and it is therefore, his responsibility

to see that he makes proper arrangements to receive such communication. If he claims that he was unable, on account of ill-health, to attend the inquiry, his claim will be rejected, unless it is supported by a medical certificate issued by his medical attendant and, if the officer conducting the inquiry requires it, by a certificate of the Resident Medical Officer or the nearest Government Medical Officer, before whom he may be directed to appear. In such case, the Medical Officer should be asked to state clearly whether the charged Police officer is not in a condition to attend the inquiry. If the charged officer absents himself without leaving his address, he should be struck off as a deserter. If he has left his address, notice giving the date of hearing should be served on him personally under acknowledgment or sent to him by registered post, acknowledgement due. If he does not receive the communication, or having received it, does not attend the inquiry without giving adequate reasons, the inquiry should be held ex-parte.

RECORDING OF EVIDENCE

991. At the inquiry, evidence should be heard on charges which are not admitted or which, though admitted, the Inquiring Authority desires to investigate. The inquiry, however, should not extend to matters not mentioned in the memo of charge.

992. At the head of each statement, the name, father's name (or husband's name), age, occupation and address of the witness should be entered and in the case of an official witness, his name, rank and number (if any) or designation should be written.

993. The evidence of each witness should be recorded in the form of a narrative in the first person and when the evidence is completed, the charged Police officer should be called upon to cross-examine the witness. If, as a result of cross-examination, any doubts are raised, the Inquiring Authority may re-examine the witness for clarification and if, as a result of such re-examination, any new matter is introduced, the charged Police officer should be afforded an opportunity to further cross-examine the witness with reference to the new matter. If the charged Police officer says that he has no cross examination or refuses to cross-examine, a record should be made thus 'Cross-Examination Nil' or 'Declines to cross-examine'.

994. Thereafter, it should be read over to the witness and, if necessary, explained to him in the language in which it was given. If the witness denies the correctness of any party of the evidence when it is read over to him, the Inquiring Authority may either carry out the correction or instead of correcting the evidence, make an memorandum of the objection and add such remarks as he thinks necessary.

995. In a joint inquiry where there is more than one charged Police officer, each of such accused Police officer should be afforded an opportunity to cross-examine the witnesses examined in support to the charge.

996. In a joint inquiry where there are more than one charged officer, a charged Police officer should be given an opportunity to cross-examine the witnesses of a co-accused officer in the evidence of such a witness supports the charge leveled against the charged Police officer.

997. At the foot of the completed deposition including cross-examination of each witness, the following certificate should be written and signed by the Inquiring Authority, the witness and the charged officer. "Recorded by me, read over (and translated) to the deponent and acknowledged by him to be correct". If there is more than one page of deposition, the pages other than the last should also be initialed by all the parties mentioned, preferably below the last line, if space is available.

998. Documents in support of the charges should be marked in red ink in a conspicuous place and marked as Exhibits P-I, P-II, and so on. They should be kept in a separate file with an index showing the particulars in brief of each exhibit, the witness who produced it and its page number(s) in the file.

Note:-

- (i). If prosecuting exhibits are in loose-sheets, they may be filed in the departmental enquiry file and if the same are voluminous, they shall be kept in a "keep with file".
- (ii). The Inquiring Authority may also put in documents and evidence, if he considers it important, to find out the truth.

Such exhibits will be indicated as:

Exhibit by Inquiring Authority – Ex. C.I, II, III and so on (C-indicating court).

999. After taking all the oral and documentary evidence in support of the charge and the case for the prosecution is closed, the Inquiring Authority should put the following questions to the charged Police officer and record both the question and the reply of the charged Police officer in his very words in the 'Proceedings' file:

- Q. 1. You have heard the evidence of the witnesses against you. What have you to say?
- Q. 2. Have you any witnesses to be examined in your defence?
- Q. 3. Do you wish to produce any documents in your defence?

1000. Charged officer must be given a reasonable time to draw up and present a list of witnesses and documents. The Inquiring Authority can question him for what purpose each witness is required so as to avoid protraction of the inquiry by the citation of unnecessary witnesses. Normally, the request to call an official witness should not be rejected. When, however, it appears that the request is frivolous or vexatious and that it is made with a view to unnecessarily prolong the inquiry and that the facts which he is expected to speak to (according to the statement of accused) are not relevant for the purpose of inquiry, the request should be refused. The reasons for refusing to call a witness (official or private) should be recorded in writing and communicated to the charged Police officer and his acknowledgement obtained. Failure to do this will vitiate the inquiry.

1001. Defence witnesses, styled 'DW's, are thereafter examined-in-chief by the charged Police officer and cross-examined, if necessary, by the officer leading the evidence and also by the inquiring authority, but not by other witnesses to the inquiry, however much they are impugned. The charged Police officer may re-examine such of the defence witnesses as he considers necessary, after which the Inquiring Authority may again question the defence witnesses further.

1002. If the charged Police officer makes a written or oral application for permission to examine himself as a witness in his defence, the application should be granted and the charged officer examined as a defence witness.

1003. Defence exhibits should be marked in red ink as D-I, D-II and so on.

1004. If, in spite of reasonable opportunity afforded to the charged Police officer for adducing defence evidence, he fails to adduce such evidence, it is open to the Inquiring Authority to conclude the inquiry on the basis that the charged Police officer has no defence evidence to produce.

1005. If the charged officer dispenses with any of the defence witnesses or documents cited by him, this fact should be recorded in the 'Proceedings' file under the signature of the charged officer and the Inquiring Authority.

1006. Copies of such evidence as are required by the charged Police officer may be permitted to be taken by him.

ENFORCING THE ATTENDANCE OF WITNESES

1007. Even though the officer holding the inquiry has no power to enforce the attendance of any non-official witness, it is to be seen that the Inquiring Authority issues notice to witnesses to appear for the inquiry and that such notices, if intentionally omitted, the persons so omits to attend the enquiry commits an offence u/s 174 IPC. As regards official witnesses, he should be able to procedure their presence either by writing to them direct or to their superior officers at appropriate levels. Normally, the request to call an official witnesses, when his evidence is relevant, should not be rejected. When, however, it appears that the request is frivolous or vexatious or it is made with a view to prolong unnecessarily the inquiry, the request should be refused and the reasons thereof recorded in writing.

1008. The above instructions for recording the evidence of witnesses apply equally to the examination of the accused Police officer himself.

1009. In all cases where the Inquiry Authority feels that the evidence of an official witness is relevant for the inquiry whether called at the instance of the charged Police officer or at his own discretion, the expenditure should be borne by Government. In all other cases where the Inquiring Authority feels that the evidence of a particular witness is not relevant for the enquiry but is called at the instance of the charged Police officer, the expenses of such witnesses should be borne by the charged Police officer. Before asking such a person to appear before him as a witness, the Inquiring Authority should require the charged Police officer to deposit the

necessary expenses with him. If he fails to deposit the amount, the Inquiring authority may decline to summon the witnesses and examine them.

1010. The rate of T.A. and D.A. payable to witnesses, who are not in Government service will be governed by the provisions of the General Financial Rules (GFR).

1011. As far as practicable, an officer holding an inquiry should do it at a place or places at which the witnesses required to give evidence against the charged Police officer or in support of his defence may be able to attend without undertaking a long travel or incurring any traveling expenses.

INQUIRING AUTHORITY'S RESPONSIBILITY

1012. It is the Inquiring Authority's responsibility to arrive at the truth or otherwise of the charges against the Police officer, on the evidence brought on record during the inquiry. For this purpose, it is his responsibility to put whatever questions that may be considered necessary both to the witnesses examined in support of the charge and to the witnesses produced by the charged Police officer.

SUBMISSION OF FINAL WRITTEN STATEMENT BY THE ACCUSED POLICE OFFICER

1013. After all the evidence both and the against the charge has been heard, the Police officer charged shall, if he so desires, put a further or final written statement in his defence and also explain his defence orally to the Inquiring Authority.

1014. If the charged Police officer forthwith files a written statement it should be taken on the inquiry file. If, on the contrary, he applies for some more time to file a written statement, the inquiry should be adjourned to a date not later than 7 days within which time the charged Police officer should file his statement. If he fails to do so, it is open to the Inquiring Authority to conclude the inquiry on the basis that the charged Police officer has no such statement to file in his behalf.

1015. For this purpose the Inquiring Authority should ask the following:

Q. You have heard and cross-examined the witnesses in support of the charge and examined witnesses (with the exception of those refused by me as noted already in these proceedings for the reasons shown) on your side and such documents as you required have been produced and exhibited (with the exception of those refused by me as noted already in these proceedings for the reasons shown). Have you anything further to request or say? You are entitled to put in, if you desire, a further written statement of defence.

Ans.

1016. The questions and his replies should be recorded, read over, translated, if necessary, and signed by him and the Inquiring Authority as detailed above.

1017. The officer holding the inquiry must be strictly impartial. It is particularly important that the formalities prescribed in the statutory rules and orders should be followed. It is essential that the conduct of the proceedings should be such as to inspire a belief that the inquiry is being conducted in an impartial and a detached manner.

1018. Inquiry should be completed with as little delay as possible. Care should be taken to avoid all dilatoriness, and adjournment or postponement of the inquiry should be allowed only when absolutely necessary. Where an officer is suspended pending an inquiry into his conduct, it is all the more necessary that the inquiry should be completed with expedition and orders passed as early as possible.

EX-PARTE PROCEEDINGS

1019. If, at any state, in an inquiry the charged Police officer declines or expenses his unwillingness to take part in the proceedings before the Inquiring Authority, the said Authority is entitled to, and should proceed with the inquiry ex-parte, conclude it upon the materials placed before him and record his findings. If the charged officer does not participate in the proceedings, inspite of repeated calling and of having been afforded every reasonable opportunity ex-parte proceedings will be held, communicating the charged officer every stage of the proceedings and sending copies of statements of prosecution witnesses and copies of all prosecution papers under acknowledgment or registered post.

DRAWING UP OF THE FINDINGS BY THE INQUIRING AUTHORITY

1020. On completion of the inquiry including the personal examination of the charged Police officer, if any, as the case may be, the Inquiring authority shall record his findings, with reasons thereof.

1021. The findings shall be written in all cases where a punishment is under the provisions of the Pondicherry Police Subordinate Services (Discipline & Appeal) Rules 1968 and the Central Civil Services (Classification, Control and Appeal) Rules 1965, as the case may be, effected.

1022. The findings or the minutes of the inquiry will be written under the following heads.

- (i). Disciplinary Authority (who orders the inquiry)
- (ii). Inquiring Authority (Name/Designation of inquiry officer(s))
- (iii). Charged officer (Name(s) of charged Police officer(s) and his / their designation including his / their current place of work)
- (iv). Article of Charge
- (v). Statement of imputation of misconduct or misbehaviour
- (vi). Statement of prosecution witnesses

- (vii). Details of prosecution exhibits
- (viii). Statement of defence witnesses (if any)
- (ix). Details of defence exhibits (if any)
- (x). Findings (in four sub-headings)
 - (a). Discussion / appreciation of the prosecution evidence
 - (b). Discussion / admission of the defence evidence
 - (c). Assessment / Evaluation of the evidence with regard to the article(s) of charge and the summary of misconduct with logical / factual reasoning towards or against the facts in issue.
 - (d). Conclusion (the Inquiring Authority to say whether the charges are proved or not proved).

1023. No reference to the demeanour of witness should be made in the minute unless a note was made in the records at the time of the Inquiry in this regard. This is necessary to ensure that the Inquiring Authority, who frames the minute or the findings, does not speak about the demeanour of witnesses merely from memory.

1024. The summary under items (vi) to (ix) above should contain only so much of the evidence on record as is essential for the adequate discussion of the facts in issue.

FINDINGS

1025. The finding on each charge should be recorded separately after careful consideration of the evidence adduced for and against it. Where there are several charges, the Inquiring Authority should deal with each charge completely, analyse the evidence in respect of each charge and come to the conclusion as to whether he considers a charge is proved or not, before passing on to the next charge. A full and final summing up will be given at the end, covering all the charges.

1026. When only a part of a charge is proved by the evidence on record or a charge is proved in a modified form, it shall be recorded accordingly, detailing the extent to which or the form in which the charge is held to be proved. When it becomes necessary to record findings on charges different from those originally framed, the Inquiring authority may record findings on such charges provided reasonable opportunity has been given to the charged Police officer to defend himself by way of cross-examination and by adducing other defence evidence in respect of such charges.

1027. At the end of the minute or the findings the Inquiring authority should give a certificate that the procedure prescribed in the rules has been followed.

1028. In cases of minor appealable punishments, the minute should be as brief as is consistent with clarity.

1029. An officer's past record should not be taken into account in arriving at a finding as to the truth or otherwise of the charges against him.

FORWARDING THE RECORDS OF INQUIRY AND THE MINUTES / FINDINGS

1030. The Inquiring Authority should forward the minutes / findings and other records of inquiry with a covering letter or a note through the proper channel to the authority competent to award the penalty, which should be treated as confidential. The chief office will put up the file to the disciplinary authority along with the service book and personal file of the charged officer(s). The chief office (D.E. section) along with the D.E. file and other papers / records as above should prepare a statement showing the following particulars of the charged officer(s) and place it along with the file before the disciplinary authority, after making a brief note.

- (1). Date of birth
- (2). Date of enlistment
- (3). Length of service
- (4). Substantive rank
- (5). Date of promotion to present rank or grade
- (6). Pay in the substantive grade or rank
- (7). Pay in the present grade or rank
- (8). Date of next increment due
- (9). Number of monetary rewards and Good Service Entries
- (10). Number of punishments:
Major
Minor

1031. The inquiry records or the D.E. file to be sent by the Inquiring Authority to the Disciplinary Authority should be sorted and arranged with an index to the file which shall be in the following order and page numbered.

- (1). Order sheet
- (2). Order of the Disciplinary Authority to conduct the departmental inquiry
- (3). Acknowledged copy of the suspension order, if the charged Police officer has been placed under suspension pending inquiry.
- (4). Acknowledged copy of the order or the Memorandum of the Disciplinary Authority appointing the Inquiry Authority to conduct the inquiry.
- (5). Acknowledged copy of the memo of charge and the summary of misconduct.
- (6). Written statement of the charged Police officer submitted in reply to the memo of charge.
- (7). First oral statement of the charged Police officer recorded on the first day of the hearing of the inquiry.
- (8). Statements of prosecution witnesses recorded in support of the charge(s) including cross-examination and re-examination, etc.

- (9). Prosecution exhibits
- (10). Oral statement of the charged Police officer recorded after examination of the witnesses in support of the charge(s)
- (11). Statements of defence witnesses examined in defence including cross-examinations and re-examinations, etc., if any.
- (12). Defence exhibits, if any
- (13). Oral statement of the charged Police officer recorded, after the examination of witnesses in defence.
- (14). Final written statement of defence of the charged Police officer
- (15). Miscellaneous papers (Correspondence, representation, if any; (Police notices / summons need not be sent).
- (16). Findings or the Minutes of the Inquiring Authority. (two sets; to be attached last so that one set can be detached)

KEEP WITH FILE:-

1032. The following papers / records should be kept separately under a file (i.e) - “keep with file”

- (1). The preliminary enquiry file
- (2). Voluminous prosecution exhibits
- (3). Voluminous papers / records, if any filed by the defence
- (4). Material objects or any article to be put in a closed cover (if any)

PROVISIONAL CONCLUSION / SHOW CAUSE NOTICE PROPOSING PUNISHMENT

1033. The authority competent to impose punishment shall examine the findings along with the records of the inquiry and record its provisional findings on each charge giving reasons therefore. Thereafter it shall come to a provisional conclusion in regard to the penalty to be imposed. If the punishment is of for major penalty the person charged should be supplied with a copy of the report of the Inquiring Authority and be called upon by the competent authority or such other officer authorized by it in this behalf to show cause within a reasonable time, not ordinarily less than one week, but not exceeding one month, against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the charged Police officer shall be duly taken into consideration before final orders are passed.

1034. When two or more officers are involved in an inquiry the authority competent to punish the senior most of them should dispose of the punishment roll in respect of all of them.

DRAWING UP OF THE FINAL ORDER

1035. The final order containing the decision of the authority competent to impose the penalty should be a self contained order. The order should set out briefly the relevant facts, findings of the Inquiring Authority, Disciplinary Authority's decision thereon with reasons in brief for any departure from the findings of the Inquiring Authority and it should be signed by the Disciplinary Authority.

1036. If the charged Police officer has been placed under suspension, pending disposal of the inquiry, the disciplinary authority passing final orders on the conclusion of the inquiry, should also pass orders as to how the period of suspension is treated.

1037. In the case of punishments, other than compulsory retirement, removal or dismissal from service, the Disciplinary Authority should also pass orders releasing the charged Police officer from suspension, if he is the appointing authority, with a copy of his final order, requesting him to release the accused Police officer from suspension and to give him a posting.

1038. The Disciplinary Authority passing final orders should prepare sufficient number of copies of the proceedings. The first and the second copy of the order should be sent to the Head of the office, under whom the charged Police officer was serving, with instructions to serve the original copy on the charged Police officer, obtain his dated signature on the duplicate copy for having received the original copy, and to return to the Disciplinary Authority the acknowledged duplicate copy for being included in the original inquiry records. The third copy should be sent to the appointing authority if the Disciplinary Authority is not himself the appointing authority. The fourth copy should be sent to the drawing officer who was drawing the pay of the charged Police officer till then. The fifth copy should be endorsed to the "Establishment Section" concerned, as the case may be. The sixth copy should be the spare copy and the seventh copy as office copy, to be filed in the office file for the Disciplinary Authority.

CASE IN WHICH PROCEDURE DETAILED ABOVE NEED NOT BE FOLLOWED

1039. The above procedure may not be followed and all or any of the above instructions may be waived in the following cases:

- (i) When the order of punishment, i.e., reduction, compulsory retirement, removal or dismissal, is based on facts which have led to the conviction of the person charged in a criminal court, in such cases the order of punishment may be passed on the strength of the facts as disclosed in the criminal case.

Note:-

This applies also to cases where, after his appointment as a Police officer, it is disclosed that before such appointment his conduct has resulted in his conviction on a criminal charge.

It is not the conviction which is the ground for taking action but it is the conduct of the Police officer which has led to his conviction which should be the ground for passing appropriate orders.

- (ii). Where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules e.g., where the Police officer has deserted to force, absented himself from duty and the address of the Police officer is not known; or

Note:-

Proof that a notice sent to the Police officer by registered post or through local Police to his last notified address or to his permanent address as entered in his service registered but returned undelivered shall be conclusive proof of his address not being known.

- (iii). Where the Lt. Governor of this territory is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure, the Disciplinary Authority may consider the circumstances of the case and pass such order thereon as it deems fit.

CASE OF ALLEGED CRIMINAL MISCONDUCT (CRIMINAL CASES) OF POLICE OFFICER

1040. The following procedure should normally be adopted in cases of alleged criminal misconduct of Police Officer

1041. As soon as sufficient evidence is available for the purpose in the course of investigation in cases of criminal misconduct, action should be taken under the provisions of the Central Civil Services (Classification, Control & Appeal) Rules, 1968 and the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968 and disciplinary proceedings should be initiated forthwith. Such departmental proceedings need not interfere with any statutory investigation, which may be continued, where necessary. After the departmental proceedings are concluded, and the penalty, if any, imposed as a result thereof, the question of prosecution should be considered in the light of such material as may have become available as a result of the investigation.

1042. In the case of misappropriation of Government funds, the proper procedure is first to start an inquiry and to take steps for recovery of the amount from the accused Police Officer.

1043. If, after completing departmental proceedings, it is considered that the case is suitable for proceeding against the accused Police Officer in a Criminal Court, such action should be taken. Once the criminal proceedings have been initiated, no steps for recovery of the amount should be taken until the criminal case is decided, though there is no legal bar for recovery of the amount pending a criminal trial it has been recognized as a rule of equity that nothing should be done during the pendency of a criminal trial that would prejudice the defence of the accused.

1044. In any case where criminal proceedings also have been initiated there is no bar for continuing the departmental enquiry.

1045. In suitable cases, criminal proceedings should thereafter be initiated. Before initiating such proceedings, advice on the evidence should be obtained from the Director prosecution, including in sufficiently important cases, the Law Department. Where the conduct of a Police Officer discloses a grave offence of a Criminal nature, criminal prosecution should be the rule and not the exception. Where the competent authority is satisfied that there is no criminal prosecution, which can be reasonably sustained against such an officer, prosecution should, not of course, be resorted to; but prosecution should not be avoided merely on the ground that the case might lead to an acquittal.

1046. When a Police Officer is acquitted by court and it is decided not to prefer an appeal against the acquittal, expeditious action and decision should be taken regarding further departmental action, reinstatement, treatment of period of suspension, etc.

1047. Should the decision of the trial court or the appellate court, as the case may be, lead to the acquittal of the accused, it may be necessary to review the decision taken earlier as a result of the departmental proceedings. A point to be taken into account in such review would be whether the legal proceedings and the departmental proceedings covered precisely the same ground.

1048. If they did not, and the legal proceedings related only to one or two charges, i.e., not the entire field of departmental proceedings, it may not be found necessary to alter the decision already taken. Moreover, it should be remembered that while the court may have held that the facts of the case did not amount to an offence under the law, it may well be that the competent authority in the departmental proceedings might hold that the Police Officer was guilty of a departmental misdemeanour and he had not behaved in the manner in which a person of his position was expected to behave.

1049. **ACTION TO BE TAKEN ON COURT CONVICTION:**

- (i). A Police Officer convicted of a criminal offence and sentenced to imprisonment shall be dismissed.
- (ii). A Police Officer sentenced to fine only need not necessarily be dismissed or removed from service. The authority competent to pass an order of dismissal shall decide whether he deserves dismissal, removal or reduction in rank and act accordingly.
- (iii). Where a Police Officer is convicted of a criminal charge, there is no need to hold an inquiry before inflicting any penalty on him and the fact of his conviction is a sufficient ground to punish him. Therefore, when a Police Officer is convicted and sentenced to imprisonment, formal proceedings should be passed by the competent authority clearly mentioning the conduct of the accused Police Officer which led to his conviction in the judicial proceedings.
- (iv). If a Police Officer is sentenced to fine only and if on a consideration of the judgement it is decided to dismiss, remove or reduce him in rank, the officer competent to award the punishment will call upon the Police Officer to show

cause why the punishment proposed should not be inflicted upon him. Though this procedure is not necessary according to Article 311 (2) of the constitution, it is advisable, where the sentence is not one of imprisonment, that the Police Officer concerned is given an opportunity to explain extenuating circumstances, if any, and make a representation against the punishment proposed. On receipt of the representation, orders will be passed on the merits of the case. No inquiry or personal hearing is necessary in such a case. If it is decided, where a Police Officer is sentenced to fine only, not to dismiss, remove or reduce him in rank, it is not normally necessary to inflict any lesser penalty such as censure on him, but in such a case, the fact of the judicial punishment should be entered in the service book of the Police Officer and a certified copy of the judgement filed in his personal file or personal sheet, as the case may be together with a copy of the grounds for not taking departmental action against him.

ABSENCE WITHOUT LEAVE / DESERTION :

1050. Absence of subordinate Police Officers without leave up to 20 days may be met by the infliction of any punishment referred to in the Disciplinary Proceedings Rules. Leave without pay can be granted for periods of absence without leave, even when leave with pay is admissible and this may be sufficient in ordinary cases. Recourse in respect of subordinate Police officers may be taken under the provisions of the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968, in aggravated cases. Subordinate Police Officers repeatedly absent without leave will be liable to dismissal as confirmed habitual absentees.

1051. Absence without leave for 21 days completes the offence of desertion, after which the officer's name shall invariably be struck off from the roll as deserter. The procedure relating to the offence of desertion is governed under Rule 17(1) and (2) of the Pondicherry Police Subordinated Services (Disciplinary and Appeal) Rules, 1968. Further instructions to deal with cases of deserters were issued by the Home Department (Memorandum No. 15-37/81-Home) which are:-

1052. Mere striking off from the duty roll of a policeman does not snap the contract of employment of the policeman or imply his dismissal from service. He has to be formally dismissed from service by taking proceedings under sub-rule (2) of the Rule 17. In such circumstances the policeman continues to be an employee of the Government and is eligible for Traveling Allowance to attend any other enquiry to be held away from his Headquarters.

PROMOTION OF GOVERNMENT SERVANTS WHOSE CONDUCT IS UNDER INQUIRY:

1053. Where a departmental enquiry is pending against a Police Officer whose turn for promotion has come, the Departmental Promotion committee shall assess the suitability of this officer for promotion without taking into consideration the disciplinary proceedings pending against him. This assessment on the basis of records, shall be kept in a sealed cover. On the conclusion of the disciplinary proceedings and in case the officer is exonerated the sealed cover may be opened and action for promotion may be taken.

DATE OF EFFECT OF PUNISHMENTS:

1054. Punishments, except by black-mark, shall take effect from the date of the receipt of the order by the individual affected, unless another date is specified in the order.

ENTRY OF PUNISHMENT IN DEFAULTER SHEET:

1055. All punishment including judicial, awarded to subordinate Police Officers of the ranks of Police Inspectors, Sub-Inspectors and corresponding ranks will be entered in their service registers and also in their confidential personal files.

PROBATIONERS, TEMPORARY OFFICERS AND OFFICES ON CONTRACT:

1056. The discharge of a probationer during the period of his probation, or of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of his appointment, or of a contract officer in accordance with the terms of his contract does not amount to removal or dismissal within the meaning of the Disciplinary Proceedings rules. But a probationer, temporary officer or contract officer is nonetheless a member of the service

1057. The probation of a person may be terminated at the end of or at any time before the expiry of, the prescribed period of probation.

APPEALS – RECORDS TO ACCOMPANY

1058. Appeals must be accompanied by a copy of the Findings and a copy of the order appealed against.

1059. In cases where Police Officers are reinstated in service, after suspension, compulsory retirement, removal or dismissal from service, specific declaration as to whether the previous service rendered by the Police Officers counts for pension or not, should be recorded in the service Book and attested by the Head of the office (quoting reference to the order of the competent authority).

REINSTATEMENT OF POLICE OFFICERS DISMISSED, ETC. PAYMENT OF ARREARS OF SALARY.

1060. In cases where an order of dismissal, removal or compulsory retirement passed by the competent authority is set aside in appeal or revision or under an order of court of law and the Police Officer is reinstated in service on grounds on equity, the questions as to what pay and allowances should be allowed for the intervening period and whether or not the period should be treated as duty will be dealt with under the GFR.

VIGILANCES CASES

TIME SCHEDULE FOR FINALIZATION OF DIFFERENT STAGES OF DISCIPLINARY CASES (Memorandum No. C13015/18/93-CVO of the Chief Vigilance Office)

1061. The disciplinary proceedings (as referred by the Chief Vigilance Office, Puducherry) should be processed with optimum speed so as to avoid mental agony to the Government Servants concerned besides minimizing the time gap in booking the culprit for the offences committed by him. The following time schedule is stipulated for adoption at various stages:

<u>STAGE OF THE CASE</u>	<u>MAXIMUM TIME LIMIT TO BE TAKEN</u>
I. Submission of investigation report to the Chief Vigilance Officer by the superintendent of Police, vigilance and anticorruption Police Unit, Puducherry.	90 days
II. (i) Issue of charge sheet by the department.	20 days
(ii) Submission of written reply by the government Servant	another 10 days (on genuine grounds)
(iii) Appointment of Inquiry officer and presenting officer	30 days
(iv) Submission of Inquiry report to the Disciplinary Authority	60 days
(v) Issue of final Orders by the Disciplinary Authority	50 days
TOTAL	----- 180 days -----

1062.(A). In Police Department almost all Inspectors of police and Superintendents including Additional and Senior Superintendents of Police are appointed as Inquiring Authorities to conduct departmental proceedings against the members of the Police Force. The Chief Office, D.E. section (P.R. section) deals with / processes the D.E. papers. They shall ordinarily adhere to the above time schedule for all D.E. case, as for as possible.

(B). PROFORMA OF POLICE NOTICE SUMMONING WITNESSES / CHARGED OFFICIALS, ETC:-

POLICE NOTICE

No:

Office -----

To

*Thiru. -----

**Day----- Time -----

Place -----

Sir,

I am the Inquiring Authority in the proceedings against * Your evidence is considered material. I request you to appear before me on the day and at the time/place indicated at **.

2. You are/are not likely to be required to stay at the place for more than a day.

Yours faithfully

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Copy to..... with the request to permit the official mentioned above attend the inquiry on these dates.

Copy to Thiru. ----- Defence Assistant to take part in the proceedings.