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THE PUNJAB POLICE RULES, 1934

Volume II

CHAPTER 12

APPOINTMENTS AND ENROLMENTS

Note For Haryana

In the said rules, in Chapter XII for the words "Deputy Superitendent of Police (Administration), Government Railway Police, or Assistant Superintendent Government Railway Police" wherever occurring, the words "Superintendent of Police, Railways" shall be substituted.[1]

Rule 12.1 for Punjab

12.1. Authorities empowered to make appointments.—(1) Assistant Superintendents of Police are appointed by the Secretary of State for India, either in England or in India according to the rules framed by him from time to time.

Deputy Superintendents of Police are appointed by the Provincial Government according to rules contained in Appendix 12.1.

The following table summarises the directions given by the Provincial Government under clause (b) of sub-section 241 of the Government of India Act, 1935, in regard to the authorities competent to make appointments to the non-gazetted ranks.

1	2	3
Class of Government servants	Authority to whom the power of appointment is delegated	The extent of the delegation
Inspectors	Deputy Inspectors-General of police, Assistant Inspector-General, Government Railway Police, Assistant Inspector General, Provincial Additional Police, (designated as Commandant, Provincial Additional Police), and the Assistant Inspector General of Police (Traffic)	Full powers subject to rules governing the conditions of service as defined in Police Rules.
Sergeants, Sub-Inspectors and Assistant Sub-Inspectors	Superintendents of Police, Commandants of Punjab Armed Police and Deputy Superintendent (Administrative), Government Railway Police & Assistant Superintendents, Government Railway Police	

1. Vide Haryana Govt. Notification No. G.S.R. 44/C.A.5/1861/Amd.(1)/82 dated 26.3.1982.

Head Constable and Constables	Superintendents of Police, Commandants of Punjab Armed Police and Deputy Superintendent (Administrative), Government Railway Police, Assistant Superintendent, Government Railway Police, Deputy Superintendents-in-charge of Railway Police Sub Divisions, Senior Assistant Superintendent of Police, Lahore and [Officers in-charge, of Police Constables Training, Centres,]* Deputy Superintendent of Police, Punjab Armed Police, Lahaul and Spiti.	

(2) All direct appointments to non-gazetted ranks above that of constable and all first appointments of civilian clerks shall be made by the appointing authority on consideration of the recommendations of a selection board. Such Boards shall be constituted in accordance with the orders of the Inspector-General.

(3) The power to confirm the appointment of officers appointed on probation vests in the prescribed appointing authority.

(4) Inspectors shall be borne on a provincial roll and shall receive provincial constabulary numbers. Sergeants shall be borne on a separate provincial roll and shall receive separate provincial constabulary numbers.

Sub-Inspectors and Assistant Sub-Inspectors shall be borne on range rolls and shall receive range constabulary numbers.

Head constables and constables in each district shall be borne on district rolls and shall receive district constabulary numbers.

[1][(5) In matters relating to general conditions of service such as pay, pension, leave, joining time and travelling allowance, the subordinate ranks of the Police force of the State of Punjab shall be governed by the Punjab Civil Service Rules, for the time being in force, in so far as they are not inconsistent with the provisions contained in these rules.]

Rule 12.1 for Haryana

12.1. Authorities empowered to make appointments.—(1) Assistant Superintendents of Police are appointed by the Secretary of State for India, either in England or in India, according to the rules framed by him from time to time.

Deputy Superintendents of Police are appointed by the Provincial Government according to rules contained in Appendix 12.1.

The following table summarises the directions given by the Provincial Government under clause (b) of sub-section (1) of Section 241 of the Government of India Act, 1935, in regard to the authorities competent to make appointments to the non-gazetted ranks.

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* Subs. for the words "Officer-in-charge of Recruits Training Centres" vide Punjab Government Notification No. G.S.R. 43/C.A. 5/1861/S.7/Amd, dated 4.4.1998.

1. Inserted by Punjab Govt. Gaz. LSP III dated 12.2.1963.

1	2	3
Class of Government servants	Authority to whom the power of appointment is delegated	The extent of the delegation
Inspectors	Deputy Inspectors-General of police, Assistant Inspector-General, Government Railway Police, Assistant Inspector General, Provincial Additional Police, (designated as Commandant, Provincial Additional Police), and the Assistant Inspector General of Police (Traffic)	Full powers subject to rules governing the conditions of service as defined in Police Rules.
Sergeants, Sub-Inspectors and Assistant Sub-Inspectors	Superintendents of Police and [1][Superintendent of Police Railways]	
Head Constable and Constables	Superintendents of Police, and [1][Superintendent of Police Railways], Deputy Superintendents-in-charge of Railway Police Sub-Divisions, Senior Assistant Superintendent of Police, Lahore and Officers in-charge, of Police Constables Training, Centres. Deputy Superintendent of Police Lahaul and Spiti District, Assistant Superintendent of Police, Lahaul and Spiti District, District magistrate, Lahaul and Spiti.	

[2][(2) All direct appointments to non-gazetted ranks above that of constables and all first appointments of civilian clerks shall be made by the appointing authority on the recomendations of Haryana Staff Selection Commission.]

[3][(2a) The appointment of constables shall be made by the appointing authority on the recommedations of the Selection Board(s) constituted by the Director General of Police for this purpose.

Explanation.—(1) Director General of Police may constitute one or more Selection Boards. Each Selection Board shall consist of an officer of the rank of Superintendent of Police or above as Chairman and two Deputy Superintendents of Police as members to be nominated by the Director General of Police, Haryana.

(2) In order to ensure smooth and expeditious completion of recruitment process, the Director General of Police may assign responsibility of conducting Physical Measurement and Physical Efficiency Test to more Selection Boards depending upon the number of Candidates appearing for test at any Selection Centre.

(3) Director General of Police may change the Chairman or Members of the Selection Board during the process of recruitment for reasons to be recorded in writing.]

1. Substituted by Haryana Govt. Notification No. G.S.R. 44/C.A.5/1861/Amd.(1)/82 dated 26.3.1982.
2. Substituted by Haryana Govt. Notification No. G.S.R. 62/Const./Art. 309/98, dated 17.6.1998.
3. Substituted by Haryana Govt. Notification No. G.S.R. 22/Const./Art. 309/2007, dated 13.7.2007.

(3) The power to confirm the appointment of officers appointed on probation vests in the prescribed appointing authority.

(4) Inspectors shall be borne on a provincial roll and shall receive provincial constabulary numbers. Sergeants shall be borne on a separate provincial roll and shall recive range constabulary numbers.

Sub-Inspectors and Assisstant Sub-Inspectors shall be borne on range rolls and shall recieve range constabulary numbers.

Head constables and constables in each district shall be borne on district rolls and shall receive district constabulary numbers.

[1][(5) In matters relating to general conditions of service such as pay, pension, leave, joining time and travelling alllowance, the subordinate ranks of the police force of the State of Punjab shall be governed by the Punjab Civil Service Rules, for the time being in force, in so for they are not inconsistent with the provisions contained in these rules.]

SYNOPSIS

1. *Authority who appointed at the relevant time to be considered the appointing authority.*
2. *Compulsory retirement—Adverse remarks.*
3. *Order of discharge can only be made by Superintendent of Police.*
4. *Promotion—Qualifying the lower school course—Names entered in List C-1 meant for promotion.*
5. *Removal—By Superintendent of Police.*
6. *Departmental Inquiry—Misconduct.*

1. Authority who appointed at the relevant time to be considered the appointing authority.—Counsel for the petitioner has drawn our attention to the decision of the Delhi High Court in the case of the *Management of Delhi Transport Undertaking, New Delhi vs. B.B.L. Hajelay and another* wherein it has been observed that a subordinate authority cannot pass orders of removal in respect of employees appointed by a higher authority (1972 SLR 299 Delhi FB). In *Krishna Kumar, Divisional Assistant Electrical Engineer and others,* 1980 SCC (L&S) 1 at 3, the Superme Court has observed that "whether or not an authority is subordinate in rank to another has to be determined with reference to the state of affairs existing on the date of appointment. It is at that point of time that the constitutional guarantee under Article 311(1) becomes available to the person holding, for example, a civil post under the Union Government that he shall not be removed or dismissed by the authority subordinate to that which appoints him.

In view of the foregoing, we of the opinion that the contentions raised by the respondents in their counter-affidavit that S.P. (Lines) was competent to enlist a Constable in police force under P.P.R. 12.1 and that he is competent to remove such an employee after departmental enquiry is not legally tenable. That being so, we are of the opinion that the order of S.P. (Lines), Delhi dated 13.2.1969 placing the petitioner under suspension, his subsequent order dated 13.2.1969, and further order dated 24.3.1975 wherein it was stated that the suspension of the petitioner cannot be said to be wholly unjustified within the meaning of F.R. 54(B) (5) and, therefore, he will be entitled to only pay and allowances

1. Inserted by Punjab Govt. Gaz. LSP III dated 12.2.1963.

already drawn by him in the form of subsistence allowance for the period of suspension and the said period will be treated as 'not spent on duty', are all unsustainable in law. *Braham Singh vs. Union of India, 1988(5) S.L.R. 260.*

2. Compulsory retirement-Adverse remarks.—Reverting to the case in hand, the stand of the petitioner in para No. 4 of the writ petition that he was confirmed as Assistant Sub Inspector vide order dated February 28, 1983, Annexure P.1 with effect from February 1, 1980, was not refuted in the written statement. Annexure P.1 shows that the order passed by the Deputy Inspector General of Police dated February 28, 1983 and was communicated by Superintendent of Police, Karnal whereby Karnail Singh petitioner was confirmed with effect from February 1, 1980. Furthermore, it was Deputy Inspector General of Police who passed the order on April 23, 1983 Annexure P.2 allowing retention in service of the petitioner beyond the age of 55 years. The petitioner was brought on list 'E' and he was promoted as Sub Inspector on April 1, 1977 as mentioned in para No. 4 of the petition. This fact was not denied in the corresponding para in the written statement. It is not the case of the respondents that the petitioner was promoted as Sub Inspector by the Superintendent of Police. The case of the petitioner is that of promotion to the post of Assistant Sub Inspector and Sub Inspector. Substantively he was confirmed on the post of Assistant Sub Inspector under orders of the Deputy Inspector General of Police. Thus, for all intents and purposes the appointing authority of the petitioner to the post of Assistant Sub Inspector and Sub Inspector was Deputy Inspector General of Police and not the Superintendent of Police. This being a case of promotion and not initial appointment, Superintendent of Police cannot be treated as competent authority under Rule 12.1 of the Police Rules in this case. *Karnail Singh v. State of Haryana and others, 1989 (2) S.L.R. 345: 1989(2) RSJ 536.*

3. Order of discharge can only be made by Superintendent of Police.—The rule as such does not take of any appointing authority, and therefore, could not be said to be subject to rule 12.1 which provides the authority power to make appointments. Even if the Assistant Superintendent was competent to make appointment to the non-gazetted rank, even then the discharge order under rule 12.21 could be passed by the Superintendent. It is particularly so because there was no appeal provided against such an order of discharge. Jagjit Singh's case, AIR 1970 SC 122 has no applicability to the facts of the present case. Therein the rule under consideration was rule 16.1 in chapter 16 which is altogether different from the rule 12.21 in chapter 12. That being so, the other contention of the learned counsel for the respondent need not be gone into. Consequently the appeal fails and is dismissed with no order as to costs. *State of Punjab and another v. Sudershan Rani, 1989(4) S.L.R. 305.*

Punishment–Dismissal. Plea that DIG promoted petitioner for the post of Sub Inspector but SP passed order of dismissal held the impugned order illegal. The appointing authority of Assistant Sub Inspector and Sub Inspector is Superintendent of Police as provided under Rule 12.1 of the Punjab Police Rules as applicable to Haryana. Superintendent of Police is also the punishing authority for the Sub Inspectors and the Assistant Sub Inspector as provided under Rule 16.1 of Chapter XV of the Punjab Police Rules. The petitioner was promoted to the rank of Sub Inspector which was purely temporary and fortuitous with a condition that he was liable to reversion at any time without issuing any prior notice. His promotion was subject to the final decision in the two departmental enquiries pending against him. It cannot, thus, be said that promotion order of the petitioner was made by the DIG to enable the petitioner to seek support from the Judgements relied upon by his counsel. The Superintendent of Police has the competency and jurisdiction to pass the order of the punishment dismissing the petitioner from service. Petitioner liable to be dismissed. *Varinder Kumar v. State of Haryana and others, 2010(2) RSJ 419(Pb).*

4. Promotion-Qualifying the lower school course-Names entered in List C-1 meant for promotion.—Action of the respondent, so far as the transfer of certain Constables from other districts to Faridabad district in order to check the uneven increase in vacancies in the cadre of Head Constables and adhoc promotions of outstanding and meritorious Constables to the rank of Head Constables are concerned may be justified in the exigencies of service, but so far as non-consideration of the claims of the petitioners, who were admittedly senior and fully qualified and eligible for promotion as Head Constables is concerned, the impugned action is not tenable in law at all. The non-consideration of the claim of the petitioners for promotion to the rank of Head Constable is wholly arbitrary and discriminatory. The respondents were duly bound to consider the petitioners for promotion to the rank of Head Constable when the petitioners were fully eligible according to the statutory rules. If the respondents though that the increase of chances of promotion was uneven in the case of Head Constables in district Faridabad and for the purpose Constables had to be brought from other districts for promotions, there was no necessity of making adhoc promotions from amongst Constables posted in district Faridabad itself. These adhoc promotions made in favour of Constables, howsoever outstanding and meritorious they may be, could not be made at the cost of their seniors. If the transfer of Constables from other districts to Faridabad was to be made as considered necessary in the exigencies of service, then while making promotions to the rank of Head Constable, the petitioners should also have been considered for promotion. Otherwise, if the Constables who are qualified and senior in their own district are to be ignored and Constables from other districts are to be brought for promotion, the impugned action will be wholly arbitrary and discriminatory. *Jai Kishan and others v. State of Haryana and others, 1987(4) S.L.R. 740.*

5. Removal-By Superintendent of Police.—It is well known that the Assistant Inspector General of Police function on behalf of the Inspector General of Police the said order dated 21.3.1964 is relatable to and has to be read in conjunction with the previous order of the Inspector General of Police dated 21.12.1963 who had directed that a test should be held for promoting Head Constables against existing vacancies. The Assistant Inspector General of Police, therefore, was acting only on behalf of the Inspector General of Police, not as Superintendent of Police, since he was only carrying out the orders previously passed by the Inspector General.

Whether it was the Deputy Inspector General of Police, as mentioned in the petition who appointed the petitioner, or whether it was even the Inspector General of Police himself who did this, it is clear that the petitioner was promoted by an officer higher in rank than a Superintendent of Police. The mere fact that an Assistant, who merely carried out the orders of the Inspector General of Police, had signed the order pertaining to the petitioner's promotion as Head Constable cannot make it a promotion made by a Superintendent of Police merely on the ground that the Assistant Inspector General of Police, working as the I.G.'s assistant is also a Superintendent of Police. He was not making the said promotion in his rank or status or even exercising functions as Superintendent of Police. On account of the above noted features relating to the petitioner's promotion it is small wonder that both the petitioner as well as the Police Department experienced difficulty in the matter of making a precise plea concering it. *Ram Karan v. Union of India and others, 1975(2) S.L.R. 683.*

6. Departmental Inquiry-Misconduct–Absence from duty–Harassment to woman in Police Custody.—Petitioner was a sub inspector and he forced the lady to sit in the Police Station through out the day and harassed her. It was seen as a grave misconduct. Action was taken against him and he was dismissed. Challenged the dismissal. He was

transferred from one district to another. Petitioner fell ill and due to his illness he applied for leave and did not join the duty. Departmental enquiry was conducted by DSP. In enquiry proceeding, non joining of duty by petitioner mentioned. Enquiry held *exparte*. It was held that a police officer remained absent for 11 months upon being transferred from a particular place. Such a long absence requires to be punished suitable. No interference with order of dismissal. Petition dismissed. Further held that Petitioner was promoted under Rule 12.1 of PPR by SP who passed the dismissal order. SP is also a competent punishing authority under Rule 16. Order of dismissal upheld. *Varinder Kumar v. State of Haryana, 2011(7) SLR (P&H.) 610.*

Rule 12.2 for Punjab & Chandigarh

12.2. Seniority and Probation.—(1) The Seniority of Assistant Superintendents of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superitendent of Police shall be permanently apointed as an Assistant Superintendent of Police until he has passed the prescribed department examinations.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examination within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service; provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendents of Police are contained in Appendix 12.1.

[1]**[(3) Seniority**—The Seniority *inter* se of persons appointed to posts in each cadre of a service shall be determined by the length of continuous service on such post in that cadre of the service:

Provided that in the case of persons recruited by direct appointment, who join within the period specified in the order of appointment or within such period as may be extended from time to time by the appointing authority subject to maximum of four months from the date of order of appointment, the order of merit determined by the Commissioner or the Board, as the case may be, shall not be disturbed:

Provided further that in case a person is permitted to join the post after the expiry of the said period of four months in consulation with the Commission or the Board, as the case may be, his seniority shall be determined from the date he joins the post:

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1. Substituted by Punjab Govt. Notification No. G.S.R. 14/C.A.V./61/Ss. 7 and 46/Amd. (22)/2003 dated 28.2.2003.

* *For Chandigarh* Substituted by Chandigarh Administration Gazette No. 1/1/212-H III (1)-2009/24169 dated 21.12.2009.

Provided further that in case any person of the next selection has joined a post in the cadre of the concerned Service before the person refered to in the preceding proviso, joins, the person so refered shall be placed below all the persons of the next selection, who join within the time specified in the first proviso:

Provided further that in the case of two or more persons appointed on the date, their seniority shall be determined as follows:—

(a) A person appointed by direct appointment shall be senior to a person appointed otherwise;

(b) A person appointed by promotion shall be senior to a person appointed by transfer;

(c) In the case of persons appointed by promotion or transfer, the seniority shall be determined according to a seniority of such persons in in appointments from which they were promoted or transfered; and

(d) In the case of persons appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a person who was drawing a higher rate of pay in his previous appointment, and if the rates of pay drawn are also the same, then by their length of service in these appointments and if the length of service is also the same, an older person shall be senior to younger person.

Note:—Seniority of persons appointed on purely provisional basis or on adhoc basis shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.]

Rule 12.2 for Haryana

12.2. Seniority and Probation.—(1) The seniority of Assistant Superintendents of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Governments.

No Probationary Assistant Superintendent of police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examinations.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service; provided that the Provincial Government shall have power to relax this rule in special cases, when the probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendents of Police are contained in Appendix 12.1.

(3) All appointments of enrolled police officers are on probation according to the rules in this chapter applicable to each rank.

Seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be finally settled by dates of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted no them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held *vis-à-vis* any officers promoted or confirmed before him during his deputation.

The seniority of lower subordinates shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to any officer appointed direct to the same rank on the same date:

Provided that in the case of officers recruited direct after 23rd December, 1958, as a result of the same examination or selection, their *inter se* seniority shall be reckoned—

(a) by the order of merit fixed by the selection body, and

(b) when there is no such order by merit indicated, by the age of the candidate i.e., the oldest being placed the senior most and the youngest the junior most.

SYNOPSIS

1. *Automatic confirmation.*
2. *Maximum period of probation in the case of a police officer.*
3. *Reversion to substantive rank of Sub-Inspector.*
4. *Seniority whether to be counted from the date of appointment or promotion as the case may be or from the date of confirmation.*

1. Automatic confirmation.—The relevant provision relating to probationary period of promoted officers of the police is contained in rule 13.18 of the Rules which is applicable in the present case. A bare reading of rule 13.8 of the Rules shows that it relates to Inspectors, Sergeants, Sub-Inspectors, and Assistant Sub-Inspectors who are directly appointed, whereas Rules 13.19 lays down the period of probation for officers who have been promoted in rank.

The appellant there was appointed purely on a temporary basis and not on probation and, therefore, Rule 12.8 on the assumption that Rule 12.8 applied to the appellant there. It was held that a probationer could not be deemed to be automatically confirmed in the absence of express order of confirmation and the probation is presumed to be extended. However, it was held that in view of the fact that rule 12.8 is differently worded than Rule 13.18 the ratio of the decision in Pratap Singh's case was not applicable. I agree with Chadha J. and following the law laid down by the Division Bench of this Court in the

above said two cases. I hold that the petitioner is deemed to have been confirmed from 1st January, 1963, as a Head Constable and his seniority in that rank by virtue of Rule 12.2(3) is to be counted from 1st January, 1961. *Ram Pal v. Union of India and others, 1984(3) S.L.R. 756.*

2. Maximum period of probation in the case of a police officer.—The maximum period of probation in the case of a police officer of the rank of constable is three years, for the Superintendent of Police concerned has the power to discharge him within that period. It follows that the power to discharge cannot be exercised under rule 12.21 after the expiry of the period of three years. If therefore it is proposed to deal with an inefficient police officer after the expiry of that period, it is necessary to do so in accordance with the rules of Chapter XVI of the Rules which makes provision for the imposition of various punishments including dismissal from the police force. It is not permissible to ignore those rules and make a simple order of discharge under Rule 12.21 after the expiry of the period of three years for that will attract Article 311 of the Constitution. The Superintendent of Police concerned could not have ignored that requirement of the law and terminated the services of the three respondents after the expiry of the period of three years from their enrolment in the police force of the State. *The Superintendent of Police, Ludhiana and another v. Dwarka Das, 1979(1) S.L.R. 299.*

3. Reversion to substantive rank of Sub-Inspector.—There is no manner of doubt that the underlying principle of Rule 13.12(1) and as a consequence of Rule 13.16(2) is that promotions to the temporary vacancies of sub-Inspectors and Inspectors are not hide bound by seniority but by the overriding consideration of affording equal opportunities to all eligible candidates on list 'E' and 'F' for holding an independent charge in the higher rank and to test their mettle in these posts. *Gurucharan Singh v. State of Punjab, 1976 P.L.R. 166.*

4. Seniority whether to be counted from the date of appointment or promotion as the case may be or from the date of confirmation.—A reading of Rule 12.2 would demonstrate beyond doubt that it is the date of appointment or promotion, as the case may be, which is relevant for the purpose of determining seniority and not the date of confirmation K.S. Tiwana, J. in Gurdial Singh's case discussed the matter threadbare and held that the seniority of the lower subordinates i.e. Head Constables who are promoted from Constables, shall be determined in accordance with third paragraph of the sub-rule (supra). The language of this sub-rule in clear and umambiguous terms provides that the seniority of the lower subordinates shall be reckoned from the dates of their appointments. I am in complete agreement with the view expressed by K.S. Tiwana, J. (as he then was) Additionally, it is the admitted position that confirmation of Head Constables is done district-wise. In a given case depending upon the availability of confirmed posts in a particular district junior persons may score over senior for the simple reasons that in that district the vacancies of confirmed employees are in existence whereas in the other district there is bought of such vacancies. This precise matter was dealt with by the Hon'ble Supreme Court in D.K. Mitra's case (supra) wherein it was held that when the seniority lists are prepared zone-wise for determining seniority, the date of confirmation would be wholly irrelevant. *Mohinder Singh, Head Constable and others v. The State of Haryana and others, 1991(4) S.L.R. 757: 1990(1) RSJ 801.*

Rule 12.3 for Punjab

[1][**12.3. Direct appointments of Sub-Inspector.**—Direct appointments of Sub-Inspectors may be made up to a maximum of fifty percent of vacancies of Sub-Inspectors, out of which three percent of the posts may be filled by the outstanding sports persons to be recruited as per the department policy.]

Rule 12.3 for Haryana

[2][**12.3. Direct appointment of Inspector and Sub-Inspector.**—(1) [3][20%] of the posts of Inspectors shall be filled up by direct recruitment. In addition 3% of posts may be filled up by the direct recruitment from the outstanding sports persons who are recipients of Arjun Award of Government of India, winners of Gold/Silver/Bronze Medal in Olympics, Gold Medal winners in Commonwealth Games or Asian Games in sports events for which competition is held in Olympics.

[4][(2) 47% of posts of Sub-Inspectors shall be filled up by direct recruitment. In addition 3% of posts may be filled up by the direct recruitment from the outstanding sports persons who are recipients of Arjun Award of Government of India or Bhim Award of the State of Haryana, winners of Gold/Silver/Bronze Medal in Olympics or winners of Gold/Silver/Bronze Medals in Commonwealth Games or Asian Games or winners of Gold Medal in Asian Championships conducted by recognized International/National Federations or winners of Gold/Silver Medal in SAARC Games or winners of Gold Medal in National Championships.]

Sportsman shall include both male and female.]

SYNOPSIS

1. *Consideration for direct appointment-Right of.*
2. *Unfitness of appointment-Declaration of.*
3. *Sporting activities-Importance of in appointment.*

1. Consideration for direct appointment-Right of—As per Rule 12. 3 of the Punjab Police Rules, 1934 (as applicable to Haryana) if the aspirant is a winner of Gold Medal in Asian Championships conducted by recognized International/National Federations or winners of Gold/Silver Medal in SAARC Games or winners of Gold Medal in National Championships, he has a right of consideration. *Neeraj v. State of Haryana, (2018) 3 SCT 231: (2018) 5 SLR 784 (P&H).*

2. Unfitness of appointment-Declaration of—The petitioner himself was an applicant under the 2005 advertisement for appointment in the Police Department and applied for the post of Constable under the Outstanding Sports Person in District Sonipat in the year 2006. He was weeded out of the selection process when his chest was measured short at 38"-39. 5" and height at 5 feet 6 inch, which was short by 1 inch against the standard

1. Substituted by Punjab Govt. Notification No. G.S.R. 54/P.A.10./2008/Ss. 80 and 85/Amd. (25)/2011 dated 27.7.2011.
2. Substituted by Haryana Govt. Notification No. G.S.R. 16/Const./Art. 309/2007 dated 3.5.2007.
3. Substituted by Haryana Govt. Notification No. G.S.R. 22/Const./Art. 309/2007 dated 13.7.2007.
4. Substituted by Haryana Govt. Notification No. G.S.R. 35/Const./Art. 309/2007 dated 14.12.2007.

minimum height 5 feet 7 inch for enlistment as Constable. He was accordingly declared unfit by the Recruitment Board, Jhajjar. *Neeraj v. State of Haryana, (2018) 3 SCT 231: (2018) 5 SLR 784 (P&H).*

3. Sporting activities-Importance of in appointment—The Police Department does not appear to be bound down to the sporting activities mentioned in the Sports Policy, 2009 and can always extend consideration to other games and sports and make appointments, which might invigorate the police force and inspire others to achieve high physical standards, of which Bodybuilding is one sport. *Neeraj v. State of Haryana, (2018) 3 SCT 231: (2018) 5 SLR 784 (P&H).*

Rule 12.3A for Punjab

12.3A. Appointment of Urdu Stenographers.—Appointment to the special posts of Urdu stenographers is made in the rank of Assistant Sub-Inspector by the Deputy Inspector-General of Police, Criminal Investigation Department, Punjab. These appointements are governed by the rules contained in Appendix 12.3-A.

Rule 12.3A and 12.3B for Haryana

[1][**12.3A. Appointment of Language Stenographers.**—Appointment to the special post of Language Stenographers will be made in the rank of Assistant Sub-Inspector by the Head of the Criminal Investigation Department (Haryana), on the recommendation made by the Haryana Staff Selection Commission. The appointment and promotion in the Language Stenographer Cadre shall be governed by the rules contained in Appendix 12.3-A.

12.3B. Direct appointment of Assistant Sub-Inspectors in State Crime Branch and Chief Minister's Flying Squad.—The state Crime Branch and Chief Minister's Flying Squad are the specialized wings of Criminal Investigation Department for the purpose of investigation/inquiry of cases. 50% out of posts of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors sanctioned for these two wings shall constitute a regular carde of Criminal Investigation Department Crime Branch (hereinafter reffered to as "Carde"). The appointment and promotions to these posts in this Carde shall be governed by the rules provided in Appendix 12.3-B of the Punjab Police Rules, 1934. The remaining posts of sub-Inspectors, Assistant Sub-Inspectors and other ranks shall be filled up by deputation.]

SYNOPSIS

1. *Any rule which affects promotion pertains to conditions of service.*
2. *Entitlment to the privilege/right as was available.*
3. *Promotion in the line of ministerial and executive staff.*
4. *Recommendation of names of candidates by Comminssion gives no right to appointment.*

1. Any rule which affects promotion pertains to condition of service.—The promotions list of Head Constables (Ministerial) prepared on the basis of the impugned Standing Order is not in accordance with law. The Standing Order on the face of it applicable to executive category has been wrongly applied to the ministerial category to which the

1. Substituted by Haryana Notification No. S.O. 58/C.A. 5/1861/Ss. 2 and 7/2004 dated 2.7.2004.

petitioners belong. During the hearing, the learned counsel for the petitioners stated that the petitioners had been confirmed as Head Constables in 1972 and they were appointed as Assistant Sub-Inspectors initially on adhoc basis and thereafter regularised in 1979 and that they have been confirmed as such on 5.7.1983.

In view of the above, we order and direct that the petitioners should be considered for promotion by strictly applying the criteria contained in P.P. Rule 12.3D read with P.P. Rule 13.17. If on such consideration, the petitioners are found suitable for promotion earlier than repondents 5-42, they would be entitled to have their due place in the seniority list. The petitioners have prayed that all the impugned lists as in Annexures 'A', 'B', 'C', and 'D' are liable to be quashed. In view of what is stated above, the impugned lists are hereby quashed. The respondents should prepare a fresh list of Head Constables (Ministerial) and lists of officers suitable for promotion in the higher grades by strictly applying the provisions of P.P. Rules 12.3D and 13.17 and consider the suitability of the petitioners for appointments to such grades. The petitioners would also be entitled to all consequential benefits, including the arrears of pay. *Banwari Lal and others v. Union of India and others, 1988(5) S.L.R. 306.*

2. Entitlment to the privilege/right as was available.—The stand of the respondents is that in view of the specific provisions made in the Delhi Police (Appointment & Recruitment) Rules, 1980, the relevant provisions of the Punjab Police Rules stand automatically repealed and are of no consequence. The post of the applicant has been designated as technical and he is accordingly not eligible for promotion to the post of Inspector.

According to the provisions any right, privilege, obligation or liability already acquired accrued or incurred before the commencement of these rules shall not be affected. According to our mind the applicant shall continue to remain entitled to the privilege/right, as was available to him under the Punjab Police Rules, in terms of which he was appointed to the post. From another view point, the rules under which the applicant was appointed cannot be varied to his disadvantage or detriment to his interest. *Radhey Shyam v. Commissioner of Police, 1992(4) S.L.R. 45.*

3. Promotion in the line of ministerial and executive staff.—It is significant to note that the impugned Standing Order refers only to P.P. Rule 13.8 which applies to the executive staff and not to P.P. Rule 12.3D which applied to the ministerial staff. The P.P. Rule 12.3D does not provide for any test or course for the ministerial staff nor does it provide for Promotion Lists 'A', 'B', 'C', 'D', 'E' and 'F'. As regards the ministerial staff, the promotion has to be based solely on the basis of seniority and the assessment contained in the confidential reports as per the provisions of P.P. Rule 12.3D read with P.P. Rule 13.17 which are categorised as 'A', 'B', and 'C'. In the case of 'A' category reports, promotion will be given irrespective of seniority. In the case of category 'B' reports promotion will be given in the ordinary course of seniority. In the case of 'C' category reports, the officer can be passed over for promotion. *Banwari Lal and others v. Union of India and others, 1988(5) S.L.R. 306.*

4. Recommendation of names of candidates by Commission gives no right to appointment.—The grievance of the petitioners is that their names having been recommended by the Public Service Commission for the posts for which requisition was made by the Director of Public Instruction in July, 1970, they should have been appointed. However, no law or statutory rules has been brought to my notice providing that mere recommedation of the name of a candidate by the Public Service Commission clothes him with a legal right to be appointed to the post for which his name is recommended. The Public Service Commission is only an advisory body and recommends the names of the

persons to be appointed in response to the requisition made by the Government or its departments. But it is for the State Government or any other appointing authority to make appointments in accordance there with or not. If the appointing authority does not make appointments in accordance with those recommendations, the candidate recommended has no right to come to this court and claim that his legal right has been infringed and that a write of mandamus should be issued to the appointing authority to appoint him. *Davinder Singh and others v. State of Punjab and others, 1982 (2) S.L.R. 249.*

12.4. Sergeants-appointment of.—Sergeants shall be appointed by Superintendents of Police or the Assistant Superintendent, Government Railway Police, on consideration of the recommendations of a selection board, to fill vacancies occurring in the Districts of the Punjab, the Railway Police or Delhi Province. Applications for appointment as Sergeant from Europeans and Anglo-Indians who are natural born British subjects shall be addressed to the Inspector-General, who will enter, in a list of accepted candidates to be maintained by him, the particulars of those applicants, whose physique, education and status is suitable.

Note.—British soldiers transferred to the Army Reserve in India may be appointed on probation as Sergeant or Inspector of Police, if otherwise qualified. On confirmation in these posts they will be discharged from the Reserve. The date of confirmation must be communicated to the Officer-in-charge. Records, of the man concerned in Great Britain, to whom also his certificate of service (A.F.B.-108) must be sent. British Army reservists serving in the police are not liable to be recalled to the army for any purpose.

(Authority:—Secretary, Army Department's letter No. A-41236-1 (A.G.-6) of 1st April, 1927, to all local Governments).

SYNOPSIS

1. *Selection for appointment as Assistant Sub-Inspector, Police.*
2. *Termination on account of concealment of involvement in criminal case in application for recruitment.*

1. Selection for appointment as Assistant Sub-Inspector, Police.—Under Rule 12.4 of the Police Rules it was necessary for the authorities to verify character antecedents of the candidate before his appointment to the Police force. The report of verification obtained by the police department cannot be brushed aside. The extract from the judgment of the criminal court acquitting the petitioner under section 307/34, IPC shows that on account of discrepancies in the evidence produced, by way of abundant caution giving the benefit of doubt. Narindra Singh petitioner was acquitted. Learned counsel for the petitioner has argued that is was also mentioned in the judgment that in this part of country, there was tendency to implicate the persons and it should be given weightage and acquital of petitioner should be considered as honourable. This contention cannot be accepted. Apart from this occurrence which resulted registration of case under section 307, IPC in year 1979, there was another case registered against the petitioner in 1988. The overall assessment made by the department on the basis of antecedents was that the petitioner should not be appointed. *Narindra Singh v. State of Punjab and others, 1992(5) S.L.R. 255.*

2. Termination on account of concealment of involvement in criminal case in application for recruitment.—The plea taken by the respondents is highly hypertechnical and the writ petition deserves to be allowed. It is not a concealment of fact regarding his earlier conviction which can be taken into consideration against an employee and on the basis whereof his appointment can be set aside letter on. In the present case, petitioner had only been prosecuted and was acquitted by a competent Criminal Court. It was not necessary for the petitioner to disclose this fact to the respondents at the time of his submitting application for recruitment of the police service. In any case, the fact stand that there is nothing against the petitioner on the basis whereof his appointment could be set aside having already been made by order dated 4.9.1989 Annexure P.1. Therefore, the non-disclosure of the information relating to his acuittal in the criminal case is no ground for withholding the appointment of the petitioner. *Subhash v. State of Haryana and another, 1990(4) S.L.R. 525.*

Rule 12.5 for Punjab

12.5. Applications for direct appointment as Inspector, Sergeant and Assistant Sub-Inspector.—Applications for direct appointment in the rank of Inspector, Sergeant and Assistant Sub Inspector will be received and acknowledged as submitted, but no correspondence will be undertaken with applicants, nor will they be told whether they have been accepted as candidates or not. When appointments are to be made, pending applications will be considered and those applicants whom it is desired to call before a selection board will be informed at least a month before the assembling of the board.

Rule 12.5 for Haryana

12.5. Applications for direct appointment as Inspector[1][and] Sub-Inspector.—Applications for direct appointment in the rank of Inspector, [1][and] Sub-Inspector will be received and acknowledged as submitted, but no correspondence will be undertaken with applicants, nor will they be told whether they have been accepted as candidates or not. When appointments are to be made, pending applications will be considered and those applicants whom it is desired to call before a selection board will be informed at least a month before the assembling of the board.

Rule 12.6 for Punjab

[2]**[12.6. Eligibility conditions for direct appointment to the post of Sub-Inspector.**—No person shall be accepted as an eligible candidate for direct appointment to the post of Sub-Inspector, unless he fulfills the following conditions, namely:—

(a) bears good moral character;

(b) has good physique and active habits;

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1. Substituted for the words "Sergeant and Assistant" by Haryana Notification No. G.S.R. 32/Const./Art. 309/2001 dated 24.12.2001.
2. Substituted by Punjab Govt. Notification No. G.S.R. 12/P.A. 10/2008/S.80/(Amd.(28)/2013 dated 16.2.2013.

(c) is between 18 to 25 years of age:

Provided that the Director General of Police may, for the reasons to be recorded in writing, relax the upper age limit under special circumstances; and

(d) must be a graduate from a recognised university or its equivalent and should have passed Punjabi up to matriculation standard.]

Rule 12.6 for Haryana

12.6. Qualifications for direct appointment as Inspector or Sub-Inspector.— (1) Applications for direct appointment in the rank of Inspector or [***][1] Sub-Inspector shall, at the discretion of the Inspector-General and range Deputy Inspectors-General, respectively, be referred to the Superintendent of the applicant's home district for report in Form 12.6(1).

(2) No applicant shall be accepted as a candidate for direct appointment as Inspector or [***][2] Sub-Inspector who has not been certified as physically fit for service by a Civil Surgeon and who does not possess the following qualifications:—

(a) Good moral character.

(b) Good physique and active habits.

[3][(c) He must not be, on or before the 1st day of February next preceding the date of submission of application to the Public Service Commission/ Subordinate Services Selection Board less than [4][21 years and more than [5][27]] years of age for the post of an Inspector or [1][***] Sub-Inspector:

Provided that the Legal Practitioners selected for appointment as prosecuting Sub-Inspectors, may be appointed upto 30 years of age:

Provided further that the Inspector-General of Police may waive the maximum age limit in any case under special circumstances with prior consultation with Public Service Commission/Subordinate Services selection Board [6][:]]

[6][Provided further that relaxation upto 5 years in maximum age limit be granted by the Director General of Police for recruitment of outstanding sports persons after recording reasons in writing [7][***]

[8][Provided that the outstanding sports persons must not be less than 18 years or more than 27 years of age.]

1. Word "Assistant" omitted by Haryana Notification No. GSR 32/Const/Art. 309/2001 dated 24.12.2001.
2. Word "Assistant" omitted by Harayana Notification No. GSR 32/Const/Art. 309/2001 dated 24.12.2001.
3. Clause (c) substituted by Haryana Government Notification dated 26.4.1972.
4. Substituted for 18 years and 27 years by Haryana Government Notification Dated 23.6.1989.
5. Substituted for "30" by Haryana Govt. Notification No. G.S.R. 22./Const/Art. 309/2007 dated 13.7.2007.
6. Substituted by Haryana Govt. Notification No. G.S.R. 22./Const./Art. 309/2007 dated 13.7.2007.
7. Omitted by Haryana Govt. Notification No. G.S.R. 35./Const./Art. 309/2007 dated 14.12.2007.
8. Proviso added by Haryana Notification No. G.S.R. 32./Const/Art. 309/2004 dated 9.11.2004.

[1][(d) A candidate for an "Inspectorship or [2][***] Sub-Inspectorship should be a graduate of a recognised University; provided that the Inspector-General of Police may in special cases dispense with the said qualification.]

[3][(e) Applicant shall have a minimum height and chest measurement as under:

	Male	Female
Height	5'-8"	5'-2"
Chest	33" and with expansion of 1.5"	

Provided that for the candidates belonging to ex-servicemen, Schedule Caste, Schedule Tribes and Backward Classes categories, relaxation in physical standard to the extent of one inch in height and one inch in chest measurement shall be given:

Provided further that relaxation in chest and height measurement upto 3" may be granted by the Director General of Police for recruitment of outstanding sports persons after recording reasons in writing [4][***].]

Note 1.—A candidate whose age is not less than 17 years may be enrolled, subject to the condition that the service rendered before the age of 18 years shall not quality for pension.

[5][*Note 2.*—Upper age limit shall be relaxable in case of Scheduled Castes, Scheduled Tribes, Backward and exservicemen recruits in accordance with instructions issued by the State Government in this behalf from time to time.]

Rule 12.6 for Chandigarh

12.6. Qualifications for direct appointment as Inspector [6][Inspector (Computer)] or Assistant Sub-Inspector.—(1) Applications for direct appointment in the rank of Inspector, [6][Inspector (Computer)] or Assistant Sub-Inspector shall, at the discretion of the Inspector-General and range Deputy Inspectors-General, respectively, be referred to the Superintendent of the applicant's home district for report in Form 12.6(1).

(2) No applicant shall be accepted as a candidate for direct appointment as Inspector or Assistant Sub-Inspector who has not been certified as physically fit for service by a Civil Surgeon and who does not possess the following qualifications:—

(a) Good moral character.

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1. Clause (d) substituted by Haryana Government Notification dated 2.7.1975.
2. Word "Assistant" omitted by Haryana Notification No. GSR 32/Const/Art. 309/2001 dated 24.12.2001.
3. Substituted by Haryana Govt. Notification No. G.S.R. 22./Const./Art. 309/2007 dated 13.7.2007.
4. Omitted by Haryana Govt. Notification No. G.S.R. 35./Const./Art. 309/2007 dated 14.12.2007.
5. Note 2 added by Haryana G.S.R. 64/C.A-5/18611/Ss. 2 and 7/Amd(1) 74 dt. 18.5.74.
6. Added by Chandigarh Administration Gazette No. 11892-H III(I)-98/23315 dated 18.11.1998.

(b) Good physique and active habits.

(c) He must be between 18 and 25 years of age.

Provided that the Legal Practitioners selected for appointment as prosecuting Sub-Inspectors, may be appointed upto 30 years of age.

Provided further that the Inspector General of Police may waive the maximum age limit in any case under special circumstances with prior consultation with Public Service Commission/Subordinate Service Selection Board.

[1][(d) He must be a Graduate of a recognised University or its equivalent.]

[2][(e) Educational/Technical Qualification:

(A) (i) Master's degree in Statistics/Mathematics with Statistics/ Operations/Operations Research/Physics or Economics (with Statistics), Commerce with Statistics.

or

Degree in Engineering/Computer Science of a recognised University or equivalent.

(ii) 2 years' experience of Electronics Data Processing Work including experience of Computer Operation or Programming.

or

2 years' experience of Data Processing Work including one year's experience of Unit record systems tabular or accounting machine, collator etc.

or

(B) (i) Bachelor's degree in Mathematics with Statistics/Physics, Commerce with Statistics, Economics with Statistics from a recognised University.

(ii) 4 years' experience of Electronic Data Processing Work including Computer Operations and Programming.]

Note 1.—Legal Practitioners selected for appointment as prosecuting Sub-Inspector may be enrolled upto the age of 30 years.

Note 2.—Inspector-General may, in special circumstances to be recorded in writing, relax the upper age limit in the case of candidates.

Note 3.—A candidate whose age is not less than 17 years may be enrolled, subject to the condition that the service rendered before the age of 18 years shall not qualify for pension.

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1. Substituted by Chandigarh Administration Gazette No. 4668-H III(1) - 2004/14837 dated 12.8.2004.
2. Inserted by Chandigarh Administration Gazette No. 11892-H III(1) - 98/23315 dated 18.11.1998.

SYNOPSIS

1. *Appointments made without complying with the formal letter of law—Would stand vitiated.*
2. *Good Physique takes within its ambit the height and other physical qualifications.*
3. *Conduct and behaviour of the candidate at the time of interview.*

1. Appointments made without complying with the formal letter of law-Would stand vitiated.—Appointment was offered to the selected candidates without prior police verification and medical examination as required by Rule 12.6 of the Rules. It is argued that in this admitted situations the appointment of the respondents was bad as being in violation of the rules. While we are of the opinion that is only appropriate that before appointments are actually made, requirements of medical examination and character verification should be complied with, but it cannot be held as a matter of law that in case the appointments are made without complying rigidly with the formal letter of the law, they would stand vitiated. As already mentioned above, the Government had taken a positive decision and relaxed the rigid complince with Rule 12.6 in the case of the selected candidates and had isssued a direction that the medical examination and police verification could be done after appointment keeping in view exigencies of service. We are of the view that this amounts to substantial compliance with the rules and although the action is to be deprecated, it would not vitiate the selection. *Parkash Vir and others v. State of Haryana and others, 1992(1) S.L.R. 157.*

2. Good Physique takes within its ambit the height and other physical qualifications.—Good physique takes within its ambit the height and other physical specifications, whereas the one star physical test has been introduced to evaluate the 'active habits' of the applicants. As a mattter of fact these tests supplement the Rules and make their applicability more uniform and practical and leave little to the caprice or him of the selecting agency. It is significant that the Rules do not talk of the written test as well, but there has been no argument by either side on this aspect. Some arguments were made on the question as to what were the requirements of the one star physical test. The contesting parties and the respondents *inter se* were at variance on this question. We are of the view that the one star physical test implied the passing of all 5 items as per the advertisement. We have examined the matter on the basis of the record and find that out of the 19 candidates selected, only 7 passed in all five tests. The entire selection is, therefore, liable to be set aside on this score alone. *Parkash Vir and others v. State of Haryana and others, 1992(1) S.L.R. 157.*

3. Conduct and behaviour of the candidate at the time of interview.—In selection process, Board is required to adjudge the suitability of the candidate for appointment for the Post of Inspector of Police. Misbehaviour by candidate during interview. Conduct and behaviour of the candidate at the time of interview is a relevant factor in making such assessment. Board is entitled to take note of the behaviour and rejecting the candidate for appointment on the post. Absence of any provision in the Rules prescribing a minimum marks for interview doesn't mean that the Board is bound to select a candidate who is found to be suitable for appointment by the board an account of his behaviour at the time of interview. *Hoshiar Singh v. The State of Haryana, 1993 Supp. (4) SCC 377: 1993(5) JT 63: 1994(1) LLT 562: AIR 1993(SC) 606.*

Rule 12.7 for Haryana

12.7. Sub-Inspectors' list of accepted candidates.—(1) A list of accepted candidates for direct appointment to the rank of [1][***] Sub-Inspector shall be maintained in the office of each Deputy Inspector-General in form 12.7 (1) and appointments shall be made by selection from this list. Candidates must be limited to residents of the range. No person who is already serving in or has resigned from the police force of another Province shall be accepted as a candidate without the approval of the Inspector-General of Police of that province.

(2) The Assistant Inspector-General, Government Railway Police, shall maintain a similar list, but may accept candidates residing anywhere in the province.

Rule 12.7 for Punjab

[2][**12.7. List of Sub-Inspectors.**—(1) Each Deputy Inspector General of Police of the Range shall maintain a list of all the directly recruited Sub-Inspectors.

(2) The Assistant Inspector General, Government Railway Police, shall maintain a similar list.]

Rule 12.8 for Punjab

12.8. Probationary nature of appointments.—(1) [3][Sub-Inspectors] who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time during or on the expiry of the period of their probation if they fail to pass the prescribed examinations including the riding test, or are guilty of grave misconduct or are deemed, for sufficient reason, to be unsuitable for service in the police. A probationary inspector shall be discharged by the Inspector-General and all other Upper Subordinates by Range Deputy Inspector-General and Assistant Inspector-General, Government Railway Police, Assistant Inspector-General, Provincial Additional Police (designated as Commandant, Provincial Additional Police) and Assistant Inspector-General of Police (Traffic). No appeal lies againsts an order of discharge.

[4][Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the progress to and pass such orders at any time during, or on the expiry of the extended period of probation as it could have passed during or on the expiry of original period of probation]

(2) The pay admissible to a probationary Inspector, Sergeant, Sub inspector or Assistant sub-inspectors is shown in Appendix 10.64, Table A.

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1. Word "Assistant" omitted by Haryana Govt. Notification No. G.S.R. 32./Const./Art. 309/2001 dated 24.12.2001.
2. Substituted by Punjab Govt. Notification No. G.S.R. 54/P.A. 10/2008/Ss. 80 and 85/Amd. (25)/2011 dated 27.7.2011.
3. Substituted for words "Inspectors, Sergeants, Sub-Inspectors and Assistant Sub-Inspectors" by Punjab Govt. Notification No. G.S.R. 54/P.A. 10/2008/Ss. 80 and 85/Amd. (25)/2011 dated 27.7.2011.
4. Proviso added vide Punjab Government Notification dated 12.4.1966.

Rule 12.8 for Haryana

12.8. Probationary nature of appointments.—(1) [1][Inspectors and Sub-Inspectors] who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time during or on the expiry of the period of their probation if they fail to pass the prescribed examinations including the riding test, or are guilty of grave misconduct or are deemed, for sufficient reason, to be unsuitable for service in the police. A probationary inspector shall be discharged by the Inspector-General and all other Upper Subordinates by Range Deputy Inspector-General and Superitendent of Police Railways[2], Assistant Inspector-General, Provincial Additional Police (designated as Commandant, Provincial Additional Police) and Assistant Inspector-General of Police (Traffic). No appeal lies against an order of discharge.

[3][Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the aggregate and pass such orders at any time during or on the expiry of the extended period of probation as it could have passed during or on the expiry of original period of probation.]

(2) The pay admissible to a probationary Inspector, [4][***] Sub Inspector or Assistant Sub-Inspector is shown in Appendix 10.64, Table A.

SYNOPSIS

1. Passing the Departmental Examination.

1. Passing the Departmental Examination.—Confirmation can only be if he passes the departmental examination. *Jagjit Singh v. State of Punjab, 1967 Cur. L.J. 187.*

12.9. Appointment as range auditors.—Appointment to the three special posts of range auditor is made by the Inspector-General. These appointments are governed by the Punjab Police Clerical Services Rules. Men appointed as auditors shall receive the special rates of pay specified in Appendix 10.64 Table A.

12.10. Appointment of head constable.—(1) Head constables shall be appointed by promotion from selection grade constables in accordance with rules 13.7 and 13.8.

Rule 12.10 for Himachal Pradesh

[5]**[12.10. Educational Qualification.**—Educational qualification for the direct appointment of constable shall be 10 + 2 from a recognised educational institution. However, the education qualification for appointment to the post of Constable reserved for Ex-servicemen shall be Matric:

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1. Substituted for the words "Inspectors, Sergeants, Sub-Inspectors and Assistant Sub-Inspectors" by Haryana Govt. Notification No. G.S.R. 32/Const./Art. 309/2001 dated 24.12.2001.
2. Vide Haryana Notification S.R. 64/C.A.-5/18611/Ss. 2 and 7/Amd (1) dated 26.3.1982.
3. Proviso added vide Punjab Government Notification dated 12.4.1966.
4. Word "sergeant", omitted by Haryana Govt. Notification No. G.S.R. 32/Const./Art. 309/2001 dated 24.12.2001.
5. Substituted by H.P. Home Department Notification No. Home(A) B (2) 4/2003 dated 2.3.2009.

Provided that the educational qualification for appointment to the post of constables reserved for Ex-servicemen shall be reviewed after five years from the date of commencement of these rules.]

12.10A. Direct appointment selection grade constable.—Matriculates of good social status and strong family claims may be enlisted in the selection grade of constables up to a maximum of 10 percent of the posts in this grade, and should be given a promise of accelerated promotion if they pass the recruits course with credit. No officer directly appointed under this rule should be confirmed or admitted to promotion list B-1 maintained under Police Rule 13.7 without the sanction of the Deputy Inspector-General. If such officers work well, they will be sent to the Lower School course at Phillaur directly they are confirmed and if they continue to receive good reports they will be deputed to take the Intermediate course when they have 'six years' service. Any such officers who fail to pass the recruits course with credit should be reverted to the time-scale, and would not be entitled to accelerated promotion. Deputy Inspector-General during their formal and informal inspections of districts should satisfy themselves that these officers are making satisfactory progress and have justified their appointment. Cards for these officers shall be maintained in form 13.8 (1) from the date on which they are enlisted.

SYNOPSIS

1. Person directly recruited as Selection Grade Constables.

1. Persons directly recruited as Selection Grade Constables.—Rule in terms applies to persons directly recruited as Selection Grade Constables and the petitioner is not one of them, but this does not mean that the petitioner cannot be deputed to undergo the Intermediate School Course. It has not been contended that the petitoner as a confirmed Head Constable is not entitled to be considered for promotion. The petitioner, who was a confirmed Head Constable with requisite length of service and who had earned consistently good reports, could not be debarred from being deputed for the Intermediate School Course, simply because he did not secure a position of merit, in the unathorised test which was introduced by the departmental authorities. *Ram Kishan, Head Constable v. The Inspector General of Police, Haryana and others, 1968 S.L.R. 661.*

12.11. Restriction on appointment non-British subjects.—The appointment to the provincial or subordinate ranks of the police of any person, who is not a British subject, or the subject of any of State in India, requires the prior sanction of the Government of India. All such cases shall be reported by the appointing authority through the ordinary channel of correspondence in the prescribed form (obtainable from the Central Police Office), and no such appointment shall be made substantive, until the required sanction has been communicated.

12.12. Supervision of recruitment.—The standard of performance and the reputation of the whole police force depend above all upon the quality of its constables. Standards for recruits are laid down in the rules which follow, but, over and above these, constant attention and effort to raise the general standard of recruitment are essential. Gazetted officers shall at all times devote special attention to discovering and encouraging men of a thoroughly good stamp to

enroll themselves. Efforts shall be made to enroll a proportion of men belonging to communities or classes, whose representation in the force is desirable, but who appear reluctant to offer themselves. The examination and measuring of candidates for enrolment shall invariably be carried out by a gazetted officer, who shall concern himself specially to prevent the victimisation of, or the taking of illegal gratification from, candidates by subordinate Government servants concerned in the conduct of their examination. Superintendents shall personally satisfy themselves that the arrangements for the reception of new recruits in the Lines, and for providing them with bedding and warm clothing, whether as a sanctioned Government issue or under system whereby the cost is recovered later in installments from pay, are adequate, and that recruitment is not discouraged by initial and avoidable hardships. Deputy Inspectors General, in addition to exercising a careful control over recruitment generally, and preventing the enrolment of undesirable types, shall, at their inspections, formal and informal, pay special attention to the observance of this rule.

SYNOPSIS

1. *Discharge from service while still under suspension.*
2. *Initiation of disciplinary proceedings.*
3. *Physical Screening Test-procedure for.*
4. *Biometric registration at the start and de-registration at the end-Requirement of.*

1. Discharge from service while still under suspension.—The Superintendent of Police has to consider and decide as to whether or not a constable is likely to prove and efficient police officer. If on a consideration of material in his possession, he forms an opinion that he is not likely to prove an efficient officer, an order of discharge can be passed. However, the order has to be passed on some objective data. In the present case, this does not appear to have been done. The petitioner was accused of having commited an offence. Soon after the registration of the case, he was placed under suspension. He was never reinstated. While he was still under suspension, the petitioner was ordered to be discharged from service. Full salary was not paid to him for the period of suspension. Even otherwise, nothing has been shown from his character-roll or any other record to indicate that there was any adverse report or comments regarding his performance. On the contrary, there is an entry in his character roll which shows that the petitioner had been awarded a commendation certificate "in recognition of doing conspicuously good work for the administration of law and maintenance of peace, safety and good order and for conduct displaying exceptional address, acuteness, industry, fidelity for smooth functioning of government work during Independence Day, 1990 Celebrations". He was also given a cash reward of Rs. 50/-. In this situation, it is apparent that the order of discharge was passed solely on account of the allegations made in the above mentioned FIR against him. These allegations do constitute misconduct. However, on the basis thereof, an order of discharge could not have been passed. If these allegations were found to be correct during enquiry, the petitioner could have been dismissed from service. However, the procedure prescribed under the Rules had to be followed. This was not done. Taking the totality of circumstances into consideration, I am driven to conclude that the petitioner was in fact punished for the alleged misconduct and the order dated April 18,1991 was not a simple order of discharge. *Surinder Kumar v. State of Haryana and others, 1992(5) S.L.R. 727=1991(3) RSJ 504.*

2. Initiation of disciplinary proceedings.—There is also another aspect of the matter. It is well established that what is material for the purpose of Article 311(1) of the Constitution is who actually appointed the person concerned. What is involved in matters of appointment and removal for the purpose of Article 311 of the Constitution is the Status and rank of the employee and the Status and rank of the authority taking action vide the *Management of Delhi Transport Undertaking v. BBL Hajelay and another, 1972 SLR 787 SC.* In the present case, the petitioner was actually appointed as a constable by the S.S.P. excercising the powers of D.I.G. of Police who, in terms of rank and status, was higher than that of the Additional Supdt. of Police. The Additional S.P., who was a lower authority, was, therefore, not competent to initate disciplinary proceedings against the petitioner. As has been pointed out in para 12 above, it was only after the issue of the notification dated 18th May, 1968 that the Additional S.P. was empowered to exercise the powers and perform the duties of a District Supdt. of Police. The Commandant of Delhi Armed Police was empowered of exercise the same powers only by the notification issued by the Lt. Governor on 6th May, 1976. *Lakhi Ram v. Union of India and others, 1989(7) S.L.R. 365.*

3. Physical Screening Test-procedure for—The candidates had been apprised of the five stages for conduct of the Physical Screening Test on account of adoption of the RIFD Technology. Such terms and conditions would require strict adherence to ensure fair play. The timing of the test run was being recorded not manually but by using such advanced automated technology in tandem with the chip belt worn by a candidate. *Ashok Kumar v. State of Haryana, (2017) 2 PLR 221: (2017) 2 RSJ 409: (2017) 1 SCT 317: (2017) 3 SLR 360 (P&H).*

4. Biometric registration at the start and de-registration at the end-Requirement of—A biometric registration at the start and de-registration at the end by way of affixing thumb impression ensured elimination of impersonation. Under such factual position, it cannot be heard of a candidate to complain that his timing of the test run has been wrongly recorded. Likewise, even with regard to such candidates who may have completed the test run and within the qualifying time, the process of de-registration by affixing the thumb impression at the end of the run was mandatory. *Ashok Kumar v. State of Haryana, (2017) 2 PLR 221: (2017) 2 RSJ 409: (2017) 1 SCT 317: (2017) 3 SLR 360 (P&H).*

12.13. Recruits register of.—The name of every recruit, together with the other details required by the form, shall be entered in English in the Recruit Register in From 12.13 and the form shall be completed as to age and physical fitness by the Civil Surgeon before the recruit is enrolled. No recruit shall be accepted, who, unless he had already had small-pox and shows obvious scars thereof, is not certified by the Civil Surgeon to have been successfully vaccinated or re-vaccinated within the previous twelve months. The Recruit Register shall be examined and countersigned by the Deputy Inspector-General when visiting the district for purposes of inspection.

Rule 12.14 for Punjab

12.14. Recruits-Status of.—(1) Recruits shall be of good character and great care shall be taken in selecting men of a type suitable for police service from candidates presenting themselves for enrolment.

(2) The enlistment in the police of Gurkhas of Napalese nationality is absolutely forbidden. The enlistment of Gurkhas, who can prove British nationality or

continuos domicile, is permitted, but only with the formal sanction of the Deputy Inspector-General. Before giving sanction the Deputy Inspector-General should verify the nationality of the proposed recruit by a reference to the recruiting Officer for Gurkhas.

(3) Sons and near relatives of persons who have done good service in the Punjab Police or in the Army shall, subject to the consideration imposed by rule 12.12 have preference over the other candidates for police employment.

Rule 12.14 for Haryana

[1][**12.14. Nationality domicile and character of the candidates.**— (1) No person shall be appointed to the post of constable in, Haryana Police, unless he is—

(a) a citizen of India, or

(b) a subject Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over India before the 1st January, 1962 with the intention of permanently settling in India, or

(e) a person of Indian origin who migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda, United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a person belonging to any of the categories (b), (c), (d) or (e) shall be a person in whose favour of certificate of eligibility has been issued by the Government.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Selection Board, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

[2][***]

(3) No person shall be appointed to the Post of Constable, unless he produces a certificate of character from the principal Academic officer of the University College, School or institution last attended if any, and similar certificate from two other responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his University, College, School or Institution.]

SYNOPSIS

1. Preference in favour of some and near relatives of persons.

2. Relaxation of age, qualification and Physical standard to the wards of ex-policemen.

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1. Substituted by Haryana Govt. Notification No. G.S.R. 62/Const./Art. 309/98, dated 17.6.1998.
2. Omitted by Haryana Govt. Notification No. G.S.R. 22/Const./Art. 309/2007, dated 13.7.2007.

3. Relaxation of rules-Petitioners despite that relaxation not sent for training of Constables.

4. Relaxation should be made by the Administrator.

5. Rules framed under the Police Act of 1861.

6. Clean antecedents and good moral character of a selected candidate-Held sine qua non for recruits.

7. Verification application form-Need of disclosure.

1. Preference in favour of some and near relatives of person.—Rule 12.14(3) of the Punjab Police Rules, 1934 which authorised the granting of preference in favour of sons and near relatives of persons serving in the police service became unconstitutional on the coming into force of the Constitution. While it may be permissible to appoint a person who is the son of a police officer who dies in service or who is incapacitated while rendering service in the Police Department, a provision which confers a preferential right to appointment on the children or wards or other relatives of the police officers either in service or retired merely because they happen to be the children or wards or other relatives of such police officers would be contrary to Article 16 of the Constitution. Opportunity to get into public service should be extended to all the citizens equally and should not be confined to any extent to the descendants or relatives of a person already in the service of the State or who has retired from the service. *Yogender Pal Singh and others v. Union of India and others, 1987(1) S.L.R 379.*

2. Relaxation of age, qualifications and Physical standard to the wards of ex-policemen.—It is not the case before me that this provision of public employment is invalid because no one from outside has come to challenge the validity of this provision. In 1975, 1976 and 1977 the Government itself acting under this very provision granted relaxation. Now they deny relaxation because they say that it can be availed of only by one son of a Policemen. I find there is no such restriction in sub-rule (3). If the Government itself makes a special provision as it does by making the order dated 3.10.81 in favour of the wards of the Delhi Policemen, there is no good reason why the provision of sub-rule (3) of rule 12.14 should also not be followed in cases of sons and near relatives of police constables. *Joginder Pal Singh v. Union of India and others, 1983(3) S.L.R. 252.*

3. Relaxation of rules—Petitioners despite that relaxation not sent for training of constables.—The petitioners will be appointed as constables and will be given the required training subject to fulfilling the requirements of the order dated 3.10.81. Seniority of these petitioners will be reckoned from the date when their colleagues were sent for training and were appointed as constables. Future increment and other benefits will be given on that basis. No pay will given for this period. Pay will be given from the date of their appointment. *Joginder Pal Singh v. Union of India and others, 1983(3) S.L.R. 252*

4. Relaxation should be made by the Administrator.—Under Rule 30 of the Rules any relaxation should be made by the Administrator (Lt. Governor of the Union Teritory of Delhi) and not by the Deputy Commissioner of Police. Thus no reliance can be placed on the order of relaxation passed by the Deputy Commissioner of Police on 3.10.1981 and since by the letter dated April 3, 1982 the Delhi Administration had imposed and additional condition in respect of the wards of Delhi Policemen/Class IV employees that only one son of police personel/Class IV employee would be considered for grant of such relaxation of the appellants cannot claim that they were entitled to be recruited because admittedly their brothers had already been recruited in the Delhi Police Service on the basis of an earlier order of relaxation. *Yoginder Pal Singh and others v. Union of India and others, 1987(1) S.L.R. 379.*

5. Rules framed under the Police Act of 1861.—The rules framed under the Police Act of 1861 would continue to be in force after the Act came into force in so far as they were consist with the Act but at the same time Section 147 of the Act authorised the Administrator (Lt. Governor of the Union Territory of Delhi) to make rules regarding recruitment to, and the pay, allowances and all other conditions of service of the members of the Delhi Police under Clause (b) of section 5. It is not disputed that rule 12.14 and rule 12.15 of the Punjab Police Rules, 1934 and the rules promulgated on December 31, 1980 dealt with the identifcal subject, namely, the recruitment of Constables to the Delhi Police Serivce. *Yoginder Pal Singh and others v. Union of India and others, 1987(1) S.L.R. 379.*

6. Clean antecedents and good moral character of a selected candidate-Held sine qua non for recruits—As Rules 12.12, 12.14 and 12.18 of the Rules, 1934 unequivocally state that clean antecedents and good moral character of a selected candidate is the sine qua non. He/she must fall within the zone of consideration. *Joginder Singh v. Union Territory of Chandigarh, (2015) 2 SCC 377: (2015) 1 SCC (L&S) 490: (2014) 12 SCALE 653: 2015 AIR SCW 483: (2015) 1 SCT 87: (2015) 4 SLR 143: (2014) 5 Law Herald (SC) 3951: (2015) 2 RSJ 16 (SC) (DB).*

7. Verification application form-Need of disclosure—There has been no allegation of concealment of the fact that a criminal case was registered against him by the Appellant. Thus, the Appellant has honestly disclosed in his verification application submitted to the selection authority that there was a criminal case registered against him and that it ended in an acquittal on account of compromise between the parties involved in the criminal case, he cannot be denied an opportunity to qualify for any post including the post of a Constable. *Joginder Singh v. Union Territory of Chandigarh, (2015) 2 SCC 377: (2015) 1 SCC (L&S) 490: (2014) 12 SCALE 653: 2015 AIR SCW 483: (2015) 1 SCT 87: (2015) 4 SLR 143: (2014) 5 Law Herald (SC) 3951: (2015) 2 RSJ 16 (SC) (DB).*

Rule 12.15 for Punjab

12.15. Recruits–age and physical standards of.—(1) Recruits shall be not more than [1][22], and not more than 27 years of age at the time of enrolment, and shall have a minimum height of 5'-7'' and normal chest measurement of 33'', with expansion of 1 inches. These physical standards shall not be relaxed without the general or special sanction of the Deputy Inspector-General. A general reduction of the standard may be allowed by Deputy Inspectors-General in the case of special castes or classes, which provide desirable recruits, but whose general height does not come up to that prescribed. In such cases a standard of chest measurement and general physique shall be fixed, which will permit the enlistment of strong and well proportioned youths of the class in question. [2][The Inspector General may, in special circumstances to be recorded in writing, relax the upper age limit and the Physical standards in the case of recruits.]

Note 1.—A recruit whose age is not less than 17 years may be enrolled, subject to the condition that the service rendered by him before the age of 18 years shall not qualify for pension.

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1. Substituted for "25" by Punjab Government Notification dated 14.4.1984.
2. Added by Punjab Government Notification dated 15.3.1966.

(2) The greatest care shall be taken to ensure that the age of every police officer is correctly recorded at the time of his enrolment and appointment. The record then made becomes of the utmost importance when the question arises of an officer's right to pension, and is accepted as decisive in the absence of full proof both that the original entry was wrong and that the date of birth originally given was due to a *bona fide* mistake.

A copy of this rule shall be pasted inside the cover of the recruit register (form 12.13) and the attention of the Civil Surgeon shall be drawn to it.

Rule 12.15 for Haryana

[1][**12.15. Age, Physical standard and Academic Qualification.**—(1) No person shall be appointed to the post of constable by direct recruitment who is less than 18 years or more than [2][25] years of age [3][on the first day of the month in which the applications are invited for recruitment of Constables]:

Provided that for the candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Class categories relaxation of upper age limit of five years shall be given [4][:]

[5][Provided further that for candidates belonging to the Economically Weaker Section, relaxation of upper age limit of five years shall be given.]

[6][(2) The minimum prescribed physical standard for candidate for recruitment as constable shall be as follows; —

Candidate	Height	Chest
Male	172 Centimeter General category	83 Centimeter (un-expanded) to 87 Centimeter (expanded)
	169 Centimeter For eligible reserve categories as per latest existing Govt. Reservation Policy	81 Centimeter (un-expanded) to 85 Centimeter (expanded)
Female	160 Centimeter General category	NIL
	157 Centimeter For eligible reserve categories as per latest existing Government Reservation Policy	

The suitable relaxation in minimum physical standards may be granted by the Director General of Police for recruitment of outstanding sports persons after recording reasons in writing.]

1. Subs. by Haryana Govt. Notification No. G.S.R. 62/Const./Art 309/98, dated 17.6.1998.
2. Subs. by Haryana Govt. Notification No. S.O. 32/C.A. 5/1861/Ss. 2 and 7/2006, dated 6.3.2006.
3. Subs. by Haryana Govt. Notification No. S.O. 54/C.A. 5/1861/Ss. 2 and 7/2002, dated 18.6.2002.
4. Subs. by Haryana Govt. Notification No. S.O. 60/H.A. 25/2008/S. 92/2020, dated 29.12.2020.
5. Ins. by Haryana Govt. Notification No. S.O. 60/H.A. 25/2008/S. 92/2020, dated 29.12.2020.
6. Subs. by Haryana Govt. Notification No. S.O. 133/H.A.25/2008/S.92/2015 dated 18.06.2015.

[1][(3) The minimum educational qualifications for a candidate to be eligible for selection as a Constable shall be 10+2 for all categories.]

[2][(4) The Director General of Police may, in special circumstances to be recorded in writing and with the prior approval of the Government, relax sub-rules (1), (2) and (3) above, with respect to any class or category of persons.]

[3][(5) No person shall be eligible for direct recruitment if, he is colour blind or flat foot or has knocking knees.]

Rule 12.15 for Himachal Pradesh

12.15. Recruits–age and physical standards of.—(1) Recruits shall be not more than 22 years (27 years for Scheduled Castes and Scheduled Tribes) or less than 18 years of age at the time of enrolment, and shall have a minimum height of 5'-7" and normal chest measurement of 33", with expansion of 1 inches. These physical standards shall not be relaxed without the general or special sanction of the Deputy Inspector-General. A general reduction of the standard may be allowed by Deputy Inspectors-General in the case of special castes or classes, which provide desirable recruits, but whose general height does not come up to that prescribed. In such cases a standard of chest measurement and general physique shall be fixed, which will permit the enlistment of strong and well proportioned youths of the class in question. The Inspector General may, in special circumstances to be recorded in writing, relax the upper age limit and the Physical standards in the case of recruits.

Note 1.—A recruit whose age is not less than 17 years may be enrolled, subject to the condition that the service rendered by him before the age of 18 years shall not qualify for pension.

(2) The greatest care shall be taken to ensure that the age of every police officer is correctly recorded at the time of his enrolment and appointment. The record then made becomes of the utmost importance when the question arises of an officer's right to pension, and is accepted as decisive in the absence of full proof both that the original entry was wrong and that the date of birth originally given was due to a *bona fide* mistake.

A copy of this rule shall be pasted inside the cover of the recruit register (Form 12.13) and the attention of the Civil Surgeon shall be drawn to it.

Rule 12.15 for Chandigarh

12.15 Recruits–age and physical standards of.—(1) Recruits shall be not more than [22], and not more than 27 years of age at the time of enrolment, and shall have a minimum height of 5'-7" and normal chest measurement of 33", with expansion of 1 inches. These physical standards shall not be relaxed without the general or special sanction of the Deputy Inspector-General. A general reduction

1. Substituted by Haryana Govt. Notification No. G.S.R. 22/Const./Art. 309/2007 dated 13.7.2007.
2. Added by Haryana Govt. Notification No. G.S.R. 4/Const./Art. 309/2006 dated 27.3.2006.
3. Added by Haryana Govt. Notification No. S.O. 133/H.A.25/2008/S.92/2015 dated 18.06.2015.

of the standard may be allowed by Deputy Inspectors-General in the case of special castes or classes, which provide desirable recruits, but whose general height does not come up to that prescribed. In such cases a standard of chest measurement and general physique shall be fixed, which will permit the enlistment of strong and well proportioned youths of the class in question. The Inspector General may, in special circumstances to be recorded in writing, relax the upper age limit and the Physical standards in the case of recruits.

Note 1.—A recruit whose age is not less than 17 years may be enrolled, subject to the condition that the service rendered by him before the age of 18 years shall not qualify for pension.

(2) The greatest care shall be taken to ensure that the age of every police officer is correctly recorded at the time of his enrolment and appointment. The record then made becomes of the utmost importance when the question arises of an officer's right to pension, and is accepted as decisive in the absence of full proof both that the original entry was wrong and that the date of birth originally given was due to a *bona fide* mistake.

A copy of this rule shall be pasted inside the cover of the recruit register (From 12.13) and the attention of the Civil Surgeon shall be drawn to it.

[1][Provided that the minimum educational qualification for the post of Constable in the Band shall be Middle Standard for the applicants who have retired from the difference services and have worked as a member of the Defence Band Staff.]

SYNOPSIS

1. *Date of birth.*
2. *Forfeiture of service-Date of birth.*
3. *Intermediate School Course.*
4. *Recruitment in violation of Rule-Discharge from service.*
5. *Constable to be recruited in the police force must be physically fit.*

1. Date of birth.—Mere fact that school leaving certificate records different date of birth is of no consequence. *Constable Jagir Singh v. The Inspector General of Police, Punjab and others, 1989(1) RSJ 609.*

2. Forfeiture of service—Date of birth.—Even after the impugned order forfeiting four years service was passed, on the administrative side another order was passed by correcting the service record of the petitioner to incorporate August 10, 1938 ad the date of birth which was given in the education certificate. Subsequently the Commandant passed an order on February 7, 1980 under the instructions of Deputy Inspector General of Police contained in the letter dated January 30, 1980 that according to Appendix 'B' to Rule 7.3 of the Punjab Financial Rules the recorded date of birth cannot be changed. Thus entry of date of birth as August 10, 1938 was cancelled and the original date of birth August 23, 1943 was substituted. Copy of the order is Annexure P/2. The correctness of this letter has not been disputed. This shows that respondents are taking up contradictory stands. By passing the order of punishment the actual date of birth of the petitioner is taken as

1. Added by Chandigarh Notification No. 1/1/186-H III(1)-2008/21026 dated 10.11.2008.

August 10, 1938 whereas the same is not considered for the purpose of service record as in Annexure P/2. The original date of birth August 23, 1943 has been ordered to be corrected. Even under the Rules, the actual date of birth for all intents and purposes is to be taken as August 23, 1943 as was original given by the petitioner at the time of recruitment. The mere fact that in the school leaving certificate his date of birth is recorded as August 10, 1938 will be of no consequence. Furthermore, such a date as given in the school ceritificate cannot be considered as conclusive evidence of the date of birth recorded therein. Needless to say such a date of birth was not recorded by the petitioner himself but by somebody who took him to the school for admission.

The evidence of such a person who recorded the date of birth of the petitioner at the time of his admission in the school was not recorded in the enquiry conducted against the petitioner. The report of the enquiry officer is solely based on the school certificate produced in the enquiry. Since such evidence cannot be considered sufficient to hold the actual date of birth of the petitioner being August 10, 1938, obviously the petitioner could not be penalised. Moreso, department for all intents and purposes is taking the date of birth of the petitioner as August 23, 1943. *Jagir Singh v. The Inspector-General of Police, Punjab and others, 1989(3) S.L.R. 278.*

3. Intermediate School Course.—Petitioners have no right to be deputed to the course as no one from their range who was junior to them, had been deputed for the course then simply because by virtue of the interim orders, they have completed half of the Intermediate Course is no ground to allow them to continue with the course. *Ilan Singh and ors. v. The State of Haryana and ors. 1992(1) RSJ 57.*

4. Recruitment in violation of Rule—Discharge from service.—None of the petitioners fulfils the prescribed standard. Accordingly, they were not eligible to be recruited. As such, I find no infirmity in the action of the respondents. Persons who do not fulfil the conditions of eligibility are not entitled to continue on their posts. Keeping in view the fact that the petitioners admit the position as depicted in Annexure use R-1 to the written statement and that there is no claim on their behalf that the measurements as depicted in the written statements are wrong, no useful purpose would be served by directing the respondents to hear them. The purpose of the grant of an opportunity of hearing is only to ascertain the factual position. In a case where there is no dispute on facts, no useful purpose would be served by directing the respondents to hear the petitioners. It is no doubt correct that normally before passing an order adverse to the interests of a person, he is entitled to be heard so that he can put forth his view point. However, such an opportunity is necssary only when a person disputes the facts on the basis of which the action is sought to be taken. In the present case, learned counsel for the petitioners is categorical in his assertion that he does not want even to controvert the factual position as depicted in the written statement. This being the admitted postion it is clear that no useful purpose would be served by directing the respondents to re-decide the matter after hearing the petitioners. *Ram Dia and others v. State of Haryana and others, 1992(5) S.L.R. 719.*

5. Constable to be recruited in the police force must be physically fit.—Petitioner had qualified all kind of tests as ground test, physical test, written test and personal interview. He was medically examined at the time of initial recruitment. When training started, he was found suffering from colour blindness. Constable to be recruited in the police force must be physically fit. It is true that his colour blindness may impair discharge of his routine duties. However it is equally true that person suffering from colour blindness may not be totally unfit to discharge other routine duties whereby the colour blindness may not impair discharge of his duties. Matter should have been viewed sympathically

since petitioners had already gone through many stages of selection process and they could be deployed in other wing where colour blindness will not be a hindrance in the discharge of duties. Respondent was directed to reconsider the case of petitioner. *Hoshiar Singh v. State of Himachal Pradesh, 2010(3) SLR (Himachal Pradesh) 76*.

Rule 12.16 for Punjab

12.16. Recruits medical examination of.—(1) Every recruit shall, before enrolment, be medically examined and certified physically fit for service by the Civil Surgeon. A certificate in the prescribed form (10.64) signed by the Civil Surgeon personally, is an essential qualification for enrolment (vide Fundamental Rule 10).

The examination by the Civil Surgeon, will be conducted in accordance with the instructions issued by the medical department and will test the eyesight, speech and hearing of the candidate, his freedom from physical defects, organic or contagious disease, or any other defect or tendency likely to render him unfit, and his age. The candidate must strip for examination, a loin covering being allowed except when the examination is being completed, and any candidate who refuses to do so must be rejected. The conditions of police service make it necessary that the medical examination of candidates should be strict. Candidates shall be rejected for any disease or defect which is likely to render them unfit for the full duties of a police officer.

(2) Superintendents are themselves responsible for rejecting candidates whose general standard of physique and intelligence is unsatisfactory; only those candidates should be sent for medical examination whom the Superintendent has accepted as being up to the required standards in these respects. (See Appendix 12.16).

Rule 12.16 for Haryana

[1][**12.16 Procedure for direct recruitment.**—

(1) Percentage of vacancies:—

(a) All vacancies in the rank of Constable and fifty percent (50%) of the total sanctioned posts (both temporary and permanent) in the rank of Sub-Inspector shall be filled up by direct recruitment through the Haryana Staff Selection Commission:

1. Substituted by Haryana Govt. Notification No. S.O. 7/H.A.25/2008/S.92/2024, dated 30th January, 2024.

Provided that vacancies under Sports quota out of the vacancies to be filled up by direct recruitment shall be filled up from amongst sports persons in accordance with policy of the State Government applicable from time to time.

(b) The Haryana Staff Selection Commission may co-opt one or more technical experts such as serving or retired police officer (not below the rank of Deputy Superintendent of Police), psychologist, doctor, subject matter expert etc. from time to time, to assist it. These experts shall be persons of repute in their respective fields having minimum ten years experience.

(c) The Haryana Staff Selection Commission shall be responsible for maintaining a computer based Management Information System for managing the entire selection process including, *inter alia*, receiving on-line applications, their processing and preparation of the result etc.

(2) Requisition:—Whenever there is sufficient number of vacancies for direct recruitment, the Director General of Police, shall after the approval of the State Government, send the requisition to the Haryana Staff Selection Commission.

(3) Public Information:— On receipt of requisition from the Director General of Police, the Haryana Staff Selection Commission shall notify the vacancies at least fifteen days prior to the last date for submission of applications in atleast two prominent daily newspapers in the State, one of which shall be in Hindi and the other in English. The advertisement shall give detail of vacancies, mode of application and the eligibility conditions etc. The other details shall be posted on the official website of the Haryana Staff Selection Commission.

(4) Applications:—(a) A candidate against whom a criminal court has framed charges on or before the last date of submission of application form shall not be considered eligible to submit application form.

(b) Applications must be accompanied with prescribed fee and shall be received online. The information submitted online by the candidate shall be final.

(c) Roll number shall be allotted to the eligible candidate and shall be uploaded on the official website of the Haryana Staff Selection Commission. Once the roll numbers are allotted, each candidate shall be able to generate admit card to join the process of selection.

(5) **Qualifying tests:**—Haryana Staff Selection Commission shall invite adequate number of candidates on the basis of merit obtained by them in Common Eligibility Test (CET), for Physical Measurement Test and then for Physical Screening Test both of which shall be of qualifying nature only. The Haryana Staff Selection Commission may do so in such number of batches, as it deems necessary, so as to shortlist qualified candidates equal to four times the number of advertised posts of each category for Knowledge Test.

(6) **Physical Measurement Test:**—

(a) The candidate shall have to undergo Physical Measurement Test, as per standards prescribed in **Appendix-B** of the Haryana Police (Non-Gazetted and Other Ranks) Service Rules, 2017.

(b) To make the entire process of the Physical Measurement Test tamper proof, fair and impartial, standard digital measurement devices shall be used to the extent possible in a manner that the candidates are able to read their measurements on a digital display monitor.

(c) The result of Physical Measurement Test shall be prepared by the Haryana Staff Selection Commission and shall be displayed on its official website.

(d) The candidates who fail to meet the standards prescribed for Physical Measurement Test shall stand eliminated from further selection process.

(e) Only the candidates who qualify the standards prescribed for Physical Measurement Test shall take part in the further process of selection.

(7) **Physical Screening Test:**—The Candidates who have qualified Physical Measurement Test shall further appear in Physical Screening Test to judge their physical fitness and endurance. The standards prescribed for this test shall be as under:—

Candidate	Race distance	Qualifying Time
1. Male	2.5 Kilo Meters	12 Minutes
2. Female	1.0 Kilo Meter	6 Minutes
3. Ex-Serviceman	1.0 Kilo Meter	5 Minutes
Note:—RFID (Radio Frequency Identification Device) or any other superior and reliable technology shall be used to ensure reliability of this test at the discretion of the Haryana Staff Selection Commission.		

(a) The responsibility of having the requisite medical fitness to undergo this test shall rest upon the candidate.

(b) The candidates who fail to meet the standards prescribed for Physical Screening Test shall stand eliminated from further selection process.

(c) The result of Physical Screening Test shall be prepared by the Haryana Staff Selection Commission and shall be displayed on its official website.

(d) Only the candidates who qualify the standards prescribed for Physical Screening Test shall be allowed to take part in further process of selection.

(8) **Knowledge Test (94.5% weightage):**—The Haryana Staff Selection Commission shall shortlist candidates equal to four times the number of advertised posts for each category among those who have qualified their Physical Measurement Test and Physical Screening Test, to further appear in the Knowledge Test. The detailed procedure of test shall be as follows:

(a) All candidates shall have to undergo a knowledge testof ninety-four point five percent (94.5%) weightage comprising of objective type, multiple choice questions. Each question will carry equal marks.

(b) The medium of examination shall be bilingual i.e. Hindi/English except where the knowledge of Hindi/English language of the candidates is to be tested.

(c) The test paper shall include questions on General Studies, General Science, Current Affairs, General Reasoning, Mental Aptitude, Numerical Ability, Agriculture, Animal Husbandry, other relevant fields/trade etc. There shall be atleast 10% questions relating to basic knowledge of computer and atleast 20% questions relating to basic knowledge about Haryana. The standard of questions shall be as expected of an educated person, having passed 10+2 examination for the post of Constable and graduation for the post of Sub-Inspector.

(d) For being considered for selection against a post of general category, a candidate has to secure minimum 50% marks (excluding socio-economic criteria weightage) in the Knowledge Test. In case of consideration against a reserved category post (whether vertical or

horizontal) the candidate shall receive a concession of 10% i.e. the minimum cut off for such candidates shall be 40% (excluding socio-economic criteria weightage).

(9) Essential qualification:—

(i) **For Constable:**—10+2 from a recognized Education Board/ Institution;

(ii) **For Sub-Inspector:**—Graduation from a recognised University.

No extra weightage will be given for any higher education.

(10) Additional Weightage (maximum 03 + 2.5 =5.5 marks):—

(a) **NCC certificate:**—Candidates having NCC certificate of A, B or C level shall get 01, 02 and 03 marks respectively (for both Constables and Sub Inspectors).

(b) **Socio Economic Criteria:**—Maximum two and half (2.5) percent socio-economic criteria weightage shall be admissible to eligible candidates as per Annexure 'B' of the 'Policy for Recruitment to Group C and D Posts through Common Eligibility Test, 2022', as amended from time to time.

(11) Result of examination:—

(a) The names of successful candidates who have qualified Knowledge Test, in the order of merit on the basis of aggregate marks i.e. marks obtained in Knowledge Test + Additional Weightage as per sub rule 10 above, shall be finalized by the Haryana Staff Selection Commission, equal to the total number of vacancies advertised for each category separately.

(b) In case two or more candidates have the same aggregate score, the order of merit shall be determined by the higher score achieved in the Knowledge Test.

(c) Whereas two or more candidates have the same aggregate score as well as the same score in Knowledge Test also, the order of merit shall be guided by the age of the candidate, i.e. the older being placed higher than the younger ones.

(d) Where two or more candidates have the same aggregate score as well as the same score in Knowledge Test and their date of birth is also same, the order of merit shall be in favour of the candidate having higher educational qualification.

(e) The Haryana Staff Selection Commission shall recommend the names of successful candidates equal to the total number of vacancies requisitioned in each category, separately to the Director General of Police for appointment. The list of candidates so recommended shall also be put on the official websites of the Haryana Staff Selection Commission and Haryana Police.

(f) Medical fitness and verification of character and antecedents of the candidates shall be got verified by the appointing authority before issuing appointment letter to the candidates. Even after joining of the candidate, if it is revealed that candidate was/is not medically fit or fresh adverse verification report about his character is received or genuineness of his certificates is not verified, he shall not be eligible to continue in job. Vacancies advertised, if any, remain unfilled due to rejection of candidate(s) on medical grounds or verification of character and antecedents or otherwise shall be filled up from amongst selected incumbents from the waiting list during period of validity of the waiting list, as per instructions issued by the State Government from time to time.

(g) All vacancies falling vacant for any other reason including due to resignation or death of newly selected/appointed incumbents during the period of validity of the waiting list, shall be filled up from the waiting list, as per instructions issued by the State Government from time to time.

(h) Vacancies which are not filled up on the day of expiry of the main list, as well as the waiting list, as per instructions issued by the State Government from time to time, shall be considered in the next recruitment.

(12) Special Recruitment:—The above procedure of recruitment shall not apply to the appointment of the children of deceased police officials under the ex-gratia scheme, if any, of the Haryana Government. It shall also not apply to the recruitment of Constables in specialized wings of the Haryana Police viz; Telecommunication wing, Haryana Police Commando Force, Indian Reserve Battalion (IRB), State Crime Record Bureau, Band and Buglers Staff, Mounted Police, Dog Squad, Cyber Cell and officials with special qualification or experience and to other specialized wings which are sanctioned or may be created/sanctioned by the State Government in future.

The procedure for these specialized wings shall be such, as approved by the State Government, on the recommendation of the Director General of Police from time to time.]

SYNOPSIS

1. *Whether A person suffering from coloured blindness could be appointed to the post of constable.*

2. *Change after finalisation of selection-Held not possibles.*

1. Whether A person suffering from coloured blindness could be appointed to the post of constable.—Constable suffering from colour blindness could give or notice wrong coloured signal and public life could be put in danger. Proper colour vision is a pre-requisite for each type of Police duties. Not only this, when he is promoted as investigating officer he again requires proper vision to collect the evidence and inspect the spot. Dot Card Test is essential and those who can't qualify this test are not eligible to be appointed as constable in police force. *State of Haryana v. Satish Kumar, 2011(5) SLR (P&H) (DB)710.*

In Indian Reserve Battalion appointment of constable was denied due to colour blindness. Held justified became it affects the safety, security and performance of his duties. *Neeraj v. Union of India, 2011 (3) SLR (P&H) 419.*

2. Change after finalisation of selection-Held not possibles—As per Rule 12.16 (24) of the Rules, 1934, once the selection Board finalizes and communicates its recommendations to the units concerned, there cannot be any further change. *Karam Singh Saini v. State of Haryana and others, (2016) 1 SCT 469: (2016) 5 SLR 267 (P&H).*

For Haryana

[1][**12.16A. Haryana Police Band Staff (Bandsmen).**—(1) The Director General of Police with the prior approval of State Government may raise as many bands of as many types as required for providing musical support in a wide range of National, State, Police and Civil Ceremonial events either as stationary or as marching band. The uniform, equipment's, training and deployment/engagement of various bands shall be such as may be specified by the Director General of police.

(2) The recruitment to the sanctioned post of Haryana Police Band Staff for the post of Constable shall be made by direct recruitment or by transfer or deputation from any State Government or the Central Government. Further, since Haryana Police Band Staff is a specialized wing of Haryana Police in view of rule 12.16 (11), the procedure for direct recruitment of Constables in this wing shall be such, as approved by the State Government on the recommendation of the Director General of Police, Haryana.

1. Inserted by Haryana Govt. Notification No. 6/5/2015-4HGII, dated 3.12.2015.

Rule 12.17 for Punjab

12.17. Recruits–enrolment of.—When a candidate has been passed by the Superintendent and the Civil Surgeon under rules 12.12 to 12.16, orders for his enrolment shall be entered in column 14 of form 12.13 and in the order book. The recruit shall be sent to the Lines Officer, who shall personally place him in the charge of the chief drill instructor. The latter shall be responsible for explaining to the recruit the disciplinary orders immediately applicable to him, for arranging for the issue to him of recruits uniform and equipment, and for allotting him to a squad and showing him his place in barracks.

Rule 12.17 for Haryana

[1][**12.17. Recruits Medical Examination.**—Candidates who are finally recommended for appointment as constable shall be got medically examined by the Civil Surgeon. A certificate, in the prescribed form (10.64), signed by the Civil Surgeon personally, is an essential qualification for enrolment. The examination by the Civil Surgeon will be conducted in accordance with the instructions issued by the Health Department and he will test the eye sight, speech and hearing of the candidate, his freedom from defects, organic or contagious disease or any other defect or tendency likely to render him unfit, and his age. The conditions of police service make it necessary that the medical examination of candidates should be strict. Candidates shall be rejected for any disease of defect which is likely to render them unfit for the active duties of a police officer.]

Rule 12.18 for Punjab

12.18. Recruits verification of character of.—(1) The character and suitability for enrolment of every recruit shall be ascertained by a reference to the lambardar of the village or ward member of the town of which the recruit is a resident. A search slip shall also be sent to the Finger Print Bureau in order to establish his freedom or otherwise from conviction. Such lambardar or ward member shall, if the recruit is of good character, furnish a certificate to that effect which shall be verified and attested by the sub-inspector in charge of the local police station. The Sub-Inspector shall be complete the information required by Form 12.18 (1).

(2) If the recruit is not a resident of British territory, the Superintendent shall take steps to verify his character through other serving police officers, whose homes are in the same neighbourhood, or by such means as may be most suitable under the circumstances.

(3) Recruits shall be provisionally enrolled pending the result of the reference.

Rule 12.18 for Haryana

[1][**12.18. Verification of character and antecedents:**—(1) The appointing authority shall send the verification forms of candidates recommended for appointment by the Haryana Staff Selection Commission to the district police

1. Substituted by Haryana Govt. Notification No. G.S.R. 62/Const./Art 309/98, dated 17.6.1998.
2. Substituted by Haryana Govt. Notification No. S.O. 133/H.A. 25/208/S. 92/2015, dated 18.6.2015.

and Criminal Investigation Department with a copy to the District Magistrate for the verification of character and antecedents, as per Form No. 12.18 and Government instructions issued from time to time on the subject.

(2) The candidate shall disclose the fact regarding registration of FIR or criminal complaint against him for any offence under any law along-with the current status of such case in application form and verification cum attestation form irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidature out-rightly, solely on this ground:

Provided that where a candidate, who as a juvenile had earlier come in conflict with law and was dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, shall not suffer any disqualification on account of non-disclosure of this fact either in application form or verification cum attestation form.

(3) Where the appointing authority upon verification of character and antecedents of the candidate recommended for appointment comes to know that criminal proceedings against a candidate is in progress and the status of the case is reported to be either under investigation or challenged or cancelled or sent untraced or withdrawn or under trial or has either been convicted or acquitted or the candidate has preferred appeal against the order of the court; the appointing authority upon verification shall deal with the cases of candidates reported to have criminal cases registered against them and to the matters connected therewith as stated hereinafter;

(a) Where, a candidate is found to have been convicted for an offence involving moral turpitude or punishable with imprisonment for three years or more, shall not be considered for appointment.

(b) Where charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable with imprisonment of three years or more, shall also not be considered for appointment.

(c) Where, the candidate has disclosed the fact regarding registration of criminal case as described under sub-rule (2) above, and where the status of any case at the time of verification of antecedents of the candidate by local Police is found to be either as 'withdrawn by the State Government' or 'cancelled' or 'sent untraced' or 'acquitted' for any offence, under any law, such candidate shall be considered for appointment in Haryana Police:

(d) Where the 'cancellation report' or 'an untraced report' in a case against a candidate has been submitted by the investigating agency in the competent court of law, the appointment shall be offered only if approval/ acceptance of such cancellation or untraced report has been accorded by the trial Court.

(e) Where the candidate has been acquitted in offences related to sovereignty of the State or national integrity i.e. spying against national interest/

waging war against the State/act of terrorism/communal disturbance/ smuggling of arms, ammunition or Narcotic Drugs & Psychotropic Substances or counterfeit currency etc. besides heinous crimes e.g. murder, rape, dacoity, robbery, kidnapping for ransom, acid attacks, human trafficking, Protection of Child from Sexual Offences Act, 2012 or Prevention of Corruption Act, 1988 etc., 'on technical grounds' i.e. where, in the opinion of the Court the star/material prosecution witnesses have either been killed or have died or remained untraced or turned hostile or won over and the candidate has been acquitted on account of aforementioned circumstances; such candidates shall not be considered for appointment.

(4) If it is ever revealed that a candidate has got appointment either by concealment of facts or by furnishing false or wrong information or by submitting fake or forged document/certificate, he shall be discharged from the service by the appointing authority from the date of appointment, summarily i.e. without holding a regular disciplinary proceedings, treating him ineligible for service and salary paid to him may also ordered to be recovered.]

SYNOPSIS

1. *Expression "honourable acquittal"-Meaning of.*
2. *"Honourable" acquittal-Requirement of.*
3. *Acuittal for entitlement of an employee for reinstatement in service-Nature of.*
4. *Alleged past conduct of the Appellant in relation to the criminal case-Effect of.*
5. *Appointment to the post of Male Constable (General Duty).*

1. Expression "honourable acquittal"-Meaning of—The expressions "honourable acquittal", "acquitted of blame", "fully exonerated" are unknown to the Code of Criminal Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression "honourably acquitted". When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted. *The Deputy Inspector General of Police and another v. S. Samuthiram, AIR 2013 SC 14: (2013) 1 SCC 598: (2012) 11 SCALE 420: (2013) 1 RCR (Criminal) 329.*

2. "Honourable" acquittal-Requirement of—An acquittal of the Appellant is an "honourable" acquittal in every sense and purpose. Therefore, the Appellant should not be deprived from being appointed to the post, in the public employment, by declaring him as unsuitable to the post even though he was honourably acquitted in the criminal case registered against him. *Joginder Singh v. Union Territory of Chandigarh, (2015) 2 SCC 377: (2015) 1 SCC (L&S) 490: (2014) 12 SCALE 653: 2015 AIR SCW 483: (2015) 1 SCT 87: (2015) 4 SLR 143: (2014) 5 Law Herald (SC) 3951: (2015) 2 RSJ 16 (SC) (DB).*

3. Acuittal for entitlement of an employee for reinstatement in service-Nature of—In this case it was held by this Court that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. *The Deputy Inspector General of Police and another v. S. Samuthiram, AIR 2013 SC 14: (2013) 1 SCC 598: (2012) 11 SCALE 420: (2013) 1 RCR (Criminal) 329.*

4. Alleged past conduct of the Appellant in relation to the criminal case-Effect of— In this case, this Court is of the opinion that the alleged past conduct of the Appellant in relation to the criminal case will not debar or disqualify him for the post of the Constable for which he was successfully selected after qualifying the written test, medical test and the interview conducted by the selection authority. *Joginder Singh v. Union Territory of Chandigarh, (2015) 2 SCC 377: (2015) 1 SCC (L&S) 490: (2014) 12 SCALE 653: 2015 AIR SCW 483: (2015) 1 SCT 87: (2015) 4 SLR 143: (2014) 5 Law Herald (SC) 3951: (2015) 2 RSJ 16 (SC) (DB).*

5. Appointment to the post of Male Constable (General Duty)—Entitlement for consideration of-In the present case, at the time of filling of attestation form, the petitioner already stood acquitted in F.I.R NO. 30 dated 14.03.2010 under Sections 323/324/34 IPC. Since, the offence under under Sections 323/324/34 IPC do not involve moral turpitude as per Rule 12.18 of Rules 1934, hnce, the petitioners had a right to be considered for appointment to the post of Male Constable (General Duty). *Jitender v. State of Haryana and others, (2019) 1 SCT 815 (P&H).*

Rule 12.19 for Punjab

12.19. Recruiting arrangements.—(1) When sufficient recruits to fill vacancies in the rank of constable do not present themselves voluntarily at the headquarters of a district, or when other reasons justify such action, police officers proceeding on leave shall be encouraged to enlist recruits at their homes, and selected men may be deputed singly or in parties on recruiting duty.

(2) When police officers are required under the provisions of above sub-rule to bring recruits from another district they shall be provided with a letter to the Superintendent of such district, requesting him to examine candidates brought before him and to have those who are considered suitable for enrolment, medically examined. A roll all candidates passed as fit shall be prepared in form 12.13 by the Superintendent who examines them, and they shall be enlisted on the establishment of the district in which they are to serve with effect from the date of their being so passed, and shall be entitled to pay and travelling allowance from that date provided that they report for duty without delay and by the most direct route. The appointment of candidates, enrolled otherwise than under this provision shall in no case be antedated.

(3) In cases where a police officer has been put to expense on account of the feeding and travelling expenses of a candidate brought by him, and provided such candidate is accepted and enrolled, the actual expenses so incurred, up to a maximum of Rs. 3, for each recruit, may be paid by the Superintendent from his grant for rewards.

Rule 12.19 for Haryana

[1][**12.19. Allotment of Constabulary numbers.**—On receipt of recommedations of the Selection Board and after the completion of the process of medical examination and character verfication, the concerned Superintendent of Police of District/ Government Railway Police and Commandant of Haryana Armed Police Battalian shall allot the constabulary numbers to the candidates so selected finally.]

1. Substituted by Haryana Govt. Notification No. G.S.R. 62/Const./Art. 309/98, dated 17.6.1998.

Rule 12.20 for Haryana

Rule 12.20. *Omitted vide Haryana Govt. Notification No. G.S.R. 88/Const./Art. 309/97 dated 25.11.1997.*

Rule 12.20 for Punjab Only

12.20. Recruits Dates of Enrolment of.—Superintendents of Police shall fill up vacancies in the rank of Constable as and when suitable men are available. Recruiting parties may be despatched, if necessary, and any police officer who produces really good recruits should be given some reward in addition to travelling allowance. The dates of enlistment of recruits shall, however, as far as possible, be regulated to ensure that a sufficient number of men are enrolled on the same date to form a training squad to proceed from start to finish of their recruits raining according to the prescribed syllabus.

12.21. Discharge of inefficient.—A constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment. There shall be no appeal against an order of discharge under this rule.

SYNOPSIS

1. *Absence from duty.*
2. *Certificate of appointment.*
3. *Certificate prescribed under rule 12.22.*
4. *Competent authority.*
5. *Discharge.*
6. *Discharge during probation on the basis of unauthorised absence.*
7. *Discharge from service for being absence from duty for a few hours.*
8. *Discharge—No material on record to come to the conculsion that the constable was likely to prove a good Police Officer.*
9. *Discharge of Police Constable.*
10. *Discharge of Police constable after the grant of certificate under rule 12.22 whether premissible.*
11. *Discharge—Reinstatement.*
12. *Discharge—Relived after more than 3 years and 4 months of service.*
13. *Discharge within a period of three years of enrolment.*
14. *Discharge within period of three years under rule 12.21.*
15. *Natural Justice—Discharge of enrolled constable.*
16. *Order of discharge.*
17. *Police officer cannot be discharged from service on account of misconduct of absence from duty.*
18. *Power to discharge.*
19. *Power to discharge a recruit.*
20. *Power to discharge at any time within three years.*

21. *Power under—Can be exercised only within three years of enrolment of Constable.*
22. *Probationer—Removal from service—Juniors retained—Validity.*
23. *Temporary employee—Discharge of on the ground that he having been found unlikely to prove an efficienct Police Officer.*
24. *Termination of services of temporary lady constable.*
25. *Termination—Put in six years of service as Constable and obtained certificate under rule 12.22.*
26. *Termination not founded on misconduct of employee.*
27. *Limitation Time Barred.*
28. *Discharge from service-Legality of.*
29. *Police officer/official-Discharge of.*

1. Absence from duty.—Apparent that the petitioner was not merely discharged from service but had been punished on account of the alleged misconduct. Such an order could not have been passed except after the grant of a due and a reasonable opportunity of hearing as contemplated under the provisions of the Punjab Police Rules and Article 311. *Paramjit Singh v. State of Haryana, 1991(2) RSJ 705.*

Absence from duty in disciplinary force like police is the gravest act of misconduct. A dismissal order could be issued against him but punishing authority took a linent action and stopped 3 future increments and also discharged the petitioner under rule 12.21 of PPR. The order held not punitive. *Sanjeev Kumar v. State of Haryana, 2009(2) RSJ 318(DB).*

Respondent was a probationer Police Constable who remained absent from duty for one month and two days. Again he was absent from 7-10-1992. Discharge without holding enquiry upheld. *State of Punjab v. Constable Avtar Singh, 2008(7) SCC 405: 2008(6) JT 576: 2008(8) SCALE 47: 2008 (5) SLT 716: 2009(1) RSJ 767(SC).*

Absent from duty without leave. Police constable was discharged from service but trial court invalidated the order because it put a stigma on and character for that a proper enquiry is required. A request made by the plaintiff-respondent that the period should be considered as leave, but leave was due or not. Well reasons findings recorded by the trial court and also the First Appellate Courts deserve affirmation. *State of Punjab v. Balwant Singh, 2010(5) SLR (P&H) 284.*

2. Certificate of appointment.—A constable who has obtained a certificate under rule 12.22 cannot be dealt with under Rule 12.21. If he is to be removed from service, procedure prescribed in Ch. XVI has to be followed. It is, therefore, abirous that the order of termination of the petitioner under rule 12.21 is not justified by the Police Rules. *Dwarka Dass v. The Superintendent of Police, Ludhiana, ILR (1969) II Punjab. 324.*

3. Certificate prescribed under rule 12.22.—The certificate prescribed under rule 12.22 is meant to serve the purpose of Section 8 of the Act by vesting a police officer with the powers functions and privileges of a police officer and has to be issued on his appointment as such. The certificate is thus a letter of authority, and enables the police officer concerned to enter upon his duties as a police officer. It has to be granted almost from the inception, when a person is apointed and enrolled as police officer, and it is not correct to say that the mere issue of the certificate puts its holder beyond the reach of rule 12.21 even if it is found that he is unlikely to prove an efficient police officer and has not completed the period of three year after his enrolment. *The Superintendent of Police, Ludhiana and another v. Dwarka Das, 1979(1) S.L.R. 299.*

4. Competent authority.—Police Force is a special kind of force for which merely passing of examinations and tests is not enough Certain other qualities are required, as stated in rule 19.5 of the Police Rules. It was wrong that there are no guide lines indicated in the rule for the exercise of the power by the competent authority under rule 12.21 of the Police Rules. The guide lines are stated in Chapter XIX, particularly rules 19.3 and 19.5. The competent authority exercise the power under rule 12.21 on certain reports and not in an arbitary manner. It cannot, therefore, be said that the competent authority under rule 12.21 exercise any arbitrary powers. *Sawaranpuri v. State of Haryana, 1970 Cur. L.J. 462: 1972 P.L.R. 771.*

5. Discharge.—Original order of discharge (Annexure P-1) was set aside and the petitioner was reinstated in service from the date of his discharge and that order of reinstatement could not be reviewed by the authorities as there is no provision for the same. *Shishpal v. State of Haryana, 1991(2) RSJ 379.*

A constable during the 3 years' probation was discharged from service due to registration of a criminal case against him. A constable can be discharged within 3 years of his joining date. He is under surveillance that time. His service can be terminated at any time in 3 years. He can get back the job only on convincing the Superintendent of Police his efficiency as a police officer. *Krishan Kumar v. Dy. Inspector General, Haryana Armed Police, Madhuban, 2011(2) SLR (P&H) 172.*

When an employee does not deserve the post and competent authority is dissatified due to his inefficient working method, and he is not working for public interest, besides he is showing misconduct, in that case he can be terminated from services based on the terms of his appointment or the rules of service or a punitive action can be taken against him. *Krishan Kumar v. Dy. Inspector General, Haryana Armed Police, Madhuban, 2011(2) SLR (P&H) 172.*

Discharge. Appellant recruited as a constable on 21-7-1988. Discharged from service on 22-7-1997. Record plainly reveals recording of misconduct of the appellant which is stigmatic–No opportunity was given to the appellant before passing the impugned order which was obligatory. Impugned order of discharge liable to set aside *Prithipal Singh v. State of Punjab and others, 2000(8) JT 26: 2000(4) SLR 754: 2000(7) Supreme 685.*

6. Discharge during probation on the basis of unauthorised absence.—Without going into the merits of the fact whether the petitioner had absented himself unauthorisedly or was in fact under medical treatment and what is the evidentiary value of letter like Annexures P-3 and P-4, I am of the view that the impugned order though couched in simple language is in fact by way of punishment as the whole basis is the misconduct of the petitioner of having absented unauthorisedly during the training course. Admittedly no enquiry was held prior to passing the order of discharge. *Om Parkash v. State of Haryana and others, 1991(4) S.L.R. 75: 1992(1) RSJ 13.*

7. Discharge from service for being absence from duty for a few hours.—We find that no doubt under rule 12.21 of the Punjab Police Rules, "a Constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment", but the order of discharge cannot be based on some minor or trivial stray incident, as the language of the rule is clearly indicative of the intention of rule makers; that the Constable has to be found unlikely to prove an efficient police officer, which can only be on the basis of opinion formed by the authorities by consistent lapses or misbehaviour on the part of the Constable which should be incompatible with his efficiency. These tests are completely missing in the present case and we are

satisfied that the impugned order is wholly arbitrary in as much as mere absence from duty for a fee hours, although even that allegation is desputed by the petitioner, is not sufficient to be the basis of the order of discharge. *Dinesh Kumar v. State of Haryana and others, 1992(1) S.L.R. 582.*

8. Discharge—No material on record to come to the conclusion that the constable was likely to prove a good Police Officer.—There is absolutely no material on the record to prove that the plaintiff was not likely to prove a good police officer for which he could be discharged from service under rule 12.21 of the Rules. It is evident from the said rule that the Constable shall be kept under close supervision and reported on at intervals of six months in Form 19.5(1) by the Sub-Inspector or Inspector under whom he is working through his gazetted officer to the Superintendent of Police. No such six-monthly report has been brought on the record on behalf of the defendants. In the circumstances, there is no illegality in the concurrent findings of the two Courts below as to be interfered with in second appeal. *Punjab State through Secretary to Government of Punjab, Home Department, Chandigarh and anr. v. Joginder Singh, Ex-Constable, 1989(3) S.L.R. 665.*

9. Discharge of Police Constable.—The Deputy Superintendent (Admn.) exercises the powers of the Superintendent of Police of a Civil District. The order of discharge made by Deputy Superintendent of Police, therefore, was within jurisdiction. *Sawaran Puri v. The State of Haryana, 1970 Cur. L.J. 462: 1972 PLR 771.*

Respondent -plaintiff after passing training course worked as a Constable at various places. On record, no material placed in the form of periodical reports at regular intervals of six months by the Sub Inspector or Inspector under whom the respondent/plantiff worked. Discharge of the respondent declared illegal null and void by the first Appellate Court. *State of Punjab v. Sain Dass, 2009(2) RSJ 479.*

10. Discharge of Police Constable after the grant of certificate under rule 12.22 whether permissible.—No constable can be discharged under rule 12.21 after the grant of prescribed ceritificate under rule 12.22 to him is to say that rule 12.21 is non-existent, and can never come into effect. This argument was repelled by the Division Bench in Karan Singh is case and we are in full agreement with the view taken by this court. *Jai Singh Ex-Constable v. State of Haryana and others, 1977(2) S.L.R. 371.*

11. Discharge-Reinstatment.—Another significant aspect of the matter is that the original order of discharge (Annexure P-1) was set aside and the petitioner was reinstated in service from the date of his discharge and that order of reinstatement could not be viewed by the authorities as there is no provision for the same. *Shispal v. State of Haryana and others, 1991(4) S.L.R. 9: 1991(3) RSJ 379.*

12. Discharge-Relived after more than 3 years and 4 months of service.—Under provisio of P.P.R. 12.21 a constable who is found unlikely to prove an efficient police officer may be discharged by the Suprintendent of Police at any time within three years of enrolment. But in the instant case the petitioner was enrolled as a Constable in 1984 (6.2.1984) and the competent authority had passed the impugned order relieving him w.e.f 20.6.1987, *i.e.*, after more than 3 years and 4 months. *Shispal v. State of Haryana and others, 1991(4) S.L.R. 9: 1991(3) RSJ 379.*

13. Discharge within a period of three years of enrolment.—The appointing authority of the petitioner had considered his recorded of service on 10.2.1983 and decided to discharge him from service under rule 12.21 of the Rules. So far as the appointing authority is concerned, it exercised its power well within the period of three years from the date of appointment of the petitioner in service. No doubt, the order was communicated to him five days later,

i.e. on 15.2.1983 and qua the petitioner it became effective on that date and he is entitled to salary till 15.2.1983. The assertion of the petitioner that he had unblemished record of service has been found to be incorrect. Besides punishment awarded to him at three occasions for lapse on his part in the performance of his duties and taking liquor while on duty, there is another instance of his absence from duty recorded in the office file, which was also placed before the appointing authority. He wilfully absented himself from the duty for about ten hours from 10 P.M. on 1.12.1982 to 8.30 A.M. on 2.12.1982. He made an excuse that he was not feeling well but his version was disbelieved.

In view of the instances of lapse on the part of the petitioner in the performance of his duties mentioned in the written statment as also recorded in the office file which were taken into consideration by the appointing authority while exercising power under the aforesaid rule, no fault can be found with the said order. The contention of the learned counsel for the petitioner that the order Annexure P.5 is not a speaking order has also no force. It is a simple order of discharge and no reasons in support of the same were required to be given .*Vinod Kumar v. State of Haryana and another, 1986(3) S.L.R. 311.*

14. Discharge within period of three years under rule 12.21.—The petitioner having once undergone a rigorous training and various tests provided by the various sub-rules of rule 12 and sub-rules (2) and (3) of rule 19 there can be no question of his being declared to be not likely to be an efficient police officer. We are unable to find any force in this argument. Rules 19.2, 19.3 and 19.4 are succeeded by rule 19.5 which by way of abundant caution makers it clear that all the provisions contained therein are subject to rule 12.21. The initial training provided for in the various provisions of rule 12 is in order to qualify a constable for enrolment. The period of three years during which a constable can be discharged under rule 12.21 is in the nature of a probationary period. The fact that a constable undergoes training and rigorous tests before beingen rolled into the ranks does not in any manner come into conflict with rule 12.21. *Jai Singh, Ex-Constable v. State of Haryana and others, 1977(2) S.L.R. 371.*

15. Natural justice-Discharge of enrolled constable.—It cannot be disputed that the form of the order is not decisive as to whether the order is a simple order of discharge under rule 12.21 of the Rules. It is always open to the Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the Court holds that the order though in the form is merely a determination of employment is in reality a cloak for an order of punishment, the court would not be debarred, merely because of the form of the order, in giving effect to the rights conferred by law upon the employee. It gives an absolute power to the Superintendent of Police to discharge a constable who is found unlikely to prove an efficient police officer. This rule applies where the constable is found not upto the mark in discharging his official duties. It relates to his functioning as a police constable. If an objective data available, the Superintendent of Police opines within three years of the enrolment of the Constable that he is not likely to prove an efficient police officer, the Constable can be discharged from service under the Rules. If he is accused of misconduct, then he is to be dealt with under rule 16.24 of the Rules. Rule 16.24 lays down the procedure to be followed in departmental enquiries. If a Police Officer is accused of misconduct, the superior officer may direct an enquiry to be conducted against him unless the allegations are such that it can form the basis of criminal charge, the superior officer shall decide at the stage whether the officer accused of misconduct shall be tried departmentally first and judicially thereafter. *Jagjit Singh, Ex-Constable v. The Director General of Police and another, 1990(6) S.L.R. 700: 1991(1) RSJ 654.*

The Principles of natural justice do require that the opportunity should be given to explain the grounds on which the S.P. proposes to pass an order to discharge the petitioner. Then only, the S.P. is competent to pass appropriate order according to the rules. Since this part of the procedure had not been adopted, the order of discharge is vitiated. *State of Haryana amd another v. Jagdish Chander, 1995(2) SCC 567: 1995(1) Scale 378: 1996(2) CCJ 737: AIR 1995(SC) 984: JT 1995 (2) (SC) 1081.*

Petitioner who was appointed as a Constable in Haryana Police. After receiving anonymous complaint about selection of medically unfit appointee, CMO was asked by the authourities to conduct medical examination again of these appointed constable including the petitioner. Board of Director constituted by the CMO, found petitioner physically fit to handle fire arms and law and other situation. Petitioner discharged from service without showing any show cause notice to confront the allegation that his work and conduct was not satisfactory, nor any opportunity of being heard was provided. Action of respondent is not only violative of Article 14 and 16 of the Constitution of India but discriminatory and against the principles of natural justice as well. Impugned order of discharge quashed. *Constable Jagdish Singh No. 4/793 v. State of Haryana, 2011 (8) SLR (P&H) 131.*

16. Order of discharge.—No departmental enquiry held against him. Purpose of impugned order found to be punitive. *Jagjit Singh v. Director General of Police and others, 1991(1) RSJ 654.*

17. Police officer cannot be discharged from service on account of misconduct of absence from duty.—Even though a reference has been made to Police Rule 12.21, yet it has been clearly stated therein that the petitioner had been dismissed from service w.e.f. May 30, 1990. It is also clear from a perusal of the documents on record as also the written statement that the petitioner was accused of being absent from duty. He had been called upon to show cause as to why action be not taken against him. In this situation, it is apparent that the petitioner was not merely discharged from service but had been punished on account of the alleged misconduct. Such an order could not have been passed except after the grant of a due and a reasonable opportunity of hearing as contemplated under the provisions of the Punjab Police Rules and Article 311 of the Constitution. *Paramjeet Singh v. State of Haryana and others, 1991 (6) S.L.R. 313: 1991(2) RSJ 705.*

18. Power to discharge a recruit.—The Police Rules disclose that the constables are appointed under rule 12.12. They are recruited and then their names are entered in the register of recruits. Thereafter, their physical fitness is ascertained under rule 12.15. They are subjected to medical examination under rule 12.16 and after they have been declared medically fit, they are enrolled in the order book in Form 12.13. Thereafter the recruit is sent to the Lines Officer who personally places him in the charge of the Chief Drill Instructor and thereafter his training starts. Rule 12.18 perscribes for the verification of the character of the recruit. Rule 12.20 deals with dates of enrolment. Then follows rule 12.21 which confers powers on the Superintendent of Police to discharge a constable. In the context of the Police Rules, it appears that this Rule is meant to finally screen suitable persons who should be appointed to the police force. It is after a period of three years screening that recruit is entitled to be enrolled as a police constables and than a certificate of appointment is issued to him in the Form 12.22(1) unless of course within the period of three years, he is discharged from service. There is no rule in the Police Rules providing for confirmation of temporary police constables. It is evident from the scheme of the Police Rules that the power to discharge a recruit, and here I must emphasis that all recruits are temporary hands, is with the Superintendent of Police and has to be exercised by him within a period of three years from the date of constable is brought on the register of enrolled recruits. As

a matter of fact, under rule 12.18, recruit can be provisionally enrolled pending the result of refrence as to his character. Therfore, if the intention was that a person should still remain a temporary hand after a certificate to him had been issued under rule 12.22, the framers would have made a similar provision as has been made in rule 12.20 namely that he will still be a provisional hand in the police force.

After reading the rules in Chapter XII in their proper context, the result is that a constable who has obtained a certificate under rule 12.22 cannot be dealt with under rule 12.21. If he is to be removed from service, procedure prescribed in Chapter XVI has to be followed. It is, therefore, obvious that the order of termination of the petitioner under rule 12.21 is not justified by the Police Rules and, therefore, must be quashed.

We may make it clear that we are not pronouncing upon the fitness of the petitoner to be retained in the police force. That is a matter which the Superintendent of Police or any competent authority in this behalf is entitled to detemine. It will be open to them after following the procedure prescribed in Chapter XVI to dispense with the services of the petitioner if they are of the opinion that he is not a suitable person to be retained in the police force. We are only striking down the order because the order could not be passed under Rule 12.21. *Shri Dwarka Dass v. The Superintendent of Police, Ludhiana and others, 1968 S.L.R. 760.*

19. Power to discharge at any time within three years.—Every service is governed by its own rules. No service rule can be struck down as being ultra vires. Article 16 of the Constitution merely because it is more vigorous than the corresponding rule for some other service of the State or because its equal cannot be found in any other service. Equality or opportunity is guaranteed amongst equals. In as much as the rule is the same for all the Constables in the Punjab Police Force, the argument of discrimination is wholly fallacious. *Jai Singh, Ex-Constable v. State of Haryana and others, 1977(2) S.L.R. 371.*

20. Power to discharge.—We are fortfied in this view of ours by the authoritative pronouncement of their Lordships of the Supreme Court in *S.P. Vasudeva v. State of Haryana and others, AIR 1975 SC 2292.* Indeed Mr. Saini concedes that if the constable covered by rule 12.21 can be equated to a probationer, he cannot press this argument. He submission however, is that according to rule 13.18 the constables are not governed by any rule as to probation. There is no doubt that rule 13.18 which refers to probationary period neither has not can have any application to constables, but the provisions of rule 12.21 provide for some kind of probation, and though this is not called a probationary period, it is in fact nothing short of making a special provision of that nature. Article 311 of the Constitution has, therefore, no application to this case. *Jai Singh, Ex-Constable v. State of Haryana and others, 1977(2) S.L.R. 371.*

21. Power under-Can be excercised only within three years of the enrolment of Constable.—Only point on behalf of the appellant is, that this case was fully covered by the decision of the Division Bench in *Dwarka Das's case (ibid)*, the ratio of which would be binding on this Bench. In other words, he reitrates point No. 3 convassed by him before the learned Single Judge and maintains that the issue of the certificate under rule 12.22(1) had conferred on the appellant the substantive rank of a constable vesting him with the powers, functions and privileges of a police officer. The argument proceeds that the appellant thus had a right to hold the post and his summary discharge amounts to a punishment, which could no be awarded without complying with the procedure laid down in Article 311. The Police Rules indicate that every person is enrolled in Police Force on a sort of probation for a period of three years and during this period, at any time, the Superintendent of Police can discharge him from service, if it is found that he is "unlikely to prove an efficient Police Officer". This is provided in rule 12.21.

A plain reading of rule 12.22(1) and the prescribed Form shows that this certificate is issued at the time of enrolment and not as proof by his having satisfactorily completed the three years' period of 'probation'. Indeed, in the instant case, this certificate under rule 12.22(1) was issued to the appellant on the very day of his enrolment, viz., November 17, 1996. Of course, there are some observations in *Dwarka Das's case (ibid)* that such a certificate in the prescribed Form under rule 12.22(1) is to be issued only after the satisfactory completion of the three years' probation by a recruit and that a Constable who has obtained such a certificate cannot be dealt with under rule 12.21. These observations as rightly pointed out by the learned Single Judge, "having to be taken in the context of that case and in my opinion, cannot be applied to the case of a constable who is discharged from service before the expiry of the three years by the Superintendent of Police under the power vested in him by rule 12.21". The distinguishing feature of Dwarka Das's case, was that the constable's services were terminated as no longer required after he had satisfactorily completed three years' service from the date of his recruitment. In other words, the power under rule 12.21 can be exercised only within three years of the enrolment of Constable and not thereafter. Since that period of three years had expired, Dwarka Das could not be validity discharged under rule 12.22(1). *Karan Singh v. The State of Punjab and others, 1972 S.L.R. 624.*

22. Probationer—Removal from service—Juniors retained—Validity.—There is not even a word either on the record or otherwise to show that the enquiry with respect to the alleged misconduct was to find out the suitablity to retain the plaintiff in service. It is obvious that the enquiry was with an intention to punish the delinquent plaintiff as well as Jasbir Kaur. In order to find out whether an apparently innocusous order is in substance by way of punishment, one has to look on the facts which preceded and succeeded. In order to do substantial justice, the court can go behind an ostensibly innocuous order to find out the real nature of the order by removing veil. Undoubtedly, the impugned order by which the plaintiff who was a probationer and, has been removed does affect her reputation as a female member of the society as well as her future chances of service. Had on opportunity been given to her, sha would have shown that the alleged misconduct attributed to her in no way affected her being an efficient police officer to be retained in police service. At any rate the discharge of the plaintiff from service is totally discriminatory as the alleged misconduct similarly attributed to Jasbir Kaur was not found to be sufficient to hold that she will not prove to be an efficient police officer. *Punjab State and another v. Smt. Kamlesh Kumari, 1998(1) S.L.R. 614.*

23. Temporary employee—Discharge of on the ground that he having been found unlikely to prove an efficient Police Officer.—The impugned order of discharge from service was not made in accordance with rule 12.21 of the Punjab Police Rules, 1934 and in accordance with the terms and conditions of the letter of appointment but it was made by way of punishment. The commandant-respondent No. 2, vide his letter dated 29.9.1987 had asked the petitioner to resume duty otherwise departmental action would be taken against him. In the background of these facts and circumstances it is clear that the impugned order of discharge from service was made on the ground of his misconduct *i.e.* absence from duty and it is penal in nature. In the case of *Rajinder Kaur v. Punjab State and another*, 1986(3) SLR 78, relying upon the decisions in the cases of *Shamsher Singh and another v. State of Punjab*, 1975(1) SCR 814 and *Anoop Jaiswal v. Government of India and another*, 1984(2) SCR 453, the Supreme Court held that the impugned order of discharge though couched in innocuous terms, was merely a camouflage for an order of dismissal from service on the ground of misconduct. That order was made without serving the appellant any charge-

sheet, without asking for any explanation from her and without giving any opportunity to show cause against the purported order dismissal from service and without giving any opportunity to cross-examine the witnesses examined, that is, in other words in total contravention of the provisions of Article 311(2) of the Constitution. *Rajender Singh v. State of Haryana and another, 1989(2) S.L.R. 79: 1991(1) RSJ 761.*

24. Termination of services of temporary lady constable.—The impugned order of discharge though couched in innocuous terms, is merely a camouflage for an order of dismissal from service on the ground of misconduct. This order has been made without serving the appellant any charge-sheet, without asking for any explanation from her and without giving any opportunity to show cause against the purported order of dismissal from service and without giving an opportunity to cross-examine the witnesses examined, that is, in other words the order has been made in total contravention of the provisions of Article 311(2) of the Constitution. The impugned order is, therefore, liable to be quashed and set aside. A writ of certiorari be issued on the respondents to quash and set aside the impugned order dated 9.9.1980 of her dimissal from service. A writ in the nature of mandamus and appropriate directions be issued to allow the appellant to be reinstated in the post from which she has been discharged. The appeal is thus allowed with costs. The authorities concerned will pay all her emoluments to which she is entitled to in accordance with extent rules as early as possible in any case not later than eight weeks from the date of this judgment. *Rajinder Kaur v. Punjab State and another, 1986(3) S.L.R. 13.*

25. Termination—Put in six years of service as Constable and obtained certificate under rule 12.22.—The petitioner having been recruited as a Constable on May 11, 1967, his service could be terminated by the Superintendent of Police under rule 12.21 till May 10, 1970. The Superintendent of Police could not invoke his authority under rule 12.21 of the Rules after the expiry of three years with effect from May 11, 1967. The impugned order Annexure P.1 having been passed on July 16, 1973, is violative of Article 311 of the Constitution read with rule 12.21 of the Rules.

It is clear that the impugned order Annexure P.1 having been passed after the expiry of three years of the enrolment of the petitioner as a constable cannot be sustained. The instructions dated December 11, 1963, issued by the Deputy Legal Remembrancer and referred to in the written statement of the Superintendent of Police, Hoshiarpur, are hardly relevant to the point under consideration. In the first place these instructions do not lay down that the service of a police constable who has put in more than three years can be terminated under rule 12.21 of the Rules by giving him to months' notice. And secondly and such instruction, if so issued, shall have to be ignored being illegal. *Gurdev Singh, Constable v. State of Punjab and others, 1982(2) S.L.R. 365.*

26. Termination was not founded on misconduct of the employee.—Two charges on constable one for consumption of liquor in office and second for misbehaviour with lady constable. Preliminary inquiry conducted. Order of discharge was passed simplicitor. Preliminary inquiry was not done with the object of finding out any misconduct on the part of the respondent but it was done only with a view to determine the suitability of the respondent within the meaning of PPR in rule 12.21. Termination was not founded on misconduct of the employee. Order of Courts below that the termination order is illegal, null and void was reversed and appeal allowed. *State of Punjab & Others v. Balbir Singh, 2005(1) Apex Court Judgement 277 (SC).*

27. Limitation Time Barred.—The period of limitation which is provided under Article 113 of the Limitation Act is 3 years. Since the order of discharge has been passed on 24-7-

1996 and the suit was filed in october 1999 it was barred on the ground of limitation. There was no provision for an appeal or revision against the order of discharge in Rule 12.21 and therefore the mere answering of such an appeal or revision which have been preferred erroneously wouldn't extend the period of limitation in favour of the appellant. *Rajan Ex Constable v. State of Punjab and others, 2009(4) RSJ 546.*

28. Discharge from service-Legality of—In this case, though the respondent was enlisted as a Constable and subsequently discharged on the ground of fabrication in his matriculation certificate, the appointment of the plaintiff (the respondent herein) after the death of his father on compassionate grounds was undeserving. Hence, there were sufficient reasons for the respondent-State for not giving appointment to the plaintiff on compassionate grounds. *State of Punjab and others v. Jasbir Singh (Dead), through LRs., (2020) 3 SCT 740 (SC) (DB).*

29. Police officer/official-Discharge of—As per the Rule 12.21 of the Rules, 194 any police officer/official, as is found unsuitable to discharge the duties as such officer/official, can be discharged, without any enquiry, from the police department. *Charan Kaur v. State of Punjab and others, (2016) 1 SCT 822: (2016) 6 SLR 767: (2017) 1 RSJ 82 (P&H).*

12.22. Certificate of appointments.—(1) Every enrolled police officer shall be given a certificate of appointment in the form prescribed by the Police Act (Form 12.22(1)) and shall sign a receipt therefore in his character roll. Such certificate shall be signed by the gazetted officer empowered to make the appointment.

(2) Such certificates shall be in abeyance during period of suspension and shall be surrendered on leaving the service.

SYNOPSIS

1. Appointment to the post of DIG.

1. Appointment to the post of DIG.—The Additional Supdt. of Police who initiated the disciplinary proceedings against the petitioner, has not been mentioned under section 7 of the Police Act, 1861 as one of the authorities competent to do so. The service record of the petitioner also contained entries indicating that the verification of the service of the petitioner from 18.7.1949 to 31.12.1961 was made "for senior Supdt. of Police, Delhi". The service roll of the petitioner indicates that the appointing authority of the petitioner was the Senior Supdt. of Police. *Lakhi Ram v. Union of India and others, 1989(7) S.L.R. 365.*

12.23. Trackers.—(1) In districts where tracking by indigenous methods is an established custom, professional trackers may be appointed to the police by Superintendents either as constables or head constables according to their qualifications and up to the age of 35 years.

(2) The physical standards prescribed in rule 12.15 shall not be obligatory in the case of trackers, but rules 12.16 and 12.18 shall apply to them. Trackers, who prove unsatisfactory in respect of character and skill, may be discharged at any time. Men enlisted as trackers shall not be promoted or transferred for general police duties, unless they are thoroughly qualified for such duties.

(3) The number of professional trackers to be enrolled in any district, and the number of such appointments which may be made in the rank of head constable, shall be fixed by the Deputy Inspector-General from time to time, in accordance with the requirements of the criminal situation and the interests of the service.

Professional trackers should ordinarily be employed entirely as such and should not be trained in drill, musketry or the general duties of a police officer. Men so enrolled and employed shall be issued with an appointment certificate (rule 12.22), but shall receive only a partial issue of uniform and equipment, comprising warm clothing and such articles of the full kit as are necessary for their duties.

(4) When considered advisable one or more trackers may be enlisted in sanctioned additional police appointments.

(5) The indigenous system of tracking is based on hereditary lore and custom; the utility of a tracker skilled in that system is, therefore, limited in the main to the area in the neighbourhood of his home, or to areas of similar physical characteristics inhabited by people of similar habits and customs. For these reasons it is useless to import to an area where local trackers are unobtainable a tracker from a distant and dissimilar area. In cases where a professional tracker is both willing to serve away from his home, and is proved by practical tests to be capable of exercising his skill successfully under the conditions in which it is desired to employ him, he may, with the sanction of the Deputy Inspector-General, be enrolled.

Rule 12.24 for Punjab

12.24. Enlistment of ex-soldiers, reservists and ex-police officers.—(1) Re-enrolment in the rank of constable is permitted and past service will count for pension under the following conditions, and subject to the further conditions as to pensions contained in rules 9.2 and 9.29.—

(a) Ex-soldiers of the Indian Army and ex-members of police forces (including Military Police), paid for from the general revenues of India, may be enlisted as constables on production of a discharge certificate showing their previous service to have been "good" or of higher classification, and if they fulfill the physical and other standards required by these rules for first appointments. They must also be passed medically fit by the same standards as are applied to recruits.

(b) Age of the date of re-enrolment in the police must be below 30, but ex-Punjab police officers, and, with the special sanction of the Inspector-General in each case, ex-soldiers and ex-members of other police forces may be re-enlisted up to the age of 55, if they present themselves for re-enrolment and are found medically fit within two years of voluntary taking their discharge.

(c) The break of service between the date of enrolment in the police and the date of discharge from previous Army employ shall not exceed two years, and there must not have been more than two breaks of service in all.

(d) No claim to count previous service for pension shall be allowed unless the previous service claimed was declared and verified at the time of enrolment in the police.

(e) Service in a body of additional police shall be counted for increments in the case of a constable transferred to the regular force immediately on such transfer.

(2) No class A Army reservist or member of the Indian Territorial Force may be enrolled in the police until he has resigned his appointment in such force.

Cavalry and Infantry reservists of the Indian Army below the age of 30 years may be enrolled, provided that their military service records show good conduct. Such reservists shall not be required to undergo annual military training provided that it is certified that they are trained in drill and fire a musketry course each year. The certificate will be signed by the Assistant Inspector-General, Government Railway Police, Punjab or by the Superintendent of Police of the district in which the reservist is serving.

The ordinary police musketry course is sufficient for this purpose, *vide* Government of India, Home Department letter No. F-28/11/31-Police, Dated the 22nd September, 1931.

Reservists of other branches of the Indian Army may also be enlisted in the police provided that the conditions of their reserve service and periodical training as laid down in paragraph 170 of the Regulations for the Army in India do not interfere with their police duties.

The total number of all classes of reservists should not exceed five percent of the sanctioned strength of constable in each district. They should be released from employment immediately mobilization is ordered to enable them to rejoin the colours.

(3) Claims to count service for pension shall when the above conditions are fulfilled, be dealt with as required by rules 9.2, 9.3, and 9.29. In the case of previous military service, the condonation of breaks and admission to count for police pension require the sanction of the local Government. Such claims must therefore be forwarded through Deputy Inspector-General to the Inspector-General for obtaining such sanction.

(4) Original discharge certificates, character rolls and service books, or such of those documents as may be available, shall be submitted in support of claims under this rule.

Note.—A case in which it is desired to appoint a person, with previous military or police service, to a rank of and above that of head constable, shall be decided in the light of so much as is applicable of this rule read with other rules in this chapter.

Rule 12.24 for Haryana

12.24. Enlistment of ex-soldiers, reservists and ex-police officers.—(1) Re-enrolment in the rank of constable is permitted and past service will count for pension under the following conditions, and subject to the further conditions as to pensions contained in rules 9.2 and 9.29.—

(a) Ex-soldiers of the Indian Army and ex-members of police forces (including Military Police), paid for from the general revenues of India, may be enlisted as constables on production of a discharge certificate showing their previous service to have been "good" or of higher classificiation, and if they fulfill the physical and other standards required by these rules for first appointments. They must also be passed medically fit by the same standards as are applied to recruits.

(b) Age of the date of enrolment in the police must be below 30, but ex-Punjab police officers, and, with the special sanction of the Inspector-General in each case, ex-soldiers and ex-members of other police forces may be re-enlisted up to the age of 55, if they present themselves for re-enrolment and are found medically fit within two years of [1][***] their discharge.

[2][(c) The break in service between the date of discharge and between 1st day of the month in which enrolment process is started shall not exceed four years.]

(d) No claim to count previous service for pension shall be allowed unless the previous service claimed was declared and verified at the time of enrolment in the police.

(e) Service in a body of additional police shall be counted for increments in the case of a constable transferred to the regular force immediately on such transfer.

(2) No class A Army reservist or member of the Indian Territorial Force may be enrolled in the police until he has resigned his appointment in such force.

Cavalry and Infantry reservists of the Indian Army below the age of 30 years may be enrolled, provided that their military service records show good conduct. Such reservists shall not be required to undergo annual military training provided that it is certified that they are trained in drill and fire a musketry course each year. The certificate will be signed by the Superitendent of Police Railways[3], or by the Superintendent of Police of the district in which the reservist is serving

The ordinary police musketry course is sufficient for this purpose, vide Government of India, Home Department letter No. F-28/11/31-Police, Dated the 22nd September, 1931.

Reservists of other branches of the Indian Army may also be enlisted in the police provided that the conditions of their reserve service and periodical training as laid down in paragraph 170 of the Regulations for the Army in India do not interfere with their police duties.

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1. Words "voluntarily taking" omitted vide Haryana Govt. Notification dated 21.9.1972.
2. Substituted by Haryana Notification No. G.S.R. 32/Const./Art. 309/2004 dated 9.11.2004.
3. Vide Haryana Notification dated 26.3.1982.

The total number of all classes of reservists should not exceed five percent of the sanctioned strength of constable in each district. They should be released from employment immediately mobilization is ordered to enable them to rejoin the colours.

(3) Claims to count service for pension shall when the above conditions are fulfilled, be dealt with as required by rules 9.2, 9.3, and 9.29. In the Case of previous military service, the condonation of breaks and admission to count for police pension require the sanction of the local Government. Such claims must therefore be forwarded through Deputy Inspector-General to the Inspector-General for obtaining such sanction.

(4) Original discharge certificates, character rolls and service books, or such of those documents as may be available, shall be submitted in support of claims under this rule.

Note.—A case in which it is desired to appoint a person, with previous military or police service, to a rank of and above that of head constable, shall be decided in the light of so much as is applicable of this rule read with other rules in this chapter.

SYNOPSIS

1. *Statutory discretion-Exercise of.*

2. *Abuse of discretionary and arbitrary power in administrative discretion-Control of.*

1. Statutory discretion-Exercise of—It is a trite proposition of law that the Court will not issue a direction to the administrator of the rules of the manner in which discretion has to be exercised in a given case. Statutory discretion exercised reasonably and without bad faith on principles of humanism in Article 51 A (h) of the Constitution supported by rules will not be interfered with lightly. *Rajwant Singh v. State of Punjab and others, (2016) 1 SCT 262 (P&H).*

2. Abuse of discretionary and arbitrary power in administrative discretion-Control of—The Court can only control abuse of discretionary and arbitrary power in administrative discretion inflicting injury beyond sustainable limits as Court has no legal measurement to understand where law ends and discretion begins unless the gap is too wide and is starkly real and causes injustice. The Courts have only to ensure that discretion is exercised strictly within the conditions laid down by the law while exercising such discretion. *Rajwant Singh v. State of Punjab and others, (2016) 1 SCT 262 (P&H).*

12.25. Re-enrolment of police pensioners.—(1) Under the orders contained in Articles 511 to 519, Civil Service Regulations, a police officer who has been discharged with a compensation or invalid gratuity or pension may be re-employed in the police service up to the age of 55 subject to the following conditions—

(a) He may either refund the gratuity or cease to draw pension, in which case he may count his former service for future pension, or he may retain his gratuity or pension in which case he cannot count his former service towards future pension.

(b) He shall be re- examined by the Civil Surgeon of the district in which he has been re-employed and certified as medically fit for service, and shall produce a discharge certificate showing that his previous service was classed as not lower than "good".

(2) The order re-enrolling such officer shall specifically state the amount of any gratuity, bonus or pension received by him on discharge, and a copy of such order shall be communicated to the Accountant-General. Directions shall also be given, if necessary, for the proper deductions to be made from his pay.

SYNOPSIS

1. Judicial Set up

1. Judicial Set-up.—Recourse to the legal proceedings can be had by one police constable or more police constables collectively if their grouse is common. Certain collection are made by those aggrieved constables, to meet out the litigation expenses the same would not amount to misconduct under rule 12.25(4) of the Rules. *Constable Gurmukh Singh v. The State of Punjab and others, 1992(1) RSJ 757.*

Rule 12.26 for Punjab

12.26. Inter-district transfers.—Exchange of appointment between lower subordinates in districts of the same range, or between such police officers in the railway and district police, may be effected subject to the approval of the Superintendents concerned (or of the Assistant Inspector-General in cases affecting the railway police). A lower subordinate may be transferred to fill a vacancy in a district other than that in which he is serving only with the sanction of the Deputy Inspector-General of the range. In cases of transfer from and to districts in different ranges, or from and to the railway police, the sanction of both Deputy Inspector-General concerned or of the Deputy Inspector-General concerned and the Assistant Inspector-General, Government Railway Police, is required.

Rule 12.26 for Haryana

12.26. Inter-district transfers.—Exchange of appointment between lower subordinates in districts of the same range, or between such police officers in the railway and district police, may be effected subject to the approval of the Superintendents concerned (or of the Assistant Inspector-General is cases affecting the railway police). A lower subordinate may be transfered to fill a vacancy in a district other than that in which he is serving only with the sanction of the Deputy Inspector-General of the range. In case of transfer from and to districts in different ranges, or from and to the railway police, the sanction of both Deputy Inspector-General concerned and the Superitendent of Police Railway[1], is required.

SYNOPSIS

1. *Sanction of both the Deputy Inspector General of Police concerned-Requirement of.*
2. *Requirement of sanction of both the Deputy Inspector General of Police concerned-Nature of.*

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1. *Vide* Haryana Notification dated 26.3.1982.

3. *Police of the District Police Cadre-Transfer of.*

4. *Violation of the requirement of sanction of both the Deputy Inspector General of Police concerned-Effect of.*

1. Sanction of both the Deputy Inspector General of Police concerned-Requirement of—From perusal of Rule 12.26 of the Punjab Police Rules, 1934, it is clear that the sanction of both the Deputy Inspector General of Police concerned is required, *i.e.*, from the range where the Head Constable was earlier posted and where he/she is sought to be transferred. *Neela Ram, Head Constable v. State of Punjab and others, (2019) 2 PLR 10 (P&H).*

2. Requirement of sanction of both the Deputy Inspector General of Police concerned-Nature of—As per provisions of Rule 12.26 of the Punjab Police Rules, 1934, the requirement of sanction of both the Deputy Inspector General of Police concerned is only directory for the sake of administrative reasons of the two ranges. *Neela Ram, Head Constable v. State of Punjab and others, (2019) 2 PLR 10 (P&H).*

3. Police of the District Police Cadre-Transfer of—In the present case, since the petitioner belongs to District Police Cadre, hence, he can be transferred in any District Police as seniority of District Police Cadre is maintained at Central level. *Constable Dharam Pal Singh v. State of Punjab, through Principal Secretary, (2016) 4 SCT 821: (2017) 2 SLR 470: (2017) 2 RSJ 216 (P&H).*

4. Violation of the requirement of sanction of both the Deputy Inspector General of Police concerned-Effect of—Violation of the requirement of sanction of both the Deputy Inspector General of Police concerned, if any, in the changed circumstances would neither be prejudicial to the seniority of the Constable nor would vest the employee/Constable a right to seek the strict enforcement of the said Rule, much less any right to question the transfer on such basis. *Neela Ram, Head Constable v. State of Punjab and others, (2019) 2 PLR 10 (P&H).*

12.27. Dismissed persons not to be enlisted.—No person who has been dismissed from any Government employ shall be enrolled in the police without the special sanction of the Inspector-General.

12.28. Character rolls.—A character roll in Form 12.28 shall be prepared and maintained for each enrolled police officer. Each roll shall be paged and extra pages or papers added shall be given a page number and attached in chronological order.

12.29. Attestation of recruits and preparation of character rolls.—When the formalities required by rules 12.18 have been completed, and the recruit has served for one month and received the instruction prescribed in rule 19.18, his character roll shall be prepared in his presence. When the roll is otherwise complete the recruit shall be taken before a gazetted officer and required to sign the agreement printed as item 4 in the roll and the rolled impressions of the thumb and fingers of his left hand shall be taken in the space provided for the purpose. The gazetted officer before singing the roll shall satisfy himself that the recruit understands the purport of his agreement, and shall explain to him the purport of rule 9.7 and give him the opportunity of claiming alteration in his recorded age.

12.30. Matters to be entered in character rolls.—All routine entries in character rolls shall be attested by a gazetted officer. Important entries shall ordinarily be made by the Superintendent or a gazetted officer under the orders of the Superintendent.

12.31. Points to be attended to in maintaining character rolls.—In compiling and maintaining character rolls the following points shall receive attention—

(i) The authority for transfer beyond the district shall be entered.

(ii) A note shall be made of the result of verification of character with a reference to the original report in the vernacular personal file.

(iii) Every entry under items 13, 14 and 15 respectively shall be given a serial number and shall be signed and dated by a gazetted officer.

(iv) Major punishments shall be entered in red ink and minor punishments in black ink.

(v) Particular care shall be taken to ensure the accuracy of entries under items 6 and 21. Inspecting officers, when checking character rolls, should verify a proportion of such entries by reference to the order book and acquittance rolls.

12.32. Records to be attached to character rolls.—The following records shall be attached to character rolls—

(a) Health Certificate (Form 10.64);

(b) Medical history sheet [Form 12.32 (b)];

(c) Leave account (F. R. Form No. 9-A.O.S. 113-A);

(d) Statement of land held in case of Head constable [Form 14.23 (1) (a)];

(e) Record of postings [Form 12.32 (e)];

(f) Progress report on probationary inspectors, sub-inspectors and Assistant sub-inspectors (Form 19.25).

(g) Sheet showing marking system in connection with promotion to the selection grade of constable [Form 13.5 (6)].

12.33. Transcribing of character rolls and extracts therefrom.—Whenever it is found necessary to transcribe character and service rolls each separate page shall be attested by the full signature of the Superintendent who causes the copy to be made, or of a gazetted officer acting under his orders.

Below the last entry in a character and service roll thus copied a certificate shall be appended by the Superintendent to the effect that he has carefully compared the copy with the original and that it is a correct.

Extract shall be attested by the full signature of the gazetted officer who orders them to be made.

12.34. Nature of entries to be made in character rolls.—(1) Entries of a commendatory nature in character rolls shall ordinarily be restricted to copies of commendation certificates awarded. Remarks of a general nature, favourable or adverse, regarding an officer's character or services may appropriately find a place in confidential annual reports, recommendation for promotion and the like, and, in such form will be recorded in the personal files of upper subordinates. When a District Magistrate, Superintendent of Police or other gazetted police officer wishes formally to record his favourable opinion of an officer apart from

the record of any specific act, such remarks should be made and presented to the officer concerned in the form of a commendation certificate Class III (rule 15.3). Copies shall not ordinarily be entered in the character roll. When a judicial officer other than a district Magistrate desires to bring to notice good work on the part of an enrolled police officer, he shall do so by means of a letter to the Superintendent of police, who may, if he sees fit, cause a commendatory entry to be made in the character roll of the police officer concerned, giving him a copy of such entry. Such entries shall not ordinarily be made. Rule 16.8 regulates the record of censures in character rolls.

(2) The procedure specified in sub-rule (1) above is the only one authorized for the record of communications, other than specific rewards granted under the provisions of Chapter XV. Police officers are strictly forbidden either themselves to give to their subordinates or to accord any recognition to private and unauthorized testimonials from others.

12.35. Custody of character rolls.—Character and service rolls shall be kept in a licked cabinet containing a sufficient number of drawers for the purpose. The rolls of upper subordinates shall be kept in the upper drawers, and those of lower subordinates in the other drawers, according to their district constabulary numbers.

The rolls of men who have quitted the service or died shall be kept in a separate drawer for three years, after which they and the vernacular personal files (rule 12.39) relating to them shall be destroyed.

12.36 Service books.—(1) Service books in Form F.R. 10 as required by Articles 73 and 74, Civil Account Code, shall be maintained for all upper subordinates and establishment appointed otherwise than under the Police Act to whole-time pension able employment.

(2) Service books shall be kept in the office in which the pay of the person concerned is drawn. Entries in service books shall be in English and shall be properly attested by the Superintendent. When non-gazetted officer are officiating in gazetted appointments their service books shall be kept by the head of the office to which they are posted, and when they are confirmed in such appointments the books shall be sent to the Accountant-General, Punjab for record.

(3) The service books in each office should be taken up or verification or pension able service at fixed time each year, say in January, by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in his service book, should record in it a certificate in the following form over his signature—

"Service verified up to.....(date) from..... (the record from which the verification is made)."

The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from records, distinctly state that for the excepted period (naming them) a statement in writing by the Government servant, as well as a record of the evidence of his contemporaries, is attached to the book.

(4) When a Non-Gazetted Officer is transferred from one office to another the head of the office under whom he was last employed, should record in the service book over his signature the result of the verification of service, with reference to pay bills and acquittance rolls, in respect of the whole period during which the officer was employed under him before forwarding the service book to the office where the services are transferred.

The above-mentioned instructions apply to clerks on the police clerical cadre and to all upper subordinates.

(5) In this connection the character rolls of lower subordinates may be considered to be service books, and before a lower subordinate is transferred his services up to the date of transfer should be verified from office records and the necessary certificate given in the character roll.

12.37. Personal files of gazetted officer.—A personal file shall be maintained by the Inspector-General for each Gazetted Officer. This shall contain—

(a) Articles of agreement.

(b) Names and addresses of nearest relatives.

(c) Statements of land held, with particulars of locality.

(d) Distinctions granted.

(e) Annual confidential reports.

(f) Such other papers as the local Government may order, or the Inspector-General may consider desirable, to have placed on the personal life.

Officers shall inform the Inspector-General of all changes in respect of land held by them.

12.38. English personal files of upper subordinates.—(1) An English personal file with an opening sheet in Form 12.38 (i) shall be maintained in the original in the office of the Inspector-General for each Inspector and Sergeant and for each Sub-Inspector, whether of the prosecuting or of the General Line, whose name is entered in list "F" and in the office of the Deputy Inspector-General and the Assistant Inspector-General of the Government Railway Police for all other Sub-Inspectors and for Assistant Sub-Inspectors. Duplicate personal files of Indian Inspector of the General Line, of Sub-Inspectors on List 'F' and of all Sergeants shall be kept in the offices of the Deputy Inspector-General and the Assistant Inspector-General of the Government Railway Police. These duplicate personal files will be transferred from office to office as necessitated by transfers of the officers concerned, and will continue to be maintained until the officers are confirmed, Inspectors and 'F' list Sub-Inspectors in Gazetted rank and Sergeants in the rank of Inspector. On such confirmation duplicate personal files will be destroyed by the officer in whose custody they are at the time.

(2) In such personal files shall be recorded—

(a) the original confidential annual reports submitted by Superintendents.

(b) any remarks regarding the working and character of officer which the Inspector General or Deputy Inspector-General may deem fit to enter.

(3) Part I of the Personal File should be prepared by Superintendent of Police personally before submission to higher officers for signature and should not merely be a copy of the officer's original application for employment. Only such details should be entered as have been fully verified. Care should be taken that only near relations should be given under Serial No. 9 and the exact degree of relationship should always be shown.

(4) English personal files of upper subordinates shall be confidential records, and shall not be destroyed during the lifetime of the officers concerned.

(5) Personal files are confidential documents maintained by Government for its own purposes. Reporting officers are entitled to assume that their remarks will be treated as confidential, *i.e.*, they will be divulged only to Government through the correct channels and by Government, at the discretion of Government, only to the officers concerned. The giving of the copies of personal files or extracts there from is, therefore, prohibited. It is, however, permissible for the Inspector-General or higher authority to give to officers, who have retired or are on the point of retirement, a letter in which their official record is summed up.

Rule 12.38 for Chandigarh

12.38. Personal file.—(1) A personal file with an opening sheet in Form 12.38 (1) shall be maintained in original in the office of the Inspector General of Police for each Inspector and Sub-Inspectors, whose name is entered in list 'F' and for all other Sub-Inspectors, Assistants Sub-Inspectors, Head Constables and Constables the personal files will be maintained in the office of the Senior Superintendent of Police.

(2) In such personal files shall be recorded—

(a) the original confidential annual reports submitted by Superintendents.

(b) any remarks regardings the working and character of officers which the Inspector-General or Deputy Inspector-General may deem fit to enter.

(3) Part I of the Personal File should be prepared by Superintendent of Police personally before submission to higher officers for signature and should not merely be a copy of the officer's original application for employment. Only such details should be entered as have been fully verified. Care should be taken that only near relations should be given under Serial No. 9 and the exact degree of relationship should always be shown.

(4) [1][***] Personal files of upper subordinates shall be confidential records, and shall not be destroyed during the lifetime of the officers concerned.

(5) Personal files are confidential documents maintained by Government for its own purposes. Reporting officers are entitled to assume that their remarks will be treated as confidential, *i.e.*, they will be divulged only to Government through the correct channels and by Government, at the discretion of Government, only to the officers concerned. The giving of the copies of personal files or extracts there from is, therefore, prohibited. It is, however, permissible for the Inspector-

1. Word "English" omitted vide Chandigarh Admn. Gazette Extraordinary dated 1.1.1982.

General or higher authority to give to officers, who have retired or are on the point of retirement, a letter in which their official record is summed up.

12.39. Vernacular personal files.—(1) A vernacular personal file (fauji missal) shall be maintained in each district office for every upper and lower subordinate serving in the district. These files are intended for the record of original orders and papers concerning an officer's service and conduct, and are supplementary to the character roll.

(2) Each officer's personal file shall contain—

(a) the lambardar's certificate as to his character, given on enrolment.

(b) all punishment files or attested copies of orders of punishment (rule 16.24 (iv)).

(c) Orders and other records of minor punishments not entered in the character roll.

(d) other papers which it is desirable to keep on record.

(3) Personal files shall be arranged according to provincial, range and district constabulary numbers and each file shall be paged and an index thereof kept in Form 12.39 (3).

12.40. List of vacancies.—The orderly head constables shall maintain a list of vacancies in Form 10.86, omitting columns 14 and 16.

12.41. Long Roll.—(1) A vernacular long roll in Form 12.41(1) containing the name of every enrolled police officer subordinate to the Superintendent shall be maintained in each district by the orderly head constable as a permanent record. The entries shall be made by provincial, range and constabulary numbers, and space shall be left under each number for six fresh entries.

(2) When a constable or head constable is struck off the establishment for any cause or promoted to a rank bearing a provincial or range number his constabulary number shall be given to his successor in office, whose name shall be entered immediately below the former entry.

(3) Constabulary numbers, except on occasions of promotion to a rank bearing a provincial or range number or transfer to another district, shall not be changed.

(4) In the column of remarks a note shall be made of each punishment awarded, giving the serial number and year of the entry in the punishment register.

(5) The long roll is a must important record and should be checked by a gazetted officer at least twice a year. It is the basis for the preparation of discharge certificates (Rule 14.12), is frequently required for reference in pension cases and is the only record of the service of a man who has left the force, after his character roll has been destroyed under rule 12.35.

12.42. Zaildars or honorary Police officers.—(1) With a view to enlist the assistance of persons of character and influence in rural districts, a certain number of this class shall, subject to budget provision, be appointed zaildars or honorary police officers with an annual honorarium of not less than Rs. 150 each. Such honoraria shall be drawn by Superintendents in special establishment bills in which the names of the Zaildars shall be given and the sanction to appointment quoted.

(2) On a vacancy occurring in the office of a police zaildar, the District Magistrate, with the concurrence of the Superintendent, may appoint a police zaildar, subject to confirmation by the Commissioner.

(3) Each police zaildar shall be responsible for the prevention and detection of crime in the group of villages which may be assigned to him as his zail or sphere of duty. He shall report verbally, or in writing, at his option, to the officer in charge of the police station in which his zail is situated, all cognizable cases which occur within such zail Such zaildar shall be subordinate to the officer in charge of the police station in which his zail is situated, and they shall mutually aid one another to the best of their ability.

(4) Police zaildars shall not be liable to any departmental punishment except dismissal. The District Magistrate may, with the concurrence of the superintendent, dismiss a police zaildar; or, in the event of a difference of opinion, the matter shall be referred to the commissioner, whose decision shall be final.

(5) When the District Magistrate considers it necessary to create a new zail he should prepare a sketch map showing the villages to be included in such zail and the position of the nearest police stations, and submit it with a report, after consultation and in communication with the Superintendent, through the commissioner, for the orders of Government, giving his reasons for considering such measure desirable, and stating the name, position and character of the person he recommends for such appointment, and the amount of the annual honorarium to be given to him. Proposals for such zails shall be confined to sparsely populated tracts.

Rule 12.43 for Punjab Only

[1][**12.43. Absorption of Non-Gazetted Officers and other ranks of para-military forces and other Police Forces in the Punjab Police.**—(1) If the Director General of Police so desires he may with the prior concurrence of the parent Department, order absorption in the Punjab Police of Non-Gazetted Officer and other ranks of Para-military forces and other Police forces who have been working as such in the Punjab Police already on deputation for a period of two years:

[2][Provided that absorption, so made shall not exceed 0.5 per cent of the total cadre posts in the ranks of Constables. Head Constables, Assistant Sub-Inspectors, Sub-Inspectors and Inspectors.]

(2) The Non-Gazetted Offices and other ranks absorbed in terms of the provisions of sub-rule (1) will be placed junior to all the persons working in the respective cadres of the Punjab Police on the date of such absorption, subject, however, to the condition that the basic pay they are getting in their parent department will be protected.

Explanation.—For the purpose of rule 12.43 the terms "Para Military Forces" means the para military forces under the administrative control of Government of India, Ministry of Home Affairs.]

1. Added by Punjab Govt. Gazette Notification No. G.S.R. 90/C.A.5/61/Ss. 7 and 46/Amd. (20)/93 dated 22.10.1993.
2. Substituted by Punjab Govt. Gazette Notification No. G.S.R. 63/C.A.5/1861/Ss. 7 and 46/Amd. (21)/94 dated 15.9.1994.

APPENDIX No. 12.1

For the appointment and training of Deputy Superintendents of Police in the Punjab, the following rules shall have effect—

I. Deputy Superintendents shall be appointed (a) by direct recruitment from among persons not already in Government service, (b) by the promotion of Inspectors.

II. The qualifications for direct appointment shall be—

(a) The candidate shall be, at the time of appointment, between the ages of 21 and 25.

(b) He must produce a certificate of physical fitness as prescribed in Rule 10 of the Fundamental Rules read with Police Rule 12.15 (1).

(c) He must produce evidence of social status qualifying him for the position of a gazetted officer.

(d) He must have educational qualifications ordinarily not less than the degree of Bachelor of Arts of the University of the Punjab or Delhi or the Aligarh Muslim University and must produce evidence of his ability to speak and read Urdu fluently and to write the Persian character with facility.

(e) He must be a statutory native of India domiciled in the Punjab, North-West Frontier Province, Baluchistan or Delhi, or in an Indian State under the Political control or his Excellency the Governor of the Punjab or the Agent to the Governor-General, Punjab States, or respect of which the Governor-General, in council has made a declaration under section 96-C of the Government of Indian Act.

III. Applications from persons who possess the above qualifications shall be received by the Inspector General of Police and submitted by him to the Honourable the Finance Member. If the latter so directs, the applicant shall be informed by official letter that he has been accepted as a candidate, and his name shall be entered in the register of such accepted candidates maintained by the Inspector-General of Police.

IV. Promotions from the rank of Inspector shall be made by His Excellency the Governor after considering the recommendations of the Inspector-General of Police.

V. Not more than 20 per cent of the vacancies which occur will be filled by direct appointment; the remainder will be filled by the promotion of Inspectors.

VI. All direct appointments will be made by the Local Government after considering the recommendations of a Selection Board consisting of—

A Financial Commissioner, Punjab.

The Inspector-General of Police.

The Commissioner, Lahore.

VII. The Selection Board shall require evidence from candidates for direct appointment of good moral character, Physical activity and ability to ride, and shall submit them to such tests as they may think desirable in-order to judge their suitability for appointment, and to check the qualifications specified in paragraph II. In the case of candidates for direct appointments whose fathers are or have been Government servants, the selection board shall state the fact in making its report to Government.

VIII. All appointments shall be on probation for two years, provided that, In the case of officers promoted from the rank of Inspector, the Local Government may, by special order in each case permit periods of officiating service in a post in the Provincial Police Service to count towards the period of probation.

IX. Directly appointed probationary Deputy Superintendents of Police will be required to undergo the course of training at the Police Training School prescribed from time to time for probationary Assistant Superintendent of Police and to pass the examinations, other than language examinations, prescribed for such officers. Such probationers may also be required to pass in Punjabi by the tests prescribed for officers of the Provincial Civil Service. On conclusion of their period of training at the Police Training School, probations will be attached to a district for a further period of training of one year.

X. The services of appointed probationary Deputy Superintendent of Police may be dispensed with by order of the Local Government, either on his failing to pass the final examination at the end of his period of training at the Police Training School, or on failing to pass his examination in Punjabi within two years of appointment, or on his being reported on, during or on conclusion of his period of probation, as unfit for his appointment; provide that the Local Government may, if it sees fit, extend the period of probation by not more than one year.

XI. The Principal of the Police Training School shall submit to the Inspector-General reports on the work and character of probationary Deputy Superintendents of Police in the same form and at the same intervals as may be prescribed for probationary Assistant Superintendents of Police. Deputy Inspectors-General shall submit similar reports regarding each directly appointed probationary Deputy Superintendent of Police undergoing training in districts of their ranges six months after the appointment to a district, and on conclusion of a year's district training in each case.

XII. The Inspector-General of Police may require any probationary Deputy Superintendent of Police promoted from the rank of Inspector to undergo a special course of training and to pass the prescribed examinations in any subject or subjects, including an obligatory language, in which his qualifications may be defective. Deputy Inspector-General shall submit to the Inspector-General at intervals of six months throughout their period of probation reports on the work, character and suitability for gazetted rank of each such probationer appointed by promotion, who may be serving in a district of their range. Any such probationer failing to pass any examination prescribed for him, or being unfavourably reported on in two interim reports or in his final report, shall be reverted to his substantive rank of inspector.

XIII. Probationary Deputy Superintendents of Police of either class, on passing the examination prescribed for them and on being favourably reported on at the conclusion of their probationary period, shall be confirmed by the order of the Local Government.

XIV. Directly appointed probationary Deputy Superintendents of Police shall on first appointment receive pay at the lowest rate of the Provincial Police Service time scale, and shall receive increments on the terms authorized, as described in Appendix 10.63, Table A of Police Rules. The pay of probationers appointed by promotion will be fixed on the system described in the same rule for inspectors promoted to the Provincial Police Service. Officiating service and probationary service shall count for increment in the time scale.

Appendix 12.3A for Punjab

APPENDIX 12.3A

The following rules shall have effect for the appointment, training and promotion of Urdu stenographers—

1. Direct appointments of Urdu Stenographers.—Urdu Stenographers are appointed by the Deputy Inspector-General of Police, Criminal Investigation Department, Punjab, in the rank of Assistant Sub-Inspector on consideration of the recommendations of a selection

board, to fill vacancies occurring in the districts of the Punjab and the Criminal Investigation Department. He will satisfy himself that they fulfill the qualification laid down for direct appointment as Assistant Sub-Inspector to ensure that they are of the type likely to make good executive officers as well as to become good reporters of public meeting.

2. Training of Urdu stenographers.—(1) On enlistment, Urdu Stenographers will be deputed to the Police Training School to undergo the course of training laid down for directly appointed Assistant Sub-Inspectors in the Police Training School Manual and are liable to discharge if they fail to pass the prescribed examinations or the badly reported on. The Principal, Police Training School, will, however, ensure that arrangements are made for them to maintain full proficiency in stenography during the period of training.

(2) During vacations at the Police Training School, they will be attached to rural Police Stations to do as much practical training as possible on the lines of Course 'D' prescribed in Police Rule 19.25.

Note.—Urdu Stenographers, in service on the 1st December, 1944, who are likely to make good executive officers, will be admitted to the intermediate class if they are below the age of 40 years at the time of their admission. Their further promotion, or if officiating in a higher rank their retention in that rank, will depend on their passing the course.

3. Promotion to the rank of Sub-Inspector.—They will be eligible for promotion to the rank of Sub-Inspector (Urdu Stenographer) after 3 years service.

4. Transfer to the executive line.—(1) Urdu Stenographers who pass the intermediate course and who show promise to making outstandingly good executive officers may be selected, with the approval of the Inspector-General for the upper school course at Phillaur, 5 years (or, in exceptional cases 3 years) after passing the intermediate course.

After passing the course, they may be considered for absorption in the permanent executive cadre of the special branch.

(2) They shall, however, be attached to a district for six months, practical training in a police station before admission to the upper school course.

5. Control.—The Deputy Inspector-General of Police, Criminal Investigation Department, Punjab, will exercise disciplinary control over Urdu Stenographers.

6. General.—(1) All Urdu Stenographers will be borne on the strength of the Criminal Investigation Department, Punjab, and will draw Criminal Investigation Department allowance admissible to officers of their rank. In all matters they will be governed by the general provisions of the Police Rules unless otherwise provided in the above rules.

(2) The Deputy Inspector-General of Police, Criminal Investigation Department, Punjab, will institute measure to ensure that Urdu Stenographers maintain full proficiency.

Appendix 12.3A for Haryana

[1]*APPENDIX 12.3A*

(Appointment and Enrolments)

The following rules shall have effect for the appointment, training and promotion of Language Stenographers—

1. Carde.—There is an exclusive regular cadre of the Language Stenographers in the Criminal Investigation Department (hereinafter refferred as the "Cadre"), for the purpose of covering public meetings and for giving feedback of day to day information on matters of public importance to the Head of Criminal Investigation Department for information to the Government.

1. Appendix substituted by Haryana Notification No. S.O. 58/C.A. 5/1861/Ss. 2 and 7/2004 dated 2.7.2004.

2. Direct Appointment.—The Language Stenographers shall be appointed by Head of the Criminal Investigation Department, Haryana, initially in the rank of Assistant Sub-Inspector/Language Stenographer, as per vacancies existing in the Carde on the recommendations of Harayana Staff Selection Commission.

3. Qualification.—The Educational Qualification for the post of Assistant Sub Inspector/ Language Stenographer shall be as under.—

Compulsory—(i) Graduate with atleast 50% marks in aggregate with knowledge of Hindi upto Matric standard;

(ii) Diploma certificate of minimum one year duration from a recognized vocational institute or ITI in Hindi and English shorthand with writing speed in shorthand @ 100 words per minute and transcription @ 20 words per minute in English and 80 words per minute and transcription thereof at 15 word per minute in Hindi (Both speed to be tested);

(iii) Typing speed @ 30 words per minute in English and 25 words per minute in Hindi (Both speed to be tested);

(iv) The physical standard and age shall be the same as prescribed under the Punjab Police Rule 1934, (as applicable to the State of Haryana), for direct appointment on an Assistant Sub-Inspector.

Perferential— (i) Diploma in Journalism; or

(ii) One Year Diploma in Computer Application from a recognized institute; or

(iii) Proficiency both in Hindi and English shorthand.

4. Training of Assistant Sub-Inspector/Language Stenographer.—(1) On enlistment, the Assistant Sub-Inspector/Language Stenographers will be deputed to the Haryana Police Academy to undergo the course of training laid down for directly appointed Assistant Sub-Inspectors in the Police Training College Manual. After passing the above course of training, the Assistant Sub-Inspector/Language Stenographer shall have to undergo 3 months training prescribed by the Criminal Investigation Department in the Criminal Investigation Department Training School, Panchkula. They shall be liable to be discharged, if they fail to pass the prescribed examination or badly reported upon during training. The Director, Police Training College, Madhuban and the Incharge Criminal Investigation Department Training School, Panchkula will, however, make arrangement for them to maintain full proficiency in Stenography during the period of training.

(2) On successful completion of the basic training at the Haryana Police Academy and Criminal Investigation Department Training School, the Assistant Sub-Inspector/ Language Stenographers shall be posted to a district for four months PRACTICAL POLICE TRAINING. During these four months of PRACTICAL POLICE TRAINING they shall work as Station Clerk (*Moharar* Head Constable) of a Rural Police Station for 3 weeks, shall assist in the investigation of cases and learn the duties of Officer Incharge of a Police Station under the immediate supervision of the Station House Officer of the Police Station for 4 weeks, work as an Additional Investigation Officer in a Police Station for 6 weeks and shall be attached with the District Attorney, Deputy Superintendent Jail and District Revenue Officer for one week each.

5. Probation.—After completion of training Assistant Sub-Inspector/Language Stenographer will be placed on probation for a period of three years, which can be extended by another one year and will be liable to be discharged at any time during the period of his probation if he fails to pass the prescribed examination or if he is guilty of grave misconduct or found unsuitable for service for sufficient reasons or fails to complete probation period successfully.

6. Seniority.—The *inter se* seniority of direct recruited Assistant Sub-Inspector/Language Stenographer will be determined as per merit fixed by the Haryana Staff Selection Commission.

7. Promotion.—(1) The promotion of Assistant Sub-Inspector/Language Stenographer shall be made in accordance with the seniority-cum-merit and subject to the availablility of posts in the Carde. The service rendered by the official in the Criminal Investigation Department shall only be computed as qualifiying service for promotion to the next higher ranks.

(2) The Assistant Sub-Inspector/Language Stenographer who pass Basic Course prescribes for Assistant Sub-Inspector and who show promise of making a good Criminal Investigation Department Officer may be selected with the approval of Director General of Police, for the Upper School Course at Madhuban, after three years service of total service. He shall, however, be attached with a District for three months practical training in a Police Station before admission to Upper School Course. After passing the Upper School Course he will be eligible for promotion to the rank of Sub-Inspector/Language Stenographer against the vacancies existing in the cadre after completing 5 years as Assistant Sub-Inspector.

(3) After five years satisfactory service as Sub-Inspector/Language Stenographer he may be considered for promotion to the rank of Inspector/Language Stenographer against the vacancies existing in the cadre.

(4) After six years satisfactory service as Inspector/Language Stenographer, he may be considered for promotion to the rank of Deputy Superintendent of Police against the vacancies existing in the cadre.

(5) After eight years of satisfactory services as Deputy Superintendent of Police, he may be considered for promotion to the rank of the Superintendent of Police against the vacancies in Criminal Investigation Department.

8. Probationary Period of Promotion.—All Police Officers promoted in the rank shall be on probation for two years. On the conclusion of the probationary period a report shall be rendered to the Head of Criminal Investigation Department to confirm the promotion, who shall either confirm the officer or revert him. In no case the period of probation shall be extended beyond two years. The confirming authority must arrive at a definite decision within a reasonable time soon after the expiry of this period whether the officer should be confirmed or reverted. While on probation the officer can be reverted without any departmental proceedings. Such reversion shall not be considered reduction in rank for the purpose of rule 16.4.

9. Criminal Investigation Department Allowance.—All Language Stenographers upto the rank of Sub-Inspector will draw Criminal Investigation Department Allowance admissible to officers of their rank. In all matters including the disciplinary proceedings, they will be governed by the general provisions of the Punjab Police Rules, 1934, unless otherwise provided in the above rules.

APPENDIX 12.3-B

(Appointment and Enrolments)

1. Recruitment.—The posts of Assistant Sub-Inspector in the cadre (State Crime Branch and Chief Minister's Flying Squad) shall be filled up by direct recruitment by the Head of Criminal Investigation Department on the recommedations made by the Haryana Staff Selection Commission. The terms of conditions regarding direct recruitment and training of Assistant Sub-Inspectors and promotion to the higher ranks in the cadre shall be as under.

2. Qualifications.—(i) Must be a Graduate, preferably in Law/Forensic Science/Medicine/Computer Science/Commerce or Engineering with Hindi upto Matric.

(ii) The Physical standard and age shall be the same as prescribed under the Punjab Police Rules, 1934, for direct appointment of an Assistant Sub-Inspector.

3. Training.—(1) On enlistment as Assistant Sub-Inspector he will be deputed to the Haryana Police Academy to undergo the course of training laid down for directly appointed Assistant Sub-Inspectors in the Police Training College Manual. He shall be liable to be discharged, if he fails to pass the prescribed examination or adversely reported upon during training. After passing the above-mentioned course, he will also undergo three months training in Criminal Investigation Department Training School.

(2) On successful completion of the basic training at the Haryana Police College and the Criminal Investigation Department Training School, the Assistant Sub-Inspector shall be posted to a district for six months PRACTICAL POLICE TRAINING. During these six months he shall work as Station Clerk of a rural police station for one month, shall assist in the investigation of cases and learn the duties of Officer Incharge of a Police Station under the immediate supervision of the Station House Officer of the Police Station for two months and shall work as an Additional Investigation Officer in a Police Station for two months and shall be attached with Forensic Science Laboratory, District Revenue Officer, Superintendent Jail and District Attorney for one week each.

4. Probation.—Assistant Sub-Inspector will be placed on probation for a period of three years which can be extended by another one year and he will be liable to be discharged at any time during the period of his probation, if he fails to pass the prescribed examination or is guilty of grave misconduct or found unsuitable for service for sufficient reasons or fails to complete probation period successfully.

5. Seniorty.—The *inter se* seniority of directly recruited Assistant Sub-Inspectors in the cadre will be determined as per merit fixed by the Haryana Staff Selection Commission.

6. Promotion.—(1) The promotion to the higher ranks shall be made in accordance with the seniority-cum-merit and subject to the availablity of posts in the cadre. The only period of service rendered by the official in the cadre shall be computed as qualifying service for promotion to the next higher ranks.

(2) The Assistant Sub-Inspector who pass Basic Course prescribed for an Assistant Sub-Inspector and who shows promise of making a good investigating officer may be selected with the approval of Director General of Police for the Upper School Course at Madhuban, after three years of total service in the cadre. After passing the Upper School Course he will be eligible for promotion to the rank of Sub-Inspector against the existing vacancies in the cadre after completing 5 years as Assistant Sub-Inspector.

(3) After five years satisfactory service as Sub-Inspector, he may be considered for promotion to the rank of Inspector against the existing vacancies in the cadre.

(4) After six years satisfactory service as Inspector, he may be considered for promotion in the rank of Deputy Superintendent of Police against the existing vacancies in the cadre.

(5) After eight years of satisfactory service as Deputy Superintendent of Police, he may be considered for promotion to the rank of the Superintendent of Police against the existing vacancies in Criminal Investigation Department.

(6) The promotional stream of directly recruited Asssistant Sub-Inspectors in this cadre shall remain separate from the deputationists. No promotion against the vacancies of deputationist shall be made from amongst the members of this cadre and *vice-versa.*

7. Probationary Period of Promotion.—All Police Officers promoted in the rank shall be on probation for a period of two years. On the conclusion of the proabationary period

a report shall be rendered to the Head of Criminal Investigation Department to confirm the promotion, who shall either confirm the officer or revert him. In no case the period of probation shall be extended beyond two years. The confirming authority must arrive at a definite decision within a reasonable time soon after the expiry of this period whether the officer should be confirmed or reverted. While on probation the officer can be reverted without any department proceedings. Such reversion shall not be considered reduction in rank for the purpose of rule 16.4.

APPENDIX No. 12.16.

Points to be observed by Medical Officers in examining Police recruits.—Medical Officers will satisfy themselves regarding each candidate on the following points in the order given, If a disqualifying defect is noticed, the recruit register (form No. 12.13) will be completed and the recruit rejected without further examination—

(a) that the vision is up to the following standard—

The recruit must be able to read the Test Dot Card at a distance of ten feet without any mistake, with each eye without spectacles. Failure to do this renders him unfit. Each eye must have a full field of vision as tested by hand movements. Squint or any other morbid condition of the eyes or eye-lids liable to the risk of aggravation or recurrence will render him unfit.

For those who can read English, the test should be the Snellen's type and the standard—

Right eye V = 6/6 J } Without glasses
Left eye V = 6/6 J }

For illiterates the split ring test as used in the North-Western Railway should be employed. This corresponds to the Snellen's type.

Note.—In examining the recruit by means of the "Test Dot Card" the following directions should be observed—

(i) Place the recruit with his back to the light and hold the test card perfectly upright in front of him at a measured distance of exactly 10 feet. The light should fall fully on the card.

(ii) Examine each eye separately, The eye not under trail should be shaded by the hand of an Assistant, who will take care not to press on the eye ball.

(iii) Expose some of the "dots" not more than 5 or 6 at a time, and desire the recruit to name their number and positions, vary the group frequently to provide against deception.

(iv) The "Test Dot Card" must be kept perfectly clean.

(b) that the height and chest measurements are up to the standard prescribed in rule 12.15 (1);

(c) that neither speech nor hearing is defective. As regards hearing, no recruit will be enlisted who suffers from deafness, aural discharge, earache, tinnitus or vertigo or who is found on examination to have dermatitis, atersia or exostosis of the meatus, perforation of the tympanic membrane or who has had a radical mastoid operation;

(d) that the recruit appears healthy, strong and active

(e) that he is sufficiently intelligent;

(f) that there is no malformation, deficiency or defect of any essential part;

(g) that there is perfect motion in every joint and good physical development and power;

(h) that the recruit is free from diseases of the nervous, circulatory, respiratory, digestive, cutaneous, lymphatic, generative or excretory system. Special care should be given to tracing the presence of contagious or infectious disorders, rupture, strictures, dysentery, hepatic or severe malaria disease;

(i) that there is no evidence of fits, old injuries to the head, or of a personal or family medical history which would be likely to render him unfit;

(j) that the recruit's declared age, as compared with appearance, physical equivalents or other evidence is correct. In case of doubt the Medical Officer will record the apparent age which will be accepted for official purposes.

Note.—The points noted in (b), (d), (e) and (j) will be decided by the Superintendent when recruits are selected by him—

The recruit must strip for examination, due regard being paid to privacy and decency. A loin covering may be permitted. Every part of the body must be examined, and if a recruit will not submit to this after persuasion by caste friends, he must be rejected.

(k) the Medical Officer will reject a recruit for any disease or defect which would be likely to render him unfit for the duties of the particular branch of the service in which he is desirous of being enrolled.

Note.—The following points should not be overlooked—

(1) Glandular swellings and enlarged thyroid.

(2) Prominence of eyes, squint, long-standing trachoma, nebulae or leucomata, pannus.

(3) Polypus of nose, perforated palate, tonsils, adenoids.

(4) Insufficient sound teeth for efficient mastication, severe pyorrhea.

(5) Loss or deformity of fingers, flat feet, hammer toes with painful corns or bursae on the dorsum of toes, Hallux valgus, Hallux rigidus, Knock-knee, deformity of chest and joints, abnormal curvature of the spine.

(6) Inveterate cutaneous disease, fistulae, condylomata, haemorrhoids prolapsus ani, varix or varicocele, undescended testicle, tachycardia.

(7) Recent marks of vaccination, and two identification marks should be noted. With discharged soldiers for enlistment in the Police Force—

(1) The urine of recruits over 30 years of age should be examined.

(2) The head should be examined for blows or cuts, and the recruit questioned if he is subject to fits of any kind.

(3) The body should be examined for scars of war wounds.

Form No. 12.6(1) for Punjab

[Omitted by Punjab Govt. Notification No. G.S.R. 12/P.A.10/2008/ S.80/Amd.(28)/ 2013 dated 16.2.2013.]

Form No. 12.6(1) for Haryana

FORM No. 12.6 (1)

ROLL OF A CANDIDATE FOR POST OF _____ OF POLICE

Item 1 to 4, 7 and 10 to 13 be filled up in the candidate's own handwriting. Items 5, 6, 8, 9, 14 and 15 to be filled up by a gazetted police officer after such enquiry as may be practicable. Item 16 to be filled up by the Superintendent of Police personally after interviewing the applicant.

1. Name of Applicant _____
2. Religion and Caste or Tribe _____
3. Residence Police Station _____
   Village _____
   District _____
4. Present Address _____
5. Date of Birth _____
6. Height and chest measurement _____
7. Where educated, with name of School or Schools and estatement of educational qualifications, mentioning any Examinations passed. (Attested copies of any certificates obtained should be attached in candidate's own handwriting.)_____
   _____
8. Does the candidate possess any athletic qualifications? Did he belong to his School Cricket Eleven or Football or Hockey Team? Is he of active habits? Can be ride?_____
9. Any other qualifications? _____
10. To whom does the candidate desire that reference should be made regarding his character, habits, knowledge of riding, etc.? _____
11. Names and degree of relationship of, and appointments held by relatives in Government or other employ _____
12. Father's name and profession _____
13. Home of family_____
14. Full particulars of family, including a brief statement of claims, if any_____
    _____
15. Whether at any time applicant has been pronounced unfit for Government employment by the Medical Board at the India Office or any other duly constituted medical authority. _____

Signature _____

Date _____

16. Remarks and opinion of Superintendent of Police_____

Dated_____

Superintendent of Police

The_____19

POLICE DEPARTMENT Range_____.

FORM No. 12.7 (1)

REGISTRAR OF ACCEPTED CANDIDATES FOR DIRECT APPOINTMENT AS ASSISTANT SUB-INSPECTOR

1	2	3	4	5		6	7	8
Sr. No.	Name	Father's Name	Age and date of birth	HEIGHT & CHEST MEASUREMENT		Residence	Educational qualification	REMARKS
				Height	Chest			

(To be drawn by hand)

POLICE DEPARTMENT _____ DISTRICT

FORM No. 12.13

RECRUIT REGISTER

1	2	3	4	5	6	7	8	9	10		11	12	13	14	15
				RESIDENCE											
Sr. No.	Date of measurement	Name of recruit	Percentage	Village	Police Station	District	Religion of caste	Age	HEIGHT		Chest measurement in inches	Initials of Gazetted Police Officer	Opinion of Medical Officer	FINAL ORDER (I.E.) ENROLLED OR NOT), AND REFERENCE TO ORDER BOOK, IF ANY	Constabulary No.
									Feet	inches				If enrolled Date	

(Standard Form)

Forms for Haryana only

Form No. 12.16(A) to 12.16(D) Substituted vide Haryana Govt. Notification No. G.S.R. 62/Const./Art 309/98 dated 17.6.1998.

FORM 12.16(A)

[See rule 12.16(8)]

Recruitment Registration Register

Serial or Registration Number	Name of Candidate	Father's Name	Name of Village Police Station and district of which resident.	Date of Birth	Educational qualification	Category to which belongs (Gen./Backward Class/SC/ST and caste	Remarks
1	2	3	4	5	6	7	8

FORM 12.16(B)

[See rule 12.16(II)]

Physical Measurements Register

Serial No.	Ragistration Number of the Candidate	Category (Genral Backward class/SC/ST	Height	Chest	Remarks regarding eligibility for recruitment	Signature of the Chariman and members of the selection Board.		
						Superintendent of police/Commandant	Deputy Superintendent of police	Deputy Superintendent of police
1	2	3	4	5	6		7	

FORM 12.16(C)

[See rule 12.16(15)]

Physical Efficiency Test Register

Sr.No	Registration Number	Name	Father's Name	Physical Efficiency Test-I 100 Meters Race Achievement Marks Secured	Physical Efficiency Test-II 800 Meters Race Achievement Marks Secured
1	2	3	4	5	6

Physcial Efficiency Test-III Long Jump		Physical Efficiency Test-IV High Jump		Total Marks for the physical Efficiency test	Marks for interview/ Personality test	Total marks (8+9)	inter merit position
Achievement	Marks Secured	Achievement	Marks Secured				
7		8		9	10	11	12

Signature of the Chairman and members of the Selection Board

Superintendent of Police/ Commandent	Deputy Superintendent of Police	Deputy Superintendent of Police
	13	

FORM 12.16(D)

[See rule 12.16(20)]

Physical Measurements Complaints Register

Sr.No	Registration Number	Name	Father's Name	Summary of Complaint	Action Taken by Deputy Inspector General of Police	Signature of Deputy Inspector General of Police hearing the complaint
1	2	3	4	5	6	7

FORM No. 12.18 (1)

Verification of the character of recruit named _____ No. _____, who has been enlisted as_____, on_____, Father's name_____ Caste_____, Race _____, Religion _____ Profession_____, Resident of _____ Street_____, Village_____, Police Station_____ District_____. Description_____, Age_____ Years, _____, Months_____, days.

Height measurement_____ feet_____inches.

Chest measurement_____ feet_____inches.

Marks of identification_____

Educational qualifications		PREVIOUS SERVICE					MEMBERS OF THE FAMILY
	Rank and pay	Date of appointment		Period of service			Name Residence
		From	To	Y.	M.	D.	
							Wife Son Daughter Father Mother

Names and degree of relationship of, and appointments held by, relatives who are or were Government employees—

Name and relation	Rank	Department	Place	REMARKS

I do hereby declare the following as my assignees or nominees.—

(Name and full address of assignees.) _____

I hereby declare that the entries made above are true to the best of my knowledge.

Signature or Thumb-impression.

From

The Superintendent of Police,

_____District.

To

The Superintendent of Police,

_____District.

The form may please be sent to the Sub-Inspector of _____ Police Station for favour of necessary entries being made therein.

Superintendent of Police

1	2	3
Full Signature and statement of persons verifying the character	Report of Lambardars in connection with the person's conviction (if any) and verification of nationality	Report of officer incharge Police Station regarding previous conviction character and punishment (if any), verification of nationality, etc.

For Haryana

PHOTO OF CANDIDATE

[1][HARYANA POLICE

(Form No. 12.18)

Verification cum Attestation Form

(PART-A)

(Information to be furnished by the candidate)

1.	Name of the Candidate in full (in block capitals, with aliases if any) :				
2.	Whether you have ever added or dropped, at any stage any part of your name or surname (if so, please indicate details)				
3.	(a) Permanent residential address (Postal Address with Police station)				
	(b) Present Postal Address (with Police station)				
	(c) Candidate's Mobile phone number: (on which he would receive information)				
	(d) Candidate's E-Mail Id. (on which he would receive information)				
	(e) Places where you have been residing for more than 1 year during the last 5 years.				
	Residential address (Postal address with Police station)			From	To
	(i)				
	(ii)				
	(iii)				
4.	(a) Father's Name in full (with aliases if any):				
	(b) Mother's Name in full (with aliases if any):				
	(d) Permanent Home Address:				
5.	Nationality:	(a) Candidate	(b) Father	(c) Mother	(d) Spouse
6.	(a) Date of birth (as in Matriculation)		(b) Place of birth (Vill./Town, Distt. & State)		
7.	(a) Mark of Identification		(b) Aadhaar Card number :		
8.	(a) Religion		(b) Caste		
	(c) Whether you claim any benefit of reservation under any category in Haryana. (If yes, please state the caste or class you belong to.)				
9	State of Domicile:				
10.	Educational qualifications:				
	Name of School/College (with District & State)		From	To	Exam Passed
	(i)				
	(ii)				
	(iii)				
	(iv)				

1. Substituted by Haryana Govt. Notification No. S.O.133/H.A.25/2008/S.92/2015 dated 18.6.2015.

11.	Whether you have ever been employed before, if so, give details:			
	Post held/Designation	From	To	Name of the Organization
	(a)			
	(b)			
	(c)			
	(d)			
12.	(a) Whether any FIR has ever been registered or whether any Criminal complaint has been filed against you? (if yes, please provide case FIR No., Date, sections of law, Police Station, District, State and present status of the case/complaint)			
	(b) Have you ever been arrested ? (if yes, please provide case FIR No., Date, sections of law, Police Station, District, State and present status of the case)			
	(c) Whether charges have been framed against you in any of the criminal case registered/ Criminal Complaint against you except under JJ Act, 2000 in a Court of Law? (if yes, please provide case FIR No., Date, sections of law, Police Station, District, State and present status of the case/complaint)			
	(d) Have you ever been convicted by a Court of Law for any offence. (if yes, please give name of Court, Judgement Order, dated with the duration & place of sentence)			
	(e) Have you ever been acquitted by a Court of Law for any offence. (if yes, please give name of Court, Judgement Order, dated)			
13.	Name of two responsible persons of your locality or two references to whom you are known (with full postal address and Mobile/Landline telephone numbers)			
	(i)		(ii)	
14.	Are you colour blind or have knocking knees or flat foot? (yes/no)			
15.	Marital Status (if married, please state whether you have more than one legally wedded living spouse)			

I, hereby certify that the forgoing information is correct and complete to the best of my knowledge and belief, I am not aware of any circumstances which might impair my fitness for employment under the Government.

Note: Any concealment or false-statement in above information will result in disqualification of candidature in addition to criminal/civil liability .If, at any time it is revealed that the candidate has got appointment either by concealment of facts or by furnishing false or wrong information, the person shall be discharged from services by appointing authority summarily i.e without holding a regular disciplinary proceedings, treating him ineligible from services and salary paid to him may also be ordered to be recovered.

Signature of Candidate
Date:
Place:

(PART-B)
(For Official Use)
VERIFICATION

Certified that the information furnished in (Part-A) above by the candidate ..... son/daughter/wife of Shri/Smt..... have been verified and found to be correct/ incorrect as follows:

.....
.....

Signature
Name & Rank of SHO
of Police station, Distt.

Place:

(Note: Strike whichever is not applicable)

FORM No. 12.22 (1)

CERTIFICATE OF APPOINTMENT

POLICE DEPARTMENT _____ DISTRICT OR RANGE.

Constabulary No. _____ has been appointed a member of the POLICE FORCE, under Act V of 1861, and is vested with powers, functions and privileges of a Police Officer.

Appointed on the _____ Superintendent of Police.

or Deputy Inspector-General of Police.

_____19.

(Standard Form)

FORM No. 12.28

POLICE DEPARTMENT _____DISTRICT

CHARACTER AND SERVICE ROLL.

No.

Character and Service Roll of _____

CONTENTS

1-5. General particulars
6. Appointments, promotions, reductions, discharges, & c.
7. Transfers beyond the district
8. Relative in Government employ
9. Particulars of heirs
10. Educational qualifications
11. Professional attainments
12. Medals and decorations
13. Miscellaneous particulars.
14. Commendatory entries.
15. Censures and punishments
16. Health certificate
17. Record of posting of inspectors, sub-inspectors and assistant sub-inspectors.
18. Statement of land held of Head Constable [Rule 14.23 (1)]
19. Progress report of probationary inspectors, sub-inspectors and assistant sub-inspectors.
20. Medical history sheet.
21. Leave account of a constables and head constables.
22. Marking sheet in connection with promotion to the selection grade of constables.

FORM No. 12.28 – CONTD.

Character and Service Roll of_____

CONSTABULARY NUMBER_____IN_____DISTRICT.

CONSTABULARY NUMBER_____IN_____DISTRICT.

CONSTABULARY NUMBER_____IN_____DISTRICT.

Name	Father's name	Tribe or caste	Village or town	Post and Telegraph office	Police Station	District

Province	Date of birth	Height	Chest measurement	Date of enrolment	Age on enrolment	Distinctive marks

2. Verification roll No.,___ dated____ , received back and attached to the Fauji missal.

3. Government service prior to present employment, which is approved, for pension.

Service or department	Rank or grade	Pay of last appointment	From	To	PERIOD		
					Y.	M.	D.
Cause of and character on the discharge from above service.		Reference to order approving above service for pension in Police Department					

4. Agreement.—I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and of the rules issued under it and now in force, by which my discipline and conduct are governed, have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my superior officers, and I undertake not to resign my appointment within three years from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Dated_____ Signature

5. Rolled impressions of fingers and thumb of left hand.

Left little	Left ring	Left middle	Left index	Left thumb

FORM No.12.28— Continued.

CHARACTER ROLL OF_____

1	2	3	4	5
6. Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay appointed, promoted or reduced	Date	Number of district order	Full signature of Superintendent of Police.

7. Transfer beyond the district.

1	2	3	4
Date	From	To	Authority for transfer

8. Name of relatives in Government service.

1	2	3	4
Name	Relationship	Nature of employ	District

9. Name, residence and other particulars of heirs.

Wife
Father
Mother
Brother
Sister

Note.—Underline in red ink the heir nominated (with not more than two alternatives and fill in name and particulars necessary to trace.—

10. Educational qualifications.

Uneducated.
Slightly educated.
Matriculation.
First Arts.
Degree.

Knowledge of languages.

English.
Persian
Urdu.
Punjabi.
Pushtu.

Note.—Underline the qualifications possessed, add particulars where necessary and give date of entry.

11. *Professional attainments.*

		Special qualifications.
Passed Training School	Upper Class	Clerical duties.
" "	Intermediate Class.	Accountant's duties.
" "	Lower Class.	Orderly Head Constable's duties.
" "	Finger Print Course	Moharrir's duties.
" "	Drill Instructor's Course	Detective, duties,
" "	.. ..	Traffic duties.

" " Prosecuting Inspector's Examination.

Underline courses passed and qualifications possessed.

Miscellaneous particulars

12. War Medals and Decorations.—

(*Note.*—Enter designation of award and date only–Gazette notification in case of King's Police Medal and the Indian Police Medal. Other special decorations to be entered in full under commendatory entries.)

13. Miscellaneous particulars, including awards other than those accompanied by commendation certificates, admission to or removal from promotion lists, etc.
14. Commendatory entries.
15. Censures and Punishments.
16. Medical Certificate of appointment and health, (see form No. 10.64.)
17. Record of postings.
18. Statement of land held by Head Constable only (Rule No. 14.23 (1)).
19. Progress report on probationary assistant sub-inspector, sub-inspector or inspector of police. (See Form No. 19.25 (5)).
20. Medical History Sheet. (See Form No.12.32 (b).
21. Leave Account, (See F.R. Form No. 9-A, O.S. 113-A in Appendix B to Fundamental Rules).
22. Marking sheet in connection with promotion to the selection grade of constables. (See Form No. 13.5 (6)).

FORM No. 12.32 (B)

POLICE DEPARTMENT _____DISTRICT.

MEDICAL HISTORY SHEET

Of_____

No. _____in _____District.

No. _____in _____District.

No. _____in _____District.

Nature and dates of inoculation, vaccination and re-vaccination.	Signature of Medical Officer.
1.	
2.	
3.	

1	2		3
Disease	DATE OF		Remarks of Medical Officer (Recommendation for leave on medical certificate; report of malingering and the like)
	Admission	Discharge 1st and subsequent admissions	

FORM No. 12.32(e)

POLICE DEPARTMENT _____DISTRICT.

RECORD OF POSTINGS.

HISTORY OF SERVICES OF INSPECTORS, SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS.

Sr. No.	Rank and grade	Date	Order Book No.	Nature of duty on which employed	Place	REMARKS

FORM No. 12.38 (1)

Personal File

Of_____of Police

PART I

1. Name and provincial No._____
2. Father's name and profession No._____
3. Religion and Caste_____
4. Residence Village_____ Police Station_____ District_____
5. Date of birth_____
6. Height and chest measurement_____
7. Where educated, with name of school or schools, statement of educational qualifications and examinations passed.
8. Any other qualifications? Did the officer belong to his School Cricket Eleven or Football or Hockey Team?_____
9. Names and degree of relationship of, and appointment held by, relatives in Government or other employ _____
10. Home of family _____
11. Full particulars of family, including a brief statement of special services rendered to Government, if any _____

Deputy Inspector-General of Police

Dated the_____19___ _____Range.

POLICE DEPARTMENT _____RANGE

ROLL OF

1	2	3	4
Appointed promoted, reduced, discharged or	To what grade and rate of pay dismissed	Date	Signature of Deputy Inspector General

TRANSFERS

1	2	3	4
Date	From	To	Authority for transfer

FORM No. 12.39 (3)

POLICE DEPARTMENT _____**DISTRICT**

INDEX TO FAUJI MISALS

INDEX TO FAUJI MISAL OF_____

RANK _____ **No.**_____

Abstract of papers attached	Date of order	Remarks

(In Vernacular)

FORM No. 12.41 (1)

POLICE DEPARTMENT _____**DISTRICT**

LONG ROLL OF THE POLICE FORCE OF THE ABOVE DISTRICT (HALF SHEET OF INDIAN PAPER).

1	2	3	4	5	6	7
Con-stabul ary No.	Name and Parentage	Date enlist ment	Caste	Age on enlistment	Height (a) Feet (b) Inches	Residence (a) Village (b) Police Station (c) District

8	9	10	11	12
Particulars marks	Detail of past prior service to entering constabulary	Promotions and reductions	Date and cause of leaving police	Remarks giving reference to the serial No. in the Punishment Register of any punishment awarded

❑❑❑

CHAPTER 13

PROMOTIONS

Rule 13.1 for Punjab

13.1. Promotion from one rank of another.—(1) Promotion from one rank to another, and from one grade to another in the same rank shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officers are otherwise equal, the senior shall be promoted. This rule does not affect increment within a time-scale.

(2) Under the present constitution of the police force no lower subordinate will ordinarily be entrusted with the independent conduct of investigations or the independent charge of a police station or similar unit. It is necessary, therefore, that well-educated constables, having the attributes necessary for bearing the responsibilities of upper subordinate rank, should receive accelerated promotion so as to reach that rank as soon as they have passed the courses prescribed for, and been tested and given practical training in, the ranks of constable and head constable.

(3) For the purposes of regulating promotion amongst enrolled police officers six promotion lists- A, B, C, D, E and F will be maintained.

Lists A, B, C, and D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and Assistant Sub-Inspector. List E shall be maintained in the office of Deputy Inspector-General as prescribed in sub-rule 13.10 (1) and will regulate promotion to the rank of Sub-Inspector. List F shall be maintained in the office of the Inspector-General as prescribed in sub-rule 13.15(1) and will regulate promotion to the rank of inspector.

Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officer concerned. These lists are nominal rolls of those officers whose admission to them has been authorised. No actual selection shall be made without careful examination of character rolls.

[1][Provided that five per cent of such promotions may be made from amongst the members of the Police Force, who achieve outstanding distinction in sports field at All India level or International level if they are otherwise eligible for promotion but for Seniority.]

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1. Proviso added by Punjab Notification No. G.S.R. 861 dated 19.10.1972.

Rule 13.1 for Haryana

13.1. Promotion from one rank of another.—(1) Promotion from one rank to another, and from one grade to another in the same rank shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officers are ot herwise equal, the senior shall be promoted. This rule does not affect increment within a time-scale.

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Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officer concerned. These lists are nominal rolls of those officers whose admission to them has been authorised. No actual selection shall be made without careful examination of character rolls.

[1][(4) Nothing contained in these rules shall affect reservation and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard, under clause (4) of article 16 of the Constitution of India.]

SYNOPSIS

1. *Automatic confirmation—Appointment against permanent post.*

1A. *Adverse remarks including the remarks regarding doubtful integrity.*

2. *Confirmation.*

3. *Efficiency and Honesty.*

4. *Eligiblity for Promotion.*

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1. Added by Harayana Government Gazzette LSP III dated 23.8.1974.

5. *Holding of departmental examination for promotion.*
6. *Intermediate School Course.*
7. *Objective test for the assessment of the efficiency of the candidates.*
8. *Officiation and substantive promotion.*
9. *Probation period—Reversion.*
10. *Promotion—Criteria for.*
10A. *Promotion can't be considered to be adhoc.*
11. *Promotion from one rank to another and from one grade to another.*
12. *Promotion on list 'D'—No test prescribed under Rules.*
12A. *Promotion out of turn.*
13. *Promotion—Record shaddy.*
14. *Promotion—To the posts of Assistant Sub-Inspectors.*
15. *Removal of name of a police officer from list E or list D.*
16. *Requirement of the test laid down by the circular.*
17. *Reversion for failure to satisfy the test of efficiency.*
18. *Right to be deputed for Intermediate School Course.*
19. *Rules are statutory in character.*
20. *Seniority on the basis of dates of confirmation maintained at District level.*
21. *Substantive promotion or the confirmation in a permanent post.*
22. *Determination of better suitability/merit-Dominant factor therein.*
23. *Preparation of six promotional lists-Mandates for.*
24. *No vested right to retain the same after grant of higher rank while on deputation.*
25. *Entry to List 'F'-Restriction for.*

1. Automatic confirmation—Appointment against permanent post.—It is obvious that the maximum period of probation is two years. During this period either a person is found fit for confirmation or he is to be reverted. It does not lie in the mouth of the State that the petitioner was not fit for confirmation because in that case it was the duty of the State to revert him. The rule makes it imperative that the period of probation could not be extended beyond two years under any circumstance. *Shri Hira Nand v. State of Himachal Pradesh and others, 1981(2) S.L.R. 727.*

1A. Adverse remarks including the remarks regarding doubtful integrity.— Compulsory retirement on the basis of adverse remarks including the remarks regarding doubtful integrity for a short period in 1972-73 and 73-74. After this his ACR was very good and he was promoted on seniority basis under rule 13.1 of the PPR with effect from 9.6.1984. The sting of the adverse remarks has been completely wiped out by virtue of promotion given to higher post after such a long time. Learned single judge has committed no error in law by allowing the petition of the petitioner-respondent. *State of Haryana v. Bhopal Singh, 2009(3) RSJ 750 (DB).*

2. Confirmation.—Rule 13.9(2) relates to promotion as an Assistant Sub-Inspector. It is specifically provided in the rule that substantive promotion the rank of Assistant Sub-Inspector shall be made by the Deputy Inspector-General in accordance with the principles prescribed in rule 13.1. It is not dispute that the petitioner passed the Intermediate School Course in September, 1963 whereas respondent Nos. 3 and 6 passed the said course in March, 1964 and March 1965, respectively. Respondent No. 4 was a direct recruit. Respondent No. 7, however, passed that course in March, 1962. It has not been provided in any rule that in case an Assistant Sub-Inspector has been brought on list 'E' prior to his seniors he should be confirmed as Assitant Sub-Inspector prior to the letter. It may also be relevant to point out at this stage that the petitioner had also passed the Upper School Course prior to the confirmation of respondent Nos. 3, 4, 6, and 7 as Assistant Sub-Inspectors and that they were junior to him. Therefore, the petitioner was entitled to be considered for confirmation as Assistant Sub-Inspector when the above said respondents were confirmed. *Balkrishan v. State of Punjab and others, 1982(1) S.L.R. 367.*

3. Efficiency and Honesty.—The basis rule laid down in Rule 13.1(1) is that the substantive promotion or the confirmation in a permanent post was to be made "by selection tempered by Seniority. Efficiency and honesty shall be the main factors governing selection".

Rule 13.1(1) implies that the efficiency is to be judged by the confirming authority and leaves the confirming authority free to judge it in a suitable manner. The test is a just and fair method of judging the efficiency. The power to prescribe the test is, therefore, implied in the power to judge the efficiency. It is now well established that executive instructions such as the circular prescribing the test can supplement statutory rules particularly when the power to issue such an executive instruction is implied in the power given by the statutory rules. 1972 P.L.R. (D) 35

4. Eligibility for Promotion.—Incumbent on Government to provide the qualifications to concerned employees. *State of Punjab v. Kirpal Singh, AIR 1970 Punjab 395: 1970 SLT 239: 1970 Lab. IC 1136.*

5. Holding of departmental examinations for promotion.—In the return filed on be half of respondents 1 to 3, it has been stated in sub-paragraph (iv) of paragraph 1 in reply to the allegations contained in paragraph 15 of the petition that according to departmental instructions, selection for Intermediate Course is to be made from among confirmed Head Constables who have passed Lower School Course and do no exceed 40 years in age. It was denied that the petitioner was superseded by certain Head Constables in the matter of selection. All those Head Constables were said to have been either on probation or were confirmed at the time of the selection for the Intermediate Training Course. Shri Parkash Chand, Assistant to the Deputy Inspector-General of Police, who has filed the affidavit on behalf of respondents 1 to 3, has stated that the petitioner appeared before him on 17th May, 1966 and requested that he should be allowed to serve in the C.I.D. and that he would not claim his promotion. Latter on, however, he was asked to put the same in writing. He submitted that his domestic affairs did not permit him to work in the District Police and it was on his own request that he was permitted to stay in the C.I.D. I have no manner of doubt that the examinations which were conducted by the Superintendent of Police are not at all contemplated or covered by Rule 13.8(2) nor can I persuade myself to accept that under Rule 13.1 the holding of the examinations by the Superintendent of Police was be the proper method for judging efficiency and honesty. There are various other ways of finding whether an officer is honest and efficiency and a good deal would depend on the actual reports of his work by his superior officers relating to efficient and honest discharge of duty. I am, therefore, satisfied that the petitioner has a genuine grievance

when the result of the examinations held by the Superintendent of Police was taken into consideration while deciding whether, he should be put on probation as a Head Constable. *Lakshya Vir, Head Constable v. Punjab State, 1967 S.L.R. 706.*

6. Intermediate School Course.—The respondents are confirmed Head Constables. The stage of undergoing the Lower School Course has long since passed. It would have been a relevant consideration at the time of confirmation. The learned counsel for the respondent have rightly contended that once the respondents have been confirmed, they will be deemed to have been exempted from passing the Lower School Course. Whether the respondents had passed the Lower School Course or not, is not relevant at the present stage. The respondents were confirmed many years back. They have not to be deputed to the Intermediate School Course in accordance with their seniority. We are in complete agreement with the conclusions of the learned single Judge. The learned counsel for the appellants has not been able to support his contention either on principle or on precedent. *State of Haryana and others v. Phool Chand, Head Constable and others, 1985(2) S.L.R. 425.*

7. Objective test for the assessment of the efficiency of the candidates.—The authority empowered to confirm or substantively promote an officiating Sub-Inspector under Rule 13.1(1) was liable to act in a discriminatory manner if he were to Judge the efficiency of the numerous persons in List 'E' only subjectively. It was for this reason that the circular dated 14.9.1957, Exhibit PW/3/10 laid down an objective test for the assessment of the efficiency of the candidate in List 'E'. Such objective test was fair to all the candidates in List 'E' and protected them from possible discrimination or vagaries inevitable in a merely subjective test. *Union of India and another v. Shri Hans Raj, A.S.I. Police, 1969 S.L.R. 782.*

8. Officiation and Substantive promotion.—The promotion under Ch. XIII is of two kinds *viz.* (a) an officiating promotion and (b) a substantive promotion. Officiating promotion is governed by the provisions of Rule 13.10 and 13.12. Whereas substantive promotion is governed by Rule 13.1. The distinction between substantive promotion and the officiating promotion is clearly made in Rule 13.9(2), which deals with List 'D'. But the same distinction is applicable to the provisions dealing with List 'E' also. Rule 13.1(1) applies to the substantive promotion of Police Officers in all the list including List 'E' as is shown by the provisions of Rule 13.1(3) which specifically refers to List 'E' also.

This is born out by the fact that Rule 13.4 specifically deal with officiating promotions Rule 13.4(2) deals with officiating promotions to the rank of Sub-Inspector and rule 13.4(3) specifically deals with persons who are in List 'E'. These officiating promotions are to be distinguished from promotions simpliciter or substantive promotions referred to in Rule 13.1(1). Rule 13.1 applies to the substantive promotions of Police Officers in all the lists including List 'E' as is shown by the provisions of Rule 13.1(3), which specifically refers to List 'E'. *Union of India v. Hans Raj, 1972 P.L.R. (D) 35.*

9. Probation period-Reversion.—The relevant Punjab Police Rules may have to be seen to ascertain whether there is scope for issuing instructions concerning the holding of the test for preparing a test for promoting a police constable driver as a head constable. Rule 13.18 prescribes that all police officers promoted in rank shall be on probation for two years; while on probation officers may be reverted without departmental proceeding and such reversion shall not be considered as reduction in rank. *Makhan Singh v. Union of India, 1977 P.L.R. (D) 85.*

Respondent enrolled as a constable in Punjab Police and deputed to the Criminal Investigation Department of the Punjab Police. During the course of their deputation, they earned promotion of adhoc basis and some of the respondents reached the rank of

adhoc sub-inspector. When they were to be repriated to their parent department, they were to be reverted to the post of Constable or Head Constable. Held that after the expiry of the period of deputation, the employee has to come back to his parent department to occupy the same position unless in the mean while he has earned promotion in his parent department as per Recruitment Rules. There can be no deputation without the consent of the person so deputed as he would therefore, know his rights and privileges on the deputation post. There is no escape for the respondent now to go back to their parent departments and working there as Constable or Head Constable as the case may. *State of Punjab and Others v. Inder Singh & Others AIR 1998(SC) 7: 1997(5) SLR 789.*

10. Promotion—Criteria for.—Upper subordinates in the above rule mean sub-Inspectors and Inspectors. It is evident from the said rule that in the first instance seniority of the upper subordinates is reckoned from the date of first appointment but the final seniority is determined from the dates confirmation. The matter which are to be taken into consideration for making promotion as already observed have been given in rule 13.1 of the Rules. The fact that an officer is brought on list 'E' prior to another senior officer does not make him entitled to promotion to the rank of Sub-Inspector prior to the later. At the time of promotion the criteria laid down in rule 13.1 is to be taken into consideration. *Balkrishan v. State of Punjab and others, 1982(1) S.L.R. 367*

10A. Promotion can't be considered to be adhoc.—Though the order indicated that the Promotion was on adhoc basis, but in view of Rule 13.1 of Chapter XIII the Punjab Police Rules, the promotion given was a regular promotion and it can't be considered to be adhoc. *Jagbir Singh v. State of Haryana and others, 1996(1) SCC 752: 1996(4) JT 332: 1996 (3) SCALE 459: 1996 (2) SCR 841.*

11. Promotion from one rank to another and from one grade to another.—Rule 13.1 of the Rules prescribes that promotion from one rank to another and from one grade to another in the same rank shall be made by selection tempered by seniority and that efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experiecnce, shall be carefully considered in each case and when the qualifications of two officers are otherwise equal, the senior shall be promoted. When the petitioner was promoted as officiating Sub-Inspector of Police, it is presumed that he had been found fit for that promotion and he was not reverted on the ground that he had become unsuitable or his efficiency and honesty and deteriorated. Respondents 2 to 14 were promoted in the ranks of Head Constable, Assistant Sub-Inspector and Sub-Inspector, a number of years later than the petitioner. The possible exception of respondent 8 is that he was promoted as officiating Head Constable and confirmed in the post earlier than the petitioner, but he got his promotion as Assistant Sub-Inspectore of Police and Sub-Inspector of Police on December 21, 1960, and September 21, 1963, respectively, whereas the petitioner was promoted as Assistant Sub-Inspector of Police and Sub-Inspector of Police on October 15, 1957 and December 13, 1960, respectively. In the case of a promotion, selection has to be made on merit keeping in view seniority and, once an officer is promoted, it is to be presumed that he was found fit for promotion. At the time of reversion, the junior most officer has to be reverted first and selection cannot be made from amongst the officiating personnel on the basis of relative merit unless it is found in the case of senior officer that he had become unsuitable or his efficiency and honsty had deteriorated after he was given the officiating chance. I regret I cannot agree the submission of the learned counsel for respondents 1 and 2 that the employer has the choice of selecting his employees. This rule does not apply to Government sevants for whose service specific statutory rules have been framed. Under the statutory rules, no

arbitrary powers can be presumed to exist in favour of the appointing authority or the Head of the Department. The executive power has to be exercised justly and fairly, so that all the Government servants are treated alike, which is their fundamental right guaranteed by Article 16 of the Constitution The reversion of a senior officer, while a junior officer is retained in the officiating rank; affects his rank status, emoluments and further chances of promotion and is thus punitive in character although it has not been made by way of punishment. Nevertheless, evil consequences follow and in order to aviod that the well-known principle of 'last come first go' has to be followed in the case of reversion. At the risk of repetition, I wish to emphasis that the appointing authority has the power to select from amongst the eligible candidates the best man available who may not be the senior most man at the time of appointment or promotion but at the time of reversion, the senior man will be reverted only if he has not been found suitable for the officiating post or after occupying the post his efficiency and honesty have deteriorated. The principle has not been followed by respondent 2 while reverting the petitioner in the present case. The order passed by him smacks of arbitrariness and favouritism. In fact the assertion on behalf of respondent 2 in his written statement that 'exceptions cannot be ruled out altogether on the basis of special considerations/achievements' gives a clue how he acted while passing the order of reversion. Not only was relative merit not considered but other 'considerations' prevailed with him, which other considerations have not been explained in the written statement. The order also does not contain any reason for reverting the petitioner while retaining his juniors in service. The only reason given is for want of vacancy and for this reason the junior-most officiating Sub-Inspector should have been reverted. *Harmohinder Singh, Sub-Inspector of Police v. State of Punjab and others, 1971(2) S.L.R. 304*

12. Promotion on list 'D'—No test prescribed under Rules.—Standing Order No. 238 of the Inspector General of Police prescribing departmental qualifying test for drawing up promotion list 'D' (women police) is in total conflict with the procedure prescribed for maintenance of promotion list 'D' by rule 13.9 of the Punjab Police Rules. The object of standing order No. 238 of the Inspector General Police was to prescribe altogether a different method for drawing promotion list 'D' (Women police) and the method adopted was contrary to and in conflict with the provisions of rule 13.9 of Punjab Police Rules. The standing order did not have the effect of merely supplementing the provisions of rule 13.9. A method contradictory to the one prescribed in rule 13.9 was provided by the standing order for list 'D' (women police). *Smt. Kailsh Wati Bajaj v. Union of India and ors, 1973(1) S.L.R. 249.*

12A. Promotion out of turn.—DGP cannot give promotion to juniors staff instantly even if they show commendable performance in sports or work on anti terrorism front. Punjab Police Rules does not have any such provision to promote them out of turn. *SI Paras Kumar v. SI Ram Charan 2004(2) Apex Court Judgments 169 (SC).*

13. Promotion—Record shaddy.—It is obvious that promotion has to be by selection tempered by seniority, and efficiency as well as honesty are the main consideration for it. The appellant claims that he should have been promoted before respondents Malkiat Singh, Yudhvir Singh and Gopi Chand were promoted. We have already refered to the adverse entries in the character rolls of the appellant which were duly conveyed to him. Now Malkiat Singh was confirmed in August, 1963, long before the appellant was confirmed. He was thus senior to the appellant. As regards the other respondents, there is nothing to show that their record was no better than the appellant. Persons with better record were entitled to be selected. It may be noticed that the appellant has been reported to be a

habitual drunkard and having misconducted himself on a number of occasions even after his promotion as Police Prosecutor. *Bansi Ram Sharma v. State of Himachal Pradesh and others, 1982(1) S.L.R. 378.*

14. Promotion—To the posts of Assistan Sub-Inspectors.—A perusal of Rule 13.1(1) reproduced above would go to show that promotion from one rank to another, inclusive of from the post of Head Constable to that of Assistant Sub-Inspector bad to be made by selection tempered by seniority. The emphasis is upon selection. It is true that the selection is tempered with seniority but all that it means is that in the process of selection, seniority would also play its due role. If seniority alone was the criteria there was no need to mention selection in the Rule. Seniority alone is not the sole determining factor is also made out from the last three lines of the Rule which go to show that when qualifications of two officers are otherwise equal, the senior shall be promoted. It necessarily follows that when junior has better qualifications, he can score over his senior correct reading of Rule 13.1(1) of the Punjab Police Rules, in my opinion, cannot be interpreted to say that whatever by the circumstances, whatever be the qualifications of Head Constables and whatever be their merit, only senior Head Constables who have passed the qualifying course first have to be promoted before the one who have done the said course later. It is the positive case of the respondents that a test was conducted. Whereas respondents No. 4 to 31 had qualified the said test, the petitioners failed. The Departmental Promotion Committee had gone through the process of selection by holding a test and the said test with a view to find out merit is certainly one of modes to make selection. *Ashwani Kumar and others v. State of Haryana and others, 1991(3) S.L.R. 687: 1991(3) RSJ 682.*

Assistant Sub-Inspector of Police was eligible for promotion but his juniors were promoted on 31.8.2009. A penalty for forfeiture of 3 years service was imposed on 4.8.2005. The period of disqualification from promotion ended on 4 August 2008. His case was not even forwarded to the Departmental Promotion Committe. Inspector General of Police Zone-1 Punjab; Patiala gave an order to consider the case and ordered that the petitioner should be given the permission to represent his case in personal hearing. *Ramesh Kumar v. State of Punjab, 2010(1) SLR (Pb & Hry.) 140*

15. Removal of name of a police officer from list E or list D.—In deciding in each particular case whether the reversion of a Government servant is by way of punishment or not the court has to keep in view the context and circumstances of the case leading to reversion and the consequence directly flowing from reversion in so far as they may affect the substantive rank of the Government servant and not qua the higher rank which he was holding in an officiating capacity or as a probationer. The loss of emoluments of higher post and being reverted to the lower post are not the penal consequences as they have reference to the higher post and not to substantive post. Though the motive of reversion is not relevant, actual effect of the order of reversion is material for deciding whether in each particular case it amounts to reduction in rank or not. *The State of Punjab v. Rijinder Singh, ILR (1966) 1 Punjab 84=1965 P.L.R. Supp. 625.*

16. Requirment of the test laid down by the circular.—The requirement of the test laid down by the circular, dated 14.9.1957 was merely a method of judging the efficiency under Punjab Police Rule 13.1(1) and was, therefore, authorised by the said rule. It was, therefore, valid and the reversion of the respondents could not be challenged in so far as it was made because the respondent failed to appear at the test and thereby showed that he was not efficient within the meaning of Rule 13.1(1) of the Punjab Police Rules.

The respondent has pointedly pleaded in paragraph 8(i) of the plaint that several persons were confirmed as Sub-Inspectors of Police without qualifying in the departmental

test laid down by the circular, dated 14.9.1957 and that the respondent alone was reverted for not taking the test, an action which was discriminatory and contrary to Articles 14 and 16 of the Constitution. The only defence was that the persons who were confirmed inspite of their failure to take the test were probationers and their cases did not stand on the same footing as that of the respondent, who was only officiating as a Sub-Inspector of Police. This defence is untenable on the face of it. Firstly, the circular, dated 14.9.1957 expressly applied to probationers as well as to persons officiating as Sub-Inspectors of Police. Both these categories of persons were required to take the test. The defence is, thus, contrary to the circular and, therefore, totally fails to explain why several probationers were confirmed without taking the test, while the respondents alone were reveiled for not taking the test. Secondly, neither any Rules nor any administrative instructions have been brought to my notice to show if a probationer and a person appointed to officiate can be distinguished from each other by intelligible differentia. *Union of India and another v. Shri Hans Raj, A.S.I. Police, 1969 S.L.R. 782.*

17. Reversion for failure to satisfy the test of efficiency.—*In State of Haryana v. Shamsher Jang, 1968 SLR 162*, the departmental examination for promotion was not shown to be implied in the statutory rules governing the promotion in considering whether executive instructions supplement the statutory rules. The above-mentioned Supereme Court decisions were not considered by the Court in *Satpal Sharma v. State of Punjab*, 1968 SLR 484, also the imposition of a test for promotion was not shown to be necessary for the assessment of efficiency as in the present case. In *Ram Kishan v. Inspector-General of Police, 1968 SLR 661*, the vital distinction between the officiating promotion and the substantive promotion pointed out above was not brought to the notice of the court with the result that the court did not consider the question whether the power to hold a test was implied in the power to judge the efficiency under the Punjab Police Rule 13.1(1). In *Lakshya Vir v. Punjab State*, 1967 SLR 706, it was observed that under Punjab Police Rules. 13.1(1), 13.1(2) and 13.8(1) there could be other methods than the test to judge the efficiency of a candidate. With great respect, however, it may be pointed out it is for confirming authority to devise a suitable method of judging the efficiency. If the test was a suitable method, it is not for this court to suggest to the confirming authority to search for other suitable methods so long as the method of test cannot be said to be unsuitable or outside the power conferred by the Punjab Police Rule 13.1(1). A mere reversion for failure to satisfy the test of efficiency and removal of the name from List 'E' was, therefore, not a reduction in rank at all within the meaning of Article 311(2) of the Constitution. This was also the view expressed in the *State of Punjab v. Rajinder Singh, 1965 PLR*, Supplement 625. *Union of India and another v. Shri HansRaj, A.S.I. Police, 1969 S.L.R. 782.*

18. Right to be deputed for Intermediate School Course.—Rule 13.9 deals with the preparation of list 'D' for promotion to the rank of Assistant Sub-Inspectors. The Head Constables eligible for being admitted to this list are those who have passed the Lower School Course and the Intermediate School Course and unless they are so qualified, they have no right to be considered for being admitted to that list. Once a Head Constable qualified by passing both the course, his case is placed before the Deputy Inspector General of Police for being brought on list 'D' and it is at that time that his efficiency and integrity come up for consideration along with other relevant factors, one of them being whether he is fit for officiating or substantive promotion to the rank of Assistant Sub-Inspector. Mereby because a Head Constable has passed the Intermediate School Course does not given him the right of being admitted to list 'D'. By passing that course, he only qualifies himself for being considered for admission to list 'D'. It can well happen that when a

Head Constable passes an Intermediate School Course, he may not be considered thoroughly efficient in all branches of the duties a Constable or Head Constable and some time later he attains that efficiency. He will then become eligible for being brought on list 'D' which will open the way for him to be promoted to the rank of officiating or substantive Assistant Sub-Inspector of Police. It is contended on behalf of the respondents that when he becomes efficient, he will be sent for the Intermediate School Course but it may happen that at that time he is unable to qualify in that examination either because of advanced age or physical unfitness. In that case it will mean that such a Head Constable is condemned for ever to remain as a Head Constable and cannot seek promotion to the next higher rank. We are, therfore, of the opinion that it is inherent in rule 13.9 and a legitimate inference can be drawn from the language of this rule that every Head Constable on list 'C' has the right to be deputed for the Intermediate School Course on his turn and no obstacle can be placed in his way by any of the authorities because it is a necessary qualification prescribed by that rule and there is no other institution from where, this qualification can be acquired. If a Head Constable could qualify himself by passing the Intermediate School Course from any other institution, no obligation would have been cast on the Government to afford him an opportunity to pass that course and thus aquire that qualification just as educational qualifications are prescribed which can be acquired by the candidates from any of the numerous institutions. Since the qualification cannot be acquired in any other way but by admission to the Police Training College, the Head Constable willing to undergo that course must be afforded an opportunity to do so. Since the number of seats for the Intermediate School is limited, the Head Constable can be sent in the order of seniority as stated hereinafter.

Under Rule 13.9 these two factors are to be taken into consideratio by the Deputy Inspector-General of Police while admitting a Head Constable to list 'D', which can be done only after a Head Constable qualifies himself by passing the Lower School Course and the Intermediate School Course. These two factors cannot be taken into consideration when a Head Constable is to be sent for Intermediate School Course. That is a specific qualification which has also to be considered in each case along with efficiency, honesty and suitability. A Head Constable can become eligible for being selected only after he acquires the specific qualification by passing the Interemediate School Course. Without passing that course, he cannot be considered and, therefore, it can legitimately be said that the acquiring of the qualification does not constitute a part of the process of promotion, it only makes the Head Constable eligible for being considered for selection. It is not possible for us to subscribe to the very wide proposition canvassed by the learned Advocate General for the State of Punjab that the process of promotion from the rank of Constable to the other higher ranks starts when a Constable is brought on list 'A'. It cannot be said that immediately thereafter the process of promotion from one rank to the other starts and that it is a continuing process till the Constable reaches the highest rank for which he is eligible. The process of promotion is to be seen in the case of every promotion from one rank to the next higher rank and not as a whole from the lowest to the highest rank. *Sardul Singh, Head Constable v. Inspector-General of Police, Punjab and others, 1970 S.L.R. 505.*

19. Rules are statutory in character.—Rules 13.1 and 13.9 of the Punjab Police Rules are statutory in character, having been made under the Police Act, 1861 and are applicable to the Union Territory of Delhi. Further as these rules do not make any distinction between male and female members of the police force list, "D" for regulating promotion to the rank of Assistant Sub-Inspectors even the case of Lady Head Constable has to be prepared in accordance with the provisions of rule 13.9. If for maintaining list "D" for lady Head

Constables for regulating their promotion to the rank of Assistant Sub-Inspectors any method is adopted which is in conflict with the procedure prescribed by rule 13.9 it would obviously be illegal, being opposed to a staturary rules. Sub-rule (3) of rule 12(1) does not contemplate laying down a different procedure for women police than the one contained in Rule 13.9 of the Punjab Police Rules, 1934 for maintaining list 'D'. *Smt Kailash Wati Bajaj v. Union of India and ors. 1973(1) S.L.R. 249.*

20. Seniority on the basis of dates of confirmation maintained at District level.—The official respondents 1 to 3 in their return that the Deputy Inspector General of Police, Ferozepur, directed the consideration of the dates of confirmation of respondents 4 to 9 as also others in the light of the availability of the permanent vacancies for their confirmation as Head Constables with effect from dates earlier to the ones from which they had actually been confirmed. The petitioners cannot posssibly make any grouse of that particulary when there is no inter seniority of the petitioners and respondents Nos. 4 to 9 under the Police Rules which govern their service conditions. As already point out, a working seniority list of all the Head Constables in the range is made by the Deputy Inspector General with a view to send them to the Intermediate Course as the said course forms a part of the process of their further promotion go the rank of Assistant Sub-Inspectors whose seniority under the rules is maintained at the range level. I also find no malafides or extraneous consideration in the Deputy Inspector General directing the Senior Superintendent of Police, Faridkot, to consider the dates of confirmation of the Head Constables of his district in the light of the availability of permanent vacancies during the years 1976 to 1981. That having been done, respondents Nos. 4 to 9 apparently stole a march over the petitioners to be sent to the Intermediate Course. There is thus no question of any discrimination or arbitrariness in the orders passed by the Deputy Inspector General or the Senior Superintendent of Police, Faridkot. *Lakha Singh, Head Constable and others v. State of Punjab and others, 1985(2) S.L.R. 695.*

21. Substantive promotion or the confirmations in a permanent post.—The most important thing which has been overlooked not only by both the learned lower Courts, but also in the various decisions cited in support of the respondents case is that the promotion under Chapter XIII is of two kinds, viz. (a) an officiating promotion and (b) a substantive promotion. Admittedly, the respondent had recived only an officiating promotion. This was governed by the provisions of Rule 13.10 and 13.12. The substantive promotion of the rspondent which would have meant his confirmation as a Sub-Inspector of Police had yet to come. Substantive promotion was governed by Rule 13.1. The distinction between substantive promotion and the officiating promotion is clearly made in Rule 13.9(2), which deals with List 'D'. But the same distinction is applicable to the provisions dealing with List 'E' also. This is borne out by the fact the Rule 13.4 specifically deals with officiating promotions, Rule 13.4(2), deals with officiating promotions to the rank of Sub-Inspector and Rule 13.4(3) specifically deals with persons, who are in List 'E' as the respondent was. These officiating promotions are to be distinguished from promotions simpliciter or substantive promotions reffered to in Rule 13.1(1). Rule 13.1(1) applies to the substantive promotion of Police Officers in all the Lists including List 'E', as is shown by the provisions of Rule 13.1(3), which specically refers to List 'E', which was the List in which the name of the respondent had been placed.

The basic rule laid down in Rule 13.1(1) is that the substantive promotion or the confirmation in a permanent post to be made "by selection tempered by seniority. Efficiency and honestly shall be the main factors governing selection". *Union of India and another v. Shri Hans Raj, A.S.I. Police, 1969 S.L.R. 782.*

22. Determination of better suitability/merit-Dominant factor therein—The Rule 13.1 (1) of the Rules, 1934 provides that all promotions from one rank to another and from one grade to another shall be made in accordance with principle of selection tempered by seniority,which essentially means that selection will be the dominant factor in determination of better suitability/merit which will give way to seniority only if two officers stand at equal merit. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P & H) (DB).*

23. Preparation of six promotional lists-Mandates for—Sub-rule (3) of the Rule 13.1 (1) of the Rules, 1934 mandates preparation of six promotional lists A, B, C, D, E and F for the purpose of regulating promotions amongst enrolled police officers. Lists A, B, C and D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and Assistant Sub-Inspector. List E, as prescribed in sub-rule 13.10(1), will regulate promotion to the rank of Sub-Inspector. List F, as prescribed in sub-rule 13.15(1), will regulate promotion to the rank of Inspector. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P&H) (DB).*

24. No vested right to retain the same after grant of higher rank while on deputation—An official, who has been erroneously granted a higher rank while on deputation, does not acquire a vested right to retain the same. He cannot be heard to say that withdrawal of the rank erroneously granted in the department where he was on deputation, would amount to arbitrariness on part of the Government and thus violative of Article 14 of the Constitution of India. The Government can always correct a bona fide mistake at any stage, though of course in consonance with the principles of natural justice. *Anil Kumar v. State of Punjab and others, (2016) 3 SCT 619: (2017) 3 SLR 234: (2016) 3 Law Herald 2385 (P&H).*

25. Entry to List 'F'-Restriction for—Sub-rule (4) of the Rule 13.1 (1) of the Rules, 1934 restricts the entry to List 'F' to only those Sub-Inspectors who have been promoted to selection grade, i.e., the promotional scale. Their names are to be placed in the List in order of their date of permanent promotion to selection grade and if two or more Sub-Inspectors are admitted to List 'F' on the same date then according to the date of their permanent promotion to time scale, i.e., on the basis of length of service in the cadre of Sub-Inspector. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P&H) (DB).*

13.2. Power to grant increments.—Increments of pay to all upper and lower subordinates shall be granted, when due, by Superintendents, provided that an increment may be withheld as a formal punishment in accordance with the rules contained in Chapter XVI. The withholding of increments shall be entered in the order book in the case of constables and head constables, and in the case of Inspectors, Sergeants, Sub-Inspectors and assistant Sub-Inspectors published in the *Police Gazette*. In case of members of the clerical cadre, increments shall be granted or withheld, by a formal order in each case by the head of the office concerned. When an efficiency bar is placed at any stage or stage in a time-scale, it shall be passed only on the authority of a specific order by an officer competent to withhold an increment in the time-scale concerned. In the case of Sergeants and Sub-Inspectors the sanction of the Inspector-General and Deputy and Deputy Inspector-General, respectively, is required.

Rule 13.2A for Punjab Only

[1][**13.2A. Power to grant local rank.**—(1) Notwithstanding anything contained in these rules, if the Inspector General of Police considers it necessary so to do in the intrest of better functioning of the force, he may, for reasons to be recorded, grant to an enrolled police officer next higher rank as a local rank;

Provided that the grant of only a non-gazetted rank shall be permissible under this rule.

(2) The local rank referred to in sub-rule (1) shall, in the first instance be granted for a period not exceeding six months which may from time to time be extended for a like period after recording reasons for each such extension.

(3) An officer of the force holding a local rank.

(a) shall excercise the command and be vested with the powers of an enrolled police officer holding that rank;

(b) shall not be entitled to any extra pay and allowances for holding such rank;

(c) shall not be entitled to claim any seniority over other enrolled police officers by virtue of having held such a local rank.]

13.3. Power to make promotions among gazetted and enrolled police officers.—(1) The power to make promotions among gazetted officers and from non-gazetted to gazetted rank vests in the Local Government with the concurrence of His Excellency the Governor.

(2) Deputy Inspector-General and the Assistant Inspector-General, Government Railway Police, shall make promotions to the rank of Inspector. The Inspector-General, who maintains promotion list "F",-vide Police Rule 13.15, of Sub-Inspector and Sergeants, will notify the Deputy Inspector-General of a Range or the Assistant Inspector-General, Government Railway Police, When a substantive vacancy in the rank of Inspector is to the be filled by an officer under his control.

Substantive promotions to the rank of Sub-Inspector and assistant Sub-Inspector shall be made by Superintendents of Police and the Assistant Superintendent, Government Railway Police. Deputy Inspector-General of Ranges, who maintain promotion lists 'D' and 'E' for these two ranks in the case of District Police, will notify the Superintendent of Police of a district when a vacancy in either rank is to be filled by an officer in his district.

Promotions to the rank of Head Constable shall be made by Superintendents of Police and the Assistant Superintendent, Government Railway Police.

(3) The seniority of Inspectors, Sergeants, Sub-Inspectors and Assistant Sub-Inspectors is shown in the list printed annually under the orders of the Inspector-General. Seniority of head constables in districts will be recorded in form 10.88 (1).

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1. Substituted by Punjab Government No. G.S.R. 124/C.A. 5/61/S. 7/Amd (15)/82. dated 11.9.1982.

SYNOPSIS

1. Jurisdiction to proceed with departmental enquiry.

1. Jurisdiction to proceed with departmental enquiry.—Where the criminal court has tried the concerned person and acquittal him, it would be improper and such a proceeding is liable to be quashed as not in consonance with the principles of natural justice, if the administrative authority later initiates disciplinary proceedings on the identical facts and identical charge and records a contrary conclusion. There could be no right or inflexible rule that the finding of a Criminal Court is conclusive in every sense, upon administrative authorities. If the finding be that the acuittal is on a technical ground, the administrative authority may conceivably punish the employee on the same facts. It can certainly punish where the acquittal is solely based on lack of sanction, or some technical defect in procedure. It could punish on the same facts, for some lesser charge, which may not amount to a criminal offence, but may well amount to grave dereliction of duty, entitling disciplinary action. But, however, where the acquittal is substantially on merits, on identical facts and charges, it will not be proper for a disciplinary Tribunal to record a finding of guilt, and to punish, the employee theron. This would be a basic principle of jurisprudence and it would make no difference that the departmental authority acts before the criminal procedings or after it and the Court, in exercise of the jurisdiction under Article 226 of the Constitutions, would be justified in striking down the action based on such finding, as not in consonance with the principles of natural justice. *Harinarayan Dubey v. State of Madhya Pradesh and others, 1976(1) S.L.R. 585.*

Rule 13.4 for Punjab

13.4. Power to make officiating promotions.—(1) Officiating promotions to the rank of Inspector shall be made by Deputy Inspectors-General of ranges and the Assistant Inspector-General, Government Railway Police. If the flow of promotion is unevenly distributed amongst ranges, the Inspector-General of Police shall make suitable transfers of Sub-Inspectors on the promotion list from one range to another.

(2) Officiating promotions to the rank of Sub-Inspector, Assistant Sub-Inspector shall be made by Superintendents of Police and Assistant Superintendent, Government Railway Police. If the flow of promotion is unevenly distributed among districts, the Deputy Inspector-General shall make suitable transfers of Assistant Sub-Inspectors, head constables on the promotion lists from one district to another.

(3) All promotions concerning upper subordinate made under this rule shall be published in the Police Gazette, and notifications by Superintendents shall be sent in through the Deputy Inspector-General, who shall have the power to revise such orders on recording reasons in each case. If any Superintendent has not enough men on lists. D and E in his district to fill temporary appointments in either rank, which he is required to make, he shall apply to the Deputy Inspector-General for a man from another district.

Rule 13.4 for Haryana

13.4. Power to make officiating promotions.—(1) Officiating promotions to the rank of Inspector shall be made by Deputy Inspectors-General of ranges and

the Assistant Inspector-General, Government Railway Police. If the flow of promotion is unevenly distributed amongst ranges, the Inspector-General of Police shall make suitable transfers of Sub-Inspectors on the promotion list from one range to another.

(2) Officiating promotions to the rank of Sub-Inspector, Assistant Sub-Inspector and Head constable shall be made by Superintendents of Police and Assistant Superintendent, Government Railway Police. If the flow of promotion is unevenly distributed among districts, the Deputy Inspector-General shall make suitable transfers of Assistant Sub-Inspectors, Head Constables and Constables on the promotion lists from one district to another.

(3) All promotions concerning [1][Inspectors, Sub-Inspectors, Sub-Inspectors, Assistant Sub-Inspectors and Head Constables] made under this rule shall be published in the Police Gazette, and notifications by Superintendents shall be sent in through the Deputy Inspector-General, who shall have the power to revise such orders on recording reasons in each case. If any Superintendent has not enough men on lists [2][C, D and E] in his district to fill temporary appointments in either rank, he is required to make, he shall apply to the Deputy Inspector-General for a man from another district.

SYNOPSIS

1. *Automatic confirmation—"Officiation" and being placed on "probation".*
2. *Order of dismissal by a subordinate authority.*
3. *Promotion to the post of Assistant Sub-Inspector of Police from list 'D'.*

1. Automatic confirmation—"Officiation" and being placed on "probation".—Learned counsel for the respondent-State was right in his stand that the nature of officiation does not either change or vary by the nature of the post against which a person officiates. The statutory rules do not merely contemplate 'officiating' against a temporary vacancy only. To hold so, by a procoess of interpretation would, in my view, be unsupportable. The language in the statute is unlimited in its sweep. Therefore, officiation may well be against a regular or permanent vacancy. In my view permanent vacancies cannot possibly be excluded from the concept of an officiation against them.

If in essence 'officiation' and 'being placed on probation' are distinct and separate term then the mere length of time of officiating cannot convert it into a deemed probation. On principle such an interpretation does not commend itself to me and as would appear hereafter precedent is equally to the same effect. *Raj Kumar, A.S.I. v. State of Punjab and others, 1980(3) S.L.R. 779.*

2. Order of dismissal by a subordinate authority.—The sole point that has been argued in the petition is that the petitioner had been appointed as an officiating Assistant Sub-Inspector of Police by the Deputy Inspector General of Police, Patiala Range, Patiala, and not by the Superintendent of Police, Patiala, and therefore, he could be dismissed from service only by the Deputy Inspector General of Police Patiala Range. The reply on behalf of the respondents is that under rule 13.4 of the Punjab Police Rules, 1934 an officiating

1. Substituted for the words "upper subordinates" by Haryana Government Notification dated 23.8.1974
2. Substituted for "List D and E" by Haryana Government Notification dated 23.8.1974.

Assistant Sub-Inspector of Police can be appointed by the Superintendent of Police provided the vacancy in which he is appointed is of less than eight months duration. *Man Singh, A.S.I. v. State of Punjab and others, 1973(1) S.L.R. 365.*

3. Promotion to the post of Assistant Sub-Inspector of Police form list 'D'—With regard to officiating promotions, rule 13.9(2) directs that officiating promotion shall be made out of this list as far as possible in rotation so as to give each man a trial in the duties of higher rank. An analysis of the rules show that officiating promotion of Assistant Sub-Inspecor from list D is intended to be made, as far a possible, in rotation or turns so as to give each man a trial in the duties of higher rank. We are of the view that officiating appointments envisaged in the rule or appointsments against temporary posts or against temporary vacancies in permanent posts, both of which must, in the nature of things, be of a short duration. But in case there is a permanent post and a permanent or regular vacancy and there is noexigency of police service requiring local arrangement, it is difficult to hold that the rules permit promotion of qualified men to be made in officiating capacity for more then 2 years being the period mentioned in rule 13.18 during which their fitness and confirmation must finally be determined. It is obvious that the promotion of a fit senior officer cannot be superseded and bye- passed by a junior, by keeping the senior in an officiating capacity identifinility. Any other interpretation would destroy the object of the rules and would militate, particularly against rule 13.18. On a construction of rule 13.9(2), if it be left to the authorities concerned to discriminate against equal persons and appoint some in officiating capacity and keep them in this capacity for several years while appoint others on probation on way to automatic confirmation after two years, the power will be unguided and unfettered and would be discriminatory and unconstitutional.

Rule 13.5 for Haryana

[1]**[13.5. Technical posts of Constables to be treated at par with the General cadre of Haryana Police.**—(1) Notwithstanding anything contained in any rule, notification or Government instructions, the posts of Constables who have already been recruited in Haryana Police with technical qualifications except that of operators & technician of Telecom Wing, irrespective of getting higher pay scales, shall be treated at par with the general cadre of Constables of Haryana Police and shall be part of general cadre.

(2) The pay of such Constables shall be protected and higher pay scale already granted shall be subject to the provisions of the Haryana (Abolition of distinction of pay scales between Technical and Non-Technical Posts) Act, 2014.

(3) The inter-se seniority of such Constables upon qualifying the requisite promotion courses shall be determined as follows.—

(a) those who have already qualified the lower school course shall retain their original inter-se- seniority alongwith their counterparts in the general cadre;

(b) those who could not take the prescribed B-1 test for 55% category under rule 13.7 despite being eligible and have now either become overage or are left with less than three chances to appear in B-1 test, shall be permitted to take minimum three consecutive chances, irrespective of their age,

1. Ins. by Haryana Govt. Notification No. G.S.R. 29/07/2015-5HGI dated 3.7.2015.

subject to the eligibility criteria prescribed under the rules. The candidates who are younger in age and still have more than three chances to appear in B-1 test under the rules in normal course shall be entitled to avail the same chances subject to the maximum limit prescribed under the rules. The inter-se seniority of such candidates upon qualifying the lower school course shall be determined and re-fixed along with their counterparts in general cadre against the corresponding three consecutive years of the lower school course counting from the year when they had actually become eligible to take B-1 test;

(c) *inter-se* seniority of such candidates, who take recourse to 35% category for lower school course under the rules, shall be determined and re-fixed on the basis of seniority-cum-fitness along with their counterparts in general cadre.

(d) those who may have any claim against 10% category for lower school course under the rules shall be allowed one chance to submit their claim through proper channel to the centralized committee for selection to be made against the seats allotted during the year of notification of these rules. Thereafter, such claims shall be considered annually as per the rules. After the recommendation by the centralized committee and upon qualifying the lower school course, the seniority of such candidates shall be re-fixed in the year of display of bravery or consistent outstanding performance in job or achievement in sports;

(e) inter-se seniority of such candidates who have become eligible for the Intermediate/Upper School Course shall be determined and re-fixed similarly upon qualifying the promotion courses along with their counterparts in general cadre against the corresponding years of the Intermediate/Upper School Course counting from the year when they had actually become eligible to be sent to the Intermediate/Upper School Course.]

Rule 13.5 for Punjab

13.5. Promotion to the selection grade of Constables.—(1) No Constable shall be promoted to the selection grade of constables unless he is (a) physically upto the required standard (sub-rule 12.16(1)), (b) can read and write simple Urdu sentences and English numerals, and (c) has a character roll clear of any entry carrying a moral stigma. Condition (a) can be relaxed by Superintendents of Police for good reasons to be recorded and conditions (b) and (c) can be relaxed by Deputy Inspectors-General and the Assistant Inspector-General, Government Railway Police.

(2) Men who possess the essential qualifications prescribed in sub-rule (1) shall be promoted as vacancies occur according to their order of marking on the following system:—

(a) Education

F.A. or higher	.....5 marks.
Matriculation	.....3 marks.
Non-matriculation but above primary	.....2 marks.

(b) Courses passed

(i)	Lower School	.....5 marks.
(ii)	Drill at Police Training School	.....3 marks.
(iii)	Traffic (by an approved standard)	.....2 marks.
(iv)	Finger Print	.....2 marks.
(v)	1st or 2nd in recruits' examination	.....1 marks.
(vi)	St. John's Ambulance 1st Aid Course	.....1 marks.
(vii)	Armourer's Course	.....2 marks.

(c) Professional ability—

Up to a maximum of 12 marks.

(d) Character—

Up to maximum of 10 marks.

(3) Full marks under (c) and (d) in sub-rule (2) shall not be given to a constable with less than ten years' service. Marking under (c) shall be estimated by commedation certificates and another proofs of special ability in detective work, disguising, intelligence duty and the like.

Illustration.—A, who has passed the First Arts Examination, is 1st in his recruits course, has passed traffic and finger print courses, has three years' service and has learnt the work of assistant police station clerk, might have 16 marks, B, a semi-illiterate constable of 24 years' service with 18 commendation certificate, a clear roll, and established reliability in shadowing work, might have 22 marks gained under (c) and (d) only.

(4) Notwithstanding the marking system described in sub-rule (2), men posted to onerous and responsible duty, such as instructors, permanent traffic staff, clerical appointments at police stations and headquaters, secret service and central investigating agency duty, may be given temporary promotion to the selection grade. Men promoted solely on these grounds shall be reverted to the time-scale at any time if they fail to give satisfaction on the duty for which they have been promoted or are removed from such duty for a period exceeding three months.

(5) Constables of and above the Matriculation standard of education and having exceptional family claims may be promoted to the selection grade immediately on passing their recruits course with credit, notwithstanding the marking system described in sub-rule (2). Direct appointments to this grade are made in accordance with rule 12.10-A.

(6) A sheet in Form 13.5(6) shall be attached to the character roll of every constable for maintaining the marking system prescribed in this rule.

(7) Promotion to the selection grade shall be on probation for three years and constable so promoted may be reverted without formal departmental proceedings

during or on the expiry of three years of their such promotion if they fail to maintain an exemplary standard of cunduct and efficiency. Such rerversions shall be freely made.

[1][Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the aggrigate an pass such orders at any time during or on the expiry of the extended period of probation as it could have passed during or on the expiry of original period of probation.]

(8) Removal from the selection grade after once being confirmed in it involves formal proceedings. In the case of a selection grade constable who, on being sentenced judicially to a punishment of fine or simple imprisonment, or both, or to rigorous imprisonment not exceeding month, is not dismissed under Police Rule 16.2(2), the normal minimum departmental punishment shall be reduction to the time-scale. Similarly, in the case of a selection grade constable found guilty of inefficiency, whether in general or in respect of the special qualifications for which promotion has been given, the normal minimum punishment shall be reduction to the time-scale.

Rule 13.6 for Punjab Only

13.6. List A. Promotion to the selection grade of constables.—List A (in Form 13.6) shall be maintained by each Superintendent of Police, under his own personal supervision, of constables eligible under rule 13.5 for promotion to the selection grade of constables. The number of names in the list shall not exceed 10 per cent of the establishment of the grade in the district.

Rule 13.6 for Haryana

[2][**13.6 Promotion of Haryana Police Band Staff.**—(1) The promotion to the post of Head Constable, Assistant Sub Inspector, Sub Inspector and Inspector of Haryana Police Band Staff (Bandsmen) shall be made from amongst person admitted to promotion list 'C' 'D' 'E' and 'F' respectively, maintained separately for the Haryana Police Band Staff; or by transfer or deputation from any State Government or the Central Government on the basis of criteria as approved by the State Government on the recommendation of the Director General of Police.

(2) (a) The promotion to different ranks of Bandsmen in Haryana Police Band Staff shall be strictly made on the bases of unit wise seniority-cum-fitness except for the band master. All candidates shall qualify the prescribed proficiency test in music to be conducted by a music committee. The music committee shall comprise of the Director, Haryana Police Academy, Madhuban/Senior most Officer In-charge of Haryana Armed Police, Madhuban/senior most Officer In-charge of the Recruit Training College, Bhondsi/senior most Officer In-charge of the India Reserve Battalions, Haryana or an officer specially nominated by the Director General of Police as the Chairperson; Commandant/Superintendent In-charge of the band unit concerned as a Member; Band Master of the band concerned as a Member and an expert in music co-opted by music committee to assist it in evaluating performance as a Member.

1. Proviso added by Punjab Government Notification dated 12.4.1966.
2. Inserted vide Haryana Notification No. 6/5/2015-4HGII, dated 3-12-2015.

(b) For the purpose of regulating promotion amongst Haryana Police band Staff, promotion list 'B', 'C', 'D', 'E' unit/range wise and list 'F' centrally shall be maintained separately for akin to the General cadre as under:—

(i) List 'B' shall contain the names of Constable Bandsmen who are eligible for undergoing the prescribed proficiency test to be conducted by the nominated music committee which shall be maintained in the office of Commandant/Superintendent of Police concerned. The other conditions as provided under rule 13.7(2) for B-1 test in the General cadre shall apply mutatis mutandis, in so far as these are not inconsistent with the provisions under this rule;

(ii) List 'C' shall be maintained in the office of Commandant/Superintendent of Police concerned for promotion to the rank of Head Constable from amongst the Constable Bandsmen who have qualified a proficiency test 'at their own instrument' as well as 'a second musical instrument';

(iii) List 'D' for promotion to the rank of Assistant Sub Inspector from Head Constable shall be maintained after the music committee duly tests and recommends the official is fit for promotion. Such test shall ensure that a candidate is proficient at 'music theory & practical including ability to read music, 'instructional ability' and 'three categories of musical instruments' viz. woodwind, brass and percussion';

(iv) List 'E' shall be maintained from amongst the senior most assistant Sub Inspector who is recommended as fit for promotion by the music committee to the rank of Sub Inspector-cum-Assistant Band Master ;

(v) List 'F' shall be maintained from amongst senior-most Sub-Inspector, who is fit for promotion to the post of Inspector-cum-Band Master and has served as Assistant Band Master for at least five years. The Director General of Police, may, however with reasons to be recorded in writing may relax the minimum prescribed number of years of experience required for promotion as Inspector-cum-Band Master.

(3) The provisions contained in chapter 13 of these rule for regulating promotions in the General cadre shall apply mutatis mutandis; in as so far these are not inconsistent with the provisions contained in this rule.

SYNOPSIS

1. Relaxation—Admission to Upper School Training Course.

1. Relaxation—Admission to Upper School Training Course.—The petitioner after having completed the course represented to the department that he was qualified for being promoted as Sub-Inspector but his representation was rejected. It is averred that respondent Nos. 3, 4, 6 and 7 have been confirmed as Assistant Sub-Inspectors vide order dated August 4, 1971 with effect from August 4, 1971. He has challenged the order of confirmation of the respondent Nos. 3, 4, 6 and 7 dated August 4, 1971 and that of promotion as Sub-Inspectors of respondent Nos. 8 to 10 through this writ petition. The writ petition has been contested by the respondents. *Balkrishan v. State of Punjab and others, 1982(1) S.L.R. 367.*

Rule 13.7 for Punjab

[1][**13.7. List 'B'. Selection for admission to Promotion Course for Constables at the Police Training College.**—(1) List 'B' in (Form 13.7) shall be maintained by each Superintendent of Police. It will include the names of all Constables selected for admission to the Promotion Course for Constables at the Police Training College. Selection will be made in the month of January, each year and will be limited to the number of seats allotted to district for the year with a twenty per cent reserve. Names will be entered in the list in order of merit determined by the Departmental Promotion Committee constituted by the Inspector-General of Police on the basis of tests in parade, general law (Indian Penal Code, Criminal Procedure Code, Indian Evidence Act and Local and Special Laws) interview and examination of records.

(2) All Constables—

(a) who are middle pass and have put in more than four years of service;

(b) who are at least matriculates and have put in more than three years of service; or

(c) who obtain first class with credit in the Recruits Course specified in rule 19.2; will be eligible to have their names entered in the aforesaid list, if they are not above thirty years of age on the first day of July in the year in which the selection is made;

Provided that no Constable who has been awarded a major punishment within a period of three years preceding the first day of January of the year in which selection is made will be eligible for admission to this list and if any Constable whose name has been brought on this list is not sent to the Police Training College in the year he will be required to compete again with the new candidates, if he is still eligible for admission to the said list under the rules.

(3) Temporary Constables brought on List 'B' shall be absorbed in the regular establishment in preference to others.

(4) No Constable who has failed to qualify in the promotion course for Constables shall be readmitted to List 'B', unless the Principal, Police Training College, for the reasons to be recorded in writing considers him deserving of another chance and he is still eligible. The reasons are to be communicated to the Superintendent of Police concerned.]

Rule 13.7 for Haryana

[2][**13.7. Selection of Constables for admission to Lower School Courses.**—(1) A list B shall be maintained at the State Police Headquarters as per Form 13.7. It shall include the names of all constables selected for admission to the Lower School Course. Selection to the list B shall be made annually for the entire State and shall be limited to the number of seats determined for the general and different

1. Substituted by Punjab Govt. Gazette LSP III 1997.
2. Substituted by Haryana Govt. Notification No. G.S.R.-II/Const./Art.309/2017, dated 7th August, 2017.

reservation categories for the year. The number of seats for Lower School Course in a year shall be determined on the basis of existing vacancies of head constables and the vacancies likely to be created within one year in the entire State. The total seats determined for admission to Lower School Course in a year shall be filled up as under:—

(a) 62 % of the seats shall be filled up on the basis of aggregate of constable's service record, marks obtained in a competitive examination called the Lower School Entrance Test (LSET) and parade;

(b) 35 % on the basis of seniority-cum-fitness;

(c) 03 % on the basis of consistent outstanding performance in job/obtaining gold or silver medal in all India police games and duty meet/national games or exceptional display of bravery during the course of performance of official duty:

Provided that no constable during the period when he is undergoing major punishment shall be eligible for entry into list B.

(2) The Lower School Entrance Test shall be an online objective type test of ninety minutes duration comprising of one hundred forty multiple choice questions carrying one mark each with a provision of negative marking at the rate 0.25 mark for marking an incorrect answer. Every candidate appearing in the online Lower School Entrance Test on submitting his test finally shall be able to view his test score on the screen instantly and shall also be given a hard copy of his score card, after the test. The syllabus for Lower School Entrance Test shall be the same as prescribed for the basic recruit course for constable. Constable shall have to score a minimum of fifty percent to qualify in the Lower School Entrance Test. Only those who qualify shall be allowed to appear in the parade test and for eventual selection within this category.

(a) Parade test: All the eligible candidates shall appear in a parade test of total 10 marks with the following breakup:

(i)	Turn out	- 01;
(ii)	Marching	- 02;
(iii)	Arms drill	- 02;
(iv)	Command control	- 02;
(v)	Weapon handling	- 03.

(b) There shall be no interview test for selection of constables for List B.

(3) Eligibility :

(a) 62% selection category: All constables irrespective of their educational qualifications shall be eligible to appear for Lower School Entrance Test, if they are under the age of 35 years and have completed 5 years of qualifying service on the 1st day of January of the year in which selection is made.

(b) 35% selection category: All constables irrespective of their educational qualifications shall be eligible to be brought on list B on seniority-cum-fitness basis i.e. under 35 % category if they are between 35 to 40 years of age and have completed 5 years of qualifying service on the 1st day of January of the year in which selection is made. However, candidates appearing under this category shall have to attain a minimum bench mark of 31 marks to be eligible for consideration for selection under this category.

(c) 03 % selection category: All constables irrespective of their educational qualifications shall be eligible to be brought on list B under 03 % category i.e. on the basis of consistent outstanding performance in job/obtaining gold or silver medal in all India police games and duty meet/national or international games or exceptional display of bravery during the course of performance of official duty if they are under the age of 40 years and have completed five years of qualifying service on the 1st day of January of the year in which selection is made.

Provided that—

(i) a constable belonging to reserve category who is recruited near the maximum prescribed age limit for the category as per Government instructions shall be allowed to appear in Lower School Entrance Test (LSET) for minimum three consecutive chances after completion of five years of service even if he has crossed the age of 35 years up to maximum of 40 years of age;

(ii) an ex-serviceman enrolled as constable shall be allowed to appear in Lower School Entrance Test (LSET) for three consecutive chances irrespective of age after completion of five years of qualifying service;

(iii) no candidate shall be considered eligible under 62% as well as 35 % selection category simultaneously. The ex-servicemen or reserve category candidate who is over 35 years of age shall have to either, first exhaust his chance to compete in Lower School Entrance Test (LSET) or surrender it in writing before becoming eligible to be considered against 35 % selection category;

(iv) a candidate eligible under 03% category may be simultaneously considered under 62% or 35% selection category. However, where the name of such candidate appears in more than one selection category, the candidate shall be considered by the Departmental Selection Committee under the category in which chances of his final selection are maximum. However, the decision of the Departmental Selection Committee regarding retaining/bringing his name under one of the selection category shall be final.

(4) Departmental Selection Committees (DSCs):

(a) The Director General of Police shall constitute separate Departmental Selection Committees for selection of constables to Lower School Course one each for the 62%, 35% and 03% selection category. Each DSC shall consist of an officer not below the rank of Deputy Inspector General of Police as Chairperson and two officers not below the rank of Deputy Superintendents of Police as Members. The DSC so constituted with the approval of Director General of Police may co-opt as many officers/ staff as required for the smooth conduct of selection process. For all eligible candidates, the Lower School Entrance Test shall be held at one prescribed place only to rule out any possibility of unfair practice at different centres during this examination.

(b) The assessment of service record shall be done on the basis of education, training courses passed and commendation certificate during the service.

The marks assigned to these shall be as follows:—

(i) Education :

Class	**Mark**
10 +2	01
ITI or Polytechnic college Certificate in any Technical trade	02
ITI or Polytechnic college Diploma in any Trade	03
Graduate (Arts)	03
Graduate (Science and Engineering)	05
Law Graduate	08
Post Graduate (Arts)	06
Post Graduate (Science)	08

(ii) Commendation Certificates (CC) :

CC	**Mark**
Class I	03
Class II	02
Class III	01

Total marks to be awarded for commendation certificates shall not exceed 10. Commendation granted upto 1st July of the previous year only shall be taken into consideration for counting the marks.

(iii) Training Courses Passed:

Maximum marks awarded for training courses passed by a candidate shall be thirty. Only the training courses passed by the candidates upto 31st December of the year preceding the year in which selection is made

shall be taken into account while awarding marks. Constables who obtain all round 1st, 2nd and 3rd positions in the basic recruit training course shall be awarded 15, 10 and 05 marks respectively. Following marks shall be given for general and special training courses passed by a candidate.

General (Duration)	Mark	Special (Duration)	Mark
For training courses of less than two weeks	01	Armourer Basic Course-(10 M)	10
For training courses of two weeks duration	02	Police commando Instructor Course by National Security Guard/Central Armed Police Force	06
For training courses of duration exceeding 2 weeks but not exceeding 4 weeks.	03	Bomb Disposal Course – Advance by National Security Guard/ Central Armed Police Force	06
For training courses of duration exceeding 4 weeks but not exceeding 6 weeks.	04	Bomb Disposal Course - Basic	05
For training courses of duration exceeding 6 weeks but not exceeding 8 weeks	05	Basic Commando Course-(3M)	05
For training courses of duration exceeding 8 weeks but not exceeding 12 weeks	06	Special Weapon and Tactics Course -(3M)	05
For training courses of duration exceeding 12 weeks but not exceeding 16 weeks	07	Un-Armed Combat for Women - (3M)	05
For training courses of duration exceeding 16 weeks but not exceeding 20 weeks	08	Martial Arts for Men – (3M)	05
For training courses exceeding 20 weeks	10	Drill Basic Course – (4 M)	05

(iii) Negative marking :

Marks at the following rate shall be reduced for every major/minor punishment while calculating marks for both categories of competitive examination and seniority:—

Punishment	Mark
For every major punishment	05
For every minor punishment	02

The major/minor punishment considered for deduction of marks shall only be those which have been awarded on or before the 1st day of July of the year preceding the year in which selection is made.

(5) Selection on the basis of seniority-cum-fitness i.e. under 35 % category:

(a) For selection of 35% candidates on the basis of seniority-cum-fitness as mentioned in sub-rule (1) above, the Departmental Selection Committee shall grant marks in this category for service records on the same basis as mentioned in sub-rule (4) above. Further for this category, marks shall also be awarded for the length of service as on 1st January of the year in which selection is made at the rate of 2 marks for each completed calendar year of service after 5 years of qualifying service subject to a maximum of 24 marks:

Provided that exemptee Head Constables who were promoted in view of Director General of Police, Haryana standing order No. 127/2008, dated the 22nd September, 2008 are willing for admission of their names to list B according to seniority-cum-fitness in view of their consequential reversion then they can do so in their own interest by giving their consent in writing and on being admitted to list B shall be reverted to the rank of constable.

(6) Selection under 3% category :

(a) Selection of constables for Lower School entrance under 3% category at the rate of one percent for each of the following categories shall be made by the Departmental Selection Committee from amongst the recommendations forwarded by the Superintendents of Police through their respective Inspectors General of Police to the State Police Headquarters up to 31st December of the preceding year in which selection is made.

(i) on the basis of consistent outstanding performance in job- (1%);

(ii) attaining Gold or Silver Medal in All India Police Games & Duty Meet/National Games-(1%);

(iii) exceptional display of bravery during the course of performance of official duty- (1%);

(b) Whenever, no case is found suitable for recommendation under this category, the Superintendent of Police shall forward a 'no-recommendation certificate' to this effect to the State Police Headquarters through the respective Inspectors General of Police;

Provided that sports achievements under consideration for selection under 3% category pertaining to constables who have been enrolled into service against posts reserved for Sportspersons category relate only to the period, after their having joined the service.

(7) Order of merit :

(a) For the purpose of determining inter-se-merit of the constables for the aforementioned three different categories for admission to list B, wherever, the score/achievement of two or more constables is found to be equal,

the constable who is senior in service shall be selected first; further, in case, two or more constables who have equal scores and the same seniority, then the constable who is higher on inter-se-merit of the basic recruits course shall be brought on list B first, finally, if there is still a tie between candidates, the constable who is senior in age shall be selected first.

(b) Government policy on reservation in promotion, if any, shall be followed for selection of constables for list B under 62% as well as for 35% category. However, no reservation policy shall be applicable under 3% category meant for selection of constables on the basis of Consistent Outstanding Performance in job, All India Police Games/Duty Meet/National Games and for Exceptional Bravery.

(c) There shall be no waiting list. Seats which remain unfilled in any of the above mentioned category in a year shall lapse.

(8) The recommendations of the Departmental Selection Committee shall not be final until the same are approved by the Director General of Police. The Director General of Police shall accord his approval only after due scrutiny of the list about its correctness. The Director General of Police may either consider to seek any clarification or refer the list back to the Departmental Selection Committee concerned for correction of errors/omission in the list, if any.]

Rule 13.7 for Chandigarh

[1][**13.7 List B. Selection for admission to promotion course for constables at the Police Training College:**—(1) List 'B' (in Form 13.7) shall be maintained by Superintendent of Police. It will include the names of all constables selected for admission to the promotion course for Constables at the Police Training College. Selection shall be made in the month of January each year and will be limited to the number of vacancies available in the year with a 20 percent reserve. Names will be entered in the list by following ways by the Departmental Promotion Committee constitute by the Director General of Police/Inspector General of Police:—

1. 70% by way of seniority-cum-merit.
2. 25% by way of B-1 Test, in order of merit determined by the Departmental Promotion Committee constituted by the Director General of Police/ Inspector General of Police on the basis of test in parade, general law (Indian Penal Code, Criminal Procedure Code and Police Rules), and examination of records.
3. 5% from the sports quota (All India Level or International Level).

Provided that in inter-se-seniority in the above three categories 70% will be senior, 25% will be junior to 70% & will be in their order of merit achieved by them in the B-1 Test and 5% will be junior to 70% and 25% and their inter-se seniority will be according to their date of appointment as Constable.

(2) All Constables who are directly recruited in the U.T. Police; and

(a) who are middle pass and have put in more than four years of service; or

(b) who are at least matriculates and have put in more than three years of service; or

1. Substituted by Chandigarh Administration Gazette Notification No. 1/1/190-HII(1)-2021/8326 dated 18.6.2021.

(c) who obtain first Class with credit in the Recruits Course specified in Rule 19.2 will be eligible to have their names entered on the aforesaid list, if they are not above thirty years of age on the first day of July in the year in which the selection is made:
Provided that no Constable who has been awarded a major punishment within a period of three years preceding the first day of January of the year in which selection is made will be eligible for admission to his list and if any Constable whose name has been brought on this list is not sent to the Police Training College in the year he will be required to complete again with the new candidates, if he is still eligible for admission to the said list under the rules.

(3) Temporary Constables brought on list 'B' shall be absorbed in the regular establishment in preference to other.

(4) No Constable who has failed to qualify in the promotion course for Constable shall be re-admitted to list 'B' unless the Principal Police Training College for the reasons to be recorded in writing considers him deserving of another chance and he is still eligible. The reasons are to be communicated to the Senior Superintendent of Police.]

Rule 13.7 for Himachal Pradesh

[1][**13.7. List "B"—Selection of candidates for admission to promotion courses for Constable at the Police Training College.**—(1) List "B" (in Form 13.7) shall be maintained by each Superintendent of Police/Commandant Police Battalian of Himachal Pradesh. It shall include the names of all Constables selected for admission to the Promotion Course for constables at the Police Training College. Selection shall be made in the month of August every year generally. However, the Director General of Police shall have discretionary powers to hold these tests once or more than once in a year in case of exigencies keeping in view the vacancy position. The test shall be regulated by standing order issued by the Director General of Police. All the successful candidates shall be kept in a panel and shall be sent for Lower School Course on merit basis as per available vacancies. Names shall be entered in the said list in order of their merit as determined by the departmental promotion committee constituted by the Director General of Police on the basis of tests given in Parade, General Law (Indian Penal Code, Code of Criminal Procedure, Indian Evidence Act, Local and Special Law and Police Rules as per detail given below) to tests the Intelligence of candidates in applying their theoretical knowledge to practical conditions, interview and examination of service records.

There shall be two written papers for the tests viz. **Paper–I** comprising of Punjab Police Rules and Practical Police, Work and **Paper–II** comprising of Laws (including Local and Special Laws).

The Syllabus shall be parade, squad drill, rifle exercises and traffic and sentry duties, dispersal of crowd. The candidates shall be tested not only in personal performance but also to see their power of command and control over a squad particularly their ability to point out mistakes commited by members of the squad and get those corrected.

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1. Substituted by Himchal Pradesh Home Dept. Noti. No. Home (A) B (2)-4/90-11 dated 13.6.2008.

[1][Written Test

Indian Penal Code

CHAPTER II	SECTIONS 17 to 52A
CHAPTER III	SECTION 75
CHAPTER IV	SECTIONS 76 to 106
CHAPTER V	SECTIONS 107 to 120, 120A & 120B
CHAPTER VIII	SECTIONS 141 to 160
CHAPTER IXA	SECTIONS 171A to 171I
CHAPTER X	SECTIONS 172 to 196
CHAPTER XI	SECTIONS 201, 211, 217 to 225
CHAPTER XIV	SECTIONS 279 & 294
CHAPTER XVI	SECTIONS 299 to 377
CHAPTER XVII	SECTIONS 379 to 462
CHAPTER XVIII	SECTIONS 463 to 471
CHAPTER XXII	SECTIONS 506, 509
CHAPTER XXIII	SECTION 511

Criminal Procedure Code

CHAPTER I	SECTIONS 1 & 2
CHAPTER II	SECTIONS 6, 11, 12, 13, 20, 21, 24 & 25
CHAPTER IV	SECTIONS 36 to 40
CHAPTER V	SECTIONS 41 to 60
CHAPTER VI	SECTIONS 61, 62, 64 to 66, 69, 70, 72, 74 to 80, 82, 83, 88 & 89
CHAPTER VII	SECTIONS 91, 92, 94, 97, 98, 100, 101 & 102
CHAPTER VIII	SECTIONS 107, 109 & 110
CHAPTER X	SECTIONS 129 to 132, 133, 144, 145 & 147
CHAPTER XI	SECTIONS 149 to 151
CHAPTER XII	SECTIONS 154 to 176
CHAPTER XV	SECTION 202
CHAPTER XVI	SECTION 260
CHAPTER XXIV	SECTIONS 300, 306, 307, 316, 320 & 321
CHAPTER XXXIII	SECTIONS 436 to 450
CHAPTER XXXIV	SECTIONS 451, 452, 457 to 459
CHAPTER XXXVI	SECTION 468

1. Substituted by Himachal Pradesh Govt. Notification No. Home (A) B (2)-4/90-Part-II Dated 23rd October, 2008.

Indian Evidence Act

CHAPTER I	SECTIONS 3 & 4
CHAPTER II	SECTIONS 24 to 27, 32, 45, 46 & 47
CHAPTER VII	SECTIONS 101 to 114B

Local and Special Laws

The Himachal Pradesh Police Act, 2007 : Sections 4, 64, 65, 77, 78, 87, 88, 89, 92, 93, 94, 108 to 114, 115, 117, 118, 119, 121, 122, 124, 125 & 126.

The Indian Arms Act, 1959 : Sections 1-12, 25 & 27.

The Himachal Pradesh Essential Service Maintenance Act, 1972 : Sections 3, 5 & 7.

The Punjab Excise Act, 1914 : Sections 47, 61 and 72.

The Narcotic Drugs and Psychotropic Substances Act, 1985 as amended in 2001: Sections 18, 20, 21, 31, 36 (A and B), 41, 42, 43, 50, 52, 54, 55 and 57 & Chapter VA.

The Immoral Traffic (Prevention) Act, 1956 : Section 2 to 9, 13 & 14.

The Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 : Sections 2, 3, 4, 5, 7 & 10.

The Motor Vehicles Act, 1988 : Sections 3, 7, 177 to 192A & 196 to 198.

Indian Forest Act, 1927 : Sections 33, 41, 42, 52, 53 & 55.

The Juvenile Justice (Care and Protection of Children) Act, 2000 : Sections 10, 12, 15, 16, 18, 21 to 23, 24 to 27, 29 & 33.

The Himachal Pradesh Panchayati Raj Act, 1994 : Sections 10, 12, 15, 16, 18, 29 & 33.

Prevention of Damage to Public Property Act : Sections 3 & 4.

The Protection of Women From Domestic Violence Act, 2005 : Sections 2, 3, 4, 5, 9, 12, 27, 31, 32 & 33.

Punjab Police Rules

(i) Organization of Himachal Pradesh Police at State Headquater, Range Headquaters, district and Police Station (Punjab Police Rule 1.1, 1.2, 1.3, 1.4, 1.6, 1.8, 1.9, 1.10 and 1.13) Armed Police units and their set up. Railway Police and its set up.

(ii) Relation between Police and the Magistracy, Panchayats and other Departments (Punjab Police Rules 1.14, 1.15, 1.16, 1.18 and 1.19).

(iii) Police behaviour towards the public : Principles of Police conduct and Police man's attitude (Punjab Police Rules 12.1, 14.1, 14.2, 14.4, 14.5, 14.6, 14.7, 14.8, 14.10, 14.25, 14.26 & 14.30) towards (a) dispute (b) bad character (c) witnesses (d) persons in custody (e) traffic offenders (f) complaints at the police stations (g) youth (h) Labour (i) women and children (j) Infirm and destitutes.

(iv) Police Administration : Badges of ranks, issue of uniform (Punjab Police Rules 4.1, 4.3, 4.4, 4.7,4.8, 4.11, 4.14, 4.16, 4.20, 4.21, 4.24, 4.25(1) and 4.27.

(v) Issue of Equipment : (Punjab Police Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.22).

(vi) Arms and Ammunition : (Punjab Police Rules 6.1, 6.4, 6.5, 6.7, 6.10, 6.14, 6.17, 6.19, 6.22 and 6.31).

(vii) Appointments and Enrollment : (Punjab Police Rules 12.1, 12.3, 12.10, 12.12, 12.14, 12.16, 12.18, 12.21, 12.22, 12.26 and 12.27).

(viii) Promotions: Chapter XIII of Punjab Police Rules, 1934.

(ix) Rewards : Chapter XV of Punjab Police Rules, 1934.

(x) Discipline, Punishment and Appeals : (Punjab Police Rules 14.49, 14.50, 14.57, 16.2, 16.6, 16.9, 16.10, 16.21, 16.25, 16.28, 16.29, 16.30, 16.32 and 16.35).

(xi) Housing : (Punjab Police Rules 3.19, 3.20, 3.21, 3.30, 10.76 and 10.77).

(xii) Service Record : (Punjab Police Rules 12.28, 12.29, 12.31, 12.32, 12.34, 12.35, 12.36, 12.39 and 12.41).

(xiii) Miscellaneous Records : (Punjab Police Rules 10.6, 10.8, 10.14, 10.15, 10.17, 10.32, 10.40, 10.46, 10.65, 10.90, 10.99, 10.117, 10.160, 10.162, 11.1, 11.22).

(V) **Police Duties.—**

(a) Role and Functions of Police (Section 60, 61 and 62 of Himachal Pradesh Police Act, 2007).

(b) Prevention of Crime (Section 67 of Himachal Pradesh Police Act, 2007 and Punjab Police Rule 23.4, 23.9, 23.15, 23.16, 23.17, 23.18, 23.19 and 23.25).

(c) Investigation (Punjab Police Rules 25.2, 25.10, 25.12, 25.23, 25.19, 25.20, 25.21, 25.22 and 25.31)

(1) Elementary knowledge of scientific aids to investigation preservation of scene of crime (Punjab Police Rules 25.14, 25.15, 25.16, 25.41, 25.45 and 25.46).

(2) Service of processes.

(3) Assistance in raids, searches, seizurs, arrests Punjab Police Rules 26.1, 26.3, 26.8, 26.13, 26.16, 26.18A, 26.19, 26.22, 26.23, 26.26, 26.26 and interrogation.

(4) Charge Sheet Punjab Police Rules 27.1.

(d) Police Station Routine and Records (Chapter 22 of Punjab Police Rules).]

(2) All Constables.—(a) who have put in five years service from the date of appointment are eligible to take the test. In case the test is not held in the month of August all the candidates who becomes eligible subsequently shall also be eligible to appear in the said test; or.

(b) who obtain first position in the Recruits Basic Training Course shall be eligible to appear in the B-I test after completing three years service; or

(c) who are on deputation and the Constables serving outside the district/ unit shall also eligible for consideration subject to fulfillment of other conditions:

Provided that no Constable who has been awarded major punishment within a period of three years preceding the first day of August of the year in which such selection is made shall be eligible for admission to that list. Similarly constables with minor punishment shall also not be allowed to take B-I test for six months after the date of award of punishment. The candidates caught cheating or using unfair means shall be disqualified and debarred from taking B-I test for the entire service and departmental enquiry shall be initiated against such candidates.

(3) Temporary Constables brought on list 'B' shall be absorbed in the regular Police Establishment in preference to other candidates.

(4) No Constables who has failed to qualify in the Promotion Course for Constables shall be re-admitted to List-B unless the Principal of Police Training College for reasons to be recorded in writing by him considers him deserving of another chance and makes him thus eligible. The reasons for doing so shall be communicated by him to the Superintendent of Police concerned.]

SYNOPSIS

1. *Admission to Lower School Course.*
2. *Constable with doubtful integrity is not entitled to be deputed for the course.*
3. *Constable who were eligible for further promotion and stood promoted to the next higher post.*
4. *Constables though not eligible under the rules for undergoing cadre course/Lower school course sent for the same.*
5. *Denial of admission to the course not proper.*
6. *Denial to constables already on list 'B' to undergo training not proper.*
7. *Departmental test for being brought on List B-I for promotion.*
8. *Distinction between a lady constable and a male constable.*
9. *First Aid Course.*
10. *Fixation of cut off date as January 1 of every year contrary to the Rules.*
11. *Justificable reasons to ignore a Constable on list 'B' from sending him to training.*
12. *Lady constable allowed to participate the combined test for being deputed for Lower Training Course.*
13. *Lower School Course.*
14. *Police Training Course—Eligibility of.*
15. *Power of I.G.P. to frame rules and order.*
16. *Power to constitute the Departmental Promotion Committee.*
17. *Prescription of age limit at 30 years.*

18. *Prescription of age on attaining which Constables are debarred from being considered for selection to Promotion Course.*

18A. *Promotion—age Bar.*

19. *Promotion—Denial of—Discrimination.*

20. *Promotion—Departmental Promotion Committee.*

21. *Provision for competing again if so sent for admission to promotion course.*

22. *Proviso to Rule 13.7(2) inconsistent with the provisions of Rule 13.7(1) and 13.8-A.*

23. *Relaxation/Abolition of Rule 13.21.*

24. *Relaxation of rules-Power vested in I.G. Police.*

25. *Reservation can only be made if otherwise eligible to be considered for promotion*

26. *Reservation for Scheduled Castes/Tribes/Lower School Course.*

27. *Reservation of posts for Scheduled Castes and Backward Classes.*

28. *Rules also applicable to Armed constabulary.*

29. *Scope—Not mandatory.*

30. *Second test during the currency of the year in which earlier test for selection for promotion.*

30A. *Selection of Candidates for admission for a course in Police Training College.*

31. *Selection for being sent to Lower School Course cannot be equated with promotion.*

32. *Suspension not a bar to depute fro training.*

33. *Test parade prescribed under Rule 13.7 for selection.*

34. *Training—Petitioner selected and sent for promotion course—Recalled back after 1-1/2 months training.*

35. *Upper age limited of 30 years.*

36. *Selection of the Constables for admission to the promotional course.*

1. Admission to Lower School Course.—The contention of the petitioner's counsel that more than 15 marks cannot be assigned for examination of service record does not find favour with the Court. The break-up of the marks assigned for assessment of service record has been given in sub-rule (4) of Rule 13.7 of the Rules. A candidate under group (1) cannot be given more than 5 marks for education. A candidate who has passed all the course under group (ii) will be entitled to 15 marks. Under group (iii) if a candidate is in possession of commedation certificate of Class-I he shall be entitled to three marks, for Class II, 2 marks and for Class III, 1 mark subject to a maximum of 15 for both. A Graduate candidate who had passed all the courses and is in possession of Class-I, Class-II, and Class-III, certificates, he will be entitled to 28 marks. *Zile Singh v. State of Haryana and others, 1991(7) S.L.R. 4: 1992(3) RSJ 60.*

2. Constable with doubtful integrity is not entitled to be deputed for the course.—The service record of Dhanna Singh, as produced before me, shows that his integrity has been doubted. A person, who has been considered to be of doubtful integrity by his superiors cannot claim that his record is not really bad. So, the action of the respondents is not including his name in List 'B' and deciding to send him for Lower School Course is fully justified. However, the case of Bant Singh and Maghar Singh, petitioners, is different. In the service record of both the petitioners, there is no adverse entry apart from the fact that they had been censured. Censure according to the rules is not a major punishment. So,

the petitioners could not be decided admission to List B and an opportunity for training in Lower School Course on the basis of the minor punishments of Censure. *Dhanna Singh, Constable v. The Chandigarh Administration and ors. 1984(1) S.L.R. 739.*

3. Constables who were eligible for further promotion and stood promoted to the next higher post.—The appellants in L.P.A. Nos. 291 and 368 of 1984 before us were necessary parties to the Civil Writ Petition Nos. 7124 and 6900 of 1975 and therefore, the observations made in those judgments would not, in any manner, affect adversely the appellants with the result that the appellants who had undergone the cadre course of the lower school course in the year 1976 were entitled to be considered for being brought on the 'C' list and to be promoted as Head Constable from the date they had been so promoted as on that date the private respondents were yet undergoing the cadre course/lower school course and they, therefors, in terms, of rule were not even eligible to be considered for promotion to the post of Head Constable as the successfurl completion of the lower school course was sine qua non for promotion to the next higher post of Head Constable. Once the constables who were eligible for further promotion and stood promoted to the next higher post, the Constables who were their senior as Constables having also passed the lower school course after their so called junior had been promoted to the post of Head Constable, cannot be legally permitted to flaunt their seniority as Constables and seek promotion as Head Constable in point of time prior to those who although were junior to such constable but were alone eligible to be promoted on the date they were so promoted to the post of Head Constable. *Amrik Singh and others v. State of Punjab and others, 1986(1) S.L.R. 324.*

4. Constable though not eligible under the rules for undergoing cadre course/Lower school course sent for the same.—The contention advanced by Mr. Gupta in regard to the two constables is no doubt correct but then all the private respondents in terms of amended rule 13.7 had failed in the said test and they were not entitled to be admitted to the course in question. They were directed to be admitted by this Court. So it hardly lies in their mouth to challenge the eligibility even of these two constables for being sent to undergo the given course. The private respondents and these two constables both being in terms of rule 13.7 not entitled to undergo the course, but both having done so, then the one who completed the course earlier would, therefore, if the rules permit would continue to have the upper hand. *Amrik Singh and others v. State of Punjab and others, 1986(1) S.L.R. 324.*

5. Denial of admission to the course not proper.—Training course which began in October 1976 has already come to an end. Under the circumstances, the case of the petitioners will have to be considered for the new training course which may commence hereafter. But so far as further training courses are concerned, it is an admitted position on that the matter will obviously be covered by the amended rule 13.7 which has come into operation by virtue of the notification dated 16.6.1976. Obviously the petitioners will have to undergo the test prescribed by amended rule 13.7 before getting admission to future course for training. We may, however, observe that all these pettioners have wrongly been denied admission to this course in the past. Therefore, this aspect of the matter must be borne in mind at the time of considering their future admission to the course in question. On behalf of the petitioners we were requested to adopt the same formula which was adopted by this Court in *Miss Manju v. State*, reported in AIR 1972 H.P. 37. That was the case for admission to medical college and at the time when the writ petition was decided by this Court, rules for admission to the medical college were amended. The Court, however, gave directions to increase the number of seats to accommodate petitioner Manju who

was found successful in the writ petition. We find that it is not possible for us to adopt any course in the case because it may not be open to the State Government to ask the Government of Punjab to increase any seat at the Training College at Phillaur with a view to accommodate these petitiners. But we strongly recommend the case of these petitioners to the State Government and the concerned authorities, who shall see to it that unless there is any exceptional circumstance which would justify the refusal to admit the petitioners to the required course in future in accordance with the amended rule No. 13.7, the petitioners shall be sent to the necessary training at Philaur. It is recommended that, if possibly, the State Government may take any other necessary step including the step to increase the seats with a view to accommodate the petitioners in case there is nothing exceptionally adverse found against them at the relevant time. *Shri Baldev Ram, Constable and another v. The Superintendent of Police, Kangra and others, 1978(1) S.L.R. 774.*

Petitioner eligible for the Lower School Course (B-I Test) but was denied the opportunity on the ground that he did not get minimum 31 marks. Denial thereof resulted in acute prejudice to him as his juniors were sent to the course and they obtained such training. No Satisfactory explanation given by the respondent for denying the claim of the petitioner. Claim of the petitioner deserve to be considered. Petitioner directed to be deputed to the lower course (B-I Test). *Ramesh Chandra v. State of Haryana, 2011(1) SLR (P&H) 595.*

6. Denial to Constables already on list 'B' to undergo training not proper.—It is contended by the learned counsel of the petitioner that they were duly selected under Rule 13.7 and were brought on List B-I. Under the aforesaid rules they are entitled to be sent to the Lower School Course in April, 1980. He further argues that the rule has since been amended and the Government in pursuance of that rule has made a fresh selection which is illegal and liable to be set aside. On the other hand, the learned counsel for the respondents has vehemently argued that the intention of incorporating the new rule was that the selection should be made afresh under the amended Rule. According to the counsel, the candidates already brought on List B-I were thus not entitled to be sent to the course. *Lal Singh, Constable and others v. State of Haryana and others, 1980(3) S.L.R. 61*

7. Departmental test for being brought on List B-I for promotion.—Mere qualifying the test does not give them any right unless their names are brought on the list. Even the persons whose names are brought on the list 'B-I', cannot claim any right after the expiry of one year as this list is valid only for the year in which is prepared. During the arguments, when it was brought to our notice that the persons who are already on List 'B-I' and have a right to be considered because of the 20% reserve are also not being considered for the promotion course for constables at the Police Training College, the position of the State Government was ascrertained from the Assistant Advocate General appearing on behalf of the respondents, in this respect. He after consulting the respondents has given undertaking in the Court, that all those persons whose names are already there on List 'B-I' including 20% reserve, will be considered by the State Government for promotion before any other fresh list is prepared within this year. On this undertaking by the State Counsel, this objection was no more available to the learned counsel for the petitioners have got any vested right as to maintain these petitions. The qualifying test is held in order to select persons for List 'B-I', under Rule 13.7, according to the number of seats allotted to each District. After that selection is over nothing remains and no body can claim any right subsequently on the basis of his being qualified in the test. The purpose of the test, after the necessary selection is made, is over. Any person who qualifies in the test cannot claim as a matter of right that his name be brought on List 'B-I' subsequent to the test when selection had already been made. *Babour Singh, Constable v. State of Punjab and others, 1980(1) S.L.R. 279.*

8. Distinction between a lady constable and a male constable.—Government were advised in drawing separate seniority of each cadre of all the women police officials. *Jarnal Singh and others v. The State of Punjab, 1992(2) RSJ 114.*

9. First Aid Course.—If photo copy of the certificate issued by the St. John Amublance Association is correct, then petitioner had undergone First Aid Course during his service and no exception can be taken for not giving him credit for such a course. *Ram Niwas v. State of Haryana and others, 1192(1) RSJ 726.*

10. Fixation of cut off date as January 1 of every year contrary to the Rules.—The cut off date of 1st of January was also provided in the proviso added to rule 13.7 and in the standing order it was merely a clarification that it was also added in clauses (2) opening sentence "All Constables, who upto the 1st January that year". This contention cannot be accepted. Proviso as it exists only debars punishment imposed prior to 1st of January to be taken into consideration. If a person was awarded major punishment, obviously he could not be sent for the training but form that no analogy can by drawn that for applying clauses (a), (b) and (c), the cut off date in all cases should be January 1st of the relevant year. Rules are framed by the State. A standing order which is in the form of instructions cannot over-ride the rule or provide contrary to the rule. Rule 13.7 as already stated above provides for eligibility of the person at the time of selection and providing a cut off date of January 1st, in the standing order Annexure P-1, the operation of the rule stands curtailed which is not permitted under the law. The petitioner was eligible to be promoted the rank of Head Constable, being a Matriculate and having completed three years of service as on February 28, 1992 under Rule 13.7(2)(b) of the Punjab Police Rules as reproduced above. On that account he was permitted to take the written test, which he passed. Subsequently he could not be deprived of being deputed to the Lower School Course. *Rajwinder Singh, Constable v. State of Punjab and others, 1992(4) S.L.R. 468: 1192(3) RSJ 101.*

11. Justificable reasons to ignore a Constable on list 'B' from sending him to training.—The petitioner's name was to be treated as if on List B, but as a reserve candidate within the 20% quota, the proviso on first impressions seems to be applicable. But then again, a Constable whose name is on the list and is not sent to the Police Training College can only be prevented from attending the Police Training College for justifiable reasons. And here, the justification pleaded, as has been held earlier, does not cut any ice. It is, therefore, in the essence of thing that seat of the year 1978, which remained unfilled for the inaction of the respondents, must not be taken to have elapsed but to have remained in animated suspension, to be reactivated by judicial process as an answer to executive callousness. Accordingly, taking aid of the discretionary and viable powers with the Inspector-General of Police in the matter of fixation of the number of seats to be alloted to each district for the year, a direction need be issued to him to create for the petitioner a suitable seat in the Training Course of the first batch for the year 1982, but in fulfillment of the seat left vacant for the year 1978. Any other course would be defeating the spirit of the rule. The direction is nothing but a measure to cover up the left over seat which had otherwise rightly fallen to the share of the petitioner. *Bhag Singh, Constable v. State of Punjab and others, 1982(2) S.L.R. 281.*

12. Lady constable allowed to participate the combined test for being deputed for Lower Training Course.—The stand is that even though joint tests for men and lady Constables were held in which the petitioner competed and stood first amongst the Lady Constables and secured a high position in the joint merit, on the basis whereof she did earn a seat for deputation to the Lower School Course, yet in the absence of a formal and express order from the respondents allocating a seat for the Lady Constables, the entire

exercise conducted by the respondents as well as the petitioner was futile and was an idle formality. Such a stand cannot be countenanced in the eye of law, as according to Rule 13.7 of the Punjab Police Rules, 1934, as applicable to the State of Haryana, and amended from time to time, there is no such provision or requirement of passing a separate order about the allocation of seats. Apart from that, if that was a condition precedent in the minds of the respondents, then either such an order could have been issued before holding the test in January, 1987, or if there was some insurmountable difficulty in the passing of such an order, then the Lady Constables should not have been permitted to participate. Now, after the petitioner has participated in the tests and has secured a meritorious position, it does not lie in the mouth of the respondents to deny to her, a well-earned right for undergoing the Training Course. Moreover, if Article 15(3) of the Constitution permits the State to make any special provision for the women and children, that does not mean that such a provision has to be made to their detriment. Rather, the intention is to provide better facilities for their benefit and betternment in their career. The impugned action of the respondents is wholly arbitrary. *Prem Devi (Smt.) v. The Director General of Police, Haryana and others, 1988(1) S.L.R 468.*

13. Lower School Course.—Essential for a Constable to sit and pass in the test held under rule 13.7 of the Punjab Police Rules. *Kamal Kishore v. The state of Haryana and others, 1992(1) RSJ 524.*

14. Police Training Course—Eligibility of.—The selection to be made in accordance with Rule 19.14 of the Rules succeed the bringing of the constables on list 'B' and does not precede it. Rule 13.7 of the Rules itself envisages the selection to be made for this list as the vacancies for admission to the promotion course occur at the Police Training School and it is that selection which has to be made in accordance with Rule 19.14 of the Rules. Since the petitioner was not placed on list 'B' or as is the stand of the respondents, was not approved by respondent No. 2 Deputy Inspector General of the Range on merits for being so placed on List 'B' he cannot have any possible grouse or locus standi to challenge the non-holding of test on non-compliance of the the procedure laid down in rule 19.14 of Rules. It is only the constable on list 'B' who can assail such a non-compliance of the latter Rule. The rest of the assertions of the petitioner that some of the constables were withdrawn or re-admitted to this list 'B' at the time of their sending to the Police Training Course from amongst the respondents No. 4 to 13, have also to be negatived for the same very reason, *i.e.* he has no locus standi to assail their further selection or non-selection for being sent to the said Course. The pre-requisite for a constable being asked to take a test under Rule 19.14 of the Rules or the compliance of the other formalities of the Rules is that the constable should be on list 'B' framed under Rule 13.7. *Raj Kumar, Constable v. State of Haryana and ors. 1980(1) S.L.R. 599.*

15. Power of I.G.P. to frame rules and order.—The first part predominantly takes care for the organisation, classification and distribution of the police-force and other allied matters relative thereto regarding which the I.G.P. may from time to time, subject to the approval of the State Government, frame such orders and rules as he shall deem expedient. Yet in the second part, the I.G.P. is authorised to frame all such other orders and rule relative to the police force as he shall, from time to time, deem expedient for preventing abuse or neglect of duties and for rendering such force efficient in the discharge of its duties. In the second part, seemingly, the rules and orders contemplated are not subject to the approval of the State Government. The reason is obvious. In the second part, the orders and rules to be framed by the I.G.P. are preventive in nature that whenever it occurs to him he should frame rules or orders necessary for preventing abuse or neglect

of duty and on the other hand for the purpose of rendering the police force efficient in the discharge of its duties. *Dalbir Singh and others v. State of Punjab and others, 1982(3) S.L.R. 329.*

16. Power to constitute the Departmental Promotion Committee.—Rule making authority has the power to nominate the authorities who will excercise powers under those rules. The State Government acts through human agancies and the Inspector General of Police is the Head of the Police Department in the State. The power to constitute the Departmental Promotion Committee and prescribing the syllabi for the various tests etc., had to be given to some responsible officer and the vesting of that power in the Inspector General of Police is in accordance with the constitution of the police force for the district. Under Section 2 of Police Act, 1861, whole State of Punjab forms one police district and the entire police establishment under the State Government is deemed to be one police force, the administration of which is vested in the Inspector General of Police under Section 4 of the said Act. *Ram Labhaya, Asistant Sub-Inspector of Police and others v. The State of Punjab, through the Secretary for Home Affairs, Punjab and others, 1972 S.L.R. 775.*

17. Prescription of age limit at 30 years.—Now coming to the next contention of the learned counsel for the appellants regarding fixation of age limit in rule 13.7(2), I do not find any merit in it. I agree with the findings of the learned Single Judge that rule 13.7(2) is unreasonable and ultra-vires Article 16 of the Constitution. The age of superannuation of constables is 58 years in Punjab and it seems highly unreasonable and arbitrary that the constables after having attained 30 years of age are debarred from consideration for further promotion for a period of 28 years. Hence this provision regarding age limit is arbitrary as no reason therefor has been indicated in the rules. Rather this fixation of age limit debarring the constables for further promotion after they become 30 years of age, would lead to frustration and rusting constables who have crossed 30 years of age would have no incentive to hard work and honesty because they know that their furture career is blocked as they cannot be promoted even to the next rank of Head Constables, what to say of consideration for higher promotion. Thus rule 13.7(2) has no relation with the object to the be achieved thereby and goes contrary to Article 16 of the Constitution. The only object to be achieved in Police Force is honesty, hard work and efficiency. I fail to understand how this object can be achieved by blocking the future career of the constables at the age of 30 years when they have still 28 years of service to go with no incentive. This bar or restriction on the age of unintelligible as no object will be achieved by framing these rules. The bar has been placed on a constable at such an early stage of his life that it has denied him the chance of any promotion during the last 28 years of his service career. This at any rate has to nexus with the object to be achieved thereby. *The Superintendent of Police, Gurdaspur and others v. Kashmir Singh, Constable and others, 1975(2) S.L.R. 116.*

Constables given list B-I Cadre–No specific age or criteria is given, only minimum age is 35 years by executives instructions. Statutory rules are more important when petitioner is qualified and is eligible from each point. He should not be denied the right for deputation to lower school course because he does not have minimum bench mark. Petitioners' plea should be granted as the statutory rules say so. Deputation wherever required should be permitted. *EHC Virender Singh v. State of Haryana, 2011 (2) SLR (P&H) 486.*

18. Prescription of age on attaining which Constable are debarred from being considered for selection to the promotion Course.—In clauses (a), (b) and (c) of rule 13.7(2), the qualifications of Constables, who will be eligible to have their names entered in list 'B', are given, it they are not above thirty of age on the first day of July in the year in which the selection is made. The learned counsel for the petitioners contended that this

provision regarding are limit given in rule 13.7(2) is unconstitutional and, therefore, it should be struck down. In the State of Punjab, the age of superannuation of a police officer/official is 58 years and to debar a constable from consideration for further promotion for a period 28 years seems to be unreasonable and an infringement of his fundamental right under Article 16 of the Constitution of India. The restriction of age cannot be provided as it has no nexus to the object to be achieved *i.e.* promotion of Constables to the post of Head Constable. This provision regarding age is arbitrary as no reason has been shown for its fixation. It violates the rights of the Constables under Article 16 of the Constitution of India and is liable to be struck down. I, therefore, hold that the prescription of the age of 30 years for Constables on attaining which they are debarred under Rule 13.7(2) from being considered for selection to the Promotion Course for Constables at the Police Training College, Phillaur is unconstitutional and is struck down. *Kashmir Singh, Constable and others v. The Superintendent of Police, Gurdaspur and others, 1974(2) S.L.R. 15.*

18A. Promotion—Age bar—Amendment done in the rule for promotion to the post of Head Constable. The Ex-Serviceman Constable could appear for the B-I Test upto the maximum age of 40 years. Validity Challenged. State Government can prescribe the maximum age for promotional post alongwith other conditions. Courts are not equipped with the expertise for laying down such a criteria. Therefore, always lean towards upholding the age criteria unless total arbitariness is shown. *Rajbir Singh v. State of Haryana, 2010(2) SLR (P&H) (DB) 326.*

19. Promotion–Denial of Discrimination.—The petitioners having got distinction in the Lower School Course held in the month of April, 1982 would not be hit by the order of cancellation of these instructions as such like instructions ar prospective in operation only, especially when the petitioners had aequired a right to be considered for accelerated promotions before the issuance of such instructions.

Moreover, the retrospective application of these instructions would result in discrimination between the members of the police force similarly situated as admittedly under the Rule 1944 instructions some constable were given accelerated promotion as head constable. Under these circumstances the act of the respondents in not considering the case of the petitioners for accelerated promotion has not only resulted in discrimination but arbitrariness and, thus, hit by the mandate enshrined in Articles 14 and 16 of the Constitution.

For the foregoing reasons this writ petition succeeds. The respondents are directed to consider the case of the petitioners for accelerated promotion to the post of head constable with effect from the date they had cleared the Lower School Course with distinction under the 1944 instructions. *Rattan Lal, Constable v. State of Haryana and ors., 1990(3) S.L.R. 92: 1990(2) RSJ 740.*

20. Promotion–Departmental Promotion Committee.—Rule 13.7 envisaged appointment of a promotion committed by Inspector General of Police, the instructions envisaged appointment of Promotion committee by D.I.G. Police and therefore, the selection held by the promotion committee could not be considered strictly to be in accordance with Rule 13.7. Even if for the sake of argument it is assumed that the promotion committee in the present case had been appointed by D.I.G. and not by the Inspector General of Police, then that by itself would not render the selection as not being in accordance with the said rule. The material requirement of the said rule is (i) that the personnel of promotion committee should be of high rank; (ii) that they had judged the merit of each constable in accordance with the test envisaged in rule 13.7. Whether the high ranking promotion

Committee was appointed by D.I.G. or I.G. is not of the essence of the rule. In the present case the promotion committee envisaged by the instructions comprised of Superintendent of Police of the concerned District as its President and two Gazetted Officers nominated by the D.I.G. of the Range. *Amrik Singh and others v. State of Punjab and others, 1986(1) S.L.R. 324.*

21. Provision for competing again if not sent for admission to promotion course.— It is evident from the bare reading of rule 13.7(1) that list 'B' in Form 13.7 shall be maintained by each Superintendent of Police; that it will include the names of all Constables selected for admission to the Promotion Course for Constables at the Police Training College; that the selection shall be made in the month of January each year; that it will be limited to the number of seats allotted to the districts for the year with a twenty per cent reserve and that the name in the list are to be entered in order of merit which is to be determined by the Departmental carried forward for the next year. The list is to be prepared every year in the month of January on the basis of merit as aforesaid. otherwise, if the list was to be carry forward, then the language of rule 13.7(1) would have been entirely different. In that event there would have been indication in the rule that the list would be carried to the next year, that the new eligible constables would be placed at the bottom of the list and that the person at the top would be sent first to the Police training College. But it does not seem to be the intention of rule 13.7(1) and the proviso to rule 13.7(2) has only made further clarification. The proviso only says that if any Constable, whose name has been brought on the list, is not sent to the Police Training College in that year, he will be required to compete again with the new candidates, if he is still eligible for admission to the said list under the rules. Secondly the proviso does not in any way lead to the impression that the names of the petitioner-respondents were impliedly removed from list 'B' by way of punishment. *The Superintendent of Police, Gurdaspur and others v. Kashmir Singh, Constable and others, 1975(2) S.L.R. 116.*

22. Proviso to Rule 13.7(2) inconsistent with the provision of Rule 13.7(1) and 13.8-A.—Every Constable, whose name is on list 'B', has the right to be sent for Promotion Course for Constables at the Police Training College, Phillaur in order of his seniority determined in accordance with rule 13.7(1). The impugned order impliedly removed the names of the petitioners from List 'B' because they are required to appear again in the test for bringing their names on the list. The petitioners, therefore, cannot be asked again to appear in the test for bringing their names on list 'B' because they were not sent for training in the year 1973, in which their names were brought on the list. The proviso to Rule 13.7(2) is inconsistent with the provision of Rule 13.7(1) and Rule 13.8-A. The provisions of this proviso to Rule 13.7(2) that if any Constable, whose name has been brought on the list, is not sent to the Police Training College in that year, he will be required to complete again with the new candidates, if he is still eligible for admission to the said list under the rules are arbitrary as no reasons are given for making the provision. The proviso is, therefore, ultravires of Article 16 of the Constitution as it puts a hurdle in the way of the Constables, whose names have been validly and legally brought on the list 'B', to acquire the necessary qualifications by passing the promotion course in the Police Training College, Phillaur, which alone will make them eligible for the next promotion as Head Constable, and it is struck down. *Kashmir Singh, Constable and others v. The Superintendent of Police, Gursdaspur and others, 1974 (2) S.L.R. 15.*

23. Relaxation/Abolition of Rule 13.21—Rule 13.7 is not that mandatory and cannot remain mandatory due to the power of relaxation available in rule 13.21, as also due to the workability of rule 13.2, conclusion is inescapable that by virtue of order, Annexure

P.2, the I.G.P. had the power to relax rule 13.7 to the extent of abolishing the parade test altogether for the year 1982 with respect to the class and category of persons competing for the test to be held in January, 1982. Thus, the question passed at the very outset is answered in the affirmative holding that the power of relaxation under rule 13.21 vested in the I.G.P. goes to the extent of abolishing a particular rule virtually, but for reasons to be recorded in writing and in respect of any class or category of persons. And the exercise of this power is not in the nature of amendment to the Rules, but as a measure to serve the exigencies of service so as to carry out the purposes of the Act. It is not a fraud on the Rules either. *Balbir Singh, Constable and others v. State of Punjab and others, 1983(1) S.L.R. 109.*

24. Relaxation of rules–Power vested in I.G. Police.—Under Rule 13.21, it is only the Inspector-General of Police who has the power to relax any of the provisions of Chapter XIII with respect to any of class or category of persons but contrary to the rule in the present case, according to the return filed on behalf of the respondents themselves, this relaxation has been made not by the Inspector-General of Police, but by the State Government. Of course, the said rule authorises the Inspector-General of Police, Punjab, to relax the Rules, if in his opinion it is necessary or expedient so to do, but in order to satisfy ourselves, we sent for the original file in which approval of the State Government was sought by the Inspector-General of Police. After going through the original file, we find that the proposal was made by the Inspector-General of Police for holding a special test of constables for List 'B-I' for deputing them to undergo Lower School Course at Police Training College at Phillaur with a view to have additional qualified constables available for promotion for the newly created posts of Head Constables. The sanction regarding grant of relaxation of Rule 13.7 was only sought by him because the posts were sanctioned on account of the recommendations of the Punjab Pay Commission by the State Government and the State Government has only stated the the necessary sanction is granted. In our opinion, for all intents and purposes, the requirment of Rule 13.21, which reads, "where the Inspector-General of Police is of the opinion that is necessary or expedient so to do, he may, by order for reasons to be recorded in writing relax any of the provisions of this Chapter with respect of any class or category of persons has been complied with. The relaxation has been made by the Inspector-General of Police, though the same has also been sanctioned by the State Government. Mere grant of sanction by the State Government on the proposal initiated by the Inspector-General of Police, will not in any way violative Rule 13.21. *Babour Singh and others v. State of Punjab and others, 1980(1) S.L.R. 279.*

25. Reservation can only be made if otherwise eligible to be considered for promotion.—According to this proviso five per cent of such promotions can be made from amongst the members of the Police Force who achieve outstanding distinction in sports field at all India level or international level if they are otherwise eligible for promotion but for seniority. It is, therefore, evident that a person who has achieved an outstanding distiction can be selected for promotion only if he is otherwise eligible. The eligibility of the member of the Police Force is determined by the Departmental Promotion Committee according to the provisions of rules 13.7 and 13.20. It is only if he is found eligible that he can be selected against a reserved seat even though he may be much junior to the other persons whose names were also brought on the selection list by the Departmental Promotion Committee. The benefit which is intended to be conferred on a member of the Police Force having outstanding distinction in sports appears to be that he is allowed to supersede the persons senior to him in the service but all instructions are prospective in operation only, especially when the petitioners had acquired a right to be considered for accelerated promotions before the issuance of such instructions.

Moreover, the retrospective application of these instructions would result in discrimination between the members of the police force similarly situated as admittedly under the Rule 1944 instructions some constables were given accelarated promotion as head constable. Under these circumstances the act of the respondents in not considering the case of the petitioners for accelerated promotion has not only resulted in discrimination but arbitrariness and, thus, hit by the mandate enshrined in Articles 14 and 16 of the Constitution that the rule was framed under S. 46 of the Act) that the rules has been framed for giving effect to the provisions of the Act. This has to be seen in the backdrop of S. 12 which has been noticed a while ago providing that to restore efficiency in the discharge of the duties of the police-force, is the function of the I.G.P. and if the manner of selection for promotional course, he considers it necessary or expedient to relax any provisions of Chapter XIII with respect to any class or category of persons he can do so for the purposes of the Act but by order and for reasons to be recorded in writing. In this context, it may for the sake of argument be taken that all the rules starting from 13.1 ending by 13.20 are mandatory in nature but by providing rule 13.21 the mandatoriness of the rules, to my mind, has been done away with by the grant of power or relaxation. Thus, as it seems to me, the State Government by framing rule 13.21 did not as a delegate further delegate its power to the I.G.P. for amendment of the rules, but rather facilities, by simultaneously conferrring power under rule 13.20, the carrying out of the purposes of Chap.III of the Rules and of the Act. For it cannot be forgotten that the I.G.P. and the State Government both are delegates under the Act within their respective spheres and for smooth functioning are expected to co-ordinate and conform to the objectives of the Act sought to be achieved. *Dalbir Singh and others v. State of Punjab and others, 1982(3) S.L.R. 329.*

26. Reservation for Scheduled Castes/Tribes/Lower School Course.—We have re-examined the matter in the light of the various judgements and rules and find that rule 13.7 is substantially different in its applicability and essence from rules 13.9 and 13.10. It is to be borne in mind that as per the practice in the Department, no inter se seniority of Constables is maintained and all Constables who qualify in terms of the rule and the Standing Order are entitled to be put on List 'B' for being sent to the Lower School Course. It is after passing the Lower School Course that a seniority list of Constables is framed under rule 13.8, and are put in List 'C' where in addition to other factors, the merit obtained in the course is to be kept in view. It is, therefore, apparent that the prescription of test at the stage of the preparation of List 'B' in terms of Rule 13.7 is essentially a step in the process of promotion of Constables to Head Constables. That being the situation, it would be mandatory on the authorities to make the reservation as provided by Annexure R-1 at the stage of selecting candidates for being put on List 'B'.

The adequated number of reserved category candidates would be reflected in List 'C' which concededly does constitute a link in the process of promotion. We are, therefore, of the opinion that Sardul Singh's case (supra) is distinguishable on facts and does not help the case of the petitioners. The Division Bench in Ram Kumar's case (supra) and the learned single Judge in CWP No. 5099 of 1985 (*Constable Ravinder Singh and others v. State of Punjab and others*) have not gone into the aspect of the matter as we have seen it, and have substantially relied on the observations made is Sardul Singh's case. *Sarbjit Singh and others v. State of Punjab and others, 1991(5) S.L.R. 279: 1991(2) RSJ 665.*

27. Reservation of posts for Scheduled Castes and Backward Classes.—The Lower School Course is a promotion course for Constables yet sub-rule (2) of rule 13.8 lays down in no uncertain terms that promotion to the post of a Head Constable shall be made in accordance with the principles described in sub-rules (1) and (2) of rule 13.1. This sub-

rule further provides that selection grade. Constables who have not passed the Lower School Course at the Police Training School but are otherwise considered suitable may with the approval of the Deputy Inspector General of Police by promoted to the post of Head Constables though to the extent of 10 per cent of the vacancies only. Thus this part of the sub-rule clearly indicates that the qualification of having undergone a training may even be completely waived for promotion to the post of a Head Constable in the case of selection grade Constables. What sort of process of promotion from one rank to another and from one grade to another in the same rank shall be made by selection tampered by seniority, efficiency and specific qualifications whether in the nature of training course passed or practical experience shall be carefully considered in each case. Sub-rule (1) of this rule further lays down that when qualifications of two officers are otherwise equal, the senior shall be promoted. A bare reading of this sub-rule makes it manifestly clear that to undergo a training course is only one of the qualifications which makes a Constable eligible for being considered for promotion to the next higher post of a Head Constable. It is also clear from the phraseology of instructions P.1 that these envisage reservation to the post and not to eligibility or the training course. *Ram Kumar and others v. State of Haryana and others, 1983(1) S.L.R 435.*

28. Rules also applicable to Armed constabulary.—Even admitting for the sake of argument that identification of higher categories of posts in the Armed Police with the corresponding posts in the District Police may require bit of head scratching, but there cannot be any dispute about the fact that designation of the lowest rank in the Armed Police and the District Police is the same *i.e.* a constable constitutes the lowest rank in the two wings of the police and the first course that a constable is required to undergo is the lower school training course. Therefore, there cannot be any doubt that a constable of the Armed Police under the Police Rules which have already been held applicable to this wing of the police has to be sent to the lower training course in accordance with the relevant rule and that rule is 13.7 of the Police Rules and therefore, one has to see whether the selection had been substantially in accordance with the said rule. *Amrik Singh and others v. State of Punjab and others, 1986(1) S.L.R 324.*

29. Scope–Not mandatory.—Rule 13.7 has not amended, altered or obliterated from the Statute Book, but its workability has been relaxed inasmuch as the parade test for the year 1982 has totally been done away with, for the class of Constables who would be selected for the Promotion Course. The suggested..... infraction of rule 13.7 with regard thereto cannot, to my mind, affect the validity of the selection made for the Promotion Course, for both the reasons, that neither the rule 13.7 is mandatory in that sense nor has it remained mandatory by relaxation of its provisions under the impugned orders. *Balbir Singh, Constable and others v. State of Punjab and others, 1983(1) S.L.R. 109.*

30. Second test during the currency of the year in which earlier test for selection for promotion.—The mere use of the words "will be made in the month of January" does not mean that no second test cna be held in any other month during the year. The rule is not mandatory to that extent. Moreover, there can be exigencies of Police service where the State Government may require more police force in a particular year. In the present case, this necessity has arisen because the State Government had sanctioned 560 new posts of Head Constable in the Punjab State on account of the acceptance of Punjab Pay Commission's recommendations. At the most, it may be argued that it may be mandatory to extent that selection will be made in the month of January, each year, but it cannot be extended further that another selection by another examination cannot be made subsequent thereto. In this prevent case, that requirement of the rule had already been complied with. In the nature of things and keeping in view that the exigencies of police service, it is

obvious that it cannot be held that the State Government is debarred to hold more than one test for selection in the same year. *Babour Singh and others v. State of Punjab and others, 1980(1) S.L.R. 279.*

30A. Selection of Candidates for admission for a course in Police Training College.—As per the amendment of Punjab Police Rules vide notification dated 28-6-2001 in rule 13.7, 55% seats for lower school are to be filled by holding competitive Exam, 35% based on seniority cum fitness and 10% based on consistent outstanding performence in sports. Petitioner's selection was rejected becaused he could not qualify for the 55% criteria, so they were denied for 35% quota. In *Naresh Kumar v. State of Haryana CWP No 7952 of 2004* decided on 5/11/2004. Special leave Petition filed against the judgement was dismissed and division bench of this court affirmed the judgement of this case by taking note of the Haryana Govt. Instruction dated 13-2-2007. Respondents were given direction to depute the petitioner to the first lower school course which was to be stated after pronouncement of the Judgement. *Ram Niwas v. State of Haryana, 2010(3) SLR (P&H) 118.*

31. Selection for being sent to Lower School Course cannot be equated with promotion.—The process of selection for being sent to Lower School Course could not be equated to the consideration for promotion. Reservation for Scheduled Castes for deputing them to Lower School Course was not premissible and the constables be sent to Lower School Course on the basis of merit. In the return it has been stated that against the said judgment of this Court, a special leave petition is pending in the Supreme Court, in which the operation of the judgment of the High Court has been stayed. In view of the aforesaid judgment of this Court, on the last date of hearing the learned counsel for the State wanted time to get instructions from the Department as to whether the petitioner could be sent for the Course which has commenced in April, 1988. However, learned counsel for the State submitted as per the instructions the petitioners could not be sent for the present Course as the Lower School Course had already commenced. *Ashok Kumar and others v. State of Punjab and others, 1939(3) S.L.R. 539: 1990(2) RSJ 209.*

32. Suspension not a bar to depute for training.—Attending the Course under Rule 13.7 of the Punjab Police Rules is a step towards promotion. Actual promotion is made subsequently. There is no restriction contained in Rule 13.7 that a person who has been placed under suspension can be kept back. It is only after infliction of the major punishment that it would operate as a bar for admission to or retention in lists A, B and C, as provided under the Punjab Police Rules, which is maintained for promotional purposes. The stage will only come when any major punishment is imposed on a Police Officer and not at the stage of suspension. Suspension per se is not punishment and it cannot have any effect on the rights of the constables to attended the Lower School Course, as stated above. For the reasons recorded above, this writ petition is allowed with the direction to the respondents to send the petitioner forthwith to attend the Course which is started in October, 1991. It is left to the authorities to pass appropriate orders on the question of promotion at the relevant stage, keeping in view the observations aforesadi and the rules on the subject. *Balraj Singh, Constable v. State of Punjab and others, 1991(6) S.L.R. 597: 1992(1) RSJ 188.*

33. Test parade prescribed under Rule 13.7 for selection.—It was also pointed out that all constables, in any case, under the rules are required to once a year to the lines where they have to undertake drill and parade a part of the normal upkeep, and for the selection of the present promotional course, such repetition is not necessary. Having regard to the view that I am about to take, the arguments put forth by the learned counsel are sound. Undisputably, the police rules provide that a recruit before he becomes a counsel has to undertake a training parade and thus it goes without saying that a Constable is well-equipped in his drills. And for the selection of a promotional course, if his drilling

skill is made to recede in the background but his knowledge of law is brought to the forefront, such step, to my mind, promotes efficiency in the police-force whose primary function is not only to maintain law and order in the State but also to prevent commission and detection to crime.

As analysed above, rule 13.7 has not been amended, alterned or obliterated from the Statue Book, but its workability has been relaxed inasmuch as the parade test for the year 1982 has totally been done away with, for the class of Constables who would be selected for the promotional Course. The suggested infraction or rule 13.7 with regard thereto cannot, to my mind affect the validity of the selection made for the Promotion Course, for both the reasons, that neither the rule 13.7 is mandatory in that sense nor has it remained mandatory by relaxation of its provision under the impugned orders. *Dalbir Singh and others v. State of Punjab and others, 1982(3) S.L.R. 329.*

34. Training–Petitioner selected and sent for promotion course—Recalled back after 1-1/2 months training.—Petitioner were selected by the Deputy Inspector General of Police for promotion course of Head Constables. They joinded the course and attended the same for 1-1/2 months when they were recalled by order of the Deputy Inspector General of Police. The order of recall was not a speaking order and no reason were given when they had been recalled. It was stated in the affidavit that petitioners had failed to qualify the law parade test and the Inspector General of Police has refused to relax the Rule 13.21 of Punjab Police Rules. The order recalling the petitioners from promotion course was illegal, ultra vires and is liable to be quashed. No condition was attached that selection of the petitioners was subject to the relaxation of rules granted by the Inspector General of Police. Rule 13.9 of Punjab Police Rules in so far it gave the powers of selection of admission to the promotion course for Head Constables was ultra vires Article 16 of the Constitution of India. *Udham Singh anothers v. The Inspector-General of Police and ors. 1973(1) S.L.R. 1048.*

35. Upper age limit of 30 years.—It is to be borne in mind that constables enter the police force between the ages of 18 and 27 and under the rule, broadly speaking, they must be selected for promotion, before the attain the age of 30 or not all all. It is true that the prescription of the maximum age of 30 for selection for promotion is bound so result in hardship to a considerable number of constables, who, is not selected, are condemned to stagnation in service for a long period of 28 years. This may necessarily lead to frustration among those who fail to get selected for promotion. On the other hand, the very prescription of the maximum age of 30 for selection for promotion of a constable indicates that the administrative agency responsible for making the rules expects from constables aspiring promotion a display of their talent and their ability from the very commencement of their career. Apparently, the administrative agency is of the view that only those should be selected for promotion that exhibit from the very beginning such qualities as are considered necessary for promotion to higher posts in the police service. That, as already explained appears to be the scheme of the rules. It is not as if any one is denied an opportunity of being considered for promotion. Since ordinarily the maximum age for entry into service is 27, every constable has at least one chance of making the grade in order that he may be selected for promotion, the number of chances depending on his age on enlistment as a constable. A person who enlists as a constable cannot complain that those who have enlisted young have a large number of chances. No one has a fundamental right to be promoted; one has only a right to be considered for promotion. No one has a fundamental right to have a minimum number of so many chances to be considered for promotion. *Deputy Inspector General of Police, Ambala Range, Ambala and another v. Shamshr Singh, Constable, 1977(1) S.L.R. 358.*

36. Selection of the Constables for admission to the promotional course—The Constables would be selected for admission to the promotional course, i.e., Lower School Course on the basis of the test, i.e., merit-cum-seniority and their names would be entered in the list prepared for admission to such course in order of merit determined by the Departmental Promotion Committee; *H. C. Kulwant Singh v. H. C. Daya Ram, AIR 2014 SC 3083: (2014) 8 JT 305: (2014) 8 SCALE 150: (2015) 3 SCC 177: (2015) 1 SCC (L&S) 625: (2014) 3 SCT 697 (SC) (DB).*

Rule 13.8 for Punjab

13.8. List C. Promotion to Head Constables.—(1) In each district a list shall be maintained in card index from (Form 13.8 (1) of all constable who have passed the Lower School Course at Phillaur and are considered eligible for promotion to Head Constable. A Card shall be prepared for each constable admitted to the list and shall contain his marking under sub-rule 13.5(2) and notes by the Superintendent himself, or furnished by Gazetted Officers under whom the constable has worked, on his qualifications and character. The list shall be kept confidentially by the Superintendent and shall be scrutinized and approved by the Deputy Inspector-General of Police at his annual inspection.

(2) Promotions to Head Constables shall be made in accordance with the principle described in sub-rules 13.1 (1) and (2). The date of admission to List C shall not be material, but the order of merit in which examinations have been passed shall be taken into consideration in comparing qualifications. In cases where other qualifications are equal, seniority in the police force shall be deciding factor. Selection grade constables who have not passed the Lower School Course at the Police Training School but are otherwise considered suitable may, with the approval of the Deputy Inspector-General, be promoted to Head Constable up to a maximum of ten per cent of vacancies.

Rule 13.8 for Haryana

13.8. List C. Promotion to Head Constables.—(1) In each district a list shall be maintained in card index form (Form 13.8(1) of all constables who have passed the Lower School Course at Phillaur and are considered eligible for promotion to Head Constable. A card shall be prepared for each constable admitted to the list and shall contain his marking under sub-rule 13.5(2) and notes by the Superintendent himself, or furnished by Gazetted Officer under whom the Constable has worked, on his qualifications and character. The list shall be kept confidentially by the Superintendent and shall be scruitinized and approved by the Deputy Inspector-General of Police at his annual inspection.

(2) [1][***]

Rule 13.8 for Himachal Pradesh

13.8. List C. Promotion to Head Constables.—(1) In each district a list shall be maintained in card index from (Form 13.8 (1) of all constable who have passed

1. Sub-rule (2) omitted by Haryana Govt. Notification No. S.O. 92/P.A. 5/1861/S. 2 and 7/2001, dated 28.6.2001.

the Lower School Course at Phillaur and are considered eligible for promotion to Head Constable. A Card shall be prepared for each constable admitted to the list and shall contain his marking under sub-rule 13.5 (2) and notes by the Superintendent himself, or furnished by Gazetted Officers under whom the constable has worked, on his qualifications and character. The list shall be kept confidentially by the Superintendent and shall be scrutinized and approved by the Deputy Inspector-General of Police at his annual inspection.

[1][(2) Promotions to Head Constables shall be made in accordance with the principle described in sub-rules 13.1 (1) and (2). The date of admission to List C shall not be meterial, but the order of merit in which examinations have been passed shall be taken into consideration in comparing qualifications. In cases where other qualifications are equal, seniority in the police force shall be the deciding factor. The posts of Head Constable likely to fall vacant in a calendar year shall be filled up in the following manner:

(a) Minimum 60% posts shall be filled up on merit through B-I Test subject to passing of Lower School Course;

[2][(b) 30% posts shall be filled up with the approval of the Inspector-General of Police on the basis of seniority cum fitness from amongst the Constables who have not qualified the Lower School Course;]

(c) Maximum of 10% posts shall be filled up with the approval of the Director General of Police from amongst the Constables who have not passed the Lower School Course, on the basis of consistent outstanding performance in job, outstanding performance in sports or display of act of exceptional bravery during the course of performance of official duty, as per standing order issued vide Director General of Police on the subject. In case all posts can not be filled up, these will be added to category in (a) above. The Lower School Examination has to be passed immediately thereafter.]

13.8A. Disqualification for admission to or retention in Lists A, B or C.— (1) The infliction of any major punishment shall be a bar to admission to or retention in lists A, B or C, provided that (a) for special reasons to be recorded by the Superintendent in each case and subject to confirmation by the Deputy Inspector-General, this disqualification may be waived and (b) after six months' continuous good conduct in the case of censure or confinement to quarters or on expiry of the period of reduction in the case of reduction for a specified period, a constable may be readmitted at the discretion of the Superintendent.

(2) Gazetted officers shall look out for, and encourage their Inspectors and Sub-Inspectors to bring to notice, constables who, by reason of their general character and ability or of special acts, are suited for inclusion in lists A, B or C, and shall, after satisfying themselves by necessary enquiries, make suitable recommendations to the Superintendent.

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1. Substituted by Himachal Pradesh Govt. Notification No. HOME-A-B(2)-4/90 dated 16.8.2012.
2. Substituted by Himachal Pradesh Govt. Notification No. HOME-A-B(2)-4/90 dated 24.5.2013.

SYNOPSIS

1. *Adhoc promotion–Seniority.*

1A. *Bringing of name on list C-1 for promotion to the post of Head Constable.*

2. *D.P.C. ignored petitioner for promotion for having short tenure of service.*

3. *Department ion of seniority.*

4. *Head Constables junior to the petitioners but on deputation with Police Training College sent for the Intermediate School Course.*

5. *Intermediate School Course.*

6. *List made in accordance with Rule 13.8.*

7. *Lower School Course.*

8. *Not sent because of stoppage of increment for one year.*

9. *Reservation for Scheduled Castes/Lower School Course.*

10. *Reversion.*

11. *Reversion from the post of Head-Constable.*

12. *Reversion from the post of Head Constable to that of Constable.*

13. *Right for being deputed for the Intermediate School Course.*

14. *Ten per cent vacancies of Head Constable to be filled up from amongst those Selection grade Constable who had not passed the Lower School Course.*

15. *Training -Petitioner ignored.*

16. *Procedure for promotion to the Head Constables,*

17. *Infliction of any major punishment-Effect of.*

18. *Disqualification to be retained in List A, B or C-Waiver of.*

19. *Promotions to the post of Head Constables-Principles for.*

20. *Reasoning recorded by the S.S.P., Amritsar-Sustainability of.*

1. Adhoc promotion–Seniority.—Petitioner was an exemptee Head Constable of List C-2 and was reverted. He had undergone Lower School Course without challanging the order of reversion, as a result of which, his claim of list C-2 where he was promoted on adhoc and fortuitous basis became redundant. The Petitioner didn't perform the duty of Head Constable continuously and was, in fact, reverted. Therefore he cann't claim benefit of list C-2 once he had come on list C-I on March, 15,1994. *Director General of Police, Haryana, Panchkula and Others v. Paramjit Singh and Others, 2008(2) RSJ 782 (DB).*

1A. Bringing of name on list C-1 for promotion to the post of Head Constable.—Rule 13.8(2) and instructions Annexure P2 clearly stipulate that entry in list 'C-1' has necessarily to be from the date of qualifying the Lower School Course and the order or merit. It is not disputed that the petitioners passed the lower school course on the same date as respondent No. 4 to 8 and 10. The two petitioners were admittedly higher in merit than the said respondents. If that he so then the action of the respondents was totally unjustified to bring the names of petitioners on list 'C-1' with effect from February 1, 1976 instead of September 29, 1975 or atleast October 1, 1975. Instead of correcting tha apparent mistake, the Deputy Inspector General of Police, Hissar fell in procedural and technical wrangles. Nothing has been brought to my notice which may specify any limitation for correcting an admitted clerical mistake and if that be so even a technical objection raised

against the claim of petitioners has necessarily to be rejected. *Rajinder Singh and another v. State of Haryana and othesrs, 1991(3) S.L.R. 210: 1991(1) RSJ 761.*

2. D.P.C. ignored petitioner for promotion for having short tenure of service.—It is the case of the respondents that the Exemptee quota of promotion is meant only for those constables who are otherwise suitable for promotion as Head Constable but could not, for one reason or the other, qualify the lower school course, and that promotion against the Exemptee quota is given not merely on the basis of seniority, but the suitability of the official to hold the post of Head Constable has also to be adjudged. It is stated that the petitioner was not considered suitable for the said promotion against the Exemptee quota in view of his very short tenure of service in the Police Department since he had worked for less than a year as a regular police constable after passing out from the the Recruits Training Centre in the session ending March, 1987. It is further stated that the normal channel of promotion to the cadre of Head Constables is from amongst Police Constables who have passed the Lower School Course for which selections are made on the basis of a tests held every year and that the petitioner had not even attempted to compete in the said test though he had become eligible to do so in 1988. *Vichittar Singh v. State of H.P. and others, 1989(4) S.L.R. 283.*

3. Determination of seniority.—The seniority of the Head Constables has to be determined by the Inspector General of Police on State-wise basis and not by the Deputy Inspector General of Police, on Range-wise basis. I do not find any merit in this contention as under Rules 13.8 and 13.9 of the Rules, seniority of Head Constables has to be determined by the Deputy Inspector General of Police according to the Range and not on State-wise basis. This matter, therefore, stands settled and has asumed finality and there is no warrant for re-opening the same. Still, if confirmation of any Head Constable has been made or benefit of seniority of promotion has been granted to any Head Constable in violation of the aforesaid Rules and the rights of senior persons have been adversely affacted, it is the duty of the respondent authorities to look into the matter and redress the genuine grievance of the senior Head Constables promptly. *Laxmi Narain and others v. State of Haryana and others, 1991(4) S.L.R. 119.*

4. Head Constables junior to the petitioners but on deputation with police Training College sent for the Intermediate School Course.—We find that grave injustice is done by the respondents in sending the deputationists to attend the Course. Rule 13.8 of the Punjab Police Rules as applicable to Haryana contemplates that confirmed Head Constables in order of seniority would be sent to attend the Course, may be while on deputation. The right of the petitioners is jeopardised and they have a genuine grouse. What will happen afterwards need not be taken into consideration. Suffice it to say that Rule 13.8 stood violated as far as the right of the petitioners is concerned. *Surinder Singh and others v. State of Haryana and others, 1992(1) S.L.R. 621: 1992(1) RSJ 733.*

5. Intermediate School Course.—Respondents remain duty bound to depute every Head Constable on List 'C' to undergo the Intermediate School Course strictly in the order of his seniority determined in accordance with Rule 13.8. *Suresh Kumar v. State of Haryana, 1991(2) RSJ 314. See also 1991(3) RSJ 596, 1991(3) RSJ 626, 1991(3) RSJ 490.*

The seniority of the Head Constables has to be determined by the Inspector General of Police on State-wise basis and not by the Deputy Inspector General of Police, on Range-wise basis. I do not find any merit in this contention as under Rules 13.8 and 13.9 of the Rules, seniority of Head Constables has to be determined by the Deputy Inspector General of Police according to the Range and not on State-wise basis. This matter, therefore, stands

settled and has assumed finality and there is no warrant for re-opening the same. Still, if confirmation of any Head Constable has been made or benefit of seniority or promotion has been granted to any Head Constable in violation of the aforesaid Rules and the rights of senior persons have been adversely affected, it is the duty of the respondent authorities to look into the matter and redress the genuine grievances of the senior Head Constable promptly. *Sahib Singh, Head Constable and others v. The State of Haryana, Home Department and others, 1991(4) S.L.R. 456.*

6. List made in accordance with Rule 13.8—Once a list has been made in accordance with rule 13.8 names therefor can be removed only under the provisions of rule 13.8-A or rule 13.13. Under the former rule the infliction of any major punishment shall be a bar to the retention of the name of a person or the promotion list and the Superintendent of Police is bound to remove that name unless for special reasons to be record by him the name is retained but that also subject to confirmation by the Deputy Inspector-General of Police. Under the latter rule *viz.* 13.13, the Deputy Inspector General of Police is to supervise the working of the promotion list and he has the authority to remove any name which he considers has been improperly admitted on that list.

The petitioner's case is that he was brought on the promotion list early in 1965 and his name was illegarlly removed from that list by the second respondent. Shri P.C. Wadhwa has, on the other hand, stated in his return that the petitioner's name was brought on list II and he admits that he removed his name from that list. The question that arises is whether the petitioner's name was ever on list 'C' as contemplated by rule 13.8 and if so could it be removed by the second respondent when admittedly neither were any directions of the Deputy Inspector-General of Police under rule 13.13 issued to the effect nor did the contingency contemplated by rule 13.8A ever come into existence. On a reading of rule 13.8(1) it is clear that only the names of those constables who have passed the Lower School Course at Phillaur and are considered eligible for promotion as Head Constable can be brought on promotion list 'C'. Persons who have not passed this course cannot be brought on promotion list 'C'. Under sub-rule (2) of rule 13.8, however, in the case of selection grade constables who have not passed the Lower School Course at the Police Training School but are otherwise considered suitable may with the approval of the Deputy Inspector-General of Police be promoted as Head Constables upto a maximum of ten per cent of the vacancies in the posts of Head Constables. Thus, those constables who have not passed the Lower School course may be promoted as Head Constables in a quota fixed from them without being brought on list 'C'. A reading of sub-rule (1) of rule 13.8 leaves no doubt that such constables who have not passed the Lower School Course cannot be brought on list 'C'. It follows, therefore, that if the vacancies in the posts of Head-Constables available then in the ten per cent quota constables who have not passed the Lower School Course may be promoted but that does not mean that they are promoted as from promotion list 'C'. They are promoted in their quota after selection from those who are considered suitable. For this purpose it would necessarily require that at the time when promotions are made selection grade constables who are suitable though may not have passed the Lower School Course would be considered by the Superintendent of Police and if the selection made by him is approved by the Deputy Inspector General of Police those persons would be promoted to the post of Head Constables. Accordingly, the contention of the petitioner that he was brought on promotion list 'C' cannot be accepted as under the rules he could be brought on that list and the return filed by Shri P.C. Wadhwa clearly states that he was brought on list C-II. *Shri Megh Singh, Constable v. State of Punjab and others, 1971(2) S.L.R. 823.*

7. Lower School Course.—If any person, who had secured the same or lesser marks as those secured by the petitioner has been deputed for the lower school course, the petitioner shall be deputed forthwith. *Jagmal Singh v. The State of Haryana and others, 1992(1) RSJ 735.*

Rule 13.8(2) of the Punjab Police Rules, 1952 and instructions Annexure P2 clearly stipulate that entry in list 'C-1' has necessary to be from the date of qualifying on Lower School Course and the order of merit. *Rajinder Singh v. State of Haryana, 1991(3) RSJ 345.*

8. Not sent because of stoppage of increment for one year.—The main point which needs to be considered is whether the applicant could be debarred from being sent to the Intermediate Course which commenced from 1.4.1983. The respondent No. 2 has pertinently mentioned that the applicant could not have been sent for this course, as Middle pass was one of the essential qualifications and the applicant furnished middle pass certificate only in May, 1983. This apart, it will be readily seen that in accordance with the view taken by the Full Bench of the Punjab and Haryana High Court in *Sardul Singh v. Inspector General of Police, Punjab and others stated above*, the applicant could at best become entitled to be sponsored for this course, notwithstanding the fact that a departmental enquiry was pending against him. However, as pointed out by the learned Addl. Advocate General, the passing of the Intermediate School Course was only one of the essential qualifications under Rule 13.9 of the Police Rules for being promoted to the next higher rank and his suitablility from the point of view of efficiency and integrity had to separately be determined before he could be brought on List 'D' which is drawn out for promotion to the next higher rank. In other words, there is considerable force in his argument that even if it is presumed that the applicant should have been sent for the Intermediate School Course on an earlier occasion, this would be of no avail to the applicant as there could be no automatic enlishment in list 'D' without further consideration of his case from the stand-point of efficiency and honesty in terms of Rule 13.9 of the Police Rules. A part from the fact that he was otherwise ineligible, (as he submitted his middle pass certificate in May, 1983), the stoppage of increment for one year temporarily would have, in all likelihood come in his way while considering his case for promotion under Rule 13.9 of the Police Rules. Further more, as passing of the Intermediate School Course is one of the essential qualifications for being considered for promotion to the next higher rank which he actually passed sometime in 1987, it would be difficult to accept the propostion that the applicant should be deemed to be eligible for promotion to the next higher rank as from 1983 and should be consequentialy given national seniority as from 1983, over his juniors who were sent for this course. *Amar Singh v. State of H.P. and others, 1989(7) S.L.R. 701.*

9. Reservation for Scheduled Castes/Lower School Course.—In Ram Kumar's case (supra), the Division Bench observed that by no stretch of imagination the process of selection for being sent to the Lower School Course in terms of rule 13.7 can possibly be held or equated to the consideration for promotion envisaged by rule 13.8. The above observation in Ram Kumar's case and Sardul Singh's case fully cover the controversy before me. There is, therefore, no escape from the conclusion that places at Nos. 1, 6, 11 and so on could not be reserved for the scheduled castes candidates in the list Annexure P.1 when admittedly on merit the petitioners were superior to them and would have found place in the list of 72 candidates sent to the Lower School Course in April and October, 1985. *Ravinder Singh, Constable v. State of Punjab and others, 1986(1) S.L.R. 492.*

10. Reversion.—Under Rule 13.8(A)(1), the reversion of the petitioner from promotion course clearly tantamonts to removal of his name from Promotion List 'B', which cannot be awarded without any major punishment. *Karan Singh v. Principal Police Training College, 1991(3) RSJ 375.*

11. Reversion from the post of Head-Constable.—With regard to the reversion of the petitioner from the post of Head-Constable to that the Constable, in my opinion, the petitioner can have no ground for grievance. His promotion was in an officiating capacity and specifically on the term that he would be reverted to his substantive rank when Lower School Course qualified constables were available. According to the return of Shri Wadhwa, the reversion of the petitioner was made in normal administrative manner on 7.3.1966 as three duly qualified constable were expected back from the Police Training School. *Shri Megh Singh, Constable v. State of Punjab and others, 1991(2) S.L.R. 823.*

12. Reversion from the post of Head Constable to that of Constable.—It is not in dispute that the petitioner was promoted as Head Constable and he continued to hold the same for a pretty long time. He must have earned increments during this period. The law is well settled that if any order detriment to the interest of a Govt. employee is passed, the concerned employee has a right to know the circumstances/background, which led to the passing of the impugned order. Admittedly, in the instant case, no opportunity of being heard, was afforded to the petitioner. No reason in the impugned order for reverting the petitioner has been recorded. As such, the impugned order of reversion being against equity and violative of principles of natural justice is liable to be quashed. *Hardev Singh v. State of Haryana and others, 1991(7) S.L.R. 141: 1992(2) RSJ 493.*

13. Right for being deputed for the Intermediate School Course.—In the first instance, the Deputy Inspector General of Police of the Range concerned shall deputed the confirmed Head Constables for the Course according to the seniority list of the Range, and after the list of confirmed Head Constables is exhausted, then the Head Constables on probation, and last of all the officiating Head Constables. The Head Constables so qualifying the Intermediate School Course, shall be entitled to all the consequential benefits of seniority and promotion to higher ranks arising therefrom, in accordance with Rules 13.8 and 13.9 of the aforesaid Rules. *Laxmi Narain and others v. State of Haryana and others, 1991(4) S.L.R. 119.*

14. Ten per cent vacancies of Head Constables to be filled up from amongst those selection grade Constables who had not passed the Lower School Course.—The petitioner was illegally ignored for the lower school course before he became overage as well as thereafter and that his name was not considered for List C-II because he was on deputation. These allegations are denied by Respondent No. 2 in the reply. In para 5 of the reply it is averred that the petitioner was considered for lower school course, but he was not selected. In para 6 it is averred that it is incorrect that the petitioner was not considered for List C-II because he was on deputation and bringing name of a constable on List C-II is a concession and cannot be claimed as of right. Only those constables are considered for List C-II, who have become overage for passing the lower school course, but come to conspicuous notice for good work indicating fitness for further promotion as Head Constables and are recommended by officers under whom they serve, as persons suitable for promotion. Thus, it cannot be considered as a concession. It is a right of such selection grade constables who have not passed the Lower School Course to be brought on List C-II. However, it is open to the authorities not to bring on List C-II if, in their opinion, a particular selection grade constable is not found fit. But at least every selection grade constable who has not passed the lower school course is to be considered for bringing his name on List C-II. *Raghubir Singh, Constable v. State of Haryana and others, 1982(2) S.L.R. 627.*

15. Training–Petitioner ignored.—The petitioner and respondent No. 5 were deputed for Lower School Course in Batch No. 5 in which they attained 24th and 33rd positions respectively. The petitioner was brought on C. 1 List prior to respondents 6 and 7 and

was higher in merit in Batch No. 5 in the Lower School Course. Official Respondents were not able to furnish any plausible explanation for deputing respondents 5 to 7 to Intermediate Course in preference to the petitioner. Admittedly, the petitioners in both the writ petitions are senior to respondent No. 7 Samundar Singh, who has not been confirmed as Head Constable so far. The intersting aspect of the matter is that the Director General of Police, Haryana, Chandigarh in Police Teleprinter Message, which is Annexure R-II to the writ petition, had allotted one seat in Intermediate Course during 1990-91, which was offered to respondent No. 7 Samundar Singh. This clearly indicates that the additional seat was specially created for respondent No. 7 for the reasons best known to the respondent-department. Had this seat been created for sportsmen category, the claim of other eligible sportsmen would have been considered and it should not have been created by name. *Baljit Singh, Offg. A.S.I. Karnal v. State of Haryana and others, 1991(2) S.L.R. 453: 1991(3) RSJ 70.*

16. Procedure for promotion to the Head Constables—Promotion to the Head Constables is governed by Rule 13.8 and perusal of Rule 13.8 (2) makes it clear that promotions to the post of Head Constables are made subject to the principle described in sub-rules (1) and (2) of Rule 13.1 which provide that promotions from one rank to another shall be made by selection. *H. C. Kulwant Singh v. H. C. Daya Ram, AIR 2014 SC 3083: (2014) 8 JT 305: (2014) 8 SCALE 150: (2015) 3 SCC 177: (2015) 1 SCC (L&S) 625: (2014) 3 SCT 697 (SC) (DB).*

17. Infliction of any major punishment-Effect of—As per statutory provision of the Rele 13.8A of the Reules, 1934, it is clear that infliction of any major punishment would be a bar to admission or retention in List A, B or C. However, proviso (a) states that for special reasons to be recorded by the Superintendent in each case and subject to confirmation by the Deputy Inspector General such disqualification may be waived of. *Wassan Singh v. State of Punjab, (2017) 4 Law Herald 3533 (P&H).*

18. Disqualification to be retained in List A, B or C-Waiver of—The proviso (a) under Rule 13.8A (a) (1) envisages the disqualification to be retained in List A, B or C on account of imposition of a major punishment to be waived for special reasons to be recorded by the Superintendent and subject to confirmation by the Deputy Inspector General. *Wassan Singh v. State of Punjab, (2017) 4 Law Herald 3533 (P&H).*

19. Promotions to the post of Head Constables-Principles for—Perusal of Rule 13.8 (2) of the Rules, 1934 makes it clear that promotions to the post of Head Constables are made subject to the principle described in sub-rules (1) and (2) of Rule 13.1 which provide that promotions from one rank to another shall be made by selection. *H. C. Kulwant Singh v. H. C. Daya Ram, AIR 2014 SC 3083: (2015) 3 SCC 177: (2015) 1 SCC (L&S) 625: (2014) 8 JT 305: (2014) 8 SCALE 150: 2014 AIR SCW 4352: (2014) 3 SCT 697: (2015) 1 RSJ 49 (SC) (DB).*

20. Reasoning recorded by the S.S.P., Amritsar-Sustainability of—In other words, as per spirit of the proviso it was the reasoning recorded by the S.S.P., Amritsar (Rural) that had to be dealt with by the Inspector General of Police and a view had to be formed with regard to confirmation of the same or otherwise. This is precisely the aspect which has been completely overlooked while passing the impugned order dated 28.1.2013. Accordingly, the order dated 28.1.2013 cannot sustain. *Wassan Singh v. State of Punjab, (2017) 4 Law Herald 3533 (P&H).*

Rule 13.9 for Punjab

[1][**13.9. List D. Selection of candidates for promotion course for Head Constables. Promotion to the rank of Assistant Sub-Inspector.**—(1) List 'D' shall be maintained in two parts for Head Constables in card Index Form No. 13.9 in each District. Selection for admission to the promotion course for Head Constable at the Police Training College, will be made from amongst all the confirmed Head Constables. No Head Constable shall be eligible for admission to the promotion course for Head Constable at the Police Training College, unless;—

(1) He has passed Middle Standard Examination.

(2) He is below the age of forty years on the day of commencement of the next course.

(2) The names of the Head Constables who qualify at Police Training College in the Promotion Course for Head Constables will be entered in Part-I of List 'D' as soon as they qualify the same. While entering the names in this part they will maintain their seniority *inter se*. The names of the outstanding Head Constables who have not passed the Promotion Course of Head Constables at Police Training College due to being over-age but otherwise are of exceptional merit and are considered suitable may, with the approval of Inspector-General of Police, be entered in Part II of List 'D'. No more than 10 per cent of the posts of Assistant Sub-Inspectors both permanent and temporary will be filled from the names of Part II of List 'D'. This part will not at any time contain names more than two per cent of the cadre strenth of Assistant Sub-Inspectors in a range, both termporary and permanent.

(3) Annual Confidential Reports of all the Head Constables in Parts I and II of List 'D' shall be furnished to the Deputy Inspector-General of Police by the 15th day of April, each year in Form No. 13.9(3).

(4) Promotion to the rank of Assistant Sub-Inspector shall be made in accordance with the seniority of the Head Constables on List 'D', which may be ignored by the Superintendent of Police in exceptional circumstances only for reasons to be recorded in writing with the approval of the Deputy Inspector-General of Police.]

Rule 13.9 for Haryana

13.9. List D. Promotion to Assistant Sub-Inspectors.—(1) A list shall be maintained in each district in card index Form 13.9(1) of those head constables who have passed the lower school course and the Intermediate school course at the Police Training School and are approved by the Deputy Inspector-General as eligible for officiating or substantive promotion to the rank of Assistant Sub-Inspector. No head constable shall be admitted to this list who is not thoroughly efficient in all branches of the duties of a constable and head constable and of established integrity.

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1. Substituted by Punjab Govt. Gaz. LSP III 1972 Page 71.

(2) Officiating promotion to the rank of Assistant Sub-Inspector shall be made from the list prescribed in sub-rule (1), as far as possible in rotation, so as to give each man a trail in the duties of the higher rank. Substantive promotion shall be made by the deputy Inspector-General in accordance with the principles prescribed in rule 13.1, and officiating promotion shall be made in accordance with sub rule 13.4 (2).

(3) Half-yearly reports in Form 13.9(3) on all head constables in this list shall be furnished on the 15th April and the 15th October, to the Deputy Inspector-General.

SYNOPSIS

1. *Ad hoc promotion—Reversion therefrom to substantive rank—Validly of reversion.*
2. *Age of 40 years for the Head Constables.*
3. *Departmental test for promotion list D.*
4. *Deputed as a result of his promotion in the Teleprinter staff.*
5. *Employee to be sent for Intermediate School Course.*
6. *Entitled to be deputed for Intermediate School Course on the basis of their seniority.*
7. *Every Assistant Sub Inspector of Police has a right to be deputed for Upper School Course.*
8. *Head Constables may be sent for the Intermediate School Course otherwise than in accordance with their seniority.*
9. *Head Constable promoted as A.S.I. without passing Intermediate School Course—Can be reverted when qualified Head Constables become available.*
10. *Petitioner eligible for promotion denied consideration on the ground that he belonged to general cadre of post.*
11. *Police officers deputing Head Constables in disregard of seniority.*
12. *Promotion—Intermediate school course.*
13. *Right to be sent to Intermediate School Course.*
14. *Selection on list 'C' for the promotion course.*
15. *Selection on the basis of efficiency and honesty.*
16. *Training—Petitioner recruited as Constable.*
17. *Regularisation of ad hoc promotion of the petitioner-Direction for.*
18. *Regularisation of ad hoc promotions of ASI-Effect of.*

1. Adhoc promotion—Reversion therefrom to substantive rank–Validly of reversion.—On the transfer of the Commandant who had promoted the petitioner, a new Commandant came and passed the reversion order without there being any reason to do so. Learned counsel stressed on different achievements of the petitioner in the field of sports as mentioned in the petition. There is no force in the contention of the counsel for the petitioner. Annexure R.1 is the order vide which the petitioner was promoted on ad hoc basis keeping in view his achievements in the field of sports. It further provides as under—

His promotion is temporary, fortuitous and he will not claim any seniority over and above his seniors for this ad hoc promotion. He will be liable to be reverted without the formality of show cause notice. Since the petitioner was not promoted strictly in accordance with the rules, *i.e.* after he had been deputed to the Intermediate School Course and in order of seniority, he could not claim any right to the promoted post. Under Rule 13.9 of the Punjab Police Rules promotion to the post of Sub-Inspector is made from confirmed Head Constables, who after doing Lower School Course, are placed in list 'D' maintained for the purpose. The petitioner was not promoted in order of seniority from the list 'D' aforesaid. He was promoted out of turn taking into consideration his achievements in sports. Reversion from the aforesaid promoted post thus does not amount to punishment. *Jagat Singh, A.S.I. v. State of Haryana and others, 1992(5) S.L.R. 504.*

2. Age of 40 years for the Head Constables.—Prescription of age of 40 years for the Head Constables on attaining which they are debarred from being considered for the promotion course for Head Constables under Rule 13.9 of the amended Rules is unconstitutional and has to be struck down. *Ram Labhaya, Assistant Sub-Inspector of Police and others v. The State of Punjab, through the Secretary for Home Affairs, Punjab and others, 1972 S.L.R. 775.*

3. Departmental test for promotion list D.—Relevant rule governing the petitioner's promotion and inclusion of his name in List 'D' is 13.9. On perusal of this rule, which has been reproduced earlier, it is apparent that there is nothing in it which em-powers the Superintendent of Police or any other police authority to hold an examination before framing the list 'D' for promotion or deputing Head Constables for undergoing the Intermediate School Course. It is true that while framing List 'D' for the purpose of promoting Head Constables to the rank of Assistant Sub-Inspector, the authorities concerned have not to be guided by seniority alone but have also to otherwise judge fitness of the candidate, but in the instant case non inclusion of the petitioner's name in List 'D' is justified solely on the ground that he had failed to secure a position of merit in the examination held for the purpose. Since it has been found that the examination, or the test prescribed by the police authorities, had no sanction in the Police Rules or any other law, the authorities could not disqualify the petitioner from being brought on the List 'D' for his failure to secure a position of merit in that examination. The result of the examination has to be totally ignored and if it has been taken into account by the authorities in jugding whether the petitioner is fit to be brought on the list, their decision stands vitiated and constitutes violation of rule 13.9. The petitioner was entitled to have his case considered for promotion and the inclusion in List 'D' without his having taken the examination and since his failure to secure a position of merit in the examination is the primary factor which has been used against him, the order of the authorities cannot be upheld. *Ram Kishan, Head Constable v. The Inspector General of Police, Haryana and others, 1968 S.L.R. 661.*

4. Deputed as a result of his promotion in the Teleprinter staff.—It is sought to be pleaded that since the petitioner is not a confirmed Head Constable in the executive branch of the police force and is only a member of the teleprinter staff, he is not entitled to be deputed for the course in accordance with the above noted rule. I see no merit in this submission for the short reason that merely on account of his promotion and later confirmation as a Head Constable in the teleprinter staff, he does not cease to be a member of the police force. He admittedly is governed by the Punjab Police Rules referred above. Almost a similar argument was raised on behalf of the respondents in *Mela Ram v. State of Punjab etc., 1979* Current Law Journal 213 and was negatived by this Court. *Raj Kumar, Head Constable v. State of Haryana and others, 1983.*

5. Employee to be sent for Intermediate School Course.—The respondent authorties are not in a position to produce any material before me to show that as a matter of fact the two alleged Cadres named as Executive Clerical Cadre and Executive Cadre in the Police Department were created by any competent authority. It is also not shown to me that while exercising their alleged options to continue to work on the clerical side the petitioners had ever given up their claim or right to be promoted to the next ranks under the Rules. Otherwise also it is difficult to accept the plea raised on behalf of the respondent. If the petitioners were brought to the clerical side or the cadre as those authorities choose to call it only as Constables, how and why these people cannot aspire for or seek their due promotion in accordance with the Rules while remaining in the same branch or cadre of the Police Department? If they were brought to these offices as Clerks, why cannot they continue in these very offices as Head Constables or A.S.Is. or while enjoying still higher ranks? In the light of this I see no merit in the stand taken on behalf of the respondent authorities. *Dhanna Singh and others v. State of Punjab and others, 1986(4) S.L.R. 617.*

6. Entitled to be deputed for intermediate school course on the basis of their seniority.—I direct the respondent authorities to depute the petitioners other than Om Parkash to the next Intermediate School Course strictly in accordance with their seniority and the law laid down in the above noted Full Bench judgment in Sardul Singh's case. Since Om Parkash had admittedly been sent for this Course and was recalled during the pendency of this petition, he is directed to be sent to the Course forthwith. The petitioners are also held entitled to the costs of this litigation which I determine at Rs. 300 in each case. *Phool Chand, Head Constable and ors. v. State of Punjab and ors., 1984(1) S.L.R. 365.*

7. Every Assistant Sub-Inspector of Police has a right to be deputed for Upper School Course.—It is clear that the instructions contained in the memo. of the Inspector General of Police dated August 25, 1964, had not been approved by the State Government and had been issued by the Inspector General of Police on his own authority. These instructions run counter to the Police Rules and were struck down by me as well as by the Division Bench which heard the appeals against my orders. In addition to the reason given in those judgments, we are also of the opinion that the instructions issued in the memo dated September 16, 1933, and the memo. dated August, 25, 1964, cannot be enforced as supplemental to the Police Rules because they were not issued by the State Government which alone hade the right to make rules under the Police Act 5 of 1861. According to their Lordships of the Supreme Court, in *Sant Ram Sharma v. State of Rajasthan, AIR 1967 SC 1910*, the supplemental instructions can only be issued by the State Government which is competent to make the rules provided they are not inconsistent with the rules already framed. The instructions being void and of no effect, no selection can be made of the Assistant Sub-Inspectors of Police for being sent for the Upper School Course at the Police Training College, Phillaur. Whatever has been said above in regard to the first category of cases equally apples to these cases if we substitute list 'E' for list 'D' Sub-Inspectors for Assistant Sub-Inspectors, Assistant Sub-Inspectors for Head Constables and the Upper School Course for the Intermediate School Course. In their cases also, the selection should be made in accordance with seniority unless any particular Assistant Sub-Inspector of Police is exempted from passing that course. While sending the Assistant Sub-Inspectors of Police for training for the Upper School Course, the confirmed Assistant Sub-Inspectors shall be considered first, thereafter the Assistant Sub-Inspectors on probation and last of all the officiating Assistant Sub-Inspectors. *Sardul Singh, Head Constable v. Inspector-General of Police, Punjab and others, 1970 S.L.R. 505.*

8. Head Constables may be sent for the Intermediate School Course otherwise than in accordance with their seniority.—We also hereby direct that those Head Constables who may be sent for the Intermediate School Course, otherwise than in accordance with their seniority, shall be liable to be sent back from the course on this ground alone, regardless of the stage of the course at the time when this is detected. *Ram Phool, Sub Inspector and others v. State of Haryana and others, 1992 (5) S.L.R. 767.*

9. Head Constable promoted as A.S.I. without passing Intermediate School Course-Can be reverted when qualified Head Constables become available.—It is not possible to quash the order of reversion of the petitioners because they were holding the posts of Assistant Sub-Inspectors of Police in an officiating capacity and their reversion to their substantive rank was no by way of punishment nor cast any stigma on them. They had no right to the officiating posts and since better qualified persons became available, according to rule 13.9 of the Police Rules, the order of reversion was legal. Under rule 13.9, no Head Constable can be appointed as an officiating Assistant Sub-Inspector of Police unless he has passed the Intermediate School Course and is admitted to list 'D'. *Sardul Singh, Head Constable v. Inspector-General of Police, Punjab and others, 1970 S.L.R. 505.*

10. Petitioner eligibile for promotion denied consideration on the ground that he belonged to general cadre of post.—It is to be noted that there is Uppper School Course which Assistant Sub-Inspectors undergo for their eligibility for promotion to the post of Sub-Inspector. Rule 7.2 ibid provides that all gazetted and upper subordinate police officers except Assistant Sub Inspectors and mounted officers and are required to maintain a standard of efficiency in horsemanship which enables them to perform journeys on horseback and other duties with the mounted police. No doubt there is a provision for granting exemption to some officers by general or special order. Recruits for the mounted police are either obtained by direct direct enlistment or from out of the foot police. Rule 7.8 provides that the reserve for the mounted police is embodied in the general reserve of head constables and constables sanctioned for fixed duties. Recruits for the mounted police are borne on the dismounted reserve until they are obsorbed in vacancies in the mounted establishment. It is thus clear that an official from the general cadre who is equipped with necessary accomplishment of being a member of the mounted police is as and when the occasion arises taken in the mounted police. The petitioner in fact remained in the mounted police for a period of 21 years and he even worked as Riding Instructor in the Training School. It has not been brought on the record that he went to the general cadre of his own violation. The mere fact that he passed the Intermediate examination and was promoted as Assistant Sub-Inspector, a post which is not available in the mounted police does not mean that for all times to come he cannot be considered for promtotion to a higher post in the mounted police. In fact it appears that the personnel of the mounted police are drawn from time to time from the general cadre. Therefore, in case a chance for promotion to the higher post is available in the mounted police the petitinor along with other eligible officers officers thought to be considered for that post. *Ajit Singh v. The State of Punjab and others, 1988(7) S.L.R. 178.*

11. Police officers deputing Head Constables in disregard of seniority.—The complaint is of junior having been sent to the course in preference to the appellants who claim to be their seniors. It has, however, come on record that there were at least 300 other Head Constables senior to the appellants who had not so far been sent to the course. It was on this account that the learned single Judge declined to direct the appellants to be sent to the course. While, no exception can, indeed, be taken to this view of the learned single Judge, this case does, however, bring out another grlaring instance of the settled position

law being disregarded by the authorities concerned, while deputing Head Constables for the Intermediate School Course. *Ram Phool, Sub Inspector and others v. State of Haryana and others, 1992(5) S.L.R. 767.*

12. Promotion–Intermediate school course.—The petition has been opposed and a written statement has been filed by respondent No. 3 on his own behalf and that of respondents Nos. 1, 2 and 4. It has been contended therein that the method of allocation of seats to different districts has been adopted by him through the impugned order "to prevent differences in the seniority of Head Constables". A specific averment made by the petitioners in para 18 of the petition that in all other ranges in Haryana, *i.e.* Hissar and Gurgaon, Head Constables have been deputed to the Intermediate School Course on the basis of their seniority at the range level and that no further allocation on the basis of districts has been made in those ranges has not however, been denied in the written statement.

By allocating seats for different districts in Ambala Range through the order Annexure P. 2 respondent No. 3 had made an attempt to dilute the effect of the judgment dated 11.4.1986 of this Court. To say the least respondent No. 3 thought to have submitted to the verdict of this Court and desisted from circumventing the directions contained therein. It was conceded before I.S. Tiwana, J., in C.W.P. No. 771/1986 that for the purpose of deputing Head Constables to the Intermediate School Course, the Deputy Inspector-General of Police maintained a working seniority of confirmed Head Constables, and he deputes them for the course on the basis of that seniority. *Rishi Pal, Head Constable and others v. State of Haryana, 1987(4) S.L.R. 717.*

13. Right to be sent to Intermediate School Course.—It is inherent in Rule 13.9 and a legitimate inference can be drawn from the language of this rule that every Head Constable on list 'C' has the right to be reputed for the Intermediate School Course on his turn and no obstacle can be placed in his way by any of the authorities because it is a necessary qualification prescribed by that rule and there is no other institution from where this qualification can be required. If a Head Constable could qualify himself by passing the Intermediate School Course from any other institution, no obligation would have been cast on the Government to afford him an opportunity to pass that course and thus acquire that qualifications just as educational qualifications are prescribed which can be acquired by the candidates from any of the numerous institutions. Since this qualification cannot be acquired in any other way but by admission to the Police Training College, the Head Constable willing to undergo that course must be afforded an opportunity to do so. Since the number of seats for the Intermediate School Course is limited, the Head Constables can be sent in the order of seniority as stated hereinafter. *Head Constable Sardul Singh v. Inspector General of Police, Punjab and ors., AIR 1970 Punjab 481: 1970 Cur. L.J. 755.*

14. Selection on list 'C' for the promotion course.—Selection of Head Constables on list 'C' for the promotion course under Rule 13.9 of Punjab Police Rules, 1934 as amended by Punjab Police (First Amendment) Rules, 1972 does not form part of the process of promotion of a Head Constable to the rank of Assistant Sub-Inspector and, therefore, the provision of a test for selection from amongst confirmed Head Constables for admission to the promotion course for Head Constables in ultra vires Article 16 of the Constitution of India as it puts a hurdle in their way to acquire the necessary qualification which alone will make them eligible for the next promotion. No provision can be made for a test in order to select the Head Constables on list "C" for admission to the promotion course for Head Constables under Rule 13.9 of the Punjab Police Rules, 1934 as amended in 1972. *Ram Labhaya, Assistant Sub-Inspector of Police and others v. The State of Punjab, through the Secretary for Home Affairs, Punjab and others, 1972 S.L.R. 775.*

15. Selection on the basis of efficiency and honesty.—When a particular qualification is prescribed by the State Government, and in order to acquire that qualification the training course is also run by the Government alone, then it becomes a duty of the Government to afford the opportunity to all eligible Head Constables to qualify themselves for that course. *Head Constable Sardul Singh v. Inspector General of Police, Punjab and ors., AIR 1970 Punjab 481: 1970 Cur. L.J. 755.*

16. Training–Petitioner recruited as Constable.—Petitioner was recruited as a Constable in the Police Department on July 9, 1971, and was promoted as Head Constable on November 1, 1975. He was further promoted as Assistant Sub-Inspectors on December 13, 1983, and was confirmed as such on January 2, 1987. As he was not being considered for being sent to Upper School Course, he has filed this writ seeking a direction to the respondents for sending him to the Upper School Course. The respondents in their reply have taken the stand that the petitioner is working in the Wireless Section of the Haryana Police, so he is not entitled to be considered for being sent to the Upper School Course.

Mr. Arjun jain, learned counsel for the petitioner, has reffered to a judgment of this court reported as *Raj Kumar v. State of Haryana, 1983(2) SLR 55*, wherein it has been held that a member of the Teleprinter Staff is also entitled to be considered for being sent to the Upper School courts. I allow this writ petition and direct the respondents to depute the petitioners to the Upper School Course in accordance with seniority. *Prabhu Dayal, Assistant Sub-Inspector, Pplice v. State of Haryana and others, 1990(4) S.L.R. 40: 1989(1) RSJ 67.*

17. Regularisation of ad hoc promotion of the petitioner-Direction for—The case of the petitioner is that his period of ad hoc promotion from 15.12.1986 to 2.6.1992 has not been regularised for promotion. Once the respondents have regularised ad hoc promotions of ASI Rajbir Singh and ASI Anoop Singh in the year 2010, the case of the petitioner could not be rejected that he was making a claim after 28 years. Hence, a direction is given to the respondents to regularise the ad hoc promotion of the petitioner w.e.f. 15.12.1986 to 2.6.1992 with all consequential benefits. *Satyavir Singh v. State of Haryana and others, (2016) 3 SCT 465 (P&H).*

18. Regularisation of ad hoc promotions of ASI-Effect of—In this case, the case of the petitioner is that his period of ad hoc promotion from 15.12.1986 to 2.6.1992 has not been regularised for promotion. Once the respondents have regularised ad hoc promotions of ASI Rajbir Singh and ASI Anoop Singh in the year 2010, the case of the petitioner could not be rejected that he was making a claim after 28 years. *Satyavir Singh v. State of Haryana and others, (2016) 3 SCT 465 (P&H).*

Rule 13.10 for Punjab

[1]**[13.10. List E. Selection for promotion course for A.S.Is. Promotion to the rank of Sub-Inspectors.**—(1) List 'E' shall be maintained for promotion to the rank of Sub-Inspector in two parts in Form No. 13.10 in each range. The names of Assistant Sub-Inspectors who qualify the promotion course for Assstant Sub-Inspectors at Police Training College shall be entered in Part-I of the said List 'E'. While entering the names in this list they shall maintain their seniority *inter-se*. The names of the outstanding Assistant Sub-Inspectors who have not qualified the course mentioned above, but otherwise are of exceptional merit and are considered suitable, may, with the approval of the Inspector-General of Police,

1. Substituted vide Punjab Govt. Gaz. LSP III 1972 Page 71.

be entered in Part-II of List 'E' provided they are not below the age of forty-five years:

Provided further that not more than ten per cent of the posts of Sub-Inspectors (inclusive of temporary and permanent posts) shall not any time contain more than two per cent of cadre strength of the Sub-Inspectors in the range.

(2) No Assistant Sub-Inspector shall be eligible for admission to the promotion course of Assistant Sub-Inspector at the Police Training College, unless—

(i) he has been confirmed as Assistant Sub-Inspector;

(ii) he is below forty-five years on the date of commencement of the next course; and

(iii) he, in the case of promotee has completed four years' service after passing the promotion course for Head Constables and in the case of direct recruit has completed five years of service after passing Assistant Sub-Inspectors initial course.

(3) Promotion to the rank of Sub-Inspector shall be made strictly in accordance with the seniority on List 'E':

Provided that the seniority may be ignored in exceptional circumstances for reasons to be recorded in writing by the Deputy Inspector-General and with the approval of the Inspector-General of Police.

[1][***]

Rule 13.10 for Haryana

13.10. List E. Promotion to Sub-Inspectors.—(1) A list of all Assistant Sub-Inspectors, who have been approved by the Deputy Inspector-General as fit for trail in independent charge of a police station, or for specialist posts on the establishment of sub-inspectors, shall be maintained in card index form by each Deputy Inspector-General. Officiating promotions of short duration shall ordinarily be made within the district concerned (vide sub-rule 13.4 (2), but vacancies of long duration may be filled by the promotion of any eligible man in the range at the discretion of the Deputy Inspector-General. Half-yearly reports on all men entered in the list maintained under this rule shall be furnished in the form No. 13.9 (3) by the 15th October, in addition to the annual report to be submitted by the 15th April, in accordance with Police Rule 13.17(1).

(2) No Assistant Sub-Inspector shall be confirmed in a substantive vacancy in the rank of Sub-Inspector unless he has been tested for at least a year as an officiating Sub-Inspector in independent charge of a police station in a district other than that in which his home is situated.

Rule 13.10 for Himachal Pradesh

13.10. List E. Selection for promotion course for A.S.Is. Promotion to the rank of Sub-Inspectors.—(1) List 'E' shall be maintained for promotion to the

1. Sub-rule (4) omitted by Punjab Govt. Notification No. G.S.R. 104/CA 5/Amd, dated 3.12.1981.

rank of Sub-Inspector in two parts in Form No. 13.10 in each range. The names of Assistant Sub-Inspectors who qualify the promotion course for Assstant Sub-Inspectors at Police Training College shall be entered in Part-I of the said List 'E'. While entering the names in this list they shall maintain their seniority *inter-se*. The names of the outstanding Assistant Sub-Inspectors who have not qualified the course mentioned above, but otherwise are of exceptional merit and are considered suitable, may, with the approval of the Inspector-General of Police, be entered in Part-II of List 'E' provided they are not below the age of forty-five years:

Provided further that not more than ten per cent of the posts of Sub-Inspectors (inclusive of temporary and permanent posts) shall not any time contain more than two per cent of cadre strength of the Sub-Inspectors in the range.

(2) No Assistant Sub-Inspector shall be eligible for admission to the promotion course of Assistant Sub-Inspector at the Police Training College, unless—

(i) he has been confirmed as Assistant Sub-Inspector;

(ii) he is below forty-five years on the date of commencement of the next course; and

(iii) he, in the case of promotee has completed four years' service after passing the promotion course for Head Constables and in the case of direct recruit has completed five years of service after passing Assistant Sub-Inspectors initial course.

[1][(3) Promotion to the rank of Sub-Inspector of Police shall be made strictly in accordance with seniority position on list "E".

Provided that such seniority positions may be ignored in exceptional circumstance for reasons to be recorded in writing by the Deputy Inspector General of Police, concerned with the prior approval of the Director General of Police, Himachal Pradesh.

No person shall be confirmed in a substantive vacancy of Sub-Inspector of Police unless he has one year's experience in Police Station/Police and his work has been found to be satisfactory by the Superintendent of Police and the Deputy Inspector General of Police concerned.]

SYNOPSIS

1. *Inherent power of Inspector General of Police to recall a police officer sent for upper school training course.*
2. *Natural justice–Civil consequences flow.*
3. *Power to recall police officer sent for upper school training course.*
4. *Promotion fell due before amendment and when juniors promoted.*
5. *Reversion of officiating Police Officer.*

1. Substituted by Himachal Pradesh Govt. Notification No. Home-A-B(2)-4/90 dated 20.3.2010.

1. Inherent power of Inspector General of Police to recall a police officer sent for upper school training course.—It is the stautory right of a particular officer to take training in the prescribed course with a view to improve his chances of future promotion, it must follow that any obstacle put in the exercise of such a right amounts to an interference with the service conditions of such an officer. In ordinary course, power to interfere with service conditions of a Government servant must seek its justification from specific and explicit provisions of law. Such a power cannot be impliedly read unless the implication is obvious and necessary. I am not referred to any provision of Police Act or Rules framed thereunder from which such inherent power in favour of the Inspector General of Police can be read by necessary implication. Under the circumstances, there is no escape from the conclusion that the respondent No. 2, the Inspector General of Police, has no power to recall a person who is already sent to take course in training. *Shri Sukh Dutt v. State of Himachal Pradesh, Simla and others, 1977(2) S.L.R 433.*

2. Natural justice–Civil consequences flow.—The respondent No. 2 has got any "inherent powers" to recall an officer who is sent for training the question is whether such inherent powers could be exercised without complying with the rules of natural jutice. It may be again repeated here that recalling of an officer from training course involves some civil consequences because such a recall would prevent him from passing the course in time and, therefore, other of his colleagues, who are equally situated whould be able to pass the course earlier than him and this would enable them to get future promotions also earlier. It, therefore, cannot be disputed that consequences which would work adversely to the officer concerned would follow if he is not allowed to pass a particular course at proper time. *Shri Sukh Dutt v. State of Himachal Pradesh, Shimla and others, 1977(2) S.L.R. 433.*

3. Power to recall police officer sent for upper school training course.— The scheme of Rule 13.10 shows that once an officer is so selected, he acquires a statutory right to take that course because passing of that course is a pre-requisite for future promotion to the rank of Sub-Inspector. It is evident that petitioner's future chances for further promotions cannot be improved if he is not allowed to pass the course to which he is sent for training. The fact that the Departmental Promotion Committee has selected him for the said training, and the further fact that pursuant to the said selection he is actually sent to the college for the said purpose, fully qualify the petitioner to take the course and vest in him a statutory right which can be defeated only by a procedure contemplated by law (which includes Rules).

The taking of the course in question is specifically provided in rule 13.10 which is susbstituted by Himachal Pradesh Amendment Rules 1976, and so, the ratio of the abover decisions applies to this case with greater force, in view of the fact that the petitioner, after being selected for the course, has been actually sent to the college for the said purpose. It shall, however, be clarified that Punjab and Haryana decisions above referred to should be read in light of the previsions contained in Himachal Pradesh Rule 13.10 of the amended Rules which do not give an unqualified right to an Assistant Sub-Inspector to be sent for training because the provisions of sub-rule (2) prescribe the rules of eligibility for admission to the promotion course in question. *Shri Sukh Dutt v. State of Himachal Pradesh, Simla and others, 1977(2) S.L.R. 433.*

4. Promotion fell due before amendment and when juniors promoted.—There is no provision in the said Rule that an Assistant Sub-Inspector should pass the Upper Shcool Course before he can be considered for promotion as Sub-Inspector. The rule was amended

on March 9, 1972 and thereafter it has been provided that an Assistant Sub-Inspector should pass the promotion Course before he can be considered for promotion as Sub-Inspector. From a reading of the Rule it is further evident that the passing of the Upper School Course has been made compulsory for promotion only after the amendment fo the Rule. *Kishori Lal, A.S.I. v. The Inspector General of Police, Punjab and others, 1981(1) S.L.R. 650.*

5. Reversion of officiating Police Officer.—A police officer whose name has been removed from list 'E' can back to that list if his subsequent work or conduct of outstanding merit come justifies the same. Just as he initially comes on that list, similarly, after removal of his name from that list, he can again come back to it provided his work or conduct is of outstanding merit and justifies the same. There is thus no permanent or prolonged bar to his coming back to the list, the only condition being the outstanding merit of work or conduct. If, after his name has been removed from list 'E', he improves himself and shows outstanding merit in his work and conduct, obviously his name may be restored to that list by the order of the Deputy Inspector-General. So removal of such an officer's name from list 'E' does not debar him from future promotion, nor does it indefinitely postpone his chances of future promotion, because once the Deputy Inspector-General finds that his subsequent work or conduct is of outstanding merit, he has the power to restore him back to list 'E' and thus place him in the line for promotion. If removal from list 'E' was a permanent feature which debarred such an officer from promotion in future, or debarred his chances of future promotion indefinitely, then that would be a penal consequence that would accompany reversion, if it follows with reversion, but this, as pointed out, is not so. Rules 13.10 and 13.12 specifically provide for removal of the name of the police officer from list 'E' for cause and restoration of the same to that list in recognition of subsequent work or conduct of outstanding merit of such an officer. So removal from list 'E' is not permanent feature. It by itself does not debar future promotion nor does it defer chances of future promotion indefinitely. It is left in such a case to the officer concerned to merit his being placed back in the list, and if he shows such merit, there is no reason why he should not come back to the list. The position of such an officer is no different from an officer who has not yet come on list 'E'. Both are in exactly the same situation. Either will have to show outstanding merit in his work and conduct to deserve to come on that list and either will come on that list when he satisfies that test. It is this consideration of these rules which leads to the conclusion that removal of the name of an Assistant Sub-Inspector of Police from list 'E', which removal is always for cause as given in the rules, does not per se debar him from future promotion or indefinitely defer his chances of future promotion. He alone is responsible for marring his chances of future promotion, if he does not show outstanding merit in his work and conduct. *State of Haryana v. Mulkh Raj, A.S.I. of Police, 1970 S.L.R. 323.*

13.11. Publication of List E in the Police Gazette.—List E of each range shall be published annually in the *Police Gazette.* Additions to the list may be made at any time by Deputy Inspector-General but all such additions and the removal of all names under sub-rule 13.12 (2) shall be published in the Gazette by special notification. Names shall be entered in the list in order according to the date of admission, length of police service deciding the relative position of Assistant Sub-Inspectors admitted on the same date.

13.12. Method of filling temporary vacancies in the rank of Sub-Inspector.—(1) In filling temporary vacancies in the rank of Sub-Inspector the object shall be

to test all men on list E as fully as possible in independent charges. The order in which names occur in the list should be disregarded, the opportunities of officiating in the higher rank being distributed as evenly as possible. An Assistant Sub-Inspector officiating as a Sub-Inspector should ordinarily continue so to officiate for the duration of the vacancy, and should not be reverted merely because another Assistant Sub-Inspector senior to him is not officiating. This principle may, however, be modified if in any case its observance would result in a thoroughly competent man being deprived by a man markedly his junior of an officiating appointment of more than 8 months' duration.

(2) The conduct and efficiency of men on lists D and E shall be at all times watched with special care. Any officer, who, whether in his substantive rank or while officiating as an Assistant Sub-Inspector or Sub-Inspector, is guilty of grave misconduct of a nature reflecting upon his character or fitness for responsibility, or who shows either by specific acts or by his record as a whole, that he is unfit for promotion to higher rank shall be reported to the Deputy Inspector-General for removal from List D or list E, as the case may be. In interpreting this rule discrimination shall be shown between faults which are capable of elimination by experience and further training, and those which indicate definite incompetence and defects of character. Officers whose names have been removed from either list D or list E may be restored by order of the Deputy Inspector-General in recognition of subsequent work or conduct of outstanding merit.

SYNOPSIS

1. Promotion to temporary vacancy of Sub-Inspector of Inspector of Police.

1. Promotion to temporary vacancy of Sub-Inspector or Inspector of Police—It needs no argument to see that the plain language of the rule abovesaid provides that seniority is indeed as insignificant, if not, an irrelevant consideration for filling of temporary vacancies in the rank of Sub-Inspector. That applies *mutatis mutandis* to the case or officiating Inspectors as well by virtue of rule 13.16(2). The primary and the declared objective for filling these temporary vacancies is manifestly to afford an opportunity for testing all eligible men on list 'E' as fully as possible by allowing them to hold independent charges. That seniority is not at all the governing factor is evident from the further provision that the order in which the names occur in list 'E' should be disregarded and the plum of officiating in the higher rank should be distributed as evently and as equally as possible to the persons existing on the list. As if to put the matter beyond boubt, the rule lays down that a junior Assistant Sub-Inspector should ordinarily continue to officiate for the duration of a vacancy to which he is appointed irrespective of the fact that persons senior to him are kept out of such similar officiating posts. To our mind, there is no manner of doubt that the underlying principle of rule 13.12(1) and as a consequence of rule 13.16(2) is that promotions to the temporary vacancies of sub-Inspectors and Inspectors are not hide bound by seniority but by the overriding considerations of affording equal opportunities to all eligible candidates on lists 'E' and 'F' for holding an independent charge in the higher rank and to test there mettle in these posts. That being the position in law, it is apparent that the reversion of the petitioner to his substantive rank of Sub-Inspector cannot and does not in the least adversely affect his seniority. The respondent-State is categorical in admitting the seniority of the petitioner qua respondents Nos. 3, 5 and 6 in the substantive rank of Sub-Inspector. *Gurucharan Singh v. State of Punjab, 1974(1) S.L.R. 62.*

13.13. Control by Deputy Inspectors-General.—Apart from the special requirements of the foregoing rules regarding the confirmation or revision of orders, Deputy Inspectors-General are required to pay special attention at their inspections to the working of list A, B, C and D by Superintendents; they have authority to remove any name which they consider has been improperly admitted, and to give such orders as may be expedient in respect of the methods of selection and the tests applied.

Rule 13.14 for Haryana

13.14. Promotion to and in the selection grades of Sub-Inspectors.—(1) Promotion to the various selection grades of Sub-Inspectors shall be made by Superintendents of Police and the Assistant Superintendent, Government Railway Police, as vacancies in the sanctioned establishment of such appointments occur in accordance with the principle laid down in rule 13.1.

(2) No Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which at least five shall have been in the rank of Sub-Inspector, and unless he is thoroughly efficient and competent to hold charge of a police station of first class importance. No Sub-Inspector who has been punished by reduction, stoppage of increment, or forfeiture of approved service for increment, shall be eligible for promotion to a selection grade. Exceptions this rule may be made only with the sanction of the Inspector-General in recognition of distinguished service and exemplary conduct.

(3) Sub-Inspectors promoted to the 4th selection grade shall be on probation for one year and may be reverted without formal departmental proceedings during or on the expiry of the period of their probation if they fail to maintain an exemplary standard of conduct and efficiency:

[1][Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the aggrigate and pass such orders at any time during, or on the expiry of the extended period of probation as it would have passed during or on the expiry of original period of probation.]

Rule 13.14 for Punjab

[2][**13.14.** No Sub-Inspector recruited directly shall be eligible for promotion as Inspector unless he has completed five years approved service after initial training. The promotion shall be subject to the availability of vacancy. If the promotee and the directly recruited Sub-Inspectors are promoted as Inspectors on the same date, the directly recruited Sub-Inspector shall be senior to the promotee Sub-Inspector.]

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1. Proviso added by Punjab Government Notification dated 12.4.1966.
2. Subs. by Punjab Govt. Noti. No. G.S.R. 54/P.A.10/2008/Ss. 80 and 85/Amd. (25)/2011 dated 27.7.2011.

SYNOPSIS

1. *Promotion of a Sub-Inspector to selection grade-Eligibility for.*
2. *Further promotion-Eligibility criteria for.*
3. *Experience acquired in the rank of Sub Inspector-Validity of.*

1. Promotion of a Sub-Inspector to selection grade-Eligibility for—Sub-rule (2) of of Rule 13.14 of the Rules, 1934 prescribes the eligibility for promotion of a Sub-Inspector to selection grade which is eight years approved service as an upper subordinate, of which at least five shall have been in the rank of Sub-Inspector. It further states that no sub-Inspector who has been punished by reduction, stoppage of increment, or forfeiture of approved service for increment, shall be eligible for promotion to a selection grade. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P&H) (DB).*

2. Further promotion-Eligibility criteria for—The eligibility criteria provided under the Sub-Rule (2) of Rule 13.14 of the Rules, 1934 is for further promotion, even though in the same rank and it is the only criteria provided in the Rules for making promotions to the post of Inspector, without which 'seniority' would become the sole basis/criteria for promotion which shall be in direct conflict with the principle of 'selection tempered by seniority' provided under Rule 13.1 of the Rules. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P&H) (DB).*

3. Experience acquired in the rank of Sub Inspector-Validity of—The Rule 13.14 (2) of the Rules, 1934 lays down eight year experience as an upper subordinate, out of which five years have to be as Sub Inspector. It does not mandate that the rest of 3 year service as upper subordinate has to be in the previous ranks alone meaning thereby the said experience acquired in the rank of Sub Inspector is equally valid for further promotion on the post of Inspector. *Om Parkash and others v. State of Haryana and others, (2020) 3 SCT 190 (P&H) (DB).*

13.15. List F–Promotion to Inspectors.—(1) Recommendations on behalf of Sergeants and Sub-Inspectors considered fit for promotion to the rank of Inspector shall be submitted with their annual confidential reports on the 15th April each year to Deputy Inspectors-General by Superintendents of Police in Form 13.15(1). Recommendations on behalf of Sergeants and Sub-Inspectors employed in the Government Railway Police will be sent direct to the Inspector-General of Police by the Assistant Inspector-General, Government Railway Police, in the same form and not later than October each year. The Deputy Inspector-General shall decide, after seeing the officers recommended, and in consideration of their records, and his own knowledge of them, whether to endorse the recommendations of Superintendents of Police and forward them to the Inspector-General. He will keep a copy of any recommendation so forwarded in the personal file of the officer; if he decides not to endorse a recommendation, he shall retain the original in the officer's personal file and send a copy of his own order on it to the Superintendent concerned. Deputy Inspector-General shall finally submit recommendations to the Inspector-General as soon as they are satisfied as to the fitness of officers recommended, but in no case later than October each year.

(2) Such of the officers recommended as the Inspector-General may consider suitable shall be admitted to promotion list 'F' (Form 13.15(2)) which will, however,

not be published. Deputy Inspectors General shall be informed, and shall in turn inform the Superintendents concerned, of the names of those who have been admitted to the List; similar information will be sent to the Assistant Inspector-General, Government Railway Police.

The original personal files of Sub-Inspectors admitted to the list shall be transferred to the Inspector-General after duplicates have been prepared for retention in the office of the Deputy Inspector-General or the Assistant Inspector-General, Government Railway Police, as required by rule 12.38(1). Copies of all subsequent annual confidential reports prepared in Form 13.17 in respect both of Sergeants and Sub-Inspectors admitted to the list will, on return by the Inspector-General in accordance with rule 13.17(1), be recorded by Deputy Inspector-General or the Assistant Inspector-General, Government Railway Police, with the duplicate personal files of the officers concerned. Copies of all entries ordered to be made in personal files other than annual confidential reports will be forwarded to the Inspector-General as soon as made for record with the original personal files; all such copies shall be attested by the Deputy Inspector-General or the Assistant Inspector-General, Government Railway Police, personally.

(3) When submitting recommendations for the entry of fresh names in List 'F', Deputy Inspectors-General and the Assistant Inspector-General, Government Railway Police, will at the same time submit specific recommendations (which need not be accompanied by detailed confidential reports) as to the retention or removal of officers already admitted to the list. On receipt of these recommendations, the Inspector-General will review the Provincial List, and pass orders regarding the retention or exclusion of names, at the same time communicating his decision to the Deputy Inspector-General and the Assistant Inspector-General, Government Railway Police.

(4) Sub-Inspectors admitted to List 'F' will be placed in that list in order according to their date of permanent promotion to selection grade and, if the date of permanent promotion to selection grade is the same in the case of two or more Sub- Inspectors admitted to list 'F' on one and the same date, then according to date of permanent promotion to the time-scale. Sergeants will be shown in list 'F' according to the date of entry in the list. When, however, two or more sergeants are admitted to list 'F' on the same date, their names will be shown in order of seniority among themselves.

SYNOPSIS

1. *Competitive test is not permissible under the rules.*
2. *Promotion.*
3. *Relaxation of rules.*
4. *Rules prescribed two stages for selection.*

1. Competitive test is not permissible under the rules.—The question whether a competitive test could be prescribed for a substantive promotion of a Sub-Inspector by including his name in List 'F' was specifically considered and answered in negative. This

decision has, therefore, to be respectfully considered in deciding the first contention of the petitioner. It is not possible to control out the first contention of the petitioner in view of this decision. It may, therefore, be held or assumed that in 1965 the petitioner should not have been subjected to competitive test for a substantive promotion. His cause of action to make a grievance therefore arose in 1965 itself. He did not avail himself of the remedy of a writ petition to get that grievance redressed upto 1971. In the meanwhile the rights of innocent third parties intervened inasmuch as other persons have been promoted from the rank of a Sub-Inspector to the rank of an Inspector after being included in List 'F'. These persons are not parties to this writ petition. If the petitioner is to be now considered for promotion on the basis of his eligibility in 1965 and is to be promoted as in 1965, his promotion would inevitably effect the seniority of some other persons. In view of the delay in attacking the validity of the test held in 1965, as also the injustice that would be involved in redressing that grievance now, the petitioner cannot be granted the relief of being entitled to be considered for inclusion in List 'F' on the basis of his eligibility in 1965. *Mangal Dass v. Lt. Governor and ors. 1974(2) S.L.R 661.*

2. Promotion.—Deputy Inspector General of Police, Border Range, Amritsar, has *inter alia*, vide orders dated March 25 ,1991 found that 'the reporting officer had recorded these adverse remarks due to misunderstanding with biased mind. He has further found that the adverse remarks were expunged. In view of this changed position, it would be incumbent upon the respondents to consider the petitioner's claim for being brought up on list F with effect from March 8, 1989 when the names of his juniors were included in the said list. *Harminder Singh v. State of Punjab, 1991(2) RSJ 217.*

3. Relaxation of rules.—The departmental candidate when he was taken into service was found fit with regard to height and chest both. As regards height it was relaxed in the case of these two petitioners. They cannot be disqualified on that ground now when they seek promotion through the avenue of a competitive examination to the post of sub-inspectors. Once the authorities relaxed the standard of minimum height and enlisted the petitioners as constables in the Delhi Police this relaxation will hold good as long as they remain in the Delhi Police. It would be absurd to hold that the petitioners through having a height of less than 170 cms, but for the channel of competition they are disqualified. Such an interpretation is not only absurd but also unjust. The initial relaxation was validly given under Rule 12.15 of the Police Rules. This relaxation the petitioners can carry with them for appointment to the post of Sub-Inspector, whether as a result of competitive examination or by way of promotion. For these reasons I held that the petitioner's disqualification on the ground of minimum height is invalid. They will be entitled of appear at the personality test. The parties are left to bear their own costs. *Sunder Devi v. Union of India and others, 1983(2) S.L.R. 487.*

4. Rules prescribed two stages for selection.—Rule 13.15 contemplates two stages of selecting, namely-(1) selection by the D.I.G. who then makes recommedations to the I.G. under rule 13.15(1), and (2) the final selection by the I.G. from those recomended by the D.I.G. under rule 13.15(2). If there are more than one D.I.Gs. working under an I.G. according to the distribution of the work, some of the candidates may by working under one and other candidates may be working under another D.I.G. The procedure adopted in constituting the Selection Committee consisting of the I.G. and the two D.I.Gs. seems to combined the two stages described above. In this Selection Committee the D.I.G. under whom the particular candidate is working would be "seeing" the candidate within the meaning of rule 13.15(1). There is a presumption that official acts are done according to the procedure laid down in rule 13.15. Unless, therefore the petitioner alleges that the other D.I.G. under whom he

was not working interviewed the petitioner was working did above interview of the petitioner. Certainly, at the time of the interview the other D.I.G. had seen and recommended a candidate, the I.G. there and then decided whether to accept the said recommendation or not. The procedure of selection committee was thus more expeditious than the procedure which would ordinarily have been followed under rule 13.15. If such quicker administrative procedural efficient is secured, it is not for the court to strike it down by insisting of the less efficient procedure. The test which will govern interference by the Court s whether rule 13.15 was compiled with substantially or not. Since the functions of the D.G. and the I.G. have not been alleged to be performed otherwise than as they are required to be done under rule 13.15 it cannot be said that the said rule is violated merely because these functions are performed immediately one after the other by these officers meeting together. *Mangal Dass v. Lt. Governor and ors., 1974(2) S.L.R. 661.*

13.16. Promotion to the rank of Inspector.—(1) Substantive vacancies in the rank of Inspector, save those which are specifically designated for the appointment to probationers, shall be filled by promotion of officers from List 'F' selected according to the principles laid down in rule 13.1. Sergeants are eligible for promotion in the appointments reserved for European Inspectors.

(2) Temporary vacancies in the rank of Inspector shall be filled by the officiating promotion of officers on 'F' list by the authorities empowered by rule 13.4 to make the appointment. Such officiating promotions shall be made in accordance with the principles laid down in sub-rule 13.12 (1) in the case of 'E' list, and the second part of that rule shall, *mutatis mutandis*, govern the scrutiny of the work of 'F' list officers and the removal from that list of the names of those who are found unfit for the rank of Inspector.

(3) No officer whose name is not of 'F' list shall be appointed to officiate as inspector without the special sanction of the Inspector-General. When no officer on 'F' list is available in the range for a vacancy which the Deputy Inspector-General is required to fill, application shall be made to the Inspector-General to appoint a man from another range.

SYNOPSIS

1. *Substantive vacancies in the rank of Inspector.*

1. Substantive vacancies in the rank of Inspector—Procedure for filling up—As per the provisions of Rule 13.16 of the Rules, 1934, all the substantive vacancies in the rank of Inspector which are to be filled up by promotions shall be filled up by promotion of officers from List 'F' selected according to the principles laid down in Rule 13.1 of the Rules.

Rule 13.17 for Punjab

13.17. Annual confidential reports.—(1) Superintendents shall prepare and submit annually to the Deputy Inspector-General, after obtaining the District Magistrate's remarks thereon, reports in Form 13.17 on the working of all Upper Subordinates serving under them. These reports shall be submitted to reach the Deputy Inspector-General on or before 15th April.

Deputy Inspector-General and Assistant Inspector-General, Government Railway Police, will add their own remarks and retain reports on Assistant Sub-Inspectors and Sub-Inspectors who are not on list 'F' in their own offices. Reports on all Inspectors, Sub-Inspectors on list 'F' and Sergeants will be forwarded by Deputy Inspectors-General and Assistant Inspector-General, Government Railway Police, so as to reach the Inspector-General on or before the 15th May. In the cases of Indian Inspectors of the General Line, Sub-Inspectors on list 'F' and all Sergeants, Deputy Inspectors-General and Assistant Inspector-General, Government Railway Police, will attach with each report so submitted a duplicate copy thereof. Any remarks recorded by the Inspector-General on the original report will be copied in his office on the duplicate prior to the return of the latter report for record with the duplicate personal file maintained in accordance with rule 12.38(1).

(2) Reports shall be of three kinds, A, B and C, and shall be marked as such—

A reports.—Reports in which for special reasons it is recommended that promotion be given irrespective of seniority.

B reports.—Reports in which it is recommended that promotion be given in the ordinary course of seniority.

C reports.—Reports in which it is recommended that the officer be passed over for promotion or that the taking of departmental action on general grounds of inefficiency or unsatisfactory conduct be considered.

In 'A' and 'C' reports detailed reasons must be given for the recommendations made.

The purport of all 'C' reports shall be communicated to the officer concerned at a personal interview or, if this is not possible, in writing. Written acknowledgements shall be taken and attached to their personal files. In communicating such reports, the instructions contained in paragraph 7 of Punjab Government Consolidated Circular No. 1 shall be followed. Ordinarily, the submission of two successive 'C' reports regarding an officer will result automatically in the institution of departmental proceedings against him on such charge as the contents of the reports may justify.

(3) Superintendents shall submit annually to the Deputy Inspector-General by the 15th April, confidential reports in form 13.17 on the working of all Gazetted officers serving under them. Deputy Inspector-General will add their own remarks and forward the reports to reach the Inspector-General, on or before the 15th May.

The gist of adverse reports shall be communicated in writing to the officers concerned subject to the conditions specified in paragraph 7 of Punjab Government Consolidated Circular No. 1 and their acknowledgement shall be taken and attached to their personal files.

(4) The names and designation of the officers writing reports shall invariably be typed or written in block letters below their signatures.

(5) Reporting officers shall comment generally on the way in which the officer has carried out his various duties during the year and shall give an estimate of his personality, character and abilities, including detective powers and ability to conduct prosecutions. The report shall contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar. Particular mention shall be made of the officer's relations with his fellow officers and general public and his honesty.

Rule 13.17 for Haryana

13.17. Annual confidential reports.—(1) Superintendents shall prepare and submit annually to the Deputy Inspector-General, after obtaining the District Magistrate's remarks thereon, reports in Form 13.17 on the working of all Upper Subordinates serving under them. These reports shall be submitted to reach the Deputy Inspector-General on or before 15th April.

Deputy Inspector-General and Assistant Inspector-General, Government Railway Police, will add their own remarks and retain reports on Assistant Sub-Inspectors and Sub-Inspectors who are not on list 'F' in their own offices. Reports on all Inspectors, Sub-Inspectors on list 'F' and Sergeants will be forwarded by Deputy Inspectors-General and Assistant Inspector-General, Government Railway Police, so as to reach the Inspector-General on or before the 15th May. In the cases of Indian Inspectors of the General Line, Sub-Inspectors on list 'F' and all Sergeants, Deputy Inspectors-General and Assistant Inspector-General, Government Railway Police, will attach with each report so submitted a duplicate copy thereof. Any remarks recorded by the Inspector-General on the original report will be copied in his office on the duplicate prior to the return of the latter report for record with the duplicate personal file maintained in accordance with rule 12.38(1).

[1][(2) (i) Reports shall be categorised as outstanding, very good, good, average and below average;

(ii) While writing the reports and communicating the adverse remarks to the Government employees, Government instructions issued from time to time shall be followed.]

(3) Superintendents shall submit annually to the Deputy Inspector-General by the 15th April, confidential reports in form 13.17 on the working of all Gazetted officers serving under them. Deputy Inspector-General will add their own remarks and forward the reports to reach the Inspector-General, on or before the 15th May.

The gist of adverse reports shall be communicated in writing to the officers concerned subject to the conditions specified in paragraph 7 of Punjab Government Consolidated Circular No. 1 and their acknowledgement shall be taken and attached to their personal files.

(4) The names and designation of the officers writing reports shall invariably be typed or written in block letters below their signatures.

1. Substituted by Haryana Govt. Notification No. G.S.R. 21/Const./Art. 309/2007 dated 11.7.2007.

(5) Reporting officers shall comment generally on the way in which the officer has carried out his various duties during the year and shall give an estimate of his personality, character and abilities, including detective powers and ability to conduct prosecutions. The report shall contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar. Particular mention shall be made of the officer's relations with his fellow officers and general public and his honesty.

Rule 13.17 for Chandigarh

[1][**13.17. Annual Confidential Reports.**—(1) The Annual Confidential Reports to the working of all Upper Subordinates shall be recordeded in Form 13.17. These reports shall be prepred by the Reporting Authority and the Reviewing Authority as noticed below and shall be submitted to reach the Inspector-General Police who shall be the Accepting Authority on or before the 15the April.]

Sr. No.	Designation	Reporting Authority
1.	Assistant Sub-Inspectors	Deputy Superintendent
2.	Sub-Inspectors	Ditto
3.	Inspectors	Superintendent Police

(2) Reports shall be of three kinds, A, B and C, and shall be marked as such:—

A reports.—Reports in which for special reasons it is recommended that promotion be given irrespective of seniority.

B reports.—Reports in which it is recommended that promotion be given in the ordinary course of seniority.

C reports.—Reports in which it is recommended that the officer be passed over for promotion or that the taking of departmental action on general grounds of inefficiency or unsatisfactory conduct be considerered.

In 'A' and 'C' reports detailed reasons must be given for the recommendations made.

The purport of all 'C' reports shall be communicated to the officer concerned at a personal interview or, if this not possible, in writing. Written acknowledgements shall be taken and attached to their personal files. In communicating such reports the instructions contained in paragraph 7 of Punjab Government Consolidated Circular No. 1 shall be followed. Ordinarily the submission of two successive 'C' reports regardings an officer will result automatically in the institution of departmental proceedings against him on such charge as the contents of the reports may justify.

(3) Superintendents shall submit annually to the Deputy Inspector-General by the 15th April, confidential reports in form 13.17 on the working of all Gazetted Officers serving under them. Deputy Inspector-General will add their own remarks and forward the reports to reach the Inspector-General, on or before the 15th May.

1. Substituted vide Notification dated 4.5.1988.

The gist of adverse reports shall be communicated in writing to the officers concerned subject to the conditions specified in paragraph 7 of the Punjab Government Consolidated Circular No. 1 and their acknowledgement shall be taken and attached to their personal files.

(4) The names and designation of officers writing reports shall invariably be typed or written in block letters below their signatures.

(5) Reporting officers shall comment generally on the way in which the officer has caried out his various duties during the year and shall give an estimate of his personally, character and abilities, including detective powers and ability to conduct prosecutions. The reports shall contain an opinion on any point specially required at any particular time, e.g., fitness to pass and efficiency bar. Particular mention shall be made of the officer's relations with his fellow officers and general public and his honesty.

SYNOPSIS

1. *Confidential reports.*
2. *Recording of adverse remarks in the annual confidential report–Representation against*
3. *Reservation of posts–Seats reserved for Women Constables in Patiala district–Denial of similar benefit in other district.*
4. *Second representation preferred by the appellant held not permissible.*

1. Confidential reports.—It is quite clear that an officer, who has seen the working of his subordinate at least for a period of three months, could only record remarks in the annual confidential report. Annexure P. 8, which contains adverse remarks communicated to the petitioner, are for the period July 4, 1987 to February 29, 1988. During this period the petitioner was working with the CBI, which fact is not disputed in the written statement filed on behalf of the State of Punjab. It is quite clear that Shri A.P. Panday, who was then working as Senior Superintendent of Police, has no occasion to see the working of the petitioner, and as per instructions aforesaid he was not required to record any remarks in the annual confidential report for the said period. The stand taken up in the written statement by the State, in response to the allegations made in the petition in para 20, is that the annual confidential report was recorded in accordance with the Departmental instructions and the Civil Service Rules. During the course of arguments no other instructions or Civil Service Rules have been pointed out to justify the recording of adverse remarks in the annual confidential report of the petitioner for the relevant period, as noticed above by Shri Panday. *Raj Kumar v. State of Punjab and others, 1992(2) S.L.R. 424: 1950-1988 RSJ(1) 311.*

2. Recording of adverse remarks in the annual confidential report–Representation against.—No doubt, recording of annual confidential remarks is an administrative work of the State, and while disposing of appeal filed against such remarks, detailed reasons need not have been recorded as the appellate authority was dismissing the representation. However, when the petitioner had challenged the jurisdiction of the officer to make adverse remarks and had referred to the rules and instructions in his representations (Annexure P.9), it was expected of the authority to deal with such a point, while rejecting the representation. In such circumstances the order simply rejecting the representation was not called for. The order Annexure P.10, thus, cannot be sustained in law. *Raj Kumar v. State of Punjab and others, 1992(2) S.L.R. 424.*

3. Reservation of posts—Seats reserved for women Constables in Patiala district Denial of similar benefit in other district.—A reference was made to the previous instructions dated December 27, 1984 on the subject of promotion system for Women Police. In para 2, the existing position to fill up vacancies in Women Police. In Para 2, the exisling position to fill up vacancies in women Police Force was examined in view of the fact that general relaxation was accorded, to enable the women to compete in the test along with the Women Constables only instead with their male counterparts. After making reference to rule 13.21, it was observed, it was considered necessary to accord relaxation for a period of one year more as members of the Women Police have not been able to compete with their male counterparts and further to undergo Lower School Course to merit their selection in B.I. test to occupy their vacancies in various ranks. Thus, instructions were given to make earnest efforts for filling up the post of Women Head Constable (N.G.Os.) and Inspectors at the earliest. Test instructions were so considered and seats were reserved in the district of Patiala which fact is admitted in the written statement. If similar treatment is not allowed to Lady Constable in other districts, there would be strightway discrimination. The contention of the learned counsel appearing on behalf of the respondents that from Ferozepore Range, there was no demand for reservation of seats for Lady Head Constables and thus no such seats were reserved by the Director General of Police while doing so in the case of Patiala as demand was raised is no justification in law. *Kashmir Kaur v. Director General of Police, Punjab and another, 1989(5) S.L.R. 79.*

4. Second representation preferred by the appellant held not permissible—In this case, the Division Bench of the Hon'ble Apex Court that the second representation preferred by the appellant, in which the ACRs were expunged was not permissible. It was not only contrary to 1962 and 1999 Instructions, but was made after 9-1/2 years from the date when first representation against the ACR was rejected. Hence, it is not permissible. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

Rule 13.18 for Punjab & Chandigarh

*[1][13.18. **Probation.**—(1) A person appointed to any post in the service shall remain on probation for a period of two years, if recurited by direct appointment and one year it apointed otherwise:

Provided that,—

(a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;

(b) in the case of an appointment by transfer, any period of work on a equivalent or higher rank, prior to appointment to the Service, may in the discretion of the appointing authority, be allowed to count towards the period of probation;

(c) any period of officiating appointment to the service shall be reckoned as period spent on probation; and

1. Subs. by Punjab Govt. Noti. No. G.S.R. 14/C.A.V./61/Ss. 7 and 46/Amd. (22)/2003 dated 28.2.2003.

* *For Chandigarh* Subs. by Chandigarh Admin. Gazt. No. 1/1/212-H III (I)- 2009/24169 dated 21.12.2009.

(d) any kind of leave not exceeding six months during or at the end of period of probation, shall be counted towards the period of probation.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or if he has failed to pass the departmental examination, if any prescribed in service Rules within a period not exceeding two and a half year, from the date of appointment, it may:—

(a) If such person is recruited by direct appointment, dispense with his services, or revert him, to a post on which he held lien prior to his appointment to the service by direct appointment; and

(b) If such person in appointed otherwise,—

(i) revert him to his former post ; or

(ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may,—

(a) If his work and conduct has, in its opinion been satisfactory,—

(i) confirm such person, from the date of his appointment of from the date he completes his period of probation satisfactorily if he is not already confirmed; or

(ii) declare that he has competed his probation satisfactorily, if he is already confirmed ; or

(b) If his work or conduct has not been, in its opinion , satisfactory, or if he has failed to pass the departmental examination, if any specified in the Service Rules,—

(i) dispense with his service, if appointed by direct appointment or if appointed otherwise revert him to his former post, or deal with him in such other maner as the terms and conditions of his previous appointment may permit; or

(ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1);

Provided that the total period of probation including extension, if any, shall not exceed three years.]

Rule 13.18 for Haryana

[1][**13.18. Probationary period of promotion.**—All Police Officers promoted in rank shall be on probation for two years; provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period,

1. Substituted by Punjab Government Notification dated 15.4.1966.

the competent authority may either confirm the probationer or revert him or, if it so thinks fit, extend the period of probation by one year in the aggregate and on the conclusion of the extend period of probation, pass such orders as it could have passed on the conclusion of the original period of probation. While on probation officers may be reverted or their period of probation may be extended without departmental proceedings. Such reversion shall not be considered reduction in rank for the purpose of rule 16.4. This rule shall not apply to constables and Sub-Inspectors promoted to the selection grade, whose case is governed by rules 13.5 and 13.14.]

SYNOPSIS

1. *Bad record of service–Denial to promote justified.*
2. *Petitioner not selected for upper school course on the basis of executive instructions being overage.*
3. *Promotion–Confirmation.*
4. *Promotion to officiate on higher post.*
5. *Reduction in rank.*
6. *Reservation to the post of constable without affording an opportunity of being heard.*
7. *Confirmation or reversion of the probationer-Order for.*
8. *Order of confirmation of the employee-Held necessary.*
9. *Timely action regarding satisfactory completion of probation period-Duty of authorities therefor.*
10. *Probation period-Limitation for.*
11. *Internal governmental communications-Held not an order.*

1. Bad record of service–Denial to promote justified—The other plea raised by the petitioner is that there was no justification for continuing him as an unconfirmed Inspector of Police for a period of fourteen years. The petitioner has stated that the likely reason for depriving him to the right of promotion to the post of Dy. S.P. was that a departmental enquiry was pending against him in which, however, he was fully exonerated by the S.P. Solan vide order No. 1955-60 of July 1, 1976. We have carefully considered this aspect of the matter and feel that the petitioner has not made out any cogent case in his favour on this basis and has only referred to this matter in a very cursory manner. He has neither indicated as to when he was charge-sheeted, what were the charges against him and how this pending departmental enquiry was held to come in his way while considering his case for confirmation as an Inspector and his subsequent promotion as Deputy Superintendent of Police. On the other hand, the Inspector General of Police has categorically stated that the case of the petitioner for confirmation as Inspector of Police was considered in the year 1973. January, 1974, February 1975, and August, 1975 along with other, but the petitioner was not found suitable for confirmation due to his bad service record. In this words, it was the bad service record and not the departmental inquiry which came in the way of the petitioner and this fact has been confirmed by a perusal of the relevant record which has been made available to us. In view of this specific averment by the Inspector General of Police, based on the relevant record, and in the absence of any evidence to the contrary, we are of the definite view that the petitioners is not entitled to any relief on this count. *Jamna Devi v. State and others, 1991(3) S.L.R. 343.*

2. Petitioner not selected for upper school course on the basis of executive instructions being overage.—It is the conceded position that the instructions of the Inspector-General of Police referred to above, were struck down by a Full Bench of this court in *Sardul Singh v. Inspector General of Police, Punjab and others, 1970* SLR 505. Thus in the light of this judgment it is patent that neither respondents Nos. 3 to 5 could be treated to have passed any equivalent course to the Upper School Course nor respondents No. 6 to 11 could be said to have been duly selected for being sent to the Upper School Course. The being the position the stand of the respondent authorities that these respondents were in any manner eligible to be promoted as Sub-Inspectors from the posts of Head Constables and were eligible to be confirmed as such, becomes untenable. The selection of respondents Nos. 6 to 11 and the equivalence of the course passed by respondents Nos. 3 to 5 being void, the said respondents were as much qualified or disqualified as the petitioner was. Thus the petitioner had every right to be considered for promotion or confirmation along with these respondents who undisputably were junior to him as Head Constable. *Ram Singh v. State of Punjab and others, 1982(1) S.L.R. 892.*

3. Promotion—Confirmation.—From the Notification dated 20.2.1963, vide which the petitioner was promoted as an Inspector, it would be clear that the petitioner was promoted in the year 1963 purely on an officiating basis vice Inspector Ranjit Singh No. 1N/14 of Mahasu when he went on leave preparatory to retirement w.e.f. 27.1.1963. As such, we fully accept the contention of the respondent that the petitioners's case is actually covered under rule 13.4 of the Police Rules and note under Rule 13.18. In the order of promotion of the petitioner in the year 1962, it has no where been stated that he was to be put on two year probation and the petitioner does not seem to have raised this issue at any time before filing this writ petition in the Himachal Pradesh High Court. There is, therefore, no justification whatsoever in contending that his promotion was covered under Rule 13.18 of the Punjab Police Rules or for suggesting that he was on probation for two years and should be deemed to have been automatically confirmed with effect from 17.3.1965. *Jamna Devi v. State and others, 1991(3) S.L.R. 343.*

4. Promotion to officiate on higher post.—Name removed from list it was by way of punishment. (1964) 1 ILR Punjab 84.

5. Reduction in rank.—Reversion with retrospective effect, during period of probation amounts to punishment only so far as it was retrospective. *AIR 1962 H.P. 35.*

6. Reversion to the post of constable without affording an opportunity of being heard.—The provision of Rule 13.18 of the Police Rules may not in terms apply to the case of the petitioner since he belonged to entirely a different category of police, namely, the Mounted Police for which there is different training as per provisions of Rule 7 of the Police Rules, yet the principles enunciated therein should apply. As has been held even by the Courts of law, a person having continued on a post for sufficiently long period even on officiating basis should not be reverted therefrom unless he has been afforded an opportunity of being heard which admittedly is not the case here. In fact, our own High Court in *Hira Nand v. State of H.P. and others, (1981 ILR (HP Series) page 225)* has held that even if a police officer is appointed on officiating basis he shall be deemed to have been on probation for a period of two years in terms of Rule 13.18 and as and when the vacancy occurs even if there is no such vacancy at the time of his initial appointment and after he has completed the stipulated period he shall be deemed to have become permanent thereon. In fact, in stances are not lacking wherein the promotions have been made in the Police Department quite in deviation of the Police Rules in branches which require technical or special type of skill and expertised. *Prakash Lal v. Superintendent of Police and others, 1989(7) S.L.R. 571.*

7. Confirmation or reversion of the probationer-Order for—As per amended Rule 13.18 of the Rules, 1934, all police officers promoted in rank shall be on probation for two years. On conclusion of the probationary period, there are three courses open to the competent authority; either to confirm the probationer or revert him or extend the period of probation which in the aggregate cannot exceed one year. After the expiry of the extended period the authority may pass such order as it could have passed on the conclusion of the original period of probation. i.e, either confirm or revert him. *Head Constable Kamaljeet Singh v. State of Haryana, (2016) 4 SCT 606 (P&H) (DB).*

8. Order of confirmation of the employee-Held necessary—Under Rule 13.18 of the Rules, 1934, although maximum period of probation is prescribed, but the rule also requires a specific act on the part of the employer of issuing an order of confirmation and there is no automatic confirmation without any order of confirmation having been passed. *Head Constable Kamaljeet Singh v. State of Haryana, (2016) 4 SCT 606 (P&H) (DB).*

9. Timely action regarding satisfactory completion of probation period-Duty of authorities therefor—After completion of probationary period of probation the authorities has to take timely action regarding satisfactory completion of probation period and to avoid needless delay in this regard which not only affects the morale of the employees but may also lead to avoidable litigation. *Head Constable Kamaljeet Singh v. State of Haryana, (2016) 4 SCT 606 (P&H) (DB).*

10. Probation period-Limitation for—As per Rule 13.18 of the Rules, 1934, the total probation period, the initial and the extended both included, cannot exceed three years. But the Rule also requires the authority to pass an order of confirmation or reversion after the expiry of the extended period of probation. This requirement of a positive act of confirmation negatives the idea of automatic or deemed confirmation on the expiry of the maximum period of probation. *Head Constable Kamaljeet Singh v. State of Haryana, (2016) 4 SCT 606 (P&H) (DB).*

11. Internal governmental communications-Held not an order—It is well settled that internal governmental communications do not constitute an order. A decision becomes enforceable and binding only when it is communicated to the person concerned. Before that it is only a proposal for action, which can be reviewed or altered. *Head Constable Kamaljeet Singh v. State of Haryana, (2016) 4 SCT 606 (P&H) (DB).*

13.19. Special promotion to recipients of the President's Police and Fire Services Medal and the Police Medal.—(1) A constable receiving the award of the President's Police and Fire Services Medal shall be promoted in the first substantive vacancy of head constable which occurs in the district in which he is serving subsequent to the award of the medal being gazetted.

(2) A constable awarded the Police Medal shall, if not already in the selection grade, be promoted to that grade on probation as prescribed in rule 13.5(7).

Rule 13.20 for Punjab Only

13.20. Departmental Promotion Committee.—In order to ensure that selection and promotion are made in accordance with the rules, Departmental Promotion Committees shall be set up at various levels. Such Committees shall arrange to put all eligible persons through a written test and parade. Thereafter those persons who secure the qualifying marks will be interviewed by said Committee. The

committee will assess the merit of such persons on the basis of their service records as well as performance in the test. The syllabus for various tests, qualifying percentage of marks, the composition of Departmental Promotion Committees shall be prescribed by the Inspector-General of Police in the form of a standing Order.

Rule 13.20 for Chandigarh

13.20. Departmental Promotion Committee. —In order to ensure that selection and promotion are made in accordance with the rules, Departmental Promotion Committee shall be set up at various levels. Such Committee shall arrange to put all eligible persons through a written test and parade. Thereafter, the persons who secure the qualifying marks will be interviewed by the said Committee. The Committee will assess the merit of such persons on the basis of their service records as well as performance in the test. The syllabi for various test qualifying percentage of marks, the composition of departmental promotion committee shall be prescribed by the Inspector-General of Police in the form of a standing order.

SYNOPSIS

1. *Order of debarring petitioner from appearing in the basic profeciency test-Setting aside of.*
2. *Debarring any candidate from appearing in the basic profeciency test-Stage of.*
3. *Order of debarring petitioner from appearing in the basic profeciency test-Quashment of.*

1. Order of debarring petitioner from appearing in the basic profeciency test-Setting aside of—In this case, admittedly, the basic proficiency test was conducted on the basis of standing order No.12/2010 under Rule 13.20 of the Punjab Polcie Rules, 1934. The petitioner was debarred from appearing in the test vide order dated 19.08.2012 as departmental inquiry was initiated against him. In the impugned order dated 19.08.2012, no reason whatsoever has been mentioned as to why the petitioner has been debarred from appearance in basic proficiency test. Hence, order of debarring petitioner from appearing in the basic profeciency test was set aside. *Sikander Pal Singh v. State of Punjab, (2016) 4 SCT 628 (P&H).*

2. Debarring any candidate from appearing in the basic profeciency test-Stage of— In this case, it was held by the Hon'ble Punjab and Haryana High Court that as per Rule 13.7 of the Punjab Police Rules, 1934, the stage of debarring any candidate from appearing in the basic profeciency test comes when any major punishment is imposed on a Police Official. *Sikander Pal Singh v. State of Punjab, (2016) 4 SCT 628 (P&H).*

3. Order of debarring petitioner from appearing in the basic profeciency test-Quashment of—In the present case, no major punishment was imposed upon the petitioner. The charge-sheet was prepared on 28.08.2012 and thereafter, he was summoned before the Inquiry Officer. There was no reason to debar the petitioner from appearing on 20.08.2012 as no charge-sheet was pending against him at that time. Moreover, he was found innocent in the inquiry which was approved by the competent authority. Hence, the present writ petition is allowed, order of debarring petitioner from appearing in the basic profeciency test was quashed and the respondents are directed to consider the case of the petitioner. *Sikander Pal Singh v. State of Punjab, (2016) 4 SCT 628 (P&H).*

Rule 13.21 for Punjab Only

13.21. Power of relaxation.—Where the Inspector-General of Police is of the opinion that it is necessary or expedient so to do, he may, by order for reasons to be recorded in writing relax any of the provisions of this Chapter with respect of any class or category of persons.

Rule 13.21 for Chandigarh

13.21. Power of Relaxation.—Where the Inspector-General of Police is of the opinion that it is necessary or expedient so to do, he may, by order for reasons to be recorded in writing relax any of the provisions of this Chapter with respect of any Class or category or persons.

Provided that five percent of such promotions may be from amongst the members of the Police force who achieve outstanding distinction in sports field at All India Level or International Level if they are otherwise eligible for promotion but for seniority.

SYNOPSIS

1. *Requirement as to the recording of reasons.*
2. *Out of turn promotion to the post of Assistant Sub-Inspector.*
3. *Grant of relaxation-Nature of.*
4. *Benefit of relaxatiaon-Entitlement of.*
5. *Power of relaxation-Exercise of.*
6. *Invocation to grant promotion to the petitioner-Legality of.*

1. Requirement as to the recording of reasons.—Power entrusted to the Inspector General of Police to relax any of the rules cannot be said to be arbitrary as he is first to form an opinion that is necessary and expedient so to do and then he has to record reasons in writing for relaxing any of the provisions of Chapter XIII with respect to any class or category of persons. The requirement as to the recording of reasons is a sufficient safeguard against misuse of power under Rule 13.21 of Punjab Police Rules, 1934 which is held to be valid. *Ram Labhaya, Assistant Sub-Inspector of Police and others v. The State of Punjab, through the Secretary for Home Affairs, Punjab and others, 1962 S.L.R. 775.*

2. Out of turn promotion to the post of Assistant Sub-Inspector.—Out of turn promotion as an ASI was given to petitioner by DGP by relaxing requirement of passing intermediate school course. Petitioner never worked under the DGP. No one recommended his name for any outstanding performance for out of turn promotion. Such as order would be clearly arbitrary, unreasonable and unjustificable. As he was not eligible of promotion, the promotion order was set aside. *Jagir Singh v. State of Punjab, 2010(3) SLR (P&H) 439.*

Out of turn Promotion to the Post of Assistant Sub Inspector. Petitioner was on the seniority list of Head Constable at Sr. No. 160. Others senior to him were ignored while he was given promotion as Assistant Sub Inspector by invoking Rule 13.21 of PPR. The Promotion of the Petitioner was resented to by the persons who were superseded. Respondent No 1 asked Respondent No 2 as to why the petitioner was promoted by invoking Rule 13.2 of PPR. Respondent No 2 informed Respondent No. 1 that concerned person did not show any merit in maintaining law & order. Rule 13.21 has be wrongly invoked by the DGP to approve the case of promotion on officiating basis. Out of turn promotion should

be granted as an exception and not as rule. Promotion without fulfilling necessary components bring frustration in mind of Govt. employees. Petitioner could not place any legal ground to justify his fundamental or legal right for holding the post of ASI on officiating basis. *Sukhdev Raj v. State of Himachal Pradesh, 2010(1) SLR (Himachal Pradesh) 413.*

The Petitioner was granted out of turn promotion while on deputation by invoking Rule of 13.21. An ASI of wireless wing of Punjab Police was given promotion as Inspector in executive lines of Police under Rule 13.21. Promotion given erroneously revoked. Do not find any element of arbitrariness on part of the respondent while repatriating to his parent department i.e. Telecommunication Wing of Police Department in his substantive rank of ASI. *Inspector Kuldip Singh v. State of Punjab and Others, 2009 (2) RSJ 48 (DB).*

3. Grant of relaxation-Nature of—The relaxation which had been granted under Rule 13.21 should not be in respect of any individual but only in respect of a class or category. The order dated 30.11.2000 of the DGP did not contain any detailed reasoning as required under Rule 13.21. Resultantly, he was directed to be relieved with a direction to report to the IGP Computer & Telecommunications, Punjab, at his new place of posting and that he will get his promotion as per his seniority and merit in his parent cadre, i.e., Wireless Wing. *Anil Kumar v. State of Punjab and others, (2016) 3 SCT 619: (2017) 3 SLR 234: (2016) 3 Law Herald 2385 (P&H).*

4. Benefit of relaxatiaon-Entitlement of—After relying the case of *Harjinder Singh v. State of Punjab and others, CWP No. 9977 of 1994*, decided on 14.1.2013, where the matter was referred to Officers' Committee comprising of two senior Officers of the Police Department as well as one Additional Advocate General, Punjab wherin it was held that the petitioner was entitled for all benefits granted to the candidates, who were given exemption from passing the promotional course, the present petition is disposed of with a direction to respondents to reconsider the case of the petitioner. *Sukhwinder Singh v. State of Punjab, (2017) 1 SCT 414: (2017) 3 RSJ 164 (P&H).*

5. Power of relaxation-Exercise of—Under Rule 13.21 of the Rules, 1934, power of relaxation was provided, only giving power in respect of any class or category of persons. The powers could be exercised by the DGP in respect of any class or any category but not in respect of any individual and valid reasons had to be given for exercising such power. The legal benefits had been granted upon the said respondents and accordingly, in the absence of any reasoning for promoting him, the writ petition was dismissed, by holding that the repatriation order to his parent cadre in a substantive rank of ASI was justified. *Anil Kumar v. State of Punjab and others, (2016) 3 SCT 619: (2017) 3 SLR 234: (2016) 3 Law Herald 2385 (P&H).*

6. Invocation to grant promotion to the petitioner-Legality of—In this case, Rule 13.21 was invoked to grant promotion to the petitioner. However, the order whereby the said rule was invoked, does not give any reasons for exercise of power under the said rule. Needless to say that the DGP could not have invoked Rule 13.21 to grant relaxation to the petitioner, at his whim. The order must show valid reasons for exercise of this power for promoting a police official to a higher rank. In the present case, however, no such reason is decernible from a perusal of the impugned order. *Anil Kumar v. State of Punjab and others, (2016) 3 SCT 619: (2017) 3 SLR 234: (2016) 3 Law Herald 2385 (P&H).*

FORM No. 13.5 (6)

SHEET FOR MAINTENANCE OF MARKING SYSTEM

POLICE DEPARTMENT _____DISTRICT

Constable No. _____ Name_____

Date of enrolment_____

A. EDUCATION—

_____

B. COURSES PASSED—

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

C. PROFESSIONAL ABILITY—

(1) _____

(2) _____

(3) _____

(4) _____

D. CHARACTER—

Total_____

Initials of gazetted officer and date_____

Onerous and responsible duties to which posted (vide sub-rule 13.5 (4).)

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

Note.—Marks allotted under heads C and D according to the principles described in sub-rule 13.5(3) shall be added to or reduced as occasion arises, each change being initialed and dated by a gazetted officer.

FORM No. 13.6

POLICE DEPARTMENT _____DISTRICT

PROMOTION LIST A

LIST OF CONSTABLES ELIGIBLE FOR PROMOTION TO THE SELECTION GRADE

1	2	3	4	5	6
Sr. No.	Name	Constabulary No.	Date of enrolment	Date of entry	Order book reference and signature of Superintendent of Police ordering entry or removal of name

In order for the titles to be visible, they must be typed within ¼ " above perforation- as close to the perforation as possible.

FORM No. 13.7

POLICE DEPARTMENT _____DISTRICT

PROMOTION LIST B

PART I (YELLOW).—LIST OF SELECTION GRADE CONSTABLES FIT TO UNDERGO THE LOWER SCHOOL COURSE AT THE POLICE TRAINING SCHOOL.

PART II (BLUE).— LIST OF CONSTABLES FIT TO UNDERGO SPECIAL COURSE AT THE POLICE TRAINING SCHOOL.

Date of enrolment_____

Order Book reference ordering entry_____

REMARKS

Name _____No._____

In order for the titles to be visible, they must be typed within ¼" above perforation – as close to the perforation as possible.

Form 13.7 for Haryana

FORM No. 13.7

POLICE DEPARTMENT **ENTIRE STATE**

PROMOTION LIST-B

PART I- LIST OF SELECTED CONSTABLES UNDER 62% CATEGORY ON THE BASIS OF AGGREGATE OF SERVICE RECORD, MARKS OBTAINED IN A COMPETITIVE EXAMINATION I.E. LOWER SCHOOL ENTRANCE TEST (LSET) AND PARADE.

PART II- LIST OF SELECTED CONSTABLES UNDER 35% CATEGORY ON THE BASIS OF SENIORITY-CUM-FITNESS.

PART III- LIST OF SELECTED CONSTABLES UNDER 03% CATEGORY ON THE BASIS OF CONSISTENT OUTSTANDING PERFORMANCE IN JOB/ OBTAINING GOLD OR SILVER MEDAL IN ALL INDIA POLICE GAMES AND DUTY MEET/NATIONAL GAMES OR EXCEPTIONAL DISPLAY OF BRAVERY DURING THE COURSE PERFORMANCE OF OFFICIAL DUTY.

DATE:- _____

ORDER NO. _____

REMARKS

NAME_____NO._____

Form 13.7 for Himachal Pradesh

[1][FORM 13.7

District/Battalian **Police Department**

PROMOTION LIST B

Date of enrolment_____

Order Book reference ordering entry_____

REMARKS

Name_____No._____

Year of passing B-I Test_____

Present Place of posting_____]

FORM No. 13.8 (1)

List C Marks according to rule 13.5

Date	A.	B.	C.	D.	Total

Note By $\frac{\textit{Supeintentdent}}{\textit{Deputy Inspector – General}}$ of Police.

Name _____No._____

FORM No. 13.9 (1)

LIST D PROMOTION TO ASSISTANT SUB-INSPECTORS

Date of enrolment Date of passing Lower School.

Date of passing "D" class. Date of promotion to Head Constable.

Notes by Superintendent of Police and Deputy Inspector General of Police.

Name _____No. _____Date of entry _____

1. Subs. by H.P. Home Department Notification No. Home (A) B (2)-4/90-11 dated 13.6.2008.

FORM No. 13.9 (3)

Head Constables on List 'D'

Half-yearly Reports on the Working of Head Constables on List 'D' for the half year ending on_____
Assistant Sub-Inspectors on List 'E'.

(Note.—Delete whichever is not applicable).

1	2	3	4	5	6	7	8	8(a)	8(b)	8(c)	8(d)	9	10	11	12
Name and Rank	Range or Constabulary No.	District where employed	District in which Home is situated.	Date of enrolment	Date of last substantive promotion	Present age	Date of passing	Lower School Examination	Intermediate School Examination	Upper School Examination	Date of Examination from passing upper school	Duties on which employed since last report with dates	Is this officer in your opinion honest.	Report by Superintendent (give name and date)	Remarks by the Dy. Inspector-General of Police

FORM No. 13.14 (1)

POLICE DEPARTMENT _____DISTRICT

RECOMMENDATION ROLL OF SUB-INSPECTORS OF POLICE ON TIME-SCALE RECOMMENDED FOR PROMOTION TO SELECTION GRADE

1	2	3	4	5	6	7	8
Sr. No.	Name	Range No.	Date of appointment as Sub-Inspector	Total service as Sub-Inspector (including officiating and probationary service	Present pay under timescale	Remarks by Superintendent giving full reasons in support of the recommendation	Order of Deputy Inspector-General

FORM No. 13.15 (1)

CONFIDENTIAL RECOMMENDATION ROLL OF SERGEANT OR SUB-INSPECTOR_____GRADE No._____SERVING IN THE_____DISTRICT CONSIDERED FIT FOR PROMOTION TO INSPECTOR

1.	Does he possess a good knowledge of English and, if not, is he well educated in the Vernacular? Does he know either Persian or Pashtu?	
2.	Is he physically fit and of active habits? Can he ride well?	
3.	Is he well set up and generally a "smart" officer? Is he good at drill?	
4.	Has he a good knowledge of the Police Rules, especially Chapters XXI to XXVII and of Law and Police procedure generally?	
5.	Is he capable of inspecting a Police Station thoroughly?	
6.	Is he a man of good and strong character who can enforce discipline?	
7.	Is he to your knowledge addicted to any bad habits such as drugs, gambling, women, etc.?	
8.	Does he posses the confidence and respect of his subordinates and the public.	
9.	Does he posses good common sense and tact?	
10.	Is he intelligent and capable of conducting or supervising an investigation efficiently?	
11.	Does he posses a reputation for honesty and fair dealing?	
12.	Is he a keen officer generally who takes an interest in his work?	

13.	Does he possess your confidence generally?	
14.	Has he any experience as an Officer in charge of a police station oras an Inspector?	
15.	What do you consider him fit for–District, City, Cantonment, Reserve or Prosecuting Inspector?	

GENERAL REMARKS

Superintendent of Police

REMARKS AND OPINION OF DEPUTY INSPECTOR GENERAL

Deputy Inspector General.

(Confidential)

FORM No. 13.15 (2)

PROMOTION LIST F

LIST SHOWING THE NAMES OF SERGEANTS AND SUB-INSPECTOR, WHO ARE CONSIDERED FIT PROMOTION TO THE RANK OF INSPECTOR.

1	2	3	4	5	6	7	8
Sr. No.	Name	Grade	Range No.	Date of entry into service	District in which serving	District of which resident	Notes by Inspector General

FORM No. 13.17

POLICE DEPARTMENT _____DISTRICT

Report on the work and character of—

Name_____

Rank_____

For the period from_____

How employed during the year under report.

Class of report 'A', 'B' or 'C'.

Remarks.—

(1) Honesty

(2) Moral Character

(3) Moral courage and readiness to expose the malpractices of subordinates.

(4) Reputation for fair dealing with the public and accessibility to the public.

(5) Communal impartiality.

(6) Loyalty to the Government in power without regard to political and party feelings.

(7) Attitude towards subordinates and relations with fellow officers.

(8) General power of control and organizing ability.

(9) Personality and initiative.

(10) Power of Command.

(11) Interest in modern methods of investigation and in modern police methods generally.

(12) Preventive and detective ability.

(13) Working experience of Criminal Law and Procedure.

(14) Reliability.

(15) Efficiency on parade.

Form 13.17 for Chandigarh

FORM No. 13.17

POLICE DEPARTMENT

District_____

Name.....

Constabulary No. .....

Place of Posting with date .....

.....

Grading	A	B
1.	Intelligence	
2.	Reputation for honesty	
3.	Amendability to discipline	
4.	Punctuality	
5.	Devotion to duty:	
6.	Behaviour with public:	
7.	Knowledge about the local bad Characters:	
8.	Has he been employed on investigation	detective or watch duties? If so
9.	Quality of leadership in the case of H.Cs.	
10.	Parade	
11.	Departmental courses passed during the period under report:	

❑❑❑

CHAPTER 14

DISCIPLINE AND CONDUCT

Note.—In this chapter contain rules of conduct are reproduced from the Government Servants, Conduct Rules and Punjab Government. Consolidated Circulars for facility of references. Police Officers, like other Government Servants, are bound by, and are required to be acquainted with, those rules, whether reproduced in Police Rules or not.

14.1. Command and Precedence.—(1) Command and precedence amongst police officers shall be—

(a) by seniority of rank.

(b) by seniority of grade.

(2) Officers holding officiating appointments take the rank and seniority of such appointment for the time that they hold it only; on reversion they take seniority in accordance with their position in their substantive rank. Officers in a selection grade take seniority above all officers in a time-scale of the same rank and among themselves in the order of their seniority in such grade. The seniority of officers appointed or promoted on probation to any rank is finally determined by the date of confirmation in that rank; during the period of probation such officers will take seniority in the order in which they are gazetted, and, in the case of several being gazetted on the same date, promoted officers will be placed first in order according to their length of service, and officers appointed direct will follow according to age.

For purposes of discipline an officer on a higher rate of pay shall rank senior to an officer on a lower rate in the same time-scale; provided that no officer on probation in his rank shall take seniority above an officer who is confirmed in that rank, even though, on account of length of officiating service he may be drawing a higher rate of pay.

14.2. Salutes.—Saluting by police officers shall be in accordance with the instructions contained in Chapter IV, Police Drill Manual, Punjab, 1929, and the following special instructions—

(a) All police officers above the rank of head constable are entitled to be saluted by other police officers junior to them in rank.

(b) Police officers of all ranks, when in uniform, shall salute His Excellency the Viceroy; His Excellency the Commander-in-Chief; His Excellency the Governor of the Punjab; and Ministers of the Punjab Government, on all Occasions save as excepted in sub-rules (c) and (d) below. The

Presidents and Deputy Presidents of Legislative bodies shall receive the same compliments when such Legislative bodies are in session and upon official occasions. Gazetted police officers in uniform shall salute high civil officials and officers of the Navy, Army and Air Force who are superior to them in rank when addressing or addressed by them. Non gazetted police officers in uniform shall salute as ordered above and shall also salute all officers in uniform of the Navy, Army or Air Force superior to them in rank, and all civil officials of and above the rank of Extra Assistant Commissioner, or equivalent rank, when addressing or addressed by them. Head Constables and Constables shall salute as above and shall also salute all civil officials of gazetted rank when addressing or addressed by them. Every police officer entering a court of law in uniform, while such Court is in session, shall salute the Court, irrespective of the rank or status of the judicial officer presiding in such a court for the time being. Magistrates in charge of ilaqas shall be entitled to be saluted within the boundaries of their ilaqa, as well as in their courts, by non gazetted police officers addressing or addressed by them.

(c) Police of all ranks when on parade, or posted in line on public occasions, shall stand to attention only, and shall not salute when persons entitled to a salute pass them; provided that a police officer on duty shall salute when addressing or addressed individually by a person entitled to a salute from him.

(d) Notwithstanding, anything contained in the foregoing instructions, police officers of whatever rank employed on traffic and other duties requiring their concentrated attention shall give no salutes unless actually addressed by, or called upon to address in the course of such duty, a person entitled to a salute.

14.2. (A) Salutes.—A member of the Royal Family, His Excellency the Viceroy, His Excellency the Governor, the Commissioner of a Division, the Deputy Commissioner, and no other person, may be invited to take the salute at ceremonial police parades (for example at parades held on the anniversary of His Majesty the King Emperor's Birthday or on Proclamation Day).

14.3. Official calls and attendance on high officials.—Police Officers of gazetted rank shall observe the orders contained in paragraph 16, Punjab Government Consolidated Circular No.1, regarding attendance on high officials and official calls; provided that no police officers shall abandon urgent police duty for the sake of mere ceremonial attendance. Upper subordinates shall, unless prevented by urgent duty or physical incapacity, meet the District Magistrate or higher civil official on his entering their jurisdictions, but shall not remain in attendance to the detriment of their duties, unless specially ordered to do so. All upper subordinates shall take early occasion to pay their respects officially to a District Magistrate on his first appointment to a district. Inspectors and Sub-Inspectors

in charge of police stations should be ready to avail themselves of every opportunity to interview the District Magistrate and furnish him with information regarding the state of their jurisdictions. The heavy claims upon the time of both District Magistrate and police officers make it impossible to prescribe general rules as to the occasions for such interviews, but each Superintendent of Police should arrange, in consultation with the District Magistrate so that such time as the latter is able to give may be taken advantage of by police officers visiting headquarters.

14.4. Conduct in Public.—(1) Every police officer shall keep his temper thoroughly under control, shall act with courtesy on all occasions and shall not allow his composure to be disturbed by the behavior of others towards him.

(2) A police officer defending himself, or lawfully enforcing his authority, shall act with calmness and shall use as little violence as possible.

(3) Police officers usually act individually in the execution of their duty. They should remember, therefore, that on the behavior of each individual depends the reputation of the force and the degree to which the law-abiding section of the public will be willing to cooperate against law-breakers.

14.5. Channel of communication.—The usual channel of communication between enrolled and gazetted officers is through their immediate and intermediate superiors.

14.6. Requests and representations by lower subordinates.—(1) A lower subordinates at headquarters who wishes to make a request, or representation, to the Superintendent, shall obtain leave from his immediate superior officer to attend orderly room and shall there make such request or representation verbally.

Police officers at headquarters are forbidden to make written petitions.

(2) Urgent requests may be preferred at any time, but a lower subordinate preferring such requests shall be brought before the Superintendent by his immediate superior officer or by the reserve inspector or Lines Officer and such officer shall be responsible that the matter is really an urgent one.

(3) Lower subordinates at police stations and posts may submit written petitions to the Superintendent through the usual channel.

(4) Upper subordinates and Head Constables shall place no improper obstacles in the way of a Constable who wishes to prefer a reasonable request under these rules.

14.7. Comments on remarks of superior officer.—A police officer shall not record comments on the remarks made by a superior officer.

If a police officer considers that an erroneous view has been taken of his conduct or of any matter affecting his administration he may refer the question in a temperate manner through the proper channel.

14.8. Unsubstantiated complaint.—A subordinate officer making complaints against his superior officer which he cannot substantiate or prove shall be severely dealt with.

14.9. Submission of memorials.—The regulations regarding the submission of memorials to His Majesty the King-Emperor of India, or to the Right Honourable the Secretary of State for India, or to the Government of India are contained in Government of India, Home Department notification No. F/6/733-I, dated the 19th June, 1933, copies of which were supplied to all police officers with the Inspector-General's endorsement No. 3987-B/17-3124-A dated the 16th August, 1933.

14.10. Orderly room.—(1) In every district orderly room shall be held once a week or often if necessary, by the Superintendent, if possible, otherwise by a gazette officer appointed by him.

(2) Gazette officers presiding in orderly room, are required to hear and paws order on requests put forward by subordinates in accordance with discipline and through the prescribed channel. Similarly, defaulters at headquarters shall be produced in the first instances before the Officer holding orderly room, who shall dispose of such cases forthwith as far as possible, making such record of his proceedings as may required by rule in the circumstances of each case. When the complaint against a defaulter necessitates formal proceedings too long to be completed forthwith, the officer holding orderly room shall pass orders for the conduct of such proceedings. Every effort shall he made to dispose of disciplinary matters direct and in the presence of the men and to reduce to a minimum the volume of such matters dealt with by means of written report through the officer. A register will be maintained in Form 14.10(2) for all personal appearing in orderly room.

14.11. Resignation of appointment.—(1) Resignation of police officers may only be accepted by the officer empowered to appoint them.

(2) An enrolled police officers who intends to resign form the police shall give notice to that effect in writing and ordinarily shall be permitted to withdraw himself from duty until two months have elasped from the date on which his resignation was tendered:

Provided that the Superintendent may, at his discretion, allow a Head Constable or Constable to credit to Government two months' pay in lieu to notice.

(3) Ordinarily a Head Constable or Constable who has greed to serve for three years shall not be permitted to resign within that period.

(4) Probationary Inspector, Sergeants, Sub-Inspectors and Assistance Sub-Inspectors of police, whose appointments involve training at the Police Training School, Phillaur, shall not be permitted to resign within three years of the date of their appointment.

14.11A. Procedure for action against an absconding police officer.—If an enrolled police officer withdraw form the duties of his officer without permission or without having given two months' notice as prescribed in rule 14.11(2) or,

being absent on leave, fails, without reasonable cause to report himself for duty on the expiration of such leave, he shall be prosecuted under section 29 of the Police Act, 1861, and a warrant for has arrest shall be applied for. If the officer absconds or conceals himself so that the warrant cannot be executed, an application shall be made to the Court for the publication of the written proclamation under Section 87 of the Code of Criminal Procedure. If the proclamation is made and the police officer so proclaimed fails to appear within the statutory period of thirty days, he may be dismissed of otherwise dealt with at the discretion of the police officer empowered to appoint him, under rule 16.2(2).

14.12. Discharge of police officers.—(1) A police officer due for discharge shall be called into headquarter at least a week before the date on which will he will be discharged. He shall surrender his certificate of appointment, arms, equipment uniform and all other Government property in his possession. He shall also render a true account of all Government monies and property for which he may be responsible. The property and monies surrendered by him shall be surveyed and his account finally settled up before he leaves the force. The orders regarding final disbursements in such cases are contained is rule 10.72.

(2) Every enrolled police officer on quitting the service shall be given a discharge certification in Form 14.12(2). The certificate shall invariably be signed, after careful verification by a gazetted officer, and column 8 thereof shall be filled in and signed by the Superintendent personally.

The following terms are authorized for describing 'Character' in column 8 of the form *viz.*, Exemplary; Very good; Fair; Indifferent; Bad. An 'exemplary' character shall be recorded only in, the case of police officers retiring with not less than six years approved service free from any major punishment. In the case of officers of longer service. the existence of more than one major punishment for each ten years of completed service shall be bar to the award of an "exemplary" character.

14.13. Discharge and transfers-normal dates of.—Discharge on resignation and other discharge and reductions shall, unless there are reasons to be the contrary, take effect from the afternoon of the last day of the month , in order to simplify accounts and records. Except for emergent reasons transfers and reliefs shall not be carried out between the dates of preparation of acquainttance rolls and disbursement of salaries.

14.14. Transfer of gazetted officers.—Whenever a gazetted officer relinquishes or assumes charge of a police appointment he shall, as soon as possible report the time and date to the Inspector-General sending copies to the Deputy Inspector-General and to the Accountant-General, Punjab, in the prescribed form.

14.15. Postings and transfers-liability to and authority for.—(1) All enrolled police officers are, under section 22 of the Police Act, liable for service in any part of the general police district.

(2) The authorities empowered to post and transfer police officers are shown in the following table—

Authority for transfer	Rank of officer	Restriction
1. Governor	Superintendents	
2. Inspector-General	(1) Assistance, and Deputy Superintendents. (2) Inspectors and all officers of lower rank	
3. Deputy Inspectors-General	(1) Inspectors (2) Sergeants (3) Sub-Inspectors and all lower ranks	(1) Except European inspectors, prosecuting inspectors and inspectors in charge of Lahore, Amritsar and Rawalpindi cities and of Anarkali.
4. Assistant Inspector-General, Government Railway police	(1) Inspectors (2) Sergeants (3) Sub-Inspectors and all lower ranks	
5. Superintendent	(1) Sub-Inspectors (2) Assistance Sub-Inspectors and all lower ranks	(1) In the case of officers in charge of police stations with the approval of the District Magistrate
6. Additional Superintendents of Police	Transfer of such lower subordinates as the Superintendent of Police may, with the approval of the Deputy Inspector-General depute to him.	

(3) After holding charge of a police station for three years a Sub Inspector shall ordinarily be transferred, either to another police station or to another post in the district. When the District Magistrate and the Superintendent of Police are in agreement that it is clearly in the interest of the public service that a particular Sub-Inspector should continue to hold charge of one police station for a longer period , recommendations may be made accordingly to the Deputy Inspector-General, who is empowered freely, to grant extension up to a maximum of five years. The normal period of posting to a police station in the case of assistance sub-inspector is also three years, but this period may be extended to a maximum of five by the Superintendent of Police on similar grounds as in the case of Sub-Inspectors.

(4) Whenever an Inspector, Sergeant, Sub-Inspector or Assistance Sub-Inspector relinquishes or assumes charge of an appointment the Superintendent of the district concerned shall, as soon as possible, submit a report to the Inspector- General or Deputy Inspector-General as the case may be, in Form 14.15(4). This order dose not apply in charge within the district.

(5) No police offficer against whom criminal proceedings have been instituted shall be transferred to another districts until the final order is passed in respect of such proceedings.

(6) Deputy Inspectors-General may, by mutual agreement, arrange the exchange of sub-inspectors of the same ranks.

SYNOPSIS

1. Transfer of Police Officer during pendency of Criminal Proceedings.

1. Transfer of Police Officer during pendency of Criminal Proceedings.—Not disputed that the at the instance of Smt. Vidya Wanti, who is living in the house adjoining that belonging to the petitioner, some criminal proceedings have been instituted against the petitioner, which were under investigation at the time of order of transfer and which are still pending. The respondents' answer to the challenge made by the petitioner is there fold. It has firstly been submitted that the offence for which the petitioner has been hauled up in a criminal case is alleged to have been committed by him in his private capacity and the same not having been committed by him in the discharge of his official duties, the provision of the above-mentioned rule is not applicable in his case. The rule in question appears to have been couched in general language and I am unable to interpret it in the restricted sense in which the respondents want me to do. It has secondly been contended that the transfer of the petitioner to Hissar was not on account of the criminal case, but on account of persistent complaints against him, to some of which reference has been made in supplementary affidavit of the Deputy Inspector-General of Police, Ambala Range. Once again the prohibition in the above quoted rule is not to transfer on account of some criminal case instituted against a police officer, but to the transfer itself during the pendency of any criminal proceeding, which might have been instituted against a police officer, until a final order is passed in respect of those proceedings. It is admitted that no final order in respect of the criminal proceedings has so far been passed. I am, therefore, unable to give any of the second objection of the respondents. The third and the last objection to the petitioner's complaint is that he was serving in his home district which was not normally allowed. Though no replication, in reply to the written statement in which this objection has been taken, has been filed by the petitioner, it has firstly been contended by Mr. Jagjit Singh Chawla, the learned counsel for the petitioner, that if the original relevant records are called for it would become clear that the home district of the petitioner is Karnal (the particular town being Panipat) and not Ambala. Be that as it may, the learned State Counsel has not been able to show me the particulars rule which contains an absolute prohibition to the police official being posted in his home district. I particularly wanted to have a look at the rule to satisfy myself whether the bar, if any is to the posting of a police official in his home district or only in his home town. Moreover the gretest difficulty which I feel in this case is that even if some police official has been posted, contrary to such rules in his home district, such a thing would not have been any justification for avoiding the effect of the mandatory provision of rule 14.15(5) as no exception has been engrafted on the rule to the effect that it would not apply to a case where some police official has been posted against him in contravention of any particular rule. That being the case, I can filed no away out to avoid granting this writ petition, though I have no sympathy with the petitioner on the facts of the case. Moreover there is nothing in the above said rule phohibiting the petitioner being posted to any remote corner within the district of Ambala, and it for the authorities concerned to pass apropriate orders in accordance with law. All that I hold is that the order transferring the petitioner out of Ambala District during the pendency of criminal proceedings instituted against him in violation of rule 14.15(5) of the Punjab Police Rules cannot be sustained. *Madan Mohan Lal, Head Constable v. The State of Haryana, through I.G. Police, Haryana, Chandigarh and others, 1968 S.L.R. 501.*

14.16. Postings, transfers, rotation of, within districts.—(1) A register of postings of all enrolled police officers shall be maintained in English in each district in Form 14.16 (1).

(2) Standing orders shall be issued in each district regarding the rotation of duty to be observed in the case of lower subordinates.

(3) Ordinarily the following rotation of duty will be observed—

(a) General duty in Lines and standing guards.

(b) Duty in municipal towns and cantonments.

(c) Duty at police stations and posts subordinate to police stations. The normal period of posting at a police station shall be three years.

14.17. Medical Certificate.—(1) The rules relating to the grant of medical certificates by medical Officers to Government servants are contained in Appendix XXVIII of the Punjab Medical Manual.

(2) Police officers on leave who, while at a station other than that from which they proceeded on leave, are desirous of obtaining an extension of leave on medical certificate should apply to the Civil Surgeon of the district in which they happen to be. In every such case it shall be the duty of the medical officer, before he grants a certificate to ascertain direct from the head of the applicant's department or office particulars regarding the applicant's previous medical history, as well as whether he is really on leave, and the district to which he belongs and the fact that this has been done shall be mentioned in the medical certificate. Pending this enquiry the applicant will be placed on the sick list. (Rule VII of Appendix XXVIII to the Punjab Medical Manual).

(3) Medical officers are prohibited from granting certificates recommending transfers of police officers from one station to another on the ground of ill-health, or unsuitability of climate. Should the immediate superior officer of any applicant for a certificate require any information as to the likelihood of any locality proving detrimental to the applicant's health, or beneficial as compared with another locality, the information may be furnished, but separately from the certificate. (Rule XIV of Appendix XXVIII to the Punjab Medical Manual).

(4) Whenever particulars of a police officer's illness are required in the interest of Government by his official superiors, the Government medical officer who has dealt with his case in his official capacity may be required to supply them without infringing the relations which ordinarily exist between a patient and his medical adviser. This procedure, however, should rarely be necessary, and ordinarily the medical statement of his case should be demanded from the police officer himself, who can obtain it from his medical attendant in the way in which the somewhat analogous statements, required to support an application for leave on medical certificate, are obtained. (Rule XVI of Appendix XXVIII to the Punjab Medical Manual).

(5) Medical officers are required to confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his capacity for further service. (Article 450, Civil Service Regulations).

14.18. Duty slips.—A vernacular duty slip in Form 14.18 shall be maintained by every enrolled police officer who shall be personally responsible that all transfers involving a change of duty, all leave (including causal leave) and all duties involving an absence of 24 hours or more from lines are duly entered in such slip and initialled by the Lines officer, the officer in charge of the police station or clerk head constable.

14.19. Orderlies.—(1) The Inspector-General shall be entitled to two orderlies, one of whom may be head constable. A Deputy Inspector-General shall be entitled to two constable orderlies.

A Superintendent, an Assistant Superintendent, a Deputy Superintendent and an Inspector are entitled to one constable orderly each.

(2) Except with the permission of the Inspector-General, lower subordinates shall not be employed as personal orderlies for more than three years at a time, and shall revert to other duties for three years before being again so employed.

(3) The transfer of orderlies from district to district is prohibited without the sanction of the Inspector-General of Police.

14.20. Subordinates not to follow their superiors from district to district.—No police officer shall be transferred with his superior from one district to another. Deputy Inspector-General are required to pay attention to the due observance of the spirit as well as the letter of this order, and to check any tendency for favourite subordinates to resign and re-enrol themselves in the district to which a particular superior officer has been transferred.

14.21. Powers to enter jails.—(1) Gazetted police officers may enter jails at any time for any purpose connected with the discharge of their duty.

(2) Subordinate police officers may enter jails only for the purpose of conducting operations for the identification of prisoners.

When entering jails such officers shall be in proper uniform.

(3) No police officer is allowed to interrogate a prisoner without an order in writing from the District Magistrate addressed to the Superintendent of the Jail.

Officers deputed for this purpose shall not be below the rank of Assistant Sub-Inspector.

14.22. Privately-owned fire-arms.—(1) Police officers below the rank of Sub-Inspector should not ordinarily be recommended for licenses to possess private fire-arms:

Provided that officers below such rank, who may be of superior social status in their private capacity or who may possess considerable landed property, may be so recommended.

(2) The use of privately-owned arms on duty by non-gazetted police officers is forbidden. (see also rule 6.34).

14.23. Control over property held or acquired by police officers.—(1) Subject to the conditions which follow, any police officer may possess or acquire land and other property. This includes a mortgage of a permanent nature. (Punjab Government endorsement No. 4111/1276-S.G.-36/24033, dated the 5th August, 1936) —

(a) Every police officer of rank above that of constable shall report to the Superintendent full particulars in universal form 76-A regarding any immovable property in India held by him or by his wife, or wives, sons, father, brothers or nephews, at the time of first appointment to such rank, or which he, or the said members of his family, may subsequently acquire. Any interest held by the police officer in a joint Hindu Family should also be shown by him in the declaration. Particulars in regard to family holdings need not be recorded in the declaration form but should be indicated separately.

In January of each year every police officer of rank above that of constable shall write up a fresh declaration form giving particulars of any additions or alterations in the immovable property held by him, or by the members of his family referred to above, during the previous year; or, if there have been no such additions or alterations, he shall record a certificate to that effect.

Gazetted officers shall on first appointment, and in subsequent years, send their declaration forms through Superintendents of Police to the Deputy Inspector-General who shall attach them with the annual Confidential Report on each officer and forward both documents to the Inspector-General so as to reach him by the 15th February. The Inspector-General will forward the declaration forms to Government for information and, on their return, will attach them to the personal files of officers concerned.

Note.—The previous sanction of the Inspector-General of Police should be obtained, through the usual channel in all cases of the acquisition or disposal, wholly or partially, of immovable property by police officers, whether for residential for residential or other purposes.

(b) When a police officer is allowed to purchase or to take a mortgage on land situated in the district in which he is serving he shall be transferred to another district.

(c) Police officers serving in canal colonies are prohibited from acquiring land either by tender or auction in the area in which they are employed.

(2) As regards possessions, other than landed property, Government reserves to itself the right to demand from any police officer, should the public interests require that such a demand should be made, an account of investments made or movable property acquired by him or by any of the near relatives specified in condition (1) (a) above.

(3) A record shall be kept, confidentially, in the personal files of all officers of and above the rank of Assistant Sub-Inspector, showing the extent and nature of the sources of income of each officer in addition to his pay. This record is maintained in the interests of officers themselves and it is important that they should ensure its correctness by reporting all such sources of income, and all additions as acquired, confidentially, to the Superintendent of Police under whom they are serving.

(4) All information supplied by police officers regarding movable or immovable property held or acquired by them, or by their relatives, will be treated as strictly confidential.

14.24. Orders regarding the collection of supplies.—(1) The police are, as a general rule, forbidden to collect carriage or supplies and shall ordinarily confine their action in such matters to pointing out to the applicant where he can obtain what he requires.

(2) The acceptance of presents, free carriage, or entertainment from subordinates, is strictly forbidden. Both superior and subordinate officers must understand that this rule is dictated by the necessity of allowing no custom to exist which may lead to abuses or be liable to misrepresentation, and that these considerations must override purely personal ones, however, laudable or natural the latter may be.

(3) Touring officers are required to be scrupulous in ensuring by personal attention that all expenses incurred in connection with their tours are paid for, and that payment reaches those to whom it is due. Attention must be paid in this respect not only to the proper payment for supplies required by the officer himself, but to the debts incurred by servants and tour establishment generally. Whenever possible all supplies should be obtained through the contractor appointed by Government for the purpose; when there is no such contractor and supplies have to be collected through lambardars, particular care shall be taken that payments are properly made and distributed.

(4) Apart from the specific examples dealt within sub-rules (1) and (2) above, police officers of all ranks are strictly enjoined to refrain from placing themselves under any sort of obligation either to a subordinate or to any member of the public, who is or is likely to be within their official jurisdiction, or with whom they are liable to have official relations.

(5) The collection or purchase of supplies, whether on tour or in headquarters, through subordinates of the police, or any other Government department, is strictly prohibited. No police officer shall employ a Government servant in any private matter in which the receipt or expenditure of money in the transaction or bargain is involved.

SYNOPSIS

1. *Disciplinary proceedings.*

1. Disciplinary proceedings.—Once the proceedings are initiated under a particular set of rules, it is incumbent upon the authority to conclude those proceedings under those rules. An amendment of the rules during the proceedings does not affect the course of proceedings which have already been initiated. Sub-clause (ix) of the rule 16.24(1), as it originally existed, conferred a right on the employee and imposes a duty on the employer. It was not merely procedural. The substantive right to be called and heard was not only in consonance with the principles of natural justice but was statutorily recognised in sub-clause (ix). It was incumbent upon the Director General of Police to have called the petitioner and heard him before passing the impugned order. This opportunity which deserved to be granted was actually not granted. The order is consequently vitiated. *Ajmer Singh, A.S.I. v. State of Haryana and others, 1991(4) S.L.R. 753.*

14.25. Regarding pecuniary transactions.—(1) Police officers are forbidden to have banking transactions of any kind with accountants in police offices.

(2) No police officer shall borrow money from, or become indebted either directly or indirectly, to any other police officer or to any agent, connection, dependent, relation or surety of any other police officer.

Similarly; no police officer shall borrow money from or become indebted to any native of India residing or carrying on business in the district in which such police officer may be serving; provided that this rule shall not apply to ordinary shop debts.

(3) No police officer shall, either directly or indirectly, lend money to any other police officer, and all police officers are prohibited from lending money at interest, whether directly or through relatives or other agents, to land-holders, with or without security, within the province in which they are employed.

(4) Voluntary subscriptions shall not be collected from Head Constables or Constables for any purpose without the sanction of the Inspector-General.

(5) Police officers shall report to their immediate superiors any case of insolvency or hopeless indebtedness amongst their subordinates.

(6) Gazetted officers are forbidden under pain of dismissal from taking loans from or placing themselves under pecuniary obligations to persons subject to their official authority or influence or residing, possessing property, or carrying on business within the local limits within which such gazetted officers are appointed.

SYNOPSIS

1. *Collection of amount to meet litigation expenses for a common cause does not amount to misconduct.*

1. Collection of amount to meet litigation expenses for a common cause does not amount to misconduct.—Constitution of India secures to all the citizens of India, justice, social, economic and political. Judicial set up under the Constitution from Supreme Court to the subordinate court is to achieve the object enshrined in the Preamble of the Constitution aforesaid. Courts are open to all the citizens. Head Constables and Constables of the police force are also at liberty to approach the Court for securing justice. Sub-rule (4) of Rule 12.25 of the Police Rules if correctly interpreted does not put any embargo on the right of Head Constables and Constables to approach the court.

Rule 12.25 of the Police Rules provides for different types of misconducts. The recourse to the legal proceedings can be had by one police constable or more police constables collectively if their grouse is common. If certain collections are made by those aggrieved constables, to meet out the litigation expenses the same would not amount to misconduct under Rule 12.25(4) of the Rules. Such an act, even otherwise does not infringe any law or rule relating to functioning of police force as such. That being the position, the petitioner could not be charge-sheeted for his act of collecting amount of Rs. 50/- each from other Constables, to approach the Court for redress of their grievance. *Gurmukh Singh, Constable v. State of Punjab and others, 1991(6) S.L.R. 644.*

14.26. Regarding presents.—(1) In accordance with the principle stated in rule 14.24 police officers are prohibited from accepting presents of any description whatever from their subordinates. The giving and receiving of dalis by police officers is absolutely prohibited. The orders of the Punjab Government regarding dalis are contained in paragraphs 11 and 12 of Punjab Government Consolidated Circular No. 1 as amended up to lst March, 1928. The acceptance by police officers or members of their families of presents or dalis from non-officials is prohibited by rule 2 of the Government Servants Conduct Rules which states.—

"2. Any Government Servants may accept from any Indian a complimentary present of flower or fruit or similar articles of trifling value, but all Government servants shall use their best endeavors to discourage the tender of such gift."

(2) Enrolled police officers are prohibited from accepting or giving marriage present (tambol) expect from or to immediate neighbours at their homes or relatives.

(3) Police officers are prohibited from accepting the loan of carriages, horses, etc, belonging to Indian Chiefs expect in cases of emergency.

(4) No police officers shall attend any farewell entertainment held as a mark of regard for himself on the occasion of his retirement from the service or his departure from a district or station or any other entertainment held in his honors, unless it be of a purely informal and private nature and genuinely confirmed to personal friends. Sanction to depart from this rule can be given by the Inspector-General only[1].

14.27. Extra Departmental influence not to be solicited.—(1) Police officers of all ranks are forbidden to approach officials of other departments or non-official gentlemen for support in pressing individual claims in the matter of promotions, transfers, punishments and appeals & c. Promotions are made in accordance with the principles and methods set forth in Chapter XIII. Attempts to influence the minds of promoting officers by applications or recommendations direct or indirect outside the officially prescribed promotion report, character rolls and personal files will be treated as serious breaches of discipline. Transfers are made in the interest of the service and not for the convenience of individuals. Reasonable representations, with a view to obtaining the modification of orders of transfers can be made through the proper channel and in the manner prescribed by rule 14.6 but, officers may be proceeded against departmentally for breaches of discipline

1. Punjab Government Notification No. 2958-S, dated the 28th July, 1927.

if such applications are frivolous or submitted merely to avoid service in unpleasant areas. In the matter of punishments and appeals, the procedure is laid down in Chapter XVI, and any attempt to influence appellate or revision authorities either directly, through superior officers or through outsiders, will be treated as serious breaches of discipline. Police officers are also not permitted to interview the Inspector-General or the Deputy Inspector-General regarding their transfers, promotions, punishments & c; without previously obtaining their sanction through the proper channel.

(2) Police officers are similarly forbidden to approach Members of the Legislatures with a view to having their individual grievances made the subject of interpellations in the Chambers.

(3) The prohibition in sub-rule (1) above includes the acquisition of certificates or letters of recommendation other than certificates granted under rule15.3 or formal letter addressed to the Superintendent of Police concerned, brining to his notice specific services rendered to the writer, or under the official cognizance of the writer.

(4) Police officers are strictly prohibited from obtaining interviews with Members or Secretaries to Governments without the prior sanction of the Inspector-General.

14.28. Regarding speculations.—(1) No police officer shall habitually buy and sell any share, stock, scrip certificate, schedule, coupon, debenture or other security appertaining to public funds or companies whose value notoriously fluctuates from time to time.

(2) No police officer shall take advantage of information received by him as a police officer to speculate in any such funds.

(3) Police officers shall not engage in trade, but may hold shares in mining and other companies having for their object the development of the resources of the country. No police officer, however, shall take part in the management of any such institution without the sanction of the Inspector-General, nor shall a police officer who holds a share in any such company be employed in any district in which it carries on its operations.

Note.—The Modal Town Security, Limited, Lahore, is regarded as a trading concern. While police officers may become members of this or any similar society, they must obtain sanction to serving on the managing committees of such societies in accordance with sub-rule (3) above.[1]

Rule 14.29 for Punjab

[2][**14.29. Shaheed Avtar Singh Atwal Memorial Fund.**—Shaheed Avtar Singh Atwal Memorial Fund is founded in memory of the late Shri Avtar Singh Atwal,

1. Inspector-General's Endorsement No. 211-S. 24.10.26-A, dated 11th June, 1929, to Police Officers.
2. Substituted by Punjab Govt. Notification No. G.S.R. 21/C.A.V/186/Ss. 7 and 46/Amd. (24)/2003, dated 13.5.2003.

IPS, DIG/Jalandhar Range who laid down his life for the integrity of the nation on 25th April, 1983 at Amritsar. The Fund is supported by:—

(i) 10% of reward money of police personnel.

(ii) Voluntary contribution received from or through police officers.

The fund is administered by a committee composed as follows :—

President	Director General of Police.
Honarary Secretary and Treasurer	Assistant Inspector General of Police, Welfare.
Member	All Addl. Director Generals of Police in Punjab. Inspector General of Police, Hqrs., Punjab. All Range Deputy Inspector Generals of Police. Establishment Officer, Central Police Office, Punjab

The object of the fund is:—

(1) to provide scholarships for the education of the families of police officers who die or are killed while in service leaving their families in destitute;

(2) to assist the dependents of officers killed on duty in cases where Government had not made suitable or adequate provisions;

(3) to assist by the grant of subsistence allowance to the dependents of officers who die in service; and

(4) to make a compassionate grant to a widow or family for the purpose of maintence in any case.

The existing amount of the Handyside memorial fund stands transferred to sheheed Avtar Singh Atwal Memorial Fund.]

Rule 14.29 for Haryana

[1][***]

1. Omitted by Haryana Government Notification No. S.O. 34/H.A. 25/2008/S. 92/2023, dated 13th June, 2023. Rule 14.29 before omission stood as under:

"*14.29. Handyside and Saunders-Chanan Singh Memorial Funds.*—The Handyside Memorial Fund was founded in memory of the late Mr. E.C. Handyside, C.I.E., O.B.E., late Superintendent of Police and Commandant of the North-West Frontier Constabulary, and is entirely supported by voluntary contributions received from or through, police officers. The fund is administered by a committee composed as follows—

President	Inspector-General of Police.
Honorary Secretary and Treasurer.	Assistant Inspector-General of Police, Punjab.
Members	Four Indian officers, one nominated from each range and one from the railway police and Criminal Investigation Department combined.

The object of the fund is to provide scholarships, for the education of the families of non-gazetted police officers who die or are killed whilst in service leaving their families destitute. The committee, however, has discretion to make a compassionate grant to a widow or family for the purpose of maintenance in any case in which Government relief has been refused.

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14.30. Participation in politics.—(1) No police officer shall take part in or subscribe in and of any political movement in India or relating to Indian affairs. Where there is room for doubt whether quction, which a police officer proposes to take, contravenes this rule the orders of the Inspector-General shall be obtained.

(2) A police officer shall not canvass or otherwise interfere or use his influence in connection with, or take part in, any election to a Legislative body, but may, if qualified, record his own vote.[1]

SYNOPSIS

1. *A party or organisation, which does not involve itself in these questions, cannot be called political.*
2. *Petitioner found guilty because he attended the mass rally which was held to support the demand of some agitating policemen.*

1. A party or organisation, which does not involve itself in these questions, cannot be called political.—Under Punjab Police Rule 14.30(1) a police officer is prohibited from taking part in or subscribing in aid of any political movement in India or relating to Indian affairs. The provisions of rule 5(1) of the Central Civil Services (Conduct) Rules are somewhat similar. Under this rule a Government servant is prohibited from being a member of, or associating with, any political party or any organisation which takes part in politics in addition to his being prohibited from taking part in a political movement or political activity. But what is politics? It is a word of wide amplitude and it is neither possible nor desirable to define the same. According to Oxford Dictionary this word means : "The science and art of Government; the science dealing with the form, organisation, and administration of a State or part of one, and with the regulation of its relations with other states." The word "political", according to this dictionary, means; "of, belonging, or pertaining to the state or body of citizens its government and policy, especially in civil and secular affairs; public, civil, of or pertaining to the science or art of politics", and according to Webster's Dictionary the word "political", means; "of or relating to government, a government, or the conduct of governmental affairs; of or relating to matters of government as distinguished from matters of law; of or relating to, or concerned with politics; of reltings, or involved in party politics." This shows before any party can be said to be a

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(2) The Saunders-Chanan Singh Memorial Fund was founded in memory of Mr. J.P. Saunders, Assistant Superintendent of Police, and Chanan Singh, Head Constable, who were assassinated at Lahore in 1928. The Fund was raised by public subscriptions and is administered by the same Committee which administers the Handyside Memorial Fund.

The objects of this fund are—

(1) To assist the dependents of officers killed on duty in cases where Government has not made suitable or adequate provision.

(2) To assist by the grant of subsistence allowances the dependents of officers who die in service.

(3) To assist the dependents of police pensioners who die leaving them in indigent circumstances."

1. No. F-1157-27-Public of 15th August, 1927.

political party or an organisation taking part in politics the party or organisation should be propagating its view or ideologies in the art or science of government. It may be either supporting the Government of the day or opposing it. A party or organisation, which does not involve itself in these questions, cannot be called political. *Ajit Singh, Constable v. Kirpal Singh, D.I.G. Police,Delhi and others, 1972 S.L.R. 768.*

2. Petitioner found guilty because he attended the mass rally which was held to support the demand of some agitating policemen.—The employees from Unions and put up demands. The social and religious organisations on occasions also make certain demands from the government. By no stretch of imagination they become political parties. The demand of implementing recommedation of Khosla Commission, withdrawal of Court cases pending against Delhi Policemen, removal of victimisation and removal of restrictions on recruitment to Delhi Police, are not demands of a political nature. These demands are only to alleviate the sufferings of the Delhi Policemen. Be that as it may, before the petitioner could fall under the said Rules, it has to be shown by the respondents that either he was taking part or subscribing in any political movement in India or he was a member or otherwise associated with any political party or organisation. The facts discussed above do not show that there was any political party or organisation or political movement in India of which the petitioner could be called a member or otherwise taking part in it. I find that the enquiry officer, disciplinary authority as well as the appellate authority have not said a single word about there being any political party or organisation or movement of which the petitioner had become a member or subscriber or supporter. In fact the enquiry report gives a finding on one aspect only and that is that the petitioner was present in the mass rally. Similarly, the order of the Superintendent of Police discusses the fact of the petitioner attending the rally. In fact this order shows that the petitioner was found guilty because he attended the mass rally which was held to support the demand of some agitating policemen. This fact, as discussed by me above, does not ipso facto make the petitioner guilty under the said Rules. The appellate order is no better. Again, there is no evidence on record to show that any political party or organisation or movement organised this meeting. In these circumstances I cannot but hold that the petitioner cannot be held guilty under Punjab Police Rule No. 14.30(1) and Rule 5(1) of the Central Civil Services (Conduct) Rules. *Ajit Singh, Constable v. Kirpal Singh, D.I.G. Police, Delhi and others, 1972 S.L.R. 768.*

14.31. Irregular applications and recommendations-Prohibition of.—Police officers of all ranks are prohibited from applying either directly or through superior officers for promotion, when vacancies occur, and officers are prohibited from recommending subordinates for particular posts otherwise than as provided for in chapter XIII, or if ordered to do so by the authority empowered to fill such posts.

14.32. Action if bribe is offered.—Every police officer, if at any time he should be offered a bribe, is required to make an immediate report of the fact to his official superior. Failure to comply with this order will in itself be a breach of discipline. The offer of a bribe is a criminal offence, and all possible steps should be immediately taken to ensure that the offence may be brought home to the bribe-giver in a criminal trial in cases where circumstances indicate that such a course of action is feasible.

14.33. Police officers not to take up other employment.—Section 10 of Act V of 1861 absolutely forbids any police officer From taking up any employment

whatever other than his duties under that Act, save with the express and written permission of the Inspector-General. Such permission has been given generally so as not to debar police officers from engaging in casual literary work, to the extent allowed under Government Servants Conduct Rules, from serving as examiners, or from engaging in an honorary capacity in the work of charitable, religious, or social organizations. The Inspector-General has the right, however, to withdraw his permission in any case in which, in his opinion, the interests of Government are prejudiced. The restrictions imposed by section 10 of the Police Act are binding on police officers throughout their service, whether on leave or duty.

14.34. Regarding arbitration.—A police officer shall not act as an arbitrator for the settlement of a dispute except under the following rules—

(i) He shall not act as arbitrator in any case without the sanction of his immediate superior officer and unless he is directed so to act by a court or officer having authority to appoint an arbitrator.

(ii) He shall not act as arbitrator in any case which is likely to come before him in any shape in virtue of his executive officer.

(iii) If he acts as arbitrator at the private request of disputants he shall accept no fees.

(iv) If he acts as arbitrator by appointment of a Court of law he may accept such fees as the court may fix.

14.35. Orders regarding cases against officers.—(1) Any gazetted officer who becomes involved in a case affecting his private honour shall report the matter confidentially to the Inspector-General through his Deputy Inspector-General.

(2) The orders of Government are that no suit on behalf of Government or a public officer shall be instituted nor shall be defence of such a suit be entered upon without the sanction of the proper controlling authority. In all such cases, therefore, Superintendents of Police shall report the facts at the earliest stage possible to the Deputy Inspector-General of their range, who shall be guided in the action he takes by the rules published in Part III, Punjab Law Department Manual, 6th Edition, 1929. Officers directly concerned with such cases must exercise the utmost caution lest they may by their written or spoken work prejudice the eventual issue.

14.36. Rules for official conduct.—Those portions of Financial Commissioner's Standing Order No. 44 (3rd reprint, dated 9th February, 1927), which are of general application are, except where they are in conflict with a specific Police Rule, binding on all police officers in respect of their official conduct. Copies of this circular are on record in all police offices and should be referred to when necessary.

14.37. Orders regarding membership of Auxiliary Forces and Army Reserves.—(1) Police officers may join units of the Auxiliary Force, India, if qualified to do so, on the understanding that their connection with such corps, whether in

times of peace or emergency can in no circumstances be allowed to interfere with their police duties. Except with the permission of the local Government no police officer may be a commissioned or non-commissioned officer in the Auxiliary Force, India.

(2) Gazetted officers and European upper subordinates who may be qualified for appointment to the Army in India Reserve of Officers, as officers or officers designate respectively, may apply, through the usual channel, to the Inspector-General of Police, for such appointment. Each application will be considered on its merits and in relation to the general orders of Government bearing on the subject from time to time and to the exigencies of police services.

14.38. Police officer entitled to seats in Durbar and privilege of a chair.—All police officers drawing salary of Rs. 50 per mensem or over and being above the rank of Head Constable are entitled to a chair when paying an official visit.

Sub-Inspectors of police on the time-scale of pay are *ex officio* District Durbaris. All Inspectors of police and selection grade Sub-Inspectors are ex officio Divisional Durbaris Gazetted police officers whether substantive or officiating are *ex officio* Provincial Durbaris.

Pensioned officers are entitled to precisely the same privileges in respect of Durbars and the grant of a chair as they enjoyed while in active service.

14.39. Privileges and duties of selection grade Constables on list C.—(1) Selection grade Constables on list C shall be exempted from sentry duty, and may be employed as second in command of guards, in command of escorts where the number of Constables composing the escort is not more than three, and as squad commanders on parades and other occasions, such as alarms, fairs, fires, street lining duty, etc., when police are detailed for duty in such units. Constables shall be so employed only when no Head Constables or officiating head constable is available.

(2) A Constable called upon to perform the duties of a Head Constable under the conditions of the preceding sub-rule, shall have the disciplinary powers and authority of a Head Constable over those men actually placed under his command, and for the duration of the specific duty only.

14.40. Courtesy titles.—(1) Inspectors and Sub-Inspectors my, with the sanction of the Inspector-General, assume any one of the following courtesy titles—

Hindus.—Pandit (for Brahmins only), Bhai, Lala, Malik, Mehta, Bakshi, Sodhi, Misar, Sardar and Chaudhri.

Baba or Bawa, Bedi and Giani (for Sikhs only).

Muhammadans.—Kazi, Maulvi, Khan (as an affix only), Hafiz, Haji, Arbab, Mir, Munshi, Mirza, Malik, Mufti, Khawaja, Sheikh, Sardar, Pir, Sayed, Chaudhri, Mian. (If this has been recognised by Government as having been customary for some generations in the family).

Sanction, when accorded, will be published in the Police Gazette.

(2) They are not, however, allowed to assume such titles as are ordinarily conferred by Government, or are recognised hereditary titles, such as Mian in the case of Hindus, unless these have been recognised by Government as having been customary for some generations of the family.

(3) Permanently-appointed Sikh officers not below the rank of inspector, may, as a matter of courtesy, and if they themselves desire it, be addressed in correspondence as Sardar.

Note.—The sub-rules (1) and (2) above apply also to the assumption of courtesy title by gazetted police officers, doubtful cases being referred to Government.

14.41. Wearing of uniform after retirement.—(1) Retired officers of the police department not below the rank of Assistant Sub-Inspector, who have rendered approved service of not less than 15 years in the department, may be permitted to wear, on ceremonial occasions, or when calling on Government officials, the uniform of the rank which they held in the force at the time of retirement.

(2) Application for such permission shall be made through the Deputy Inspector-General to the Inspector-General and, in the case of upper subordinates, shall be accompanied by the character roll of the officer on whose behalf the application is submitted.

14.42. Medical attendance.—(1) Inspectors, Sub-Inspectors and Assistant Sub-Inspectors, who live in the police lines and not at a distance from the police hospital, are, when sick, entitled to medical attendance at their residence. Detailed orders on the subject are contained in the Punjab Medical Manual.

(2) Under Punjab Government letter No. 25744 (Medical), dated the 3rd September, 1930, all officers of the Imperial Police Service are entitled to free medical, surgical and nursing charges if treated in hospital in India.

14.43. Regarding the keeping of horses, etc., by lower subordinates.—Head Constables and Foot Constables shall not keep any horse, pony or mule without the special sanction of the Deputy Inspector-General and such sanction may only be given when the police officer seeking it can show that he has private means out of which he can afford to maintain such animal.

14.44. Communication of official information to the press.—It is desirable that the services of the newspaper press should be utilized for securing publicity in regard to police regulations and orders affecting the public, and for disseminating information through which public assistance may be enlisted in the detection of crime and the arrest of criminals, or public anxiety may be allayed. The authority and discretion to communicate official information with these objects is confined, however, solely to Superintendents of Police personally. In the exercise of this authority, moreover, Superintendents are restricted to matters of exclusively local significance, and they are forbidden from giving publicity to any information which affects directly or indirectly questions of general policy. Police officers subordinate to the Superintendent of Police of a district are absolutely prohibited from communicating official information of any sort on their own responsibility to representatives of the press.

14.45. Regarding the grant of passports.—No police officer shall give a transport pass or a certificate or other document of the nature of a passport to a person travelling or intending to travel from one part of India to another whether such journey is to be performed in British or in foreign territory or in both.

14.46. Superintendent leaving their districts sanction for.—When a Superintendent of Police wishes to proceed beyond the boundaries of his district on duty, which will entail his absence for one or more nights, he shall, whenever possible, obtain the approval of the District Magistrate and the sanction of the Deputy Inspector-General in advance. If the urgency of the occasion prevents this, he shall inform the District Magistrate of his departure, reasons for it, and probable duration of absence, as promptly as possible, and shall send similar information to the Deputy Inspector-General by telegram.

Gazetted officers subordinate to the Superintendent of Police shall not leave the district for one or more nights without the sanction of the letter, who should mention such absences, for the information of the District Magistrate and Deputy Inspector-General in his weekly diary.

14.47. Inspectors and Sub-Inspectors not to serve in their home districts.—Except for special reasons, and with the approval of the Inspector General in each case, no Sub-Inspector shall be posted to a permanent appointment in the district in which his home is situated. The same rule will govern the postings of Inspectors. The rule will not, however, apply to appointments to clerical posts or posts of Lines Officer or reserve inspector, nor will it affect the postings of European Inspectors or Sergeants.

SYNOPSIS

1. *Transfer Policy—Challangeing thereto*

1. Transfer Policy—Challangeing thereto.—The petitioners indeed are challenging their transfer order but have been smart enough to challenge it in an oblique manner by raising a challenge against the policy of transfer. It has also been observed by the Courts in large number of cases that the transfer and posting of police men must be left in the discretion of the concerned State authorities, which are in the best position to assess the necessity of administrative authorities. The deployment of the police force is required to be done depending upon the assessment of the law and order situation, which can only be appreciated by the competent authority, who has to deploy the police force. These basically are purely administrative matters and the courts ordinarily do not interfere in administrative matters and generally maintains judicial restrains in this regard. Recently, the Hon'ble Supreme Court while deciding Civil Appeal Nos. 8690-8701 of 2010 (State of *Haryana and others v. Kashmir Singh and another)*, has made certain very pertinent observations in regard to the jurisdiction of the Court to interfere in such like transfer matters. Commenting upon the High Court order, the Supreme Court observed that the High Court had taken an impractical view and if it was to prevail, then great difficulty will be created for the State Administration as it would then not be able to transfer and deploy police force from one place, where there may be relative peace, to another district or region/range in the State where there may be disturbed law and order situation, hence requirement of more police. The Hon'ble Court has further observed that the State Administration can not

function with its hands tied by the judiciary behind its back. The observation of Justice Homes have been noticed to the effect that "there must be some free play of joints provided to the executive authorities." There is neither any cause made out for interference in the transfer policy nor the transfer policy is seen to be violating any rule. *EHC Subash Chand & Ors. v. State of Haryana & Ors. 2011 (4) PLR 361.*

14.48. Communication of confidential reports and confidential nature of recommendation.—(1) The following principles in regard to the communication to police officers of unfavorable remarks made by their superiors in annual or other reports of a periodical nature should be carefully observed—

(a) When a report is built up on the individual opinions as noted of different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication;

(b) as a general rule in no case should an officer be kept in total ignorance for any length of time that his superiors, after sufficient experience of his work, are dissatisfied with him; In cases where a warning might eradicate, or help to eradicate, a particular fault the advantages of prompt communication are obvious; where criticism is to be withheld the final authority to consider the report should record instructions with reasons, according to the nature of the defect discussed as to the period for which communication is to be kept back;

(c) only those defects need be pointed out which can be remedied, since it would serve no useful purpose to communicate such criticisms as lack of ability or intelligence;

(d) the reporting officer should specifically state whether the defects reported have been already brought in any other connection to the notice of the officer concerned;

(e) remarks in cases in which the local Government or head of a department or other officer suspends judgment should not be communicated;

(f) great attention should be paid to the manner and method of communication in order to ensure that the advice given and the warning or censure administered, whether orally or in writing, shall, having regard to the temperament of the officer concerned, be most beneficial to him.

(2) Recommendations for appointments, promotions, increases of pay and the like should not be mentioned to the parties concerned. Police officers should, therefore, be careful not merely to abstain from communicating but also to guard against the disclosures of information in cases of the kind, which should always be treated as confidential in official correspondence. (See also rule 15.22).

14.49. Joining associations.—Government is prepared to grant official recognition to associations representing district ranks of police officers, provided such associations conform to conditions which have been laid down. Copies of

the rules embodying these conditions can the obtained by associations or proposed associations on application through the proper official channel. The formation of associations otherwise than in accordance with these rules, and the joining of any association or trade union other than a recognised police associates by individual police officers, is absolutely prohibited.

14.50. Reports of death or injuries to police officers.—(1) When any gazetted officer or upper subordinate is killed or wounded in the execution of his duty, or in circumstances arising from his duties, or meets with sudden and violent death in any very exceptional circumstances, a telegraphic report shall be submitted by the Superintendent under whom he is serving direct to the Inspector-General. In the case of wounds the telegram shall state whether they are dangerous, severe or slight. Such telegraphic reports shall be supplemented with the least possible delay by a detailed report in Form 14.50(1).

(2) Deaths, other than those covered by sub-rule (1), shall be reported telegraphically to the Inspector-General in the case of gazetted officers and European upper subordinates in order that he may inform their next of kin without delay, and by post to the Inspector-General in the case of Indian Inspectors and to the Deputy Inspector-General concerned in the case of Sub-Inspectors and Assistant Sub-Inspectors.

(3) On receipt of reports under sub-rules (1) and (2) the Inspector-General shall, in addition to communicating with the next of kin of the deceased or wounded officer, report the facts to the local Government. In the case of deaths of Europeans the particulars required for completion of the return of deaths of European officials shall be added.

14.51. Procedure to be adopted in connection with anti-rabic treatment.—Police officers proceeding for anti-rabic treatment at the public expense should, when the journey to Lahore is cheaper than that to Kasauli, be sent to Lahore and not to Kasauli, unless the Inspector-General of Civil Hospitals, Punjab, intimates at any time that fresh patients cannot be treated a the Punjab Bacteriological Laboratory, Lahore, Concessions will be granted to Government servants proceeding to Lahore for treatment on the lines (*mutatis mutandis*) of the concessions granted under the rules in force from time to time for patients proceeding for treatment to the Pasteur Institute at Kasauli.

The following officers are authorized to sanction proceeding to a Pasteur Institute.—

(a) Deputy Inspector-General	For Superintendent of Police (sanction may be obtained by telegram or telephone).
(b) Superintendent of Police or Senior gazetted officer present.	For Headquarters establishment.
(c) Any gazetted officer or inspector.	For police officers away from headquarters.

14.52. Nature of arms be carried.—The arms to be borne by police on different duties are not prescribed by general order. In each district the Superintendent of Police shall lay down by standing order rules suited to local prescribing the normal armament for different duties. In cases not covered by such orders the officer responsible for detailing men for a particular duty shall prescribe the arms they shall carry. Escorts which are, in the opinion of the officer detailing them, liable to attack by superior numbers shall always be armed with muskets.

14.53. Disbursement of pay.—On receipt of cash for the disbursement of salaries, immediate payment shall be made to all recipients who may be present. Each man, both upper and lower subordinate, shall be called up in turn, and the particulars of pay, allowances, deductions and balance payable as shown in the acquittance roll shall be read out to him. He shall than be required to receive and sign the receipt for the money shown as due to him, any complaint being noted at the time and submitted, if it appears reasonable, to the Superintendent of Police without delay. In headquarters, the Lines Officer shall personally disburse pay on the day it is received and shall daily check the acquittance rolls and daily diary entries regarding disbursements made by the lines clerk on subsequent days to men who were not present on the first day. In police stations and posts pay shall be disbursed immediately on receipt by the officer in charge personally, if present, and in his absence by the senior officer present, the same procedure being observed as is laid down for disbursements in Lines.

When unable personally to make disbursements the officer-in-charge of the police station shall at the earlist opportunity, check the disbursements made by his subordinates, calling up recipients, and satisfying himself that they have been duly paid, and he shall record the fact of his having done this in the daily diary.

Gazetted officers shall, whenever possible, personally supervise the disbursement of pay and shall take every opportunity, both at headquarters and on tour, of testing the correct receipt of their dues by individual police officers.

Special care is necessary in respect of the disbursement of pay drawn on arrear bills and of traveling allowance; the system prescribed in this rule shall apply to such disbursements, and a personal check by Lines officers, officers in charge of police stations and supervising officers must be insisted upon.

14.54. Order Book.—(1) The order book shall be maintained and written up daily by the reader of the Superintendent of Police, or, in his absence from headquarters, the reader of the senior gazetted officer present. Entries shall be numbered serially throughout the year and each day's orders shall be arranged in sections as follows—

(i) **Training and Inspection.**—Including all orders regarding parades, inspections and duties.

(ii) **Establishments.**—Including all orders regarding enrolments, discharges, transfers, increases and decreases of strength, promotions, reductions, leave and pensions.

(iii) **Discipline.**—Including orders regarding punishments, rewards and all orders of a disciplinary nature.

(iv) **Accounts.**—Including all orders for receipt and payments of money, grant of allowances, realisation of deductions, over-payments, etc., from salaries.

(v) Miscellaneous.

(2) The order book shall be closed for the day at noon all orders received for entry after that hour being entered on the following day. In the right hand margin shall be entered the section headings and the serial number of each order. A margin shall be left on the left of the page also, and in it a gazetted officer shall enter in English a brief abstract of every order relating to a reduction, promotion or enrolment or creating a vacancy.

(3) When the orders for the day are completed they shall be presented to the Superintendent, or, in his absence, the gazetted officer acting for him, for signature at the foot; the signing officer shall at the same time initial any corrections or interpolations in the body of the orders, and sign all English abstracts made in accordance with sub-rule (3) above.

(4) The original orders shall be written according to the system described in sub-paragraph I above in a bound register of 100 pages in half foolscap size [Police Rules Form 14.54 (4)]. Three further copies shall be made by inserting sheets of paper and carbon paper of the same size below the original sheet and these copies. They shall be despatched to the Lines officer, accountant and orderly Head Constable, respectively, each of whom shall keep a yearly file of these orders for use and action in his office. These yearly files will be destroyed after two years.

(5) The Reader, Lines officer, Accountant and orderly Head Constable shall be responsible for the issue of all subsidiary letters and directions concerning their own branch of the office. Such correspondence shall be prepared in the branches concerned and issued through the dispatch branch.

Note.—The Superintendent of Police may, if he wishes, require the Order Book to be maintained in English instead of Vernacular.

14.55. Standing Order File.—(1) An English file of all standing orders issued by the Superintendent of Police shall be maintained by the reader. A vernacular translation of each such order shall kept in a duplicate file, and each such file shall be indexed. These files shall be continuous for five years, after which all orders not previously cancelled, and which it is necessary to keep in force, shall be re-issued, and fresh files shall be started. As soon as possible after the 1st January in each year the reader shall send to the lines and each police station a list, prepared from his file index, of all current standing orders which should be on record (vide rule 22.53), and shall be responsible for supplying duplicate copies of any which may then be found deficient. The repeal of a standing order shall be noted in the index and communicated by the reader to all concerned. Modifications shall be notified to all concerned when ordered and the original shall be corrected accordingly.

(2) All general orders of a permanent character affecting the duties, procedure and practice of the police, explaining the rules of the department, the effect of the decisions of the courts, or of the law, as affecting offences, offenders and the police, shall be recorded in these files. Standing orders for permanent guards, additional police posts, etc., shall not be included.

(3) Every standing order shall be submitted to the Deputy Inspector- General for approval before issue. If the order is one affecting departmental procedure on a point of general application and is approved by the Deputy Inspector-General, a copy shall be sent by him to the Inspector-General.

(4) Deputy Inspector-General shall check files of district standing orders and those issued by themselves (vide rule 1.6) at their inspections.

14.56. Use of force against crowds.—(1) Instructions regarding the use of force by the police against crowds are as follows—

The use of force by the Police is regulated entirely by the provisions of the law. Those provisions are contained in Chapter V (especially sections 46 and 50), and Chapter IX (especially sections 127 and 128) of the Criminal Procedure Code.

(a) The main principle to be observed is that the degree of force employed shall be regulated according to the circumstances of each case. The object of the use of force is to quell a disturbance of the peace, or to disperse an assembly which threatens such disturbance and has either refused to disperse or shows a determination not to disperse; no ulterior objects, such a punitive or repressive effect, shall be taken into consideration.

(b) Any officer incharge of a police station or police officer of higher rank has lower, independently of the authority of a Magistrate, to call upon an unlawful assembly to disperse and to use force to disperse it. (See Section 127, Criminal Procedure Code). When a Magistrate (other than an honorary magistrate) is present or can be communicated without such delay as would prejudice the situation, an assembly shall not be called upon to disperse nor shall force be used to disperse it without orders of such Magistrate, provided that, if a gazetted police officer is present, and no Magistrate having first class or higher powers is present, such police officer shall act independently in ordering an assembly to disperse. In other circumstances the senior police officer present, having the powers of an officer in charge of a police station, shall act on his own responsibility, but shall communicate with and report his action to the senior magistrate, who may be accessible, as soon as possible. Whether acting under the orders of a magistrate or not, once the order to disperse a crowd has been given, the method by which force shall be applied and the degree of force to be used shall be decided by the senior police officer present; provided that, if the District Magistrate is himself present, he, as head of the police

force of the district, shall be recognized to be the senior police officer present. For the purposes of this rule a sub-divisional magistrate within his sub-division shall have the status of a District Magistrate, i.e., he shall be recognized by all police officers of the sub-division as the senior police officer, and shall have power to decide the method and degree of force to be used.

(c) All attempts to disperse a crowd by warnings, exhortation, etc; shall be made before it is declared an unlawful assembly and, as such, ordered to disperse. Once an order to disperse has been defied, or when the attitude of a crowd is obviously defiant, force shall be used without hesitation. The degree of force shall be the minimum which the responsible officer, with the exercise of due care and attention, decides to be necessary for the effective dispersal of the crowd and the making of such arrests as may be desired. The degree and duration of the use of force shall be limited as much as possible, and the least deadly weapon which the circumstances permit shall be used.

(d) The effectiveness of force depends mainly upon the determination with which it is applied; its direction against the most defiant section of the crowd to be dispersed and its absolute control. Failure to act on this principle results inevitably in more force being applied and more dangerous weapons being used than would otherwise have been necessary. It is not possible to lay down any more definite rule as to when different methods or different weapons shall be used. The officer responsible is required to decide this in each case on consideration of the strength and attitude of the crowd to be dispersed, and the strength of the force available for its dispersal, and the strength of the force available for its dispersal.

(e) When the responsible police officer, whether acting under the orders of a Magistrate or independently, considers that the use of firearms is necessary, he shall, unless circumstances make such action impossible, warn the crowd that if they do not immediately disperse, fire with live ammunition will be opened upon them. If the District Magistrate or, in a sub-division, the sub-divisional officer is present, his orders shall invariably be obtained immediately the necessity of opening fire becomes imminent. If the senior police officer present is of non-gazetted rank, he shall at such stage obtain the orders of the senior Magistrate present (other than an honorary Magistrate).

(f) In order that the decision to open fire may be promptly acted upon without loss of control or confusion, the responsible police officer shall, as soon as it appears likely that the use of firearms will be necessary, tell off a detachment of armed police to be held in readiness. When fire is to be opened, the responsible police office shall decide the minimum volume necessary to be effective in the circumstances

and shall give precise orders accordingly, as to the particular men or files who are to fire and the number of rounds to be fired; and whether volleys or independent aimed shots are to be fired, and shall ensure that his orders are not exceed and that no firing contrary to or without orders takes place. Whatever volume of fire is ordered, it shall be applied with the maximum of effect; the aim shall be kept low and directed at the most threatening parts of the crowd; in no circumstances shall firing over the heads of or at the fringes of the crowd be allowed. Since buckshot is not an effective charge at any range at which it is safe to use it, Government has directed that the use of buckshot ammunition against crowds should be prohibited.

(g) When no Magistrate is present, the police officer in command, as is contemplated in the Criminal Procedure Code, shall be responsible for the opening of fire. Invariably, whether the order to use firearms has been given by a Magistrate, or by a police officer, the order to cease fire shall be given as soon as the unlawful assembly shows a disposition to retire or disperse.

(h) While the disposition of the police must be left to the police officer in command, every precaution should be taken that a force armed with firearms is not brought so close to a dangerous crowds, as to risk its either being overwhelmed by numbers or being forced to inflict heavy casualties. If the use of firearms cannot be avoided, firing should be carried out from a distance sufficient to obviate the risk of the force being rushed and to enable strict fire-control to be maintained.

(i) On occasions of religious festivals police carrying firearms should ordinarily not be employed to escort processions. They should be posted in front or in the rear of the procession where they are in least danger of being thrown into confusion by the mob and can be kept under the control of the officer in command and their petty officers.

(j) On occasions when firearms have been used against unlawful assemblies it should be the duty of the magistrate, if one is present to make adequate arrangements, for the care of the wounded persons and for their removal to hospital and also for the disposal of the dead, if any. He should also, then and there, draw up a full repot in consultation with the senior police officer present, stating all the circumstances and noting the number of rounds of ammunition issued and expended. If no Magistrate is present, this report shall be prepared by the senior police officer who shall also take all possible action with regard to wounded and dead.

(2) The following instructions govern the action of the police when the use of military force becomes necessary—

(a) A police officer, of whatever rank, has no authority to require any officer, commissioned or non-commissioned, in command of a military detachment to use force in dispersing a crowd. Any Magistrate may make such a requisition (Section 130, Criminal Procedure Code) and, in emergencies when no magistrate can be communicated with, a commissioned officer of the regular army may himself order military force to be used. When no Magistrate is available and troops are present, and their intervention is, in the opinion of the senior police officer present, necessary, that officer shall inform the senior commissioned regular army officer present of the situation, requesting his assistance in support of the police if necessary. The military officer receiving such report will decide whether to act on it.

(b) When military force has been set in motion for the dispersal of a crowd, any police force previously employed in contact with such crowd shall be withdrawn to prevent confusion. The senior police officer present and the officer commanding the troops shall confer as to the method and exact time of such withdrawal, and as to the subsequent employment of the police; provided that, if the District Magistrate is present, his instructions shall be obtained and acted upon. While no rule can be laid down absolutely, the normal procedure should be for the police to be so withdrawn as to leave a free field of action to the troops, and to be used thereafter (a) in support of the troops for making arrests and pursuing a broken mob, (b) for guarding the flanks and rear of the troops from attack and preventing the outbreak of disturbances in other areas.

(c) It must be noted that, when the order to disperse an unlawful assembly by military force has been given, the senior police officer on the spot and all police at the time within the area where military force is being employed come under the orders of the senior military officer present, who is in charge of the operation of dispersal, and remain under his orders to this extent and for the period necessary, but the latter must consult the senior police officer present in any action he thinks it necessary to take. When control of the situation is definitely handed over by the senior civil officer to the military authorities, the police force come fully under military control.

(Note.—These instructions are in conformity with the secret instructions on the subject issued by the Government of India, Army Department).

(3) Only an officer-in-charge of a police station (and police officers superior in rank in virtue of section 551, Criminal Procedure Code) can act under section 127, Criminal Procedure Code. When any other police officer encounters an unlawful assembly, he should immediately send for a Magistrate or a police officer

empowered to act under section 127, Criminal Procedure Code. Should the unlawful assembly commit any over act of violence before the arrival of such Magistrate or police officer, the senior police officer on the spot, in virtue of other powers conferred by the law, should take such action as is necessary to deal with the situation. Section 149, Criminal Procedure Code, empowers every police officer to interpose for the purpose of preventing, and requires that every police officer shall, to the best of his ability, prevent the commission of any cognizable offence. Section 152, Criminal Procedure Code, empowers a police officer of his own authority to interpose to prevent any injury attempted to be committed in his view to any public property. In addition, all police officers have the same right of private defence which is granted to every person. Every police officer should be fully acquainted with this right which is laid down in sections 96 to 106, Indian Penal Code. Section 97, Indian Penal Code, makes it clear that every person, and therefore, every police officer, has a right to defend the body of any person, as well as his own body, against any offence affecting the human body and the property of any other person as well as of himself, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass. The extent to which the right of private defence may be exercised is laid down in sections 99, 100, 101 and 103, and the period during which the right exists is explained in sections 102 and 105.

14.57. Government family quarters. Cleanliness or damage to.—Police officers occupying Government family quarters shall be held strictly responsible for the cleanliness of such quarters and shall be required to make good any damage other than that due to fair wear and tear to the quarters themselves or to any Government property contained therein.

An officer will be held responsible for all damage to a building even if caused by the previous occupier, if he enters into occupation without reporting immediately to the Superintendent of Police, through the usual channel, the extent of the existing damage to the building.

Superintendent of Police shall hold regular inspections to see that this rule is obeyed. See also rule 3.32.

14.58. Measures against small-pox.—All police officers and their families and other occupants of Government quarters, or quarters for which rent is paid by Government, shall be vaccinated and re-vaccinated for small-pox at the following intervals—

(a) When there is no epidemic—

(i) Infants should, if healthy, be vaccinated in the first three months after birth; in all cases within 12 months.

(ii) Children should be re-vaccinated by the time they attain the age of 7 years and again on reaching the age of 16 years.

(iii) Adults should be re-vaccinated every seven years.

(b) When there is an epidemic.

All persons who have not been vaccinated within the last 12 months should be vaccinated.

All police officers are enjoined to take the same precautions and they may be called on to do so by executive order.

14.59. Liability of police officer to pay "haisiyat" or professional taxes.— (1) The local Government in their letter No. 25292 (L.S.G. Bds.), dated the lst September, 1928, has intimated that district boards may, with the sanction of Government, impose "haisiyat" taxes. The rates leviable are laid down in the above letter. It is also laid down that no tax shall be leviable in any year from the first day of April to the thirty-first day of March next following from any person who is resident in the area subject to the authority of the district board for less than one hundred and eighty days in such year.

(2) Police officer resident in certain municipalities and notified areas are also liable to pay "haisiyat" tax. In this case the tax is only leviable on the income of such officers which they may have received while actually stationed within the municipality or notified area.-(Vide Memo No. 21943 (Bds. & Comts.- Comts), dated 11th September, 1920).

(3) Superintendents of Police shall not collect such taxes from the officers concerned, but shall furnish such lists as may be called for by the local bodies concerned in this connection.

FORM No. 14.10 (2)

ORDERLY ROOM REGISTER

1	2	3	4	5	6	7	8
Sr. No.	Date	Rank No. and Name	Posting and/or designation	Nature of application plea or representation	Order passed in brief	Signature No. Rank and designation Orderly room Officer	Reference date

FORM No. 14.12 (2)

POLICE DEPARTMENT DISCHARGE CERTIFICATE _____DISTRICT

DESCRIPTIVE ROLL OF

1. Provincial, Range or Constabulary No.
2. Name and percentage
3. Caste
4. Village, Police station and district
5. Height
6. Age on date of discharge.
7. Distinctive marks.
8. Character
9. Cause of discharge and date (Note also medals and decorations held.)

Dated the_____19_____ *Superintendent of Police.*

TO WHOM IT MAY CONCERN

(REVERSE)

Certified that_____ has been discharged from the Police Force from the_____having served as follows—

Police Service	Years	Months	Days	Previous service in other Government departments	Years	Months	Days
As ..				As ..			
As ..				As ..			
As ..				As ..			
Total				Total			
Grand total services	..	..	..		..	..	..

Paid on account of clothing money Rs.

He has received a true and just account of his pay and arrears of pay from his first enrolment up to this date and all claims against him by Government have been settled in full.

Dated_____19_____ *Superintendent of Police*

I acknowledge to have received in full all pay and arrears of pay from my first enrolment up to this date of my discharge.

Signature of witness.

Signature of Party.

FORM No. 14.15 (4)

CHARGE REPORT OF UPPER SUBORDINATES.

(1) Gazette order of transfer, leave, etc.

(2) Name of officer relinquishing charge, with date and hour.

(3) Name of officer assuming charge, with date and hour.

Dated_____19_____ *Superintendent of Police*

FORM No. 14.16 (1)

REGISTER OF POSTINGS OF ALL ENROLLED POLICE OFFICERS

1	2	3	4	5	6	7	8	9	10	11	12
Sr. No.	Constabulary No.	Name	Date of enrolment	Residence	Education	Date of return from last rural duty	Police Station from Which last transferred	Reasons for transfer (column (8))	Police Station, etc., to which now posted	Date of present posting	Remarks (including Reference to last Previous entry in this Register)

Note.—In this register separate pages shall be assigned to each rank, and the register shall be divided into the following parts—

(1) Office Staff of Superintendent, Lines Establishment, Orderlies and others permanently attached to headquarters and not included in any of the following parts;

(2) Men posted in Municipal towns (each town to be shown separately);

(3) Men posted in Cantonments;

(4) Men posted at Police Station and subordinate posts;

(5) Men posted in Lines, which includes all standing and personal guards, at the Police Training School and on special duty other districts.

FORM No. 14.18

DUTY SLIP OF _____ No._____

1	2	3	4
Nature of duty, leave, etc.	PERIOD		Signature of Lines Officer, Officer in charge of Police Station or Clerk Head Constable
	From	To	

FORM No. 14.50 (1)

DEATH REPORT

Return of deaths of European Police Officers and Pensioners in the Punjab.

Column.—1. Name.

2. Date of Death
3. Place of death
4. Occupation at time of death
5. Age at the time of death—

   Years.

   Months

   Days
6. Place of birth
7. Particulars as to family connections.
8. Particulars as to property (if any).
9. *Length of service.
10. Cause of death.
11. Remarks.

Dated_____

Superintendent of Police.

The_____19_____.

*Not required in the case of pensioners.

FORM No. 14.54 (4)

Order Book

Sr. No.	Section Head	Details of order

❑❑❑

CHAPTER 15

REWARDS

15.1. Rewards to be given freely.—(1) To encourage members of the public to perform the duties required of them by law and assist the Criminal Administration, rewards shall be given freely. Care must be taken not to prejudice the issue of a case by granting rewards before its conclusion. In some instances, however, rewards can be given before the case is over–vide rule 15.6.

(2) Rewards to subordinate police officers should not be given for the proper performance of ordinary routine duties, but for special merit in any branch of police activities. The qualifications for reward are detailed in rule 15.7. (1).

15.2. Rewards, dealt with in other rules.—The instructions regarding the grant of rewards in the following cases are contained in the rules specified against each—

(i) For passing the Pashtu Examination, rule 19.46.

(ii) To Zaildars, inamdars and headmen, rule 21.3 (2).

(iii) To officers of the Criminal Investigation Department, rule 21.28 (4).

(iv) For killing wild animals and snakes, rule 22.33.

(v) To arresting officers in Excise cases, rule 24.19 (13)

With regard to unauthorized rewards, see rule 10.71.

15.3. Commendation certificates.—When an enrolled police officer or any person other than a police officer renders ready and efficient assistance in the investigation of a criminal case, the arrest of a criminal or the preservation of law and order, or given valuable information, the Superintendent or other police officer superior in rank to such Superintendent may, in addition to or in lieu of any other reward, grant such police officer or other person a commendation certificate.

Such commendation certificates shall be in one of the forms prescribed below and shall be signed by the officer granting them. The amount or nature of any reward granted with the certificate shall be entered in it, and a copy of the certificate shall be entered in the character roll of the recipient, if a police officer—

(a) Class I certificate, granted by the Inspector-General to police officers and members of the public for actions of outstanding merit (Form 15.3-A).

(b) Class II certificate, granted by a Deputy Inspector-General for actions of Such special merit as to deserve a higher form of recognition than a Superintendent is empowered to give, but not so exceptional as to deserve a Class I certificate (Form 15.3-B).

(c) Class III certificate, granted by a Superintendent in recognition of specific instances of good work or assistance to the police in connection with the prevention or detection of crime or the preservation of law and order (Form 15.3-C).

15.4. Special commendation certificate.—Any upper subordinate who has done conspicuously good work throughout the year ending 31st March shall be recommend to the Deputy Inspector-General for the grant of a Class II commendation certificate.

Rule 15.5 for Punjab

15.5. Powers to sanction rewards.—(1) The following police officers may offer and give rewards in criminal cases, or for good service rendered, within the limits stated—

(a) Superintendent, and the Principal, Police Training School, Phillaur, not exceeding Rs. 100.	In any one case or on any one occasion.
(b) Deputy Inspector-General, and Assistant Inspector-General, Government Railway Police, not exceeding Rs. 400.	
(c) Inspector-General, with in budget limits.	

(2) The total rewards offered for the arrest of any one man in a case or series of cases by Superintendents and Deputy Inspectors-General acting separately or collectively shall not exeeced the sum of Rs. 100 and Rs. 400, respectively, without the sanction of the Deputy Inspector-General or the Inspector-General, as the case may be.

Note.—The provisions of this rule do not apply to the Criminal Investigation Department.

Rule 15.5 for Haryana

15.5. Powers to sanction rewards.—(1) The following police officers may offer and give rewards in criminal cases, or for good service rendered, within the limits stated:—

(a) Superintendent, and the Principal, Police Training School, Phillaur, not exceeding Rs.200.	In any one case or on any one occasion.
(b) Deputy Inspector-General, and Assistant Inspector-General, Government Railway Police, not exceeding Rs. 600.	
(c) Inspector-General, with in budget limits.	

(2) The total rewards offered for the arrest of any one man in a case or series of cases by Superintendents and Deputy Inspectors-General acting separately or collectively shall not exceed the sum of Rs. 200 and Rs. 600, respectively, without the sanction of the Deputy Inspector-General or the Inspector-General, as the case may be.

Note.—The provisions of this rule do not apply to the Criminal Investigation Department.

15.6. Payment of rewards.—When possible all rewards shall be paid by the Superintendent in person or by some other gazetted police officer. Payment shall be made as promptly as possible. When a reward has been offered or is given for specific information or for a particular action, such as the arrest of an absconder, it is unnecessary to wait till the case, with which the action is connected, has been decided, and payment should be made immediately.

15.7. Rewards to Police Officers.—(1) Subject to the limits in rule 15.5 rewards in cash or of articles of value may be granted to police officers for exceptionally good work done in connection with the administration of the law, the maintenance of peace, safety and good order and for conduct displaying exceptional address, acuteness, industry, fidelity or courage.

(2) If a Superintendent in any case considers that a larger reward should be given than he is empowered to give he shall submit a recommendation to the Deputy Inspector-General for such reward as he may think necessary stating the circumstances of the case in Form 15.7(2).

(3) The grant of every reward under these rules shall be accompanied by the grant of a commendation certificate, and an entry shall be made in the character roll of the recipient as required by rule 15.3.

(4) The minimum monetary reward that shall ordinarily be granted to Inspectors, is Rs. 50 and to Sergeants and Sub-Inspectors Rs. 25 and to Assistant Sub-Inspectors Rs. 15. Such officers shall ordinarily be rewarded for good service by an entry in their character rolls.

(5) All certificates granted under this or other rules in this chapter shall be shown at kit inspections; no other certificates or testimonials shall be shown or entered in character rolls.

15.8. Rewards payable by law.—(1) Under section 41 of the Police Act, 1861, rewards payable by law to informers shall, when the information is laid by a police officer, be credited to the General Police Fund, but reward, payable by law for arrests shall, when the arrest is made by a police officer, be paid to such officer.

15.9. Rewards and *Parman Patras* to the Public.—(1) Subject to the limits imposed by rule 15.5 rewards may be given to persons who are not police officers for assistance or information given to the police.

(2) An allotment for rewards to the public is made every year to each district, and is at the joint disposal of the District Magistrate and Superintendent of Police. The Superintendent of Police may sanction and distribute rewards up to the limit of Rs. 25 at any one time or in any one case without previously consulting the District Magistrate, provided that the latter is informed as soon as possible of the action taken. Where the reward proposed exceeds Rs. 25 at any one time or in

any one case the District Magistrate should first be consulted. It is of great importance that rewards should be disbursed with the least possible delay, for which reason consultation between the District Magistrate and the Superintendent of Police should ordinarily take the form of verbal communication. When this is not possible communication should be by demi-official letter. Where the reward to be paid exceeds Rs. 100 the Superintendent of Police shall submit the case for orders to the Deputy Inspector-General of Police under rule 15.5 (1).

(3) Parman Patras up to a fixed maximum for each district, and of three classes, *viz.*, Punjab Government, Commissioners, and Deputy Commissioners' Parman Patras –are granted annually to persons who have given valuable assistance to the administration. Prominent services rendered to the criminal administration by influential residents of a district may suitably be recognized in this form to the extent which the limit to the number of Parman Patras and the claims of other departments admit. Superintendents of Police shall send their recommendations for Parman Patras direct to their Deputy Commissioners once a year so as to reach them by the end of April, when the latter will decide what Parman Patras of the third class shall be given on account of services rendered to the Police and what names shall be submitted to the Commissioner with recommendations for Parman Patras of the two former classes.

15.10. Publication of rewards.—In cases where rewards have been granted to police officers, or members of the public, or officers of other departments in recognition of work of an exceptionally meritorious or dangerous nature, or in circumstances which are of interest to the public or to the police force as a whole, a report in Form 15.10 shall be furnished, through the Deputy Inspector-General of the range, for publication in the Criminal Intelligence Gazette and for such other publicity as the Inspector-General may think desirable. Such report shall contain the names of and particulars of the persons rewarded and a brief précis of the circumstances showing clearly the nature of the services rendered by each of the persons concerned.

15.11. Expenditure incurred in investigation of cases.—Necessary expenditure incurred in the investigation of cases, which cannot, under existing rules, be recovered from the Courts may be paid from the Superintendent's grant for rewards. When on account of the needed of secrecy such expenditure cannot be supported by the formal vouchers in Form 10.33(1) details and payees, names, shall be entered by the Superintendent in a confidential register to be maintained in Form 15.11.

15.12. Rewards offered by private persons.—(1) Police officers of all ranks are absolutely prohibited from accepting monetary or other rewards proferred to them by private persons; provided that the whole or any part of a reward offered in the circumstances covered by sub-rule (2) below may be paid, with the sanction of the Deputy Inspector-General in each case, to such police officers as may have earned it.

(2) When rewards are offered by private persons, the Superintendent of the district concerned shall require that the sum offered shall be made over to him for deposit with the Imperial Bank of India or in the Post Office Saving Bank and

for disbursement according to his own judgment and in his public capacity. Superintendents may accept and disburse rewards so offered up to the maximum sum which they are themselves empowered under rule 15.5 to offer. The sanction of higher authority is necessary both as regards the acceptance of offers and the disbursement of larger amounts, and for payment of any sum so offered to a police officer.

(3) When the amount of a reward so offered is not deposited in advance, and when property for the recovery of which such rewards as offered comes into the hands of the police, the Superintendent concerned shall, if the reward offered is not paid, apply to the magistrate having jurisdiction to retain such property under section 168 of the Indian Contract Act until such reward is paid.

15.13. Advertisement of rewards offered.—When the offer of rewards, whether by Government or by private persons, is published by a police officer, care must be taken. In drafting the announcement to particularize the type of assistance, e.g., arrest, assistance in arrest, or information leading to arrest—for which the reward is offered, and in every case the announcement shall specifically reserve to the authority making it the right to decide finally by whom the reward offered has been earned, or in what proportions it shall be divided among several claimants: provided the conditions of the announcement are, in the opinion of the authority making it, fulfilled, the whole amount of reward offered shall invariably be disbursed.

All offers of rewards shall be in force for one year only, and at the end of that time the officer shall be reviewed and, if considered necessary, renewed.

Note.—No advertisement of reward offered by a private person shall be published by a police officer, unless the amount has first been deposited under rule 15.12 (2).

15.14. Rewards offered by officers of other departments.—(1) Deputy Commissioners are authorized to pay rewards up to Rs. 200 in value to police officers of and below the rank of Sub-Inspector for good work done in connection with the prevention and detection of offences against the excise laws. Rewards of higher value and rewards to inspectors may be given on the authority of the Financial Commissioner. Such rewards and commendation certificates issued by the excise administrating shall be forwarded through the Superintendent of Police under whom the police officer rewarded is serving, and entries shall be made in such officer's character roll, as directed in rule 15.7.

(2) Rewards or commendation certificates offered by other Government departments to enrolled police officers for special services rendered in the public service shall be similarly forwarded through the Superintendent concerned. Such rewards may ordinarily be accepted by the police officers concerned, but gratuities offered by officials of other departments for services of a personal nature rendered by individual police officers may not be accepted. The acceptance of personal testimonials from Government officials or members of the public is prohibited.

(3) Cases in which the Superintendent is in doubt whether a reward offered may or may not be accepted under this rule, shall be referred to the Deputy Inspector-General for decision.

15.15. Any person who apprehends an individual of the following classes who is in a state of desertion, or absent without leave from his unit (other than an individual who voluntarily surrenders himself)—

Combatants (including reservists);

Transport followers;

Men of the Indian Hospital Corps;

Will be granted a reward of Rs. 5.

Such rewards will be paid by the unit to which the deserter belongs.

(2) A note of such rewards shall be made in the character roll of the police officer to whom they are paid, but a commendation certificate shall not be given unless the Superintendent considers that the circumstances of the particular arrest merit it.

15.16. Rewards payable for recovery of dead bodies.—(1) The following rules regarding rewards payable for the recovery of the corpses from canals and rivers have been sanctioned by the Provincial Government—

(a) Any person, not being a police officer of or above the rank of Sub-Inspector, who takes a corpse out of a canal or river, or causes it to be so taken out, and who thereupon makes it over to the headman of the village, within the area of which the place of removal is situated, or to the police, shall be entitled to a reward of Rs. 10. Steps should be taken to give wide publicity to this order.

(b) It shall be the duty of all canal officials on observing a corpse in any canal with which they are concerned to take it out of the canal or to cause it to be so taken out, and to make it over to the headman of the village within the area of which the place of removal is situated, or to the police, Such canal officials will be eligible for the reward of Rs. 10 above mentioned.

(c) A Similar obligation lies upon all lambardars, chaukidars, patwaris, all owners or occupiers of land, all agents of such owners or occupiers, and all officers employed in the collection of the revenue, as well as upon all police officers, and this obligation should be brought to the special notice or such persons residing on or near the banks of rivers or canals, and they should be directed to act in such cases as if there were grounds for suspecting foul play. Such persons, excepting police officers of or above the rank of Sub-Inspectors, will be eligible for the reward of Rs. 10.

(2) Such rewards shall be paid at one by Superintendents from their contingent grant for "Rewards".

15.17. Arrest of members of criminal tribes.—A police officer, or any person instrumental in the arrest of a person registered under the Criminal Tribes Act, who is found absent from his village without a pass, shall be entitled to a reward of Rs.10 upon the conviction of the offender. Expenditure on such rewards shall be made from district allotments.

15.18. For the arrest of a proclaimed offender.—Liberal rewards shall be offered and promptly disbursed for the arrest of proclaimed offenders. The fullest publicity shall be given to offers of such rewards, the amount of which shall be fixed in relation to the importance of each case.

15.19. The Royal Humane Society's Medal.—When a police officer acts with conspicuous courage in saving or attempting to save a person from drowning, application may be made, through the ordinary channel, on behalf of such officer, for the grant of the Royal Humane Society's Medal. The necessary form for any such application may be obtained from the office of the Inspector-General.

15.20. President's Police and fire Services Medal and Police Medal.—(1) The rules regarding the "President's Police and Fire Services Medal" are given in Appendix 15.20 (1). Recipients of the medal or bar to the medal shall, where the decoration is awarded for an act of gallantry be entitled to monetary allowances subject to the conditions and rates laid down in the above appendix.

Recommendations, accompanied in the case of non-Gazetted officers by the Character Roll, should be submitted (in Form 15.21) through Deputy Inspector-General, those for gallantry being dispatched as soon as possible after the occurrence in respect of which the recommendation is made, except in cases where the facts establishing the conduct of the nominee are not free from doubt or where the conduct of the police has given rise to considerable public criticism. When such doubts or criticism exist officers should scrutinize the facts with particular care before deciding to make a recommendation. It must be clearly stated whether the occurrence in respect of which a recommendation is made is likely to be the subject of judicial proceedings. Recommendations for distinguished service should reach the Inspector-General of Police by the 15th May and 15th December in each year.

It should invariably be stated whether the officer recommended for the decoration has ever incurred censure or been concerned in proceedings that have been censured by a Court of law.

(2) The rules regarding the 'Police Medal" are contained in Appendix 15.20.(2). The particular acts or services for which recommendations are made should be described in the same detail and form as in the case of recommendations for the "President's Police and Fire Services Medal". Recommendations for the grant of the medal should reach the Inspector-General through the Deputy Inspector-General not later than 15th May and 15th December, each year.

(3) Awards of "President's Police and Fire Services Medal" and the "Police Medal" shall be recorded in their history of services in the case of Gazetted Officers: the names of all recipients of the medal are published in the Punjab Civil List.

(4) All awards of the "President's Police and Fire Services Medal" and of the "Police Medal" to enrolled officers shall be announces publicly at a muster parade at the headquarters of the district in which the officer receiving the award is serving. The number, rank and name of every recipient of the "President's Police and Fire Services Medal" shall be immediately after the publication of the award, be inscribed in gold letter on the "President's Police and Fire Services Medal Roll" board (as prescribed in Punjab Police Gazette Memo Mo. 694, dated the 11th, March, 1927, for the previous King's Police Medal). Particulars of the award as published in the Government Gazette, shall be copied into the Character Roll of the recipient and the words of "President's Police and Fire Services Medal List" shall be endorsed in bock capitals on the front outer cover thereof. Further instructions regarding the special recognition of awards of the "President's Police and Fire Services Medal" are contained in rule 13.19.

15.20(A). King's Police and Fire Services Medal and Indian Police Medal.— The rules regarding the "King's Police and Fire Services Medal" are given in Appendix 15 20-A (1) A. Recipients of the Medal or bar to the medal shall, act of gallantry, be entitled to monetary allowances subject to the conditions and rates laid down in Appendix 15.20-A(1) B. "Recommendations accompanied in the case of non-Gazetted, officers by the Character Roll, should be submitted (in form 15.21) through Deputy Inspectors-General, those for gallantry being dispatched as soon as possible after the occurrence in respect of which the recommendation is made, except in cases where the facts establishing the conduct of the nominee are not free fro doubt or where the conduct of the police has given rise to considerable public criticism. When such doubts or criticisms exist officers should scrutinize the facts with particular care before deciding to make a recommendation. It must be clearly stated whether the occurrence in respect of which a recommendation is made is likely to be the subject of judicial proceedings. Recommendations for distinguished service should reach the Inspector-General of Police by the 15th May and 15th December in each year."

It should invariable be stated whether the officer recommended for the decoration has ever incurred censure or been concerned in proceedings that have been censured by a court of law.

(2) The rules regarding the "Indian Police Medal" are contained in Appendix 15.20(2). The number of medals which may be awarded to the police in the Punjab each year is twenty-one. The particular acts or services for which recommendations are made should be described in the same detail and form as in the case of recommendations for King's Police Medal. Recommendations under regulation (d) (ii) should reach the Inspector-General through the Deputy InspectorGeneral, not later than the 16th December in each year.

(3) Awards of the "King's Police and Fire Services Medal" and of the "Indian Police Medal shall be recorded in their history of services in the case of gazetted officers; the names of all recipients of the medals are published in the Punjab Civil List.

(4) All awards of the King's Police and Fire Services Medal and of the Indian Police Medal to enrolled officers shall be announced publicly at a muster parade at the headquarters of the district in which the officer receiving the award is serving. The number, rank and name of every recipient of the King's Police Medal shall, immediately after the publication of the award, be inscribed in gold letters on the "King's Police Medal Roll" board (as prescribed in Punjab Gazette Memo No. 694 of 11th March, 1927). Particulars of the award, as published in the Government Gazette, shall be copied into the character roll of the recipient, and the words "King's Police Medalist" shall be endorsed in block capitals on the front outer cover thereof. Further instructions regarding the special recognition of awards of the King's Police Medal and Fire Services Medal are contained in rule 13.19.

15.21. Conferment of Titles and Orders.—Deputy Inspectors-General and Superintendents of Police have been supplied confidentially with instructions regarding the submission of recommendations for Titles and Orders (Confidential Memo S. 860, dated 15th October, 1931). All recommendations shall be submitted (in Form 15.21) through Deputy Inspectors-General so as to reach the Inspector-General not later than the 15th of July and the 15th December in each year.

The dates prescribed allow of no margin for delay; consequently recommendations received late or in incomplete or incorrect form will inevitably be passed over.

15.22. Certain recommendations to be kept confidential.—The facts that a recommendation has been or is about to be made under rules 15.19 to 15.21 inclusive shall be kept strictly confidential, and shall not be communicated to the person recommended. Enquiries necessary for the filling up of recommendation rolls shall be made by indirect means by the Superintendent himself or another gazetted officer.

15.23. Special rewards and grant of land or jagirs in recognition of exceptional services.—(1) The grant of land by way of reward is regulated by questions of policy, the availability of land for the purpose and orders issued by Government from time to time. Conditions of such grants are, therefore, liable to be varied at any time and the practice of making them may be discontinued altogether.

(2) A limited are a of Crown agricultural land in the Nili Bar Colony is still available for sale at fixed rates as a special case to serving and retired civil official with outstanding service on the following conditions—

(i) Retired officials and service officials, who are within three years of retirement, are eligible.

(ii) Only those officials are eligible a substantial period of whose service has been under the Punjab Government.

(iii) Every applicant for a grant either serving or retired must state whether he holds land in any colony either by succession or otherwise.

(iv) (a) The maximum size of grants for officers of the All-India services and officers of the Provincial Services Class I or holding listed posts, or who were holding such posts at the time of retirement, is five rectangles;

(b) For other officers of the Provincial Services the limit is four rectangles;

(c) For officer of the Subordinate Services the maximum limit is two rectangles.

(v) The price, payable by the grantee, will be the estimated market value at the time, as estimated by Government. The estimated value is broadly based on the average price of the most recent public auction.

(vi) The purchaser is required to pay the full purchase price in the treasury within four months of the date of receipt of Government orders by him otherwise the offer to sell the land lapses.

(vii) After Government sanction has been accorded to the sale and communicated to the grantee the offer remains open for a period of four months.

(viii) The land is selected by the Colonization Officer, Nili Bar Colony, whose selection is final.

(ix) The deed of conveyance is executed, stamped and registered by and at the expense of the grantee in the form reproduced at pages 74 to 79 of the Punjab Colony Manual, Volume II (1942 edition). as soon as the land is available for immediate possession.

(x) Possession of the land is granted with effect from the harvest determined by the Colonization Officer.

(3) Land set aside by Government for grant as police rewards may be given—

(A) *To non-officials*—

(i) In recognition of services involving exceptional risk, where a non-official has actually endangered his life in combating crime;

(ii) In recognition of definite services of a specially distinguished nature in the suppression of particular forms of crime, or in cooperating with the police in measures for the suppression of crime extending beyond the general and cordial support, which zaildars, inamdars, headmen, etc., are bound to give to the police administration;

(iii) To the dependents of non-officials who lose their lives in helping the police and because of their help to the police.

(B) *To Police Officers*—

(i) who have actually endangered their lives in combating crime;

(ii) to the dependents of police officers who lose their lives on duty either instead of extraordinary pensions or to supplement such pensions.

All grants under sub-rule (3) may be free or on peasant terms, each case being decided on its merits.

(4) Serving police officers may, within three years of retirement, apply through the usual channel and retired police officers may apply direct to the Inspector-General of Police for the grant of land at concessionary rates of purchase. Every applicant must state whether he holds land in any colony either by succession or otherwise. No action will be taken on any application that does not contain this information. Superintendents of Police and Deputy Inspectors-General may reject applications from officers who cannot afford to make the necessary payments or whose services are clearly not outstanding.

Recommendations under sub-rule (3) (A) may be initiated by Superintendents of Police and should be forwarded through the District Magistrate, the Commissioner and the Range Deputy Inspector-General to the Inspector-General by the 15th January each year. Recommendations under sub-rule (3)(B) may be initiated by Superintendents of Police and forwarded through the Range Deputy Inspector-General to the Inspector-General by the 15th January, each year.

No special form is prescribed for recommendations under this rule, but all the information must be included which is necessary to assist Government in reaching a decision. The circumstances must be clearly stated, and the suitability of the reward recommended in view both of the services rendered and of the position and existing resources of the proposed recipient, must be explained. In each case it must be clearly stated whether the proposed recipients has already received, direct, or by inheritance or is in expectation of receiving by inheritance any grant of land. In no case should the fact that a recommendation has been made be communicated to the persons recommended.

(5) Government has power to create jagirs on condition of continued good conduct and steadfast loyalty to His Majesty the King Emperor and active good service to the public or to the Government established by law in British India, rendered to the best of the Jagirdar's ability and power. Proposals in respect of the police under this sub-rule shall be initiated officially by the Inspector-General of Police.

15.24. Return of rewards.—Every Superintendent shall, on or about the 5th of each month, prepare and despatch to the Deputy Inspector-General a return in Form 15.24 of all rewards given to police officers and others, which have been debited to the police budget grant. Such return shall be filled after due examination in the Deputy Inspector-General's office.

In such return shall be recorded all rewards charged to the police budget by whomsoever given.

APPENDIX No. 15.20 (1)

The "President's Police and Fire Services Medal"

The President is pleased to institute the following award to be conferred on members of the Police Forces and organised Fire Services throughout the Indian Union in consideration of meritorious services or gallantry and outstanding devotion to duty to be designated "President's Police and Fire Services Medal" and to make, ordain and establish the following statutes governing the medal, which shall be deemed to have effect from the twenty-sixth day of January in the year one thousands nine hundred and fifty—

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 Medal).

Secondly.—The medal shall be circular in shape, made of silver, 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 Services 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 or 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 Gazette of India and a Register of such names shall be kept in the Ministry of Home Affairs by such persons 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 for 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 1/8 inch in width.

Sixthly.—Any act of gallantry which is worthy or recognition by the award of the PRESIDENT'S POLICE AND FIRE SERVICES 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 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 annul the award to any person of the above decoration and that thereupon 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 Gazette of India.

Eighthly.—It shall be competent for the President to make rule to carry out the purpose of these statures.

Rules governing the award of 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 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 Services 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 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 risks incurred being estimated with due regard to the obligations and duties of the officer concerned.

(ii) A special distinguished record in police service.

(iii) Success in organizing Police or Fire Services, or in maintaining their organizations under special difficulties.

(iv) Special service in dealing with serious or widespread outbreaks of crime or public disorder, or fire.

(v) Prolonged service but only when distinguished by very exceptional ability and merit.

(5) When awarded for gallantry the medal will carry a monetary allowance at the rates and subject to the conditions set forth below. The charges thereof shall be borne by the revenues of the State concerned.

(a) The allowance should be granted only to officers of and below the rank of Inspector of Police.

(b) The amount of the allowance should depend on the rank of the recipient at the time when the act of gallantry is performed and it should continue to be paid at that rate on promotion to higher ranks (including ranks above that of Inspector).

(c) In the case of an officer already in receipt of an allowance, an addition should be made to the allowance on the award of a Bar to the Medal, according to the rank of the recipient at the time when the services for which the Bar is awarded, are rendered: Provided that if at the time of the award of the Bar the recipient is of higher rank than when he was awarded the Medal, he shall be entitled to substitute for the original allowance plus the additional allowance, the amount of allowance he would be entitled to draw had he been awarded the Medal in his present rank;

(cc) Where an officer who has already been awarded either the King's Police and Fire Services 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 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;

(d) The allowance should be granted from the date of the act for which the award is given, and unless it is forfeited for misconduct, will continue until death.

Where an individual is in receipt of the allowance at the time of his death, it shall be continued for life or till remarriage to his widow (the first married wife having the preference).

The rates of the allowance for the different ranks will be as follows—

Rank	Allowance for medal or for Bar awarded to an officer not already in receipt of an allowance	Allowance for Bar awarded to an officer already in receipt of an allowance.
	Per mensem	*Per mensem*
Inspector	Rs. 25	Rs. 12
Deputy Inspector, Sub-Inspector and Sergeant	Rs. 15	Rs. 7
Assistant Sub-Inspector	Rs. 10	Rs. 5
Head Constables	Rs. 7-8-0	Rs. 3-8-0
Constable	Rs. 5	Rs. 2-8-0

(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, bring the force into disrepute.

(7) Recommendations for the announcement of awards for distinguished service on the 26th January (Republic Day) and the 15th August (Independent Day), should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs, not latter than the 1st August, and the 1st March, respectively, each year.

APPENDIX 15.20-A(1) (A)

THE KING'S POLICE AND FIRE SERVICES MEDAL REGULATIONS

OFFICE OF THE PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY

NOTIFICATION

NEW DELHI, THE 15th OCTOBER, 1945

No. 232-H.— The following regulations are published for general information in supersession of those contained in notification No.134-H, dated the 21st November, 1940.

KING'S POLICE AND FIRE SERVICES MEDAL REGULATIONS

I, the Right Honourable Sir Donald Somervell, one of His Majesty's Principal Secretaries of State, in accordance with the English Statute of the Royal Warrant of 10th August, 1940, hereby make the following Regulations which shall be observed in submitting recommendations for the award of the King's Police and Fire Services Medal:—

(1) Unless His Majesty otherwise directs, lists of the names of members of recognized Police or Fire Services, who are recommended for the Medal on any ground other than that of conspicuous gallantry, shall be submitted by the Secretary of State for the Home Department in the months of May and December, in each year.

(2) For the purpose of inclusion in any such list, the names of those recommended by the Secretary of State for Scotland, or Dominion Affairs or the Colonies, or India or Burma shall be forwarded to the Home Office not later than one month prior to the date on which the award is to be made.

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

(4) All recommendations shall state the name and rank of the person recommended, the name of the Police or Fire Service of which he is or was a member, and particulars of the gallantry or service for which the grant of the Medal is recommended.

(5) The number of Medals awarded on any ground other than that of conspicuous gallantry shall not in any one year exceed one hundred and twenty, unless His Majesty is of opinion that special circumstances in any year justify the award of Medals in excess of that number.

(6) The qualifications for the grant of the Medal shall be as follows:—

(a) 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 duties of the officer concerned.

(b) A specially distinguished record in administrative or detective service, or other police service of conspicuous merit.

(c) Success in organizing Police or Fire Services, or in maintaining their organization under special difficulties.

(d) Special services in dealing with serious or widespread outbreaks of crime or public disorder or fire.

(e) Valuable political and secret services.

(f) Special services to Royalty and Heads of States.

(g) Prolonged service, but only when distinguished by very exceptional ability and merit.

(7) These regulations supersede those made on 20th August, 1940 which are hereby revoked.

THE KING'S POLICE MEDAL ROYAL WARRANTS

EDWARD R AND I

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas. King Defender of the Faith, Emperor of India to all to whom these presents shall come:—

GREETING

Whereas We have taken into Our Royal consideration the Good services which are rendered by officers of the Constabulary Forces and by persons serving in fire Brigades within Our Dominions and in Territories under Our Protection or Jurisdiction and the heroic acts of courage and instances of conspicuous devotion to duty of such persons which are from time to time brought to Our notice:

And whereas we are desirous of distinguishing such meritorious conduct by some mark of our Royal favour:

We do by these presents for Us, Our Heirs and Successors, institute and create a new Medal to be awarded for such acts of courage and conspicuous devotion to duty.

Firstly.—It is ordained that the Medal shall be designated and styled "The King's Police Medal".

**Secondly.*—It is ordained that the King's Police Medal shall consist of a circular Medal of Silver with Our Effigy on the obverse, and shall bear on the reverse a design emblematic of Protection from danger and the words "For Gallantry" or "For Distinguished Service", as the case may be, and on the rim the name of the person to whom the Medal has been awarded.

**Thirdly.*—It is ordained that the Medal shall only be awarded to those of Our Faithful Subjects and others who being members of recognized Police Force or of a property organized Fire Brigades within Our Dominions or in Territories under Our Protection or Jurisdiction, have either performed acts of exceptional courage and skill or exhibited conspicuous devotion in duty; and that such award shall be made only on a recommendation to Us by Our Principal Secretary of State for the Home Department.

Fourthly.—It is ordained that the names of those upon whom we may be pleased to confer this Decoration shall be published in the London Gazette, and that a Register thereof shall be kept in the office of Our Principal Secretary of State for the Home Department.

*As amended by the Royal Warrant, dated the 12th day of December, 1933-vide Government of India, Home Department Notification No.F.-25/vi/33, dated the 22nd January, 1934.

Such Register shall show the name and rank of the person holding the Medal, the Police Force or Fire Brigade of which he is or was a member, and particulars of the action for which the Medal has been awarded.

**Fifthly.*—It is ordained that each Medal shall be suspended from the left breast, and the riband, of an inch and three-eights in width, shall be dark blue with a narrow silver stripe on either side and a similar silver stripe in the middle; and that in the case of awards for acts of exceptional courage each silver stripe of the riband shall contain a thin red line in the middle.

**Sixthly.*—It is ordained that any act of gallantry which is worthy of recognition by the award of the King's Police Medal, but is performed by one upon whom the Decoration has already been conferred, may, on a recommendation to Us by Our Principal Secretary of State for the Home Department, 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.—See Royal Warrant, dated the 1st day of October, 19_0, below:

Given at Our Court at Saint James' the Seventh day of July, one thousand nine hundred and nine, in the ninth year of Our Reign.

By His Majesty's Command,

H.J. GLADSTONE

George R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King Defender of the Faith, Emperor of India, to all to whom these Presents shall come:

GREETING

Whereas His late Majesty King Edward the Seventh did by Warrant under His Royal Sign Manual, bearing date the seventh day of July, one thousand nine hundred and nine, institute and create a new medal to be styled the King's Police Medal:

And whereas the fifth clause of the said Royal Warrant was amended by Warrant under Our Sign Manual bearing date the third day of October, one thousand nine hundred and sixteen:

And whereas we are desirous of amending the seventh class of the said Royal Warrant of the seventh day of July, one thousand nine hundred and nine:

*As amended by the Royal Warrant, dated the 12th day of December 1933,-vide Government of India, Home Department Notification No.F-25/vi/33, dated the 22nd January, 1934.

Now know ye that We do by these Presents for Us, Our Heirs and Successors abrogate the seventh clause of the said Royal Warrant of the seventh day of July, one thousand nine hundred and nine, and in lieu thereof we ordain that it shall be competent for Us, Our Heirs and Successors by an Order under Our Sign Manual and on a recommendations to that effect by or through one of Our Principal Secretaries of State to cancel and annul the award to any person of the above Decoration, and that thereupon his name in the Register shall be erased, provided that it shall be competent for Us, Our Heirs and Successors to restore any Decoration which may have been so forfeited when such recommendation has been withdrawn. And 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 shall be erased as aforesaid.

Given at Our Court at Saint James' the First Day of October, 1930 in the Twenty-first year of Our Reign.

By His Majesty's Command,

J.R. CLYNES

1. A list of the names of officers of recognized Police Forces or of properly constituted Fire Brigades, who are recommended for the Medal, shall be submitted once in each year to His Majesty by the Secretary of State for the Home Department:

   Provided that a recommendation may be made at any time when His Majesty so commands.

*2. A list of officers recommended by the Secretary of State for Dominion Affairs, the Secretary of State for the Colonies and the Secretary of State for India shall be forwarded to the Home Office in the month of October in each year.

3. Each list shall contain the name and rank of each persons recommended, the Police Force or Fire Brigades of which he is or was a member, and particulars of the action or service for which the grant of the Medal is recommended.

4. The number of Medals awarded in any one year shall not exceed one hundred and twenty.

5. In very special circumstances, which, in His Majesty's opinion, would justify an exceptional grant, His Majesty may award Medals exceeding the above number.

*As amended by Regulation, dated the 12th Day of December, 1933,-vide Government of India, Home Department notification No.F-25/vi/33, dated the 22nd January, 1934.

6. The qualifications for the grant of the Medal shall be as follows:—

(a) Conspicuous gallantry in saving life and property or in preventing crime or arresting criminals; the risks incurred to be estimated with due regard to the obligations and duties of the officer concerned.

*(b) A specially distinguished record in administrative or detective service or other police service of conspicuous merit.

(c) Success is organizing Police Forces or Fire Brigades or Departments, or in maintaining their organization under special difficulties.

(d) Special services in dealing with serious or widespread outbreaks of crime or public disorder, or of fire.

(e) Valuable political and secret services.

(f) Special services to Royalty and Heads of States.

(g) Prolonged service; but only when distinguished by very exceptional ability and merit.

H.J. GLADSTONE

Whitehall,

July 7, 1909

I, the Right Honourable John Robert Clynes, one of His Majesty's Principal Secretaries of State, hereby make the following Regulations amending the Regulations made on the 7th July, 1909:

*1 To Regulation 6 (b) of the said Regulations there shall be the words "or other police service of conspicuous merit.'

J.R. CLYNES.

Whitehall,

1st October, 1930

Appendix No.15.20-A(1)-B

No.F-25-IV/28-Police

FROM

THE HONOURABLE MR. H.G. HAIG, C.S.I.C.I.E.,

Secretary to the Government of India, Home Department.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

New Delhi, the 7th February, 1930.

Subject.—Grant of an allowance to the recipients of the King's Police Medal.

SIR,

I AM directed to say that the Government of India have had under consideration the question whether, on the analogy of the special pensions granted to holders of certain military decorations, suitable allowances should be attached to the King's Police Medal when awarded for an act of gallantry. The local Governments were consulted on the proposal and, with two exceptions, all were in favour of it. The Secretary of State was accordingly addressed on the subject & the Governor General in Council has now decided with his approval that recipients of the King's Police Medal, of a bar to the medal, should, where the decoration is awarded of an act of gallantry, be entitled to monetary allowances, subject to the conditions set forth below:—

(a) The allowance should be granted only to officers of and below the rank of Inspector of Police.

(b) The amount of the allowance should depend on the rank* of the recipient at the time when the act of gallantry is performed and it should continue to be paid at that rate on promotion to higher ranks (including ranks above that of Inspector).

(c) In the case of an officer already in receipt of an allowance, an addition should be made to the allowance on the award of a Bar to the Medal, according to the rank of the recipient at the time when the services for which the Bar is awarded, are rendered, provided that if at the time of the award of the Bar the recipient is of higher rank than when he was awarded the Medal, he shall be entitled to substitute for the original allowance plus the additional allowance, the amount of allowance he would be entitled to draw had he been awarded the Medal in his present rank.

(d) The allowance should be granted from the date of the act for which the award is given, and unless it is forfeited for misconduct, will continue until death.

Note—Substantive rank should be the determining factor in fixing the rate of allowance (Government of India, Home Department letter No.25/V/30-Police, dated 31st May, 1930).

(e) Where an individual is in receipt of the allowance at the time of his death, it shall be continued for life or till remarriage (unless forfeited for misconduct) to his widow (the first married wife having the preference).

*Note—"Widows falling under the following categories are eligible to draw the allowance:—

(i) Widows of men posthumously granted the Medal or Bar for gallantry on or before the 1st January, 1930.

(ii) Widows of men posthumously granted the Medal or, Bar for gallantry after 1st January, 1930, and

(iii) Widows of holders of the Medal or Bar for gallantry who died before the 1st January, 1930.

Note—The allowance should not be given to the children of the deceased. Authority- Government of India letter No.F-25/VIII/30-Police, dated the 30th March, 1931.

2. The rates of the allowance for the different ranks will be as follows:—

Name	Allowance for Medal or for Bar awarded to an Officer not already in receipt of an allowance			Allowance for Bar awarded to an officer already in receipt of an allowance		
	Rs. (per mensem)	As.	Ps.	Rs. (per mensem)	As.	Ps.
Inspector-Civil Police. Subedar-Major and Subedar-Military Police	40	0	0	20	0	0
Deputy Inspector, Sub-Inspector, and Sergeant-Civil Police	25	0	0	12	0	0
Assistant Sub-Inspector-Civil Police	20	0	0	10	0	0
Head Constable-Civil Police Havildar and Naik-Military Police	15	0	0	7	0	0
Constable-Civil Police Sepoy-Military Police	10	0	0	5	0	0

3. The Governor-General in Council has further decided that the present holders of the Medal and Bar Granted for acts of gallantry, including those on pension, should be entitled to draw the allowance with effect from the 1st January, 1930.

4. I am to request that in submitting recommendations for the award of the King's Police Medal or a Bar thereto it should be clearly stated when these recommendations are based on an act of gallantry and consequently carry with the recommendation for grant of an allowance.

Appendix 15.20-A(2)

Royal Warrant relating to the Indian Police Medal

George the Sixth, by the Grace of God, of Great Britain, Ireland and the British Dominion beyond the Seas, King, Defender of the Faith, to all to whom these presents shall come:—

Whereas his late majesty King George the Fifth did by Royal Warrant under his Royal Sign Manual, bearing date the twenty-third day of February one thousand nine hundred and thirty-two, institute and create a medal styled, "The Indian Police Medal" and did make certain Rules for the Government of the same;

And whereas alterations and amendments to the said Rules were made by Warrants under our Royal Sign Manual bearing date the twenty-fourth day of June one thousand nine hundred and thirty-eight and twenty-fifth day of November, one thousand nine hundred and forty-two and the twentieth day of December, one thousand nine hundred and forty-four.

And whereas we are desirous of continuing after the fourteenth day of August, one thousand nine hundred and forty-seven, this provision for distinguishing meritorious services rendered by member of Police Forces and Fire Brigades within our Dominion of India, by the award of the Medal and of the Bar to the Medal, and of further amending the said rules in order to provide for this, and whereas we are also desirous of consolidating the said Rules so amended.

Now know ye that We do by these presents f our, Our Heirs and successors make the following Rules for the continuance in our Dominion of India of the Indian Police Medal to be awarded by Our Governor-General for the time being on Our behalf distinguished conduct:

Firstly.—It is ordained that the Medal shall be designated and styled "The Indian Police Medal."

Secondly.—It is ordained that the Indian Police Medal shall consist of a circular Medal of Bronze with Our Crowned Effigy on the obverse, shall bear on the reverse a wreath surmounted by a crown and the words "Indian Police" and "For Gallantry" or "For Meritorious Services" as the case may be, and shall bear on the rim the name of the persons to whom the Medal is awarded.

Thirdly.—It is ordained that the Medal shall be awarded only to those members of a recognized Police Force or of a properly organized Fire Brigade within Our Dominion of India who have performed service of conspicuous merit.

Fourthly.—It is ordained that the name of those to whom this Medal may be awarded shall be published in the Gazette of India and that a register of such names shall be kept by such person as Our Governor-General may direct.

Fifthly.—It is ordained that each Medal shall be suspended from the left breast and the riband, of an inch and three-eights in width shall be dark blue with narrow silver stripe on either side and a crimson stripe in the centre, and in the case of awards for acts of conspicuous gallantry, each of the blue portions of the riband shall contain a silver line down the middle.

Sixthly.—It is ordained that any distinguished conduct which is worthy of recognition by the award of the Indian 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 and for every such additional award 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 is ordained that the number of Medals awarded in any one year (excluding Bars) shall not ordinarily exceed 175, but that if Our Governor-General considers that the special circumstances in any year justify the award of medals in excess of 175, the number shall not exceed 200.

Eighthly.—It is ordained that it shall be competent for Our Governor-General for the time being to cancel and annul the award to any person of the above Medal, and thereupon the name of such person in the Register shall be erased, but that it shall be competent for Our Governor-General to restore any Medal which may have been so forfeited and every person to whom the said Medal is awarded shall, before receiving the same, enter into an agreement to return the medal if his name shall be erased as aforesaid.

Ninthly.—It is ordained that it shall be competent for Our Governor-General for the time being to make regulations to carry out the purposes of his Warrant.

Given at Our Court of Saint James's the first day of May, one thousand nine hundred and forty-eight in the twelfth year of Our Reign.

By his Majesty's Command.

JAWAHAR LAL NEHRU

REGULATIONS RELATING TO THE AWARD OF THE INDIAN POLICE MEDAL

(a) The Medal will be open to all ranks of the Police, Civil and Military, and to the members of properly organized Fire Brigades within the Dominion of India.

(b) It will be awarded by the Governor-General on the recommendation of a Provincial Government or the Government of an Indian State or of a Union of States or Administration approved by the Prime Minister of India.

(c) Each recommendation will state the name and rank of the person recommended, the Police Force or Fire Brigade of which he is or was a member and particulars of the action or service for which the grant of the Medal is recommended.

(d) The Medal will be awarded:—

  (i) for conspicuous gallantry. Awards for gallantry be made as soon as possible after the event occasioning the grant.

  (ii) for valuable services characterized by resource and devotion to duty including prolonged service of ability and merit. Recommendations for the announcement of such awards in His Majesty the King's Birthday Honours List and the New Year's Day Honours List should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs, not later than the 15th February and the 15th July, respectively each year.

(e) When awarded for gallantry the Medal will carry a monetary allowance at half the rates sanctioned for the award of the King's Police and Fire Services Medal for gallantry.

(f) The recommendations received from any one source will be considered with due regard to the number of recommendations which have been or are likely to be received from other sources.

(g) The Medal for gallantry shall be worn next to and immediately after the Indian Order of Merit (Civil) and the Medal for Meritorious Service next to and immediately after the King's Police and Fire services Medal for Distinguished Service.

(h) The award of the Medal will not be a bar to the subsequent award of the King's Police and Fire Services Medal.

APPENDIX 15.20 (2)

Police Medal

The President is pleased to institute the following award to be conferred on members of the Police Force throughout the Indian Union in consideration of meritorious services or gallantry and outstanding devotion to duty to be designated "Police Medal" and to make, ordain and establish the following statute governing the medal, which shall be deemed to have effect from the twenty-sixth day of January in the year one thousand nine hundred and fifty—

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

Secondly.—The medal shall be circular in shape, made of bronze, one-and-three- eight inches in diameter, and shall have embossed on the obverse the State Emblem in the Centre, and the words "Police Medal" above and State motto "Satyameva Jayate" in Devnagri script at the bottom of the State 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 and to each other by a concave line and the words "INDIAN" above and "POLICE" below, the whole being encircled by a Wreath joined by a lain 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 Gazette 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 awards for acts of conspicuous gallantry, each of the blue portions of the riband shall contain a silver lien down the middle.

Sixthly.—Any distinguished conduct or act of gallantry which is worthy or recognition by the award of 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 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 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 of cancellation or restoration in every case shall be published in the Gazette of India.

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

Rules governing the award of 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 in special circumstances recommendations for awards on other grounds 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 the 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;

(iii) for valuable services characterized by resources and devotion to duty including prolonged service of ability and merit.

(5) (a) When awarded for gallantry the Medal will carry subject to the conditions set forth for the President's Medal a monetary allowance at half the rates sanctioned for the award of the PRESIDENT'S MEDAL for gallantry. The charges thereof shall be borne by the revenues of the State concerned;

(b) Where an officer who has already been awarded either the Indian Police Medal for 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 Services 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 MEDAL for distinguished service.

(7) The award of the Medal will not be a bar to the subsequent award of the PRESIDENT'S 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, 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 1st August and 1st March, respectively each year.

FORM No. 15.3-A

*PUNJAB/HARYANA POLICE

Commendation Certificate (Class-I).

Date_____

Inspector-General of Police, Punjab

The_____ 19____

FORM No. 15.3-B

*PUNJAB/HARYANA POLICE

Commendation Certificate (Class-II).

Date_____

Deputy Inspector-General of Police, Range

The_____ 19____

FORM No. 15.3-C

*PUNJAB/HARYANA POLICE

SEAL

Commendation Certificate (Class-III)

Granted to _____, son of _____, resident of_____ Village_____, Police Station_____, District _____, in recognition of_____.

Date_____

Superintendent of Police

The_____19_____

Note (i).—If a police officer, and rank and number in line.I.

Note (ii).—Cash rewards, if any, to be specified.

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* For State of Punjab read Punjab & for State of Haryana read Haryana as the case may be.

FORM No. 15.7 (2)

POLICE DEPARTMENT _____DISTRICT

APPLICATION FOR SANCTION TO PAYMENT OF A REWARD

1	2	3	4	5		6	7	8
				AMOUNT OF PROPERTY				
No.	Name of person recommended if (a Police officer, give Rank and Number)	Amount of Reward recommended	Particulars of offence in which reward is offered, giving date of offence with date of offer of reward and of recovery of property	Stolen	Recovered	Details of service rendered	If the reward is offered by a private person, his name and status, etc; together with a copy or translation, if in vernacular of original letter offering the reward	Remarks by forwarding authority

Dated_____

Superintendent of Police, Sanctioned

The _____19_____sanctioned

Deputy Inspector-General of_____Range

Assistant Inspector-General of the Police, Punjab.
(Standard Form)

FORM No. 15.10

(For publication in Police Gazette)

REWARDS SANCTIONED FOR SPECIAL GOOD WORK

1	2	3	4
District	Name and rank of officer rewarded	Amount	REMARKS

FORM No. 15.11

Confidential

ACCOUNT SHOWING DETAILS OF
CONTINGENT EXPENDITURE INCURRED FROM HEAD " REWARDS"

1	2	3	4	5	6	7	8
Month and date	First information Report, No. and	Brief description of the cases date	Amount paid	Name of person to whom paid	Nature of expenditure	Reference to contingent Voucher	Initial of Superintendent and Deputy Inspector-No. General

FROM No. 15.21

POLICE DEPARTMENT _____DISTRICT

RECOMMENDATION FOR THE GRANT OF ORDER, INDIAN TITLE OR MEDAL

Sr. No.	Name and designation of officer recommended	Head under which Order, title or medal is recommended	Ground of recommendation

FORM No. 15.24

POLICE DEPARTMENT _____DISTRICT

REWARDS RETURN FOR THE MONTH OF_____19_____

Dated_____19.

REWARDS TO GOVERNMENT SERVANTS

1	2	3	4	5
TO WHOM AWARDED			Total	Service for which awarded
Name	Constabulary No.	Length of service		

TO GOVERNMENT SERVANTS

1	2	3	4	5	6
Constabulary No.	ON WHOM CONFERRED			Amount	Service for which and by whom given
	Name	Rank	Grade		
	Total				
	TOTAL BUDGET GRANT			Amount spent upto date ... Balance available. ...	

TO PRIVATE PERSONS MONEY REWARDS-PAID FROM POLICE GRANT

1	2	3	4	5
Sr. No.	Name	Profession of calling	Amount	Service for which given
		Total		
TOTAL BUDGET GRANT			Amount spent upto date ... Balance available	

TO PRIVATE PERSONS-MONEY REWARDS-PAID FROM DEPUTY COMMISSIONS' GRANT

1	2	3	4	5
Sr. No.	Name	Profession of calling	Amount	Service for which given
		Total		
TOTAL BUDGET GRANT			Amount spent upto date ... Balance available ...	

(Standard Form)

Dated_____

Superintendent of Police

_____19_____

❑❑❑

CHAPTER 16

PUNISHMENTS

For Haryana

In the said rules, in Chapter 16 for the words "Deputy Superintendent of Police (Administration), Government Police or Assistant Superintendent Government Railway Police" wherever occuring, the words "Superintendent of Police, Railways", shall be substituted.

Rule 16.1 for Punjab

16.1. Authorised punishments.—(1) No police officer shall be departmentally punished otherwise than as provided in these rules.

(2) The departmental punishments mentioned in the second column of the subjoined table may be inflicted on officers of the various ranks shown in the heading Nos. 3 to 6, by the officers named below each heading in each case, or by any officer of higher rank—

TABLE

1	2	3	4	5	6
Sr. No.	Departmental punishment	Inspectors	Sergeants, Sub-Inspectors and Assistant Sub-Inspectors	Head Constables	Constables
1	Dismissal	Deputy Inspectors-General, Assistant Inspector-General, Government Railway Police, the Assistant Inspector-General, Provincial Additional Police, designated as Commandant, Provincial Additional Police, and the Assistant Inspector-General of Police (Traffic)	Superintendents of Police Commandants of Punjab Armed Police and Deputy Superintendent (Administrative), Government Railway Police.	Superintendent of Police; Deputy Superintendent (Administrative). Government Railway Police; Deputy Superintendents incharge of Railway Police Sub-Divisions; Senior Assistant Superintendent of Police, Lahore; [1][Officers-in-charge of Police Constables Training Centres.] Deputy Superintendent of Police, Lahaul and Spiti	Superintendents of Police, Deputy Superintendent (Administrative), Government Railway Police; Deputy Superintendents in charge of Railway Police Sub Divisions; Senior Assistant Superintendent of Police, Lahore; [1][Officers-in-charge of Police Constables Training Centres.] Deputy Superintendent of Police, Lahaul and Spiti.

1. Substituted for the word "Officers-in-charge of Recruit Traning Centres" by Punjab Government Notification No. G.S.R. 43/C.A. 5/1861/S. 7/Amd., dated 4-4-1988.

1	2	3	4	5	6
2	Reduction in rank	Assistant Inspector-General, Government Railway Police; Superintendents of Police; Assistant Inspector-General of Police (Traffic)	Superintendent of Police Also Deputy Superintendent (Administrative), Government Railway Police, and (as regards Sub-Inspectors and Assistant Sub-Inspectors only), Deputy Superintendent-incharge of Railway Police Sub-Division and *[Officer-in-charge of the Police Constables Training Centre, Amritsar]	Superintendent of Police, also Senior Assistant Superintendent of Police, Lahore, Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendent-incharge of Railway Police Sub-Division and *[Officer-in-charge of the Police Constables Training Centre, Amritsar]	Superintendent of Police; Deputy Superintendent (Administrative) Government Railway Police, Deputy Superintendent in-charge of Railway Police Sub-Divisions, Senior Assistant Superintendent of Police, Lahore; *[Officers-in-charge of Police Constables Training Centres.]
3	Stoppage of increment or for feiture of approved service of increment	Ditto	Ditto	Ditto	Ditto
4	Entry of censure	Superintendent of Police and Deputy Superintendent (Administrative), Government Railway Police.	Superintendent of Police; Deputy Superintendent (Administrative), Government Railway Police, and (as regards sub-Inspectors only) Deputy Superintendent in–charge of Railway Police Sub-Divisions and *[Officer-in-charge of the Police Constables Training Centre. Amritsar.]	Superintendent of Police, Commandants of Punjab Armed Police also Senior Assistant Superintendent of Police, Lahore, Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendent-incharge of Railway Police Sub-Division and *[Officer-in-charge of the Police Constables Training Centre, Amritsar]	Superintendent of Police, also Senior Assistant Superintendent of Police Lahore, Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendent in-charge of Railway Police Sub-Division and Officer in charge of the Police Recruits Training Centre, Amritsar, and subject to confirmation by the Superintendent of Police, any Assistant Superintendent of Police or Deputy Superintendent of Police of over three years' gazetted service.

1. Substituted for the word "Officers-in-charge of Recruit Traning Centres" by Punjab Government Notification No. G.S.R. 43/C.A. 5/1861/S. 7/Amd., dated 4-4-1988.

1	2	3	4	5	6
5.	Confinement to quarters for a period not exceeding 15 days.				Superintendent of Police also Senior Assistant Superintendent of Police, Lahore, Deputy Superintendent (Administrative), Railway Police, Deputy Superintendent-incharge of Railway Police Sub-Division and [1][Officer-in-charge of Police Constables Training Centre, Amritsar], and subject to confirmation by the Superintendent of Police, any Assistant Superintendent of Police and Deputy Superintendent of Police of over three years' gazetted service.
6.	Extra guard, fatigue or other duty				Ditto
7.	Punishment drill not exceeding 15 days.				Ditto
8.	Punishment drill not exceeding 10 days.				Assistant and Deputy Superintendents
9.	Punishment drill not exceeding 6 days				Inspectors
10.	Punishment drill not exceeding 3 days.				Sub-Inspectors.

1. Substituted for the word "Officers-in-charge of Recruit Traning Centres" by Punjab Government Notification No. G.S.R. 43/C.A. 5/1861/S. 7/Amd., dated 4-4-1988.

A Deputy Inspector-General may prohibit by special order a Superintendent officiating in a vacancy of less than six months' duration from carrying out an award made by him of dismissal, reduction, stoppage of increment, of forfeiture of approved service for increment unless and until such award has been confirmed by him.

The Assistant or Deputy Superintendent (Administrative) Government Railway Police or incharge of Railway Police Sub-Divisions and (except in cases where the offenders and sargents) Deputy Superintendents of in-charge of Railway Police Sub-Division exercise the full disciplinary powers of a Superintendent of Police in respect of the provisions of this chapter, within the limits prescribed in the above table.

(3) For the purposes of these rules the term "major punishment" shall be held to mean any authorised punishment of reduction in rank, withholding of increments, forfeiture of approved service, dismissal and every judicial conviction on criminal charge.

The term "minor punishment" shall mean all other authorized punishments.

Rule 16.1 for Haryana

16.1. Authorised punishments.—(1) No police officer shall be departmentally punished otherwise than as provided in these rules.

(2) The departmental punishments mentioned in the second column of the subjoined table may be inflicted on officers of the various ranks shown in the heading Nos. 3 to 6, by the officers named below each heading in each case, or by any officer of higher rank:—

1	2	3	4	5	6
Sr. No.	Departmental punishment	Inspectors	Sergeants, Sub-Inspectors and Assistant Sub-Inspectors	Head Constables	Constables
1	Dismissal	Deputy Inpectors General Superintendent of Police Railway, the Assistant Inspector-General, Provinicial Additional Police, designated as Commandant, Provincial Additional Police, and the Assistant Inspector-General of Police (Traffic)	Superintendents of Police and [1][Superintendent of Police Railways]	Superintendents of Police, [1][Superintendent of Police Railways] Deputy Superintendents incharge of Railway Police Sub-Divisions, Senior Assistant of Superintendent of Police Lahore Officers-in-charge of Recruits Training Centres. Deputy Superintendent of Police, Lahaul and Spiti	Superintendents of Police, [1][Superintendent of Police, Railways] Deputy Suprintendents incharge of Rail way Police Sub-Divisions: Senior Assistant Superintendent of Police, Lahore; Officer-in-charge of Recruits Training Centers. Deputy Superintendent of Police. Lahaul and Spiti

1. Substituted by Haryana Government Notification No. G.S.R. 44/C.A. 5/1861/Amd. (1) 82, dated 26-3-1982.

2.	Reduction in rank	Superintendent of Police Railway; Superintendents of Police; Assistant Inspector-General of Police (Traffic)	Superintendent of Police. Also [1][Superintendent of Police Railways] and (as regard Sub-Inspectors and Assistant Sub-Inspectors only), Deputy Superintendent in-charge of Railway Police Sub-Division and Officer-in-charge of the police Recruits Training Centres, Amritsar	Superintendent of Police, also senior Assistant Superintendent of Police, Lahore, [1][Superintendent of Police Railways] Deputy Superintendent in charge or Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centre, Amritsar	Superintendent of Police; [1][Superintendent of Police Railways] Deputy Superintendents-incharge of Railway Police Sub-Divisions, Senior Assistant Superintendent of Police, Lahore; Officers-in-charge of Recruits Training Centres.
3.	Stoppage of increment*	Ditto	Ditto	Ditto	Ditto
4.	Entry of censure	Superintendent of Police and [1][Superintendent of Police, Railway.]	Superintendent of Police; [1][Superintendent of Police Railways] and (as regards Sub-Inspectors only) Deputy Superintendents in charge of Railway Police sub-Division and Officer in-charge of the Police Recruits Training Centre, Amirtsar.	Superintendent of Police, also Senior Assistant Superintendent of Police Lahore, [1][Superintendent of Police Railways] Deputy Superintendent-in charge of Railway police Sub-Divison and Officer-in-charge of the Police Recruits Training Centre, Amritsar	Superintendent of Police, also Senior Assistant Superintendent of Police Lahore, [1][Superintendent of Police Railways] Deputy Superintendent-in-charge of Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centre, Amritsar, and subject to confirmation by the Superintendent of Police, any Assistant Superintendent of Police or Deputy Superintendent of Police, of over three years' gazetted service

1. Substituted by Haryana Government Notification No. G.S.R. 44/C.A. 5/1861/Amd. (1) 82, dated 26-3-1982.

5.	Confinement to quarters for a exceeding 15 days				Superintendent of Police, also Senior Assistant Superintendent of Police, Lahore, [1][Superintendent of Police Railways Deputy Superintendent-in-charge of Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centre, Amritsar, and subject to confirm ation by the Superintendent of Police, any Assistant Superintendent of Police and Deputy Superintendent of Police of over three years' gazetted service
6.	Extra guard, fatigue or other duty				Ditto
7.	Punishment drill not exceeding 15 days				Ditto
8.	Punishment drill not exceeding 10 days				Assistant and Deputy Superintendent Inspectors
9.	Punishment drill not exceeding 6 days				
10.	Punishement drill not exceeding 3 days				Sub-Inspector

A Deputy Inspector-General may prohibit by special order a Superintendent officiating in a vacancy of less than six months' duration from carrying out an award made by him of dismissal, reduction, stoppage of increment, or forfeiture of approved service for increment unless the until such award has been confirmed by him.

1. Substituted by Haryana Government Notification No. G.S.R. 44/C.A. 5/1861/Amd. (1) 82, dated 26-3-1982.

[1][The [2][Superintendent of Police Railways] or in charge of Railway Police Sub-Divisions and Officer-Incharge, Constables Advanced Training Centre, shall excercise the full disciplinary powers of a Superintendent of Police in respect of the provisions of this Chapter, within the limits prescribes in the above table; Provided that in the case of a Government servant already appointed the publishment of dismissal, removal, reduction in rank or stoppage of increment shall be imposed by the Authority who appointed him

(3) For the purposes of these rules, the term 'major punishment' shall mean the stoppage of increment, reduction in rank and dismissal and the term 'minor punishment' shall mean all other authorized punishments.]

Rule 16.1 for Chandigarh

16.1. Authorised punishments.—(1) No police officer shall be departmentally punished otherwise than as provided in these rules.

(2) The departmental punishments mentioned in the second column of the subjoined table may be inflicted on officers of the various ranks shown in the heading Nos. 3 to 6, by the officers named below each heading in each case, or by any officer of higher rank:—

Table

1	2	3	4	5	6
Sr. No.	Departmental punishment	Inspectors	Sergeants, Sub-Inspectors and Assistant Sub-Inspectors	Head Constables	Constables
1	Dismissal	Deputy Inpectors-General, Assistant Inspector-General, Government Railway Police, the Assistant Inspector-General, Provincial Additional Police designated as Commandant, Provincial Additional Police, and the Assistant Inspector-General of Police (Traffic)	Superintendents of Police and Deputy Superintendent (Administrative), Government Railway Police	Superintendents of Police, Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendents incharge of Railway Police Sub-Divisions Senior Assistant Superintendent of Police, Lahore, Officers-in-charge of Police Constables Training Centres	Superintendents of Police, Deputy Superintedent (Administrative), Government Railway Police; Deputy Superindents incharge of Railway Police Sub-Divisions Senior Assistant Superintendent of Police, Lahore; Officer-in-charge of Recruits Training Centres.

1. Substituted by Haryana Government Notification dated 4.3.1975.
2. Substituted by Haryana Government Notification No. G.S.R. 44/C.A. 5/1861/Amd. (1) 82, dated 26-3-1982.

1	2	3	4	5	6
2.	Reduction	Assistant Inspector-General, Government Railway Police; Superintendent of Police; Assistant Inspector-General of Police (Traffic)	Superintendent of Police. Also Deputy Superintendent (Administrative), Government Railway Police, and (as regards Sub-Inspectors only), Deputy Superintendent in-charge of Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centres, Amritsar	Superintendent of Police, also Senior Assistant Superintendent of Police, Lahore, Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendent in-charge of Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centre, Amritsar	Superintendent of Police; Deputy Superintendent (Administrative) Government Railway Police, Deputy Superintendents-incharge of Railway Police Sub-Divisions Senior Assistant Superintendent of Police, Lahore; Officers-in-charge of Recruits Training Centres.
3.	Stoppage of increment or forfeiture of approved service for increment	Ditto	Ditto	Ditto	Ditto
4.	Entry of censure	Superitendent of Police and Superintendent (Administrative), Govt. Railway Police	*Superintendent of Police; Deputy Superintendent of Police.	*Superintendent of Police; Deputy Superintendent of Police.	*Superitendent of Police; Deputy Superintendent of Police.

1	2	3	4	5	6
5.	Confirment to quarters for a period not exceeding 15 days				Superintendent of Police, also Senior Assistant Superintendent of Police, Lahore, Deputy Superintendent (Administrative), Railway Police, Deputy Superintendent-in-charge of Railway Police Sub-Division and Officer-in-charge of the Police Recruits Training Centre, Amritsar, and subject to confirmation by the Superintedent of Police, any Assist. Superintendent of Police, any Assist. Superintendent of Police and Deputy Superintendent of Police of over three years' gazetted service
6.	Extra guard fatigue or other duty				Ditto
7.	Punishment drill not exceeding days				Ditto
8.	Punishment drill not exceeding 10 days				Assistant and Deputy Superintendent Inspectors
9.	Punishment dirll not exceeding 6 days				
10.	Punishment drill not exceeding 3 days				Sub-Inspector

See Chandigarh Administration Notification No. 12571-HII-87/24385 dated 17.12.97.

A Deputy Inspector-General may prohibit by special order a Superintendent officiating in a vacancy of less than six months' duration from carrying out an award made by him of dismissal, reduction, stoppage of increment, or forteiture of approved service for increment unless the until such award has been confirmed by him.

The Assistant Superintendent, Government Railway Police, and (except in cases where the offenders are sergeants) Deputy Superintendent-in-charge of the Railway Police Sub-Divisons exercise the full diciplinary powers of a Superintendent of Police in respect of the provisions of this chapter, within the limits prescribed in the table.

(3) For the purposes of these rules, the term 'major punishment' shall be held to mean any authorised punishment of reduction in rank, withholding of increments. forfeiture of approved service, dismissal and every judicial conviction on criminal charge.

The term 'minor punishment' shall mean all other authorized punishments.

16.1(A). Special provision with regard to subordinate ranks posted in Lahaul and Spiti District.—(1) The District Magistrate, Lahaul and Spiti, may impose any punishment mentioned in rule 16.1 on any Government servant belonging to subordinate ranks of Police Force and posted in Lahaul and Spiti District;

Provided that—

(a) The District Magistrate shall not impose the punishment of dismissal or removal from service on any such Government servant unless he could be awarded those punishment by the Deputy Superintendent of Police, Lahaul and Spiti, as the case may be;

(b) Where the District Magistrate has started departmental proceedings against any such Government servant, he shall not be departmentally proceeded against on the same allegations by any other authority posted in Lahaul and Spiti districts.

(2) Where an order imposing any punishment mentioned in rule 16.1 has been passed by the Deputy Superintendent of Police, Lahaul and Spiti, as the case may be, on any Government servant referred to in sub rule (1), an appeal against such order shall lie to the District Magistrate, Lahaul and Spiti.

Provided that no order shall be passed by him on appeal awarding the punishment of removal or dismissal unless he has original powers to award these punishments.

(3) An appeal against an order of punishment passed by the District Magistrate under sub-rule (1) shall lie to the Inspector- General of Police,

(4) The provisions of this rule shall have effect not with standing anything to the contrary contained in any of these rules.

SYNOPSIS

1. *Disciplinary action—Wrong rule quoted.*
2. *Distinction between "reduction" and stoppage of increment.*
3. *Expression 'Reduction in rank' in Article 311(2).*
4. *Forfeiture of approved service.*
5. *Order of dismissal by an authority lower in rank of the appointing authority.*
6. *Re-employed–Competency to hold enquiry as Police Officer.*
7. *Stoppage of increment or forfeiture of approved service.*
8. *Departmental Enquiry—Dismissal from service.*
9. *Dismissal—Dispensing with enquiry.*
10. *Burden of proof-Requirement of.*
11. *Acquittal of Police Officer-Effect of.*
12. *Claim of reinstatement-Entitlement of.*
13. *Standard of proof-Nature of.*
14. *Honourably acquittal by a criminal court-Right to claim benefit.*

1. Disciplinary action–Working rule quoted.—Error is not fatal to enquiry. *Inspector General of Police, Punjab v. Amrik Singh, AIR 1973 Punjab 214: 1973 Cur. LJ 45.*

2. Distinction between "reduction" and stoppage of increment.—Rule 16(1) of the Punjab Police Rules makes a clear distinction between "reduction" and stoppage of increment or forfeiture of approved service for increment, the two being distinct and separate punishments permissible under that rule. *State of Punjab v. Shri Kishan Das, 1971(2) S.L.R 174.*

3. Expression 'Reduction in rank' in Article 311(2).—Respondent being constable, there was no question of his being reduced from a her post or rank to a lower post or rank. The order, nonetheless, reduced the emoluments recieved by him as it deprived him of the increments earned by him as result of the approved service, he had put in having been forfeited. It also effected his seniority, and therefore, chances of promotion.

The expression 'Reduction in rank' in Article 311(2) of the constitution of India means reduction from a higher to a lower rank or post when imposed as a penalty. An order forfeiting the past service which has earned a Government servant increments in the post of rank he holds, howsoever adverse it is to him affecting his seniority within the rank to which he belongs or his future chances of promotion, does not attract Article 311(2) of the Constitution of India. The remedy is confined to the rules of service governing the post held by Government servant. *State of Punjab v. Shri Kishan Das, 1971(2) S.L.R. 174.*

4. Forfeiture of approved service.—Section 7 of the Police Act, 1861, as applicable in the Union Territory of Delhi, had not been amended so as to incorporate the punishment of forfeiture of approved service. The respondents hav not even filed their counter affidavit. Thus it is to be held that during the relevant period when the said rule was below the rank of the appointing authority. In both cases the authority was enforced in Delhi the said punishment under Rule 16.1(2) could not be imposed. The result is that I quash the order dated 23rd November, 1970, whereby the punishment in question was imposed on the petitioner. *Ram Pat v. Union of India and others, 1984(3) S.L.R. 756.*

5. Order of dismissal by an authority lower in rank of the appointing authority.—Submission is that the order of dismissal by an authority lower in rank to the appointing authority alleged. The submission has no merit because it was a Senior Superintendent of Police who had promoted the petitioner to the rank of Head Constable by the order dated 27.7.1957 and the order of dismissal is by an officer holding the rank of Superintendent of Police. We cannot accept the contention that the dismissing authority was below the rank of the appointing authority. In both cases the authority was a Superintendent of Police. Seniority in service did not cause any disparity in rank. We find support from the observations contained in a Full Bench judgment of this Court in *Union of India v. Surajbhan* dated the 23rd of May 1969 by which LPA No. 86-D/65 was disposed of. It was noticed in that judgment that in terms of Rule 16.1(2) of the Punjab Police Rules, 1934, a Superintendent of Police was expressly empowered to dismiss even an Assistant Sub-Inspector. The Full Bench had relied upon a decision of the Supreme Court reported in *Union of India v. Jagjit Singh, 1969 Service Law Reporter 356.* In our view, the Superintendent of Police was competent to pass the impugned order of dismissal because he was not subordinate to the authority namely, the senior Superintendent of Police, by whom the petitioner had been apointed. *Shri Iqbal Singh, Ex-Head Constable Police v. Inspector General of Police, Delhi and others, 1971(2) S.L.R. 257.*

Punishment–Dismissal. Plea that DIG promoted petitioner for the post of Sub Inspector but SP passed order of dismissal held the impugned order illegal. The appointing authority of Assistant Sub Inspector and Sub Inspector is Superintendent of Police as provided under Rule 12.1 of the Punjab Police Rules as applicable to Haryana. Superintendent of Police is also the punishing authority for the Sub Inspectors and the Assistant Sub Inspector as provided under Rule 16.1 of Chapter XV of the Punjab Police Rules. The petitioner was promoted to the rank of Sub Inspector which was purely temporary and fortuitous with a condition that he was liable to reversion at any time without issuing any prior notice. His promotion was subject to the final decision in the two departmental enquiries pending against him. It cannot, thus, be said that promotion order of the petitioner was made by the DIG to enable the petitioner to seek support from the Judgements relied upon by his counsel. The Superintendent of Police has the competency and jurisdiction to pass the order of the punishment dismissing the petitioner from service. Petitioner liable to be dismissed. *Varinder Kumar v. State of Haryana and others, 2010(2) RSJ 419 (P).*

6. Re-employed–Competency to hold enquiry as Police Officer.—A re-employed Deputy Supdt. of Police who had previously retired as Deputy Supdt. of Police, was still a Police Officer after he was re-employed and as such was competent to hold enquiry as Police Officer. *Union of India v. Jagjit Singh, AIR 1970 SC 122: 1969 Cur. L.J. 438.*

7. Stoppage of increment or forfeiture of approved service.—It is undoubtedly true that some punishments would have been enumerated in both parts of Section 7. But there is nothing to suggest that this enumeration is fully exhaustive in nature. The types of punishments which are contemplated by Section 7 in both of its parts are merely enumerative. The section also does not say anything to the effect that no punishment other than that which is specified in the Section could be awarded to a delinquent officer. In our opinion, therefore, it is clear that Section 7 does not debar the rule make authority to prescribe the form of punishment which is not enumerated therein. That being the position, it is not possible to say that the punishment of stoppage of increment or forfeiture of approved service is in any manner contrary to the provisions of section 7. *Shri Bhagat Ram v. Inspector General of Police, Himachal Pradesh and others, 1979(3) S.L.R. 256.*

8. Departmental Enquiry—Dismissal from Service.—Appellant leaked out secret information to the terrorists about the activities of police and para military forces. It was not practical to inquire as per provisions of Article 311(2) of the Constitution as appellant-petitioner had links with terrorists organisation. There are sufficient reasons, which are germane to the Article 311(2)(b) and they stand satisfied. Dispensation of regular department inquiry held proper. *Yunish Masih v. State of Punjab, 2011(3) SLR (P&H) (DB) 33.*

9. Dismissal—Dispensing with enquiry.—FIR was registered against the petitioner constable mentioning therein, the name and number of police officials, who allegadly witnessed the petitioner indulging in raising pro-khalistan slogans and preaching for ousting the Hindus. It could be said, as to how, it was reasonable impracticable to hold departmental enquiry against the petitioner. During the course of the enquiry, the police officals whose names are mentioned in the FIR, could be examined, against the petitioner. There is no material, on record, that the petitioner could influence the witness. There is also, no material, on the record, that the witnesses were under fear of reprisal in case they deposed against the petitioner. There is also no material, on the record that the Police Officials, whose names are mentioned in the FIR, were reluctant to depose against the petitioner, in the departmental enquiry. Criminal cases which were registered against the petitioner were discharged holding that no prima facie offence under section 216A IPC, and 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 was made out. The respondent, was directed to produce the record, containing such reasons, so as to satisfy the conscience of the Court, as to whether, the same were sufficient to dispense with the departmental enquiry, and invoke the provision of Article 311(2) of the Constitution of India, but the same was not produced. Under these circumstances, it was a fit case, in which the regular department enquiry could be held, against the petitioner, before taking action against him. The satisfaction recorded by the respondent in the order that it was reasonably impracticable to hold a departmental enquiry, against the petitioner, was merely based on conjectures and susmises. It was an arbitrary satisfaction. The order being illegal deserves to be quashed. The respondent is directed to reinstate the Petitioner into service, and compute the consequential monetary benefits. *Baljit Singh, Ex-Constable v. Senior Superintendent of Police, 2008(2) RSJ 293.*

Order of dismissal singned by Superintendent of Police Patiala. The officer who passed the order didn't describe himself as "Superintendent of Police (Head quarters)". Whether that description is not correct is a question which the High Court ought to have dealt with. Appeal is set aside and matter remitted to High Court. *State of Punjab and Others v. Sarwan Singh, AIR 1996 (SC) 2981: JT 1996 (1) 584: 1996 LIC 1045: 1996 (1) RSJ (SC) 752.*

10. Burden of proof-Requirement of—In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a criminal court is not required in a disciplinary proceedings and preponderance of probabilities is sufficient. *The Deputy Inspector General of Police and another v. S. Samuthiram, AIR 2013 SC 14: (2012) 11 SCALE 420: (2013) 1 SCC 598: (2013) 1 RCR (Criminal) 329.*

11. Acquittal of Police Officer-Effect of—As per Rule 16 of the Rules, 1934 when a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge subject to certain conditions. In the present case, as is evident from Rule 16.3, requirement of not punishing the officer departmentally is not absolute, and it hinges on either of the five conditions mentioned above [(a) to (e)]. *Baljinder*

Pal Kaur v. State of Punjab and others, (2016) 1 SCC 671: (2016) 1 SCC (L&S) 217: (2015) 8 JT 507: (2015) 9 SCALE 645: 2015 AIR SCW 6904: (2015) 4 SCT 355: (2015) 6 SLR 333: (2015) 4 Law Herald (SC) 3309: (2015) 4 RCR (Criminal) 510 (SC) (DB).

12. Claim of reinstatement-Entitlement of—There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile, etc. In the case on hand the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The court, therefore, acquitted the accused giving the benefit of doubt. Hence, in the instant case, the Respondent was honourably acquitted by the criminal court and even if it is so, he is not entitled to claim reinstatement. *The Deputy Inspector General of Police and another v. S. Samuthiram, AIR 2013 SC 14: (2012) 11 SCALE 420: (2013) 1 SCC 598: (2013) 1 RCR (Criminal) 329.*

13. Standard of proof-Nature of—While the standard of proof in a criminal case is the proof beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities. Quite often criminal cases end in acquittal because witnesses turn hostile. Such acquittals are not acquittals on merit. *Commissioner of Police, New Delhi and another v. Mehar Singh, AIR 2013 SC 2861: (2013) 7 SCC 685: (2013) 2 SCC (L&S) 910: (2013) 9 JT 470: (2013) 9 SCALE 444: (2013) 4 SCT 311: (2013) 7 AD 352.*

14. Honourably acquittal by a criminal court-Right to claim benefit—In the absence of any provision in the service rules for reinstatement, if an employee is honourably acquitted by a criminal court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the standard of proof required for holding a person guilty by a criminal court and the enquiry conducted by way of disciplinary proceeding is entirely different. *The Deputy Inspector General of Police and another v. S. Samuthiram, AIR 2013 SC 14: (2012) 11 SCALE 420: (2013) 1 SCC 598: (2013) 1 RCR (Criminal) 329.*

Rule 16.2 for Punjab

16.2. Dismissal.—(1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the service of the offender and his claim to pension.

[1][(2) If the conduct of an enrolled police officer leads to his conviction on a criminal charge and he is sentenced to imprisonment, he shall be dismissed:

Provided that a punishing authority may, in an exceptional case involving manifestly extenuating circumstances for reasons to be recorded and with the prior approval of the next higher authority impose any punishment other than that of dismissal:

Provided further that in case the conviction of an enrolled police officer is set aside in appeal or revision, the officer empowered to appoint him shall review his case keeping in veiw the instructions issued by the Government from time to time in this behalf.]

(3) When a police officer is convicted judicially and dismissed, or dismissed as a result of a departmental enquiry, in consequence of corrupt practices, the

1. Substituted by Punjab Govt. Notification No. G.S.R. 75/C.A. 5/61/S. 7/Amd. (12) 81, dated 28.8.1981.

conviction and dismissal and its cause shall be published in the *Police Gazette*. In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full descriptive roll, with particulars of the punishments, shall be sent for publication in the *Police Gazette*.

Rule 16.2 for Haryana

16.2. Dismissal.—(1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect or continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender and his claim to pension.

[1][*Explanation.*—For the purposes of sub-rule (1), the following shall, inter alia, be regarded as gravest acts of misconduct in respect of a police officer, facing disciplinary action:—

(i) indulging in spying or smuggling activities;

(ii) disrupting the means of transport or of communication;

(iii) damaging public property;

(iv) causing indiscipline amongst fellow policemen;

(v) promoting feeling of enmity or hatred between different classes of citizens of India on grounds of religion, race, caste, community or language;

(vi) going on strike or mass casual leave or resorting to mass abstenstions;

(vii) spreading disaffection against the Government; and

(viii) causing riots and the life.]

(2) An enrolled police officer sentenced judicially to rigorous imprisonment exceeding one month or to any other punishment not less severe, shall, if such sentence is not quashed on appeal or revision, be dismissed. An enrolled police officer sentenced by a criminal court to a punishment of fine or simple imprisonment, or both, or to rigorous imprisonment not exceeding one month, or who, having been proclaimed under section 87 of the Code of Criminal Procedure fails to appear within the statutory period of thirty days may be dismissed or otherwise dealt with at the discretion of the officer empowered to appoint him. Final departmental orders in such cases shall be postponed until the appeal or revision proceedings have been decided, or until the period allowed for filing an appeal has lapsed without appellate or revisionary proceedings having been instituted. Departmental punishments under this rule shall be awarded in accordance with the powers conferred by rule 16.1.

(3) When a police officer is convicted judicially and dismissed, or dismissed as a result of a departmental inquiry, in consequence of corrupt practices, the conviction and dismissal and its cause shall be published in the Police Gazette.

1. *Explanation* inserted by Haryana Government Notification No. GSR 31/CA5/1861/S. 2&7 dated 21.3.1985.

In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full description roll, with particulars of the punishments, shall be sent for publication in the Police Gazette.]

SYNOPSIS

1. *Absence without leave—Does not amount to gravest act of misconduct.*
2. *Adequacy or inadequacy of punishment.*
3. *Amendement—Prior approval of Central Government.*
4. *An act of Police Officer being drunk while on duty is an act of gravest misconduct.*
5. *Claim to pension not considered at the time of passing the order of dismissal.*
6. *Competent quthority fully applied his mind before passing order of dismissal.*
7. *Conviction—Effective date of dismissal.*
8. *Departmental enquiry—Failure to hold.*
9. *Dismissal from service having consumed liquor on duty.*
10. *Dismissal from service —Limitation.*
11. *Dismissal from service.*
12. *Dismissal from service.*
13. *Dismissal from service for being absent from duty.*
14. *Dismissal from service on the charge of having committed gravest act of misconduct.*
15. *Dismissal from service.*
16. *Dismissal shall be awarded only for the gravest acts of misconduct.*
17. *Dismissal –Absence from office.*
18. *Dismissal –After conviction in a criminal case.*
19. *Dismissal–Misconduct attributed–Whether was of the 'gravest' type.*
20. *Dismissal–Review–Properiety of dismissal.*
21. *Expression "the gravest act of misconduct"–Meaning of.*
22. *Grave misconduct.*
23. *Gravest acts of misconduct –Meaning of.*
24. *Gravest act of misconduct while not being capable of being put in a strait jacket.*
25. *Gravest misconduct.*
26. *Meaning of word 'Acts of Misconduct'.*
27. *Mere absence from duty for a few days does not amount to an act of gravest misconduct.*
28. *Misconduct–Meaning of.*
29. *Nature of Rule 16.2–Operation of amendment.*
30. *New Plea–No grouse made before a appellate authority.*
31. *Non-observance of the provisions of Rule 16.2(1) of the Rules.*
32. *Order of dismissal based upon the conviction.*
33. *Order of dismissal not indicating that the punishing authority was alive to the length of service of the petitioner.*

34. *Order of removal not disclosing that officers were conscious of the existence of Rule 16.2.*
35. *Period of absence of the petitioner after he was suspended.*
36. *Petitioner along with other Constable who participated in drinking and firing dismissed.*
37. *Punishing Authority not recorded any finding that the act of the respondent amounts to the gravest act of misconduct.*
38. *Punishment imposed wholly disproportionate to misconduct and not warranting dismissal from service.*
39. *Punishment of dismissal can only be awarded on the ground of gravest act of misconduct.*
40. *Punishment of dismissal to be imposed only in cases of grave misconduct.*
41. *Punishment not necessary for the punishing authority to specifically mention in the i mpungned order.*
42. *Punishment whether proportionate to allegations.*
43. *Revision.*
44. *Rule talks of gravest act of misconduct.*
45. *Suitability of punishment awarded by the head of department.*
46. *Term 'Misconduct' does not necessarily imply corruption or criminal intent.*
47. *Termination–Whether incumbent upon the authority before awarding the punishment to take into consideration the length of service and claim to pension of the delinquent employee.*
48. *Order of dismissal-power of the competent authority*
49. *Finding of unfitness for service-Effect of.*
50. *Satisfaction arrived at by the authority-Held based on objective assessment.*
51. *Award of punishment of disimissal-Condition for.*
52. *Absence of an employee-Effect of.*
53. *Unfit employee-No point in continuing service.*
54. *Power of dispensing with the inquiry-Exercise of.*
55. *Punishment of dismissal-Nature of.*
56. *Provisions of Rule-Substantial compliance of.*
57. *Quantum of punishment-Principles governing interference in the same therefor.*
58. *Satisfaction of the punishing authority-No jurisdiction of the Courts to re-examine it.*
59. *Disciplinary authority-Discretion of.*
60. *Awarding the extreme penalty of dismissal-Importance of the total length of service of more than 25 years.*
61. *Action of respondents for dismissal of petitioner-Legality of.*
62. *Dismissal from service-Award of.*
63. *Provisions of Rule 16.2 of the Punjab Police Rule, 1934-Requirement to be considered while imposing the punishment of dismissal from service.*
64. *Interference by the Courts-Appropriateness of.*

65. *Indiscipline by the member(s) of police service-Effect of.*
66. *Punishment-Award of.*
67. *Finding as to unfitness of the employee-Requirement of.*
68. *Punishment of dismissal-Reduction of.*
69. *Compulsory retirement-Appropriateness of.*
70. *Opportunity of hearing to employee-Held necessary for punishment of dismissal from service.*
71. *Provisions of Rules 16.2 (1) and Rule 9.18-Requirement of balance between them.*
72. *Appropriale punishment-Duty of the disciplinary authority or at least the appellate authority.*
73. *Petitioner-Held a habitual absentee.*
74. *Dispensation with a disciplinary inquiry-Contingencies therefor.*
75. *Findings of the Enquiry Officer-Limited role of Courts as to interference.*
76. *Order of dismissal from service-Justification of.*
77. *Major penalty of dismissal from service-Imposition of.*
78. *Compulsory retirement-Held not punishment.*
79. *Extreme punishment of dismissal-Effect of.*
80. *Mandatory provisions of Rule 16.2 of the Rules, 1934-Compliance of.*
81. *Dispensation with a disciplinary inquiry-Reasonability of.*
82. *Proper punishment-Discretion of the competent authority.*
83. *Ex parte proceeding against the petitioner-No case for interference made out.*
84. *Imposion of major penalty of dismissal from service to petioner-No application of mind at the hands of the punishing authority.*
85. *Non-holding of the departmental enquiry-Legality of.*
86. *Conversion of dismissal of the plaintiff-respondent into compulsory retirement-Effect of.*
87. *Dismissal from service-Validity of.*
88. *Statutory powers conferred upon authorities-Manner of exercise for.*
89. *Punishment of compulsory retirement-Held appropriate.*
90. *Impugned order of dismissal from service-Setting aside of.*
91. *Grant of reasonable opportunity of hearing to a person-Purpose of.*
92. *Recording of finding-Imperative nature thereof.*
93. *Discipline in the disciplinary forces-Requirement of.*

1. Absence without leave–Does not amount to gravest act of misconduct.—This Court has in a number of cases gone into the matter in order to find as to what would really constitute a gravest act of misconduct. A number of cases have been cited before us but we have chose to pick up only one which deals with the question of absence without leave. In Darshan Singh's case, the learned single Judge has held that absence without leave for almost 13 months would not in the circumstances of that case amount to the gravest act of misconduct. *State of Punjab v. Prakash Chand, Constable, 1972(1) S.L.R. 174.*

2. Adequacy or inadequacy of punishment.—It must also be mentioned here that the punishment of dismissal from service should be awarded for gravest act of misconduct. According to rule 19, the punishing authority is to decide whether the punishment awarded is adequate or inadequate. On same principle, while deciding the review petition, the Reviewing Authority is to decide whether the punishment awarded is adequate or inadequate taking into consideration the length of service, record of service and the nature of charges against the petitioner. *Sucha Singh, Ex-Inspector of Police v. State of Punjab and others, 1990(4) S.L.R. 560.*

3. Amendment—Prior approval of Central Government.—Amendment in Rule 16.2, by virtue of the change effected, does not in any way effect the conditions of service of a police employee. So, the question of prior permission of the Central Government before effecting the amendment, as envisaged in Section 82 of the Act, does not arise, *Satnam Singh, Constable and others v. State of Punjab and others, 1987(4) S.L.R. 28.*

4. An act of police officer being drunk while on duty is an act of gravest misconduct.—The act of a police officer being drunk while on duty would amount to an act of gravest misconduct within the meaning of rule 16.2(1) of the Rules. It is not necessary for the punishing authority to specifically mentioned in the impugned order about the length of service put in by a delinquent officer which was already a part of the record and was well-known. The learned Single Judge has set aside the impugned order of punishment taking this as the second ground. Accordingly, we upset the reasoning of the learned Single Judge in this regard. *State of Haryana and others v. Gurdev Singh, 1981(3) S.L.R. 130.*

5. Claim to pension not considered at the time of passing the order of dismissal.—The impugned order do not indicate that the punishing authority examined the claim of the paintiff for pension having regard to the length of his service. It is undisputed that the plaintiff had 7-1/2 years service to his credit on the date the order of dismissal was passed. The rule enjoined upon the disciplinary authority while awarding the punishment of dismissal from service to take into consideration the length of service of the delinquent official and his claim to pension. The impugned order does not indicate that the disciplinary authority took into consideration the length of service of the plaintiff and his claim to pension. The order of dismissal being in violation of the statutory rule was rightly held to be invalid. The judgments of the Courts below suffer from no infirmity. The same are upheld. *State of Haryana and another v. Lachman Singh through L.Rs., 1991(7) S.L.R. 799: 1992(2) RSJ 398.*

6. Competent authority fully applied his mind before passing order of dismissal.—The order of dismissal passed on 24.4.1976 is illegal and void because no show-cause notice was given to the plaintiff-respondent before passing the impugned oreder of dismissal. In support of his argument the learned counsel has relied upon a decision of the Supreme Court in *Divisional Personnel Officer, Southern Railway and another v. T.R. Challappan*, (1976)1 SCR 783, which has been overruled by a later decision of the Supreme Court in Tulsiram Patel's case (supra). The plaintiff-respondent was convicted and had to undergo rigorous imprisonment for six months. The Senior Superintendent of Police, who was the apointing authority, passed the impugned order Exhibit P-1 on 20.4.1976 dismissing the plaintiff-respondent from service. The order is a detailed one and it clearly shows that the punishing authority had fully applied its mind while passing ther order. No show-cause notice was necessary to be issued to the plaintiff- respondent in this behalf. The impugned order is, therefore, legally valid. The finding of the lower appellate Court on issue Nos. 1 is set aside. Issue No. 1 is, therefore, decided against the plaintiff–respondent. *State of Punjab and ohters v. Nachhatter Singh, Constable, 1991(5) S.L.R. 451: 1991(1) RSJ 368.*

7. Conviction–Effective date of dismissal.–The petitioner shall be presumed to be in the know of rule 16.2(2). It was, therefore, within the knowledge of the petitioner that he stood dismissed from service in terms of rule 16.2(2) consequent upon the dismissal of his criminal appeal by the High Court on 28.9.1973. The contention of the learned counsel for the petitioner that the impugned order of dismissal shall be effective w.e.f. 3.5.1978 when it was communicated to the petitioner cannot be upheld.

The petitioner has been dismissed from police force w.e.f. 30.8.1972 when he was concicted and sentenced by the Sessions Judge, Ropar. The petitioner stood dismissed from service or a formal order of his dismissal could be passed w.e.f. 28.9.1973 when his criminal appeal was dismissed by the High Court. The petitioner, therefore, shall be taken to have been dismissed from police force w.e.f. 28.9.1973 and not w.e.f. 30.8.1972. *Sucha Singh v. State of Haryana and others, 1983(3) S.L.R. 11.*

8. Departmental enquiry–Failure to hold.—The provisions of Article 311(2)(b) have been arbitrarily invoked in this case. The findings have been arrived at the recorded by the Deputy Inspector General of Police, on the basis of suspicion and confidential inquiry. These inquiries cannot take the place of a regular inquiry as envisaged in Article 311(2) of the Constitution, read with section 16.2 of Punjab Police Rules. I am of the opinion that it was obligatory on the Deputy Inspector General of Police in the Present case to hold an inquiry as laid down in Article 311 read with Rule 16.2 of Punjab Police Rule. Failure to hold an inquiry would render the impugned order of dismissal from service as illegal and void. *Darshan Singh v. State of Punjab and other, 1991(4) S.L.R. 102.*

9. Dismissal from service having consumed liquor on duty.—No doubt, even a single act of misconduct can, in a given situation, amount to the gravest act of misconduct, but the mandate of the rule making authority is clear that the punishment of dismissal from service has not to be awarded in a misconduct of ordinary nature. *Ram Kishan v. State of Punjab & Ors., 1990(2) S.L.R. 488.*

10. Dismissal from service-Limitation.—The High Court should have examined the plaint for finding out the cause of action for the suit and then in that light determined the correct article of the Limitation Act applicable to the case. Serious objection has been taken against the observations of the first appellate Court permitting the competent authority to inflict only minor punishment on the plaintiff in certain conditions and the directions about the payment of the salary and the other emoulments. After hearing the learned counsel for the parties, we agree with the appellants that the question involved in this suit should not have been lightly brushed aside by the High Court in the manner it has been done. We, therefore, set aside the judgment of the High Court and remit the case to if for fresh disposal in accordance with law. It will be open to the appellants to file an application for admitting additional evidence in regard to the further orders passed against Kahan Singh subsequent to the civil Court's decree in his favour, and to argue before the High Court that the case of the present plaintiff is distinguishable. The High Court should call for the records and decide the case finally at the motion stage itself as the case is an old one. In the event of admission of fresh evidence, the High Court shall permit the plaintiff to file relevant rebutting evidence. *State of Punjab and others v. Nachhatar Singh, 1990(4) S.L.R. 264.*

11. Dismissal from service.—Punishment of dismissal from service has not to be awarded in a misconduct of ordinary nature. *Ram Krishan Constable No. 141 v. The State of Haryana through the Director General of Police (Inspector General of Police), Haryana at Chandigarh and others, 1990(1) RSJ 637.*

A charge sheet was issued to the deceased husband of the petitioner on the allegation that he had sent a press note in the newspaper against the senior police officials. Under Article 311(2) of the constitution, dismissal of the husband of the petitioner from service order was sent while the co-accused was punished for stoppage of 3 increments. No consideration was given to his 27 years long service. Impugned order was passed as he could not attend enquiry proceedings as he was admitted in the hospital. No reason given as to why it was not reasonable practicable to hold enquiry in the matter. Impugned order of dismissal from service quashed. Petitioner's husband was given compulsory retirement from service from the date of passing of the dismissal order. Petitioner was given family pension and other benefits accordingly. *Sushila Sharma v. State of Haryana, 2011(5) SLR (P&H) 291.*

12. Dismissal from service.—Second appeal by State dismissed in limine by High Court SLP. Service questions of law involved. Case remanded to High Court for first disposal in accordance with law. *State of Punjab and others v. Nachhattar Singh 1990(2) RSJ 71.*

Order of dismissal from sevices was issued. Punishing authority should have taken into consideration the length of service of an employee and petitioner's claim for pension before inflicting the punishment of dismissal from service. *Sushila Sharma v. State of Haryana, 2011 (5) SLR (P&H) 291.*

Petitioner remained wilfully absent from service from 7-2-2003 to 15-4-2004. Inquiry conducted against petitioner. Punishing authourity did not ignore his long service and sufficient opportunity was given to him to join duty. 5 years delay in filing petition. No interference required in impugned order. *Ex HC Rajbir Singh v. State of Haryana, 2011(1) SLR (P&H) 706.*

13. Dismissal from service for being absent from duty.—A particular act may be grave or the gravest but an act complained of my not be such that it must necessarily prove incorrigibility and complete unfitness for police service. The dictionary meaning of the word 'incorrigibility' is bad, beyond correction or reform. Only such a person can be said to be incorrigible who cannot be reformed or corrected. When the word 'incorrigible' is used as an adjective, it relates to a person who is not capable of correction amendment, improvement or reform. A person in a particularly given situation may be held guilty of commission of one of the gravest acts but the punishing authority may still be of the view that such a person is not incorrigible and he can be reformed or corrected. The punishing authority may also be of the view that such a person cannot be described to be one who is completely unfit for police service. *State of Haryana v. Lakhan Lal, 1991(4) S.L.R. 82: 1991(3) RSJ 530.*

The Petitioner had remained absent for 32 times totalling 404 days and also couldn't justify his absence by producing any cogent evidence on record. The other case law cited by the learned counsel for the Petitioner in Parkash Chand's Case is to the effect that the Punishing authority has not applied his mind while awarding the punishment of dismissal. This judgement too doesn't come to the rescue of the petitioner because a catergorical finding has been recorded by the punishing authority in which his absence and the punishments earned thereto have been specifically mentioned and it has been held that the petitoner cannot desist from absenting from duty inspite of giving repeated opportunities and has no interest in service. Further, Siri Ram's Case is also not applicable in the present case because although the authorities have given opportunities of hearing to the petitioner much-less the enquiry officer before whom he has refused to lead evidence in his defence

and had rather opted for filing the written reply. He was heard before inflicting the punishment by the punishing authority and was even heard personally by the Inspector General. No merit in this petition and the same is hereby dismissed in limine. *Harvinder Singh Ex-Constable 1111/R v. State of Punjab & Others 2008(2) RSJ 720 (DB).*

14. Dismissal from service on the charge of having committed gravest act of misconduct.—It has been held that "no doubt Constable Ranjit Singh at Bakshikhana was responsible for the escape of Jagir Singh but the petitioner does not get absolved of his responsibilities as Incharge of the escort guard". As it is the case of the department itself that the petitioner was not directly responsible as such, but he being over all Incharge, was found guilty for the lapses on his part, it required consideration by the Appellate Authority as regards the punishment awarded. Under these circumstances, the order passed in appeal dated 4.8.1986 (Annexure P-3) is quashed with the direction that the matter may be reconsidered by the Deputy Inspector General of Police and appropriate order which he may think fit be passed afresh. *Balbir Singh v. State of Punjab and others, 1989(4) S.L.R. 42: 1989(2) RSJ 540.*

15. Dismissal from service.—Constable is found under the influence of liquor while on duty is guilty of such grave misconduct which would entail his dismissal from service. *Ex. Constable Joginder Singh v. State of Haryana and others, 1990 (2) RSJ 757.*

Gravest acts of Misconduct—Dismissal—Punishment. The certificate allegedly submitted by the Plaintiff/respondent of middle standard, was found to be forged. A criminal case, could be got registered against him but he could not be dismissed from service as per provision of Rule 16.2 of the Punjab Police Rules for such a misconduct, relating to the period, prior to his enrolment. The courts below, were thus, right in holding, that the orders impugned, were illegal and liable to be set aside. The findings of the fact recorded by the courts being based on the correct reading and due appreciation of evidence, and law, on the point, do not suffer from any illegality or perversity, and warrant no interference, by this court. Appeal liable to be dismissed. *The State of Punjab through the Collector Bathinda, District Bhatinda v. Cham Kaur Singh, 2010(2) RSJ 396 (P).*

Petitioner was appointed on duty to keep a watch on convict admitted in hospital. They were found absent from duty. It constitutes a grave misconduct. The disciplinary authority accepted the finding of the enquiry officer but, when a second show cause notice was issued it was obligatory on the part of the disciplinary authority to arrive at such a positive finding that the respondents have committed gravest acts of misconduct. Occurrence has taken place in the year 1984. Appellants had worked only for a few years, one of them is dead. The Displinary Authority to consider the matter a fresh and justified to fix the quantum of punishment, Punishment of Compulsory Retirement will meet the ends of justice. If otherwise eligible, the delinquents would be entitled to retiral benefits. *Harjit Singh and another v. The State of Punjab and another, 2007(8) JT 549: 2007 SRJ 457: 2007(4) SLR 549: 2007(3) RSJ 306: 2007(9) SCC 582: 2007 (3) SCALE 533.*

Respondent during his 5 years of services didn't report for duty for 2 years while he had taken a leave for 2 days. Respondent was a member of police department where discipline is to be maintained and order to be obeyed. Continuous absence for 2 years is definitely gravest misconduct proving incorrigibility. Service of respondent-plaintiff was just five years, there would be no claim to pension. Appeal allowed and respondent suit stands dismissed. *State of Punjab and Other v. Paramjit Singh, 2007(3) RSJ 209.*

Appellants are disciplined members of the police force. The grievance of inadequate accomodation provided to them is a legitimate grievance to be represented to the officer

for its redressal. No doubt, prohibitory order was issued and there is violation thereof; however, the appellants marched peacefully to make their representation. Under these circumstance, it cannot be said that they have committed misconduct warranting extreme penalty of dismissal from service. *Bishan Singh and Others v. State of Punjab, 1997(1) LLJ 926: AIR 1997 (SC) 2670: 1996 (10) SCC 461: 1997 LIC 2658: 1997(1) SLJ 239: JT 1996(9) 694: 1996 (3) SLR 666.*

16. Dismissal shall be awarded only for the gravest acts of misconduct.—The Deputy Inspector-General has, however, made this mention in this impugned order Annexure P.8 the present single act of the appellant is of gravest nature and his case in no way deserves leniency. This observation has been made by the Deputy Inspector General in the context of the service record of the petitioner on the basis of which it was pointed out to him that the petitioner had by that time rendered nine years unblemished service and had done commendable work during the Indo-Pak War of 1971. But even this observation or the consideration by the Deputy Inspector General of Police falls for short of the requirements of sub-rule (1) of Rule 16.2 ibid. It has nowhere been recorded by any of the authorities concerned that the petitioner was guilty of such 'gravest' acts of misconduct. The cumulative effect of which can go to prove incorrigibility and complete unfitness for police service. In the absence of such a finding the respondent athourities could not resort to the punishment of dismissal on the basis of the charge established against the petitioner. It is beyond dispute that the provisons Rule 16.2 are mandatory in nature and any order in violation of the same has necessarily to be set aside. *Sukhdev Singh v. State of Punjab and others, 1983(2) S.L.R. 645.*

17. Dismissal–Absence from office.—After recording the evidence it has been categoricalty found by the Enquiry Officer in Annexure P.13 that "the sanction of the Deputy Inspector General of Police, Gurgaon, was obtained on June 2, 1983, but Constable Shiv Charan did not reach Gurgaon till then. Thereupon, the Suprintendent of Police (Irrigation Department) Chandigarh was approached, who replied that Constable Shiv Charan was relieved from the office on May 17, 1983 and he had not attended the office thereafter. His whereabouts were enquired from the given address, but his house was found locked". This is primarily a finding on fact and, therefore, cannot be challenged in this writ petition. There is no error apparent on the face of the record, even if two views were possible from the evidence, the view taken by the Enquiry Officer and the punishing authority could not be said to be illegal as to be interfered with the the writ jurisdiction. The scope of the writ jurisdiction is very limited adn it is not in the nature of the appeal. *Shiv Charan, Constable v. The Superintendent of Police, Gurgaon and ors. 1988(3) S.L.R. 253.*

18. Dismissal—After conviction in a criminal case.—A Government servant cannot be dismissed from service merely on the ground that his conviction was recorded on a criminal charge by a criminal court. In ohter words dimissal from service after conviction on a criminal charge is not essentially an automatic consequence of said conviction and the competent authority has to consider all the circumstances of the case and then to decide whether the conduct of the delinquent official which led to his conviction is such as to render his further retention in public service undesirable. In support of his submission, the learned counsel relied upon *Om Parkash v. The Director Postal Services (Posts and Telegraphs Deptt.) Punjab Circle, Ambala and others, AIR 1973 Punjab and Haryana 1 and Gurbachan Dass v. The Chairman, Posts & Telegraphs Board, Ministry of Communication, Government of India, New Delhi and others, 1983(1) SLR 729.* In Om Parkash's case (supra) the Bench was interpreting Rule 19(i) of the Central Civil Services (Clasification, Control and Appeal) Rules, 1965). Interpreting this rule, the Bench held that an order of dismissal or removal or for compulsory

retirement can be passed under rule 19(i) (without conforming to the procedure prescribed in Rule 14 to 18) not on the basis of the conviction, but only if the competent authority finds that the relevant misconduct of the Government servant renders his further retention in public service undesirable. An order imposing a punishment on a Government servant simply because of his conviction on account of his conviction on a criminal charge without reference to the conduct which led to his conviction is not sustainable. *Randhir Singh, Ex-Constable v. State of Haryana and others, 1991(3) S.L.R. 719.*

19. Dismissal–Misconduct attributed–Whether was of the 'gravest' type.—The penalty of dismissal from service can be awarded only for gravest act of misconduct and the penalty of dismissal from service could not be imposed on the petitioner on the proved facts and circumstances of the case. It was incumbent on respondent No. 3 to come to a finding that the misconduct attributed to the petitioner was a gravest act of misconduct. It was also necessary for the punishing authority to take into consideration the length of service of the offender and his claim to pension before he could be awarded the penalty of dismissal from service. The disciplinary authority did not take not of the mandatory provision of the aforesaid sub-rule before passing the order of dismissal.

The disciplinary authority also did not take into consideration the length of service of the petitioner for his claim to pension before awarding the penalty of dismissal on this ground too, the order of dismissal from service cannot be sustained. *Bhim Singh v. Haryana State and others, 1991(3) S.L.R. 721: 1991(1) RSJ 408.*

20. Dismissal–Review–Propriety of dismissal.—As to the effect of the order of the Deputy Inspector-General dated 22nd November, 1978, setting aside the earlier dismissal order dated 3rd October, 1977, passed by the Senior Superintendent of Police it may be observed that the same, viz, the earlier order dated 3rd October, 1977 passed by the Senior Superintendent of Police was clearly illegal as it had been passed in violation of the provisions of unamended rule 16.2 of the Police Rules because under the unamended rule 16.2, as already observed, the orders of dismissal have to await the decision of the appeal or the revision, but the Senior Suprintendent of Police passed the order of dismissal during the pendency of the appeal. It was, therefore, rightly set aside by the Deputy Inspector-General of Police by his order dated 22nd November, 1978. The impugned order dated 11th June, 1979 has been passed by the competent authority under rule 16.2 as amended, which provision makes it mandatory to pass an order of dismissal in the event of conviction of the employee concerned. This order cannot be said to be an order of review of the order of the D.I.G., dated 22nd November, 1978. *Satnam Singh, Constable and others v. State of Punjab and others, 1987(4) S.L.R. 28.*

21. Expression "the gravest act of misconduct"–Meaning of.—The first contention raised on behalf of the petitioner is that although he was admittedly guilty of miconduct, such misconduct could not be classified as "the gravest act of misconduct" within the meaning of the sub-rule. The contention appears to be well-founded. It is true that generally speaking, it is for the punishing authority to determine the seriousness of the misconduct and to decide upon the suitablity of punishment and it is not within the ambit of the powers of this Court to interfere with the direction of that authority. But then there is an important exception to this rule and that is that the Court will strike down in order which has been passed want only or arbitrarily (*vide Bhagwat Parsad v. Inspector General of Police and others, 1967 SLR 807*). In the present case it was incumbent on respondent No. 3, before he could award the punishment of dismissal, to come to a finding that the misconduct attributed to the petitioner was "gravest act of misconduct". It is true that in the context in which that expression issused it doesn't mean an act which is absolutely the worst act

of misconduct and means, on the other hand, an act denoting a very high degree of misconduct he posed to a merely grave or a very grave act of misconduct (Bhagwat Prasad's case, supra). But then it appears to me that respondent No. 3 when awarding the punishment was not alive to the provisions of the sub-rule otherwise he would not only have awarded the punishment of dismissal without coming to a finding that the misconduct attributed to the petitioner was to the "gravest" type but would perhaps not have awarded that punishment at all for the reason that the misconduct even though grave was not of the "gravest" type. The lack of a finding about the misconduct being of the requisite type makes the impugned order arbitrarily in nature and, therefore, liable to be quashed.

According to the sub-rule, the punishing authority is duty bound to take into consideration the length of service of the offender and his claim to pension before it can award the penalty of dismissal. The relevant part of the sub-rule is mandatory in character and an order passed in disregard of it cannot be upheld. In the present case the petitioner has to his credit about 27 year of service on the date when the impugned order was passed and this factor was completely ignored by respondent No. 3 when awarding dismissal. Had the relevant factors been taken into consideration by respondent No. 3 the punishment may well have been much lighter. *Gurdev Singh v. State of Haryana and others, 1976(2) S.L.R. 442.*

22. Grave misconduct.—The punishing authority has clearly stated that the act of the respondent being drunk while on duty in broad day light amounted to an act of gravest misconduct as contemplated by rule 16.2(1) and that the impugned order was passed on this basis. While imposing the punishment, it was taken into consideration that the respondent was posted as State House Officer, incharge of Police Station, Ladwa, and while noticing this fact in the impugned order it was clearly established that the punishing authority was aware of the long service of the delinquent officer. As both the things were present to the mind of the punishing authority and he passed a well-considered and detailed order in seven pages, we are of the opinion that it is not a fit case for quashing the same with a direction for reconsideration of the matter. The order of dismissal, in our opinon, is well-based and is within the rule and is neither arbitrary nor wonton. For the reason recorded above, we hold that the act of a police officer being drunk while on duty would amount to an act of gravest misconduct within the meaning of rule 16.2(1) of the Rules. *State of Haryana and others v. Gurdev Singh, 1981(3) S.L.R. 130.*

Taking to drinking by itself may not be a misconduct but being on duty in the disciplined service like police service and having heavy drink, then seen roaming or wandering in the market with service revolver and even abusing the medical officer when sent for medical examinations show his depravity or delinquency due to his drinking habit. Thus it would constitute gravest misconduct warranting dismissal from service. The Authorities were justified in imposing the penalty of dismissal. *State of Punjab and others v. Ram Singh Ex-Constable, 1992 AIR (SC) 2188: 1992(4) JT 253: 1992(3) SLJ 160: 1992(2) SCALE 76: 1992 (2) SLR 543: 1992 LIC 2391: 1992 (4) SCC 54.*

23. Gravest acts of misconduct–Meaning of.—It could be said that a single act of misconduct however grave, can never result in dismissal. What really matters is the enormity of the misconduct. The words "gravest act of misconduct" are incapable of definition. One has to apply one's mind to the words and give a meaning to each of them in the light of the actual deed, situation and circumstances. "Misconduct" in order to earn the epithet of gravity has to be gross or flagrant. Consequently the degree of misconduct to justify dismissal has to higher or more serious. The use of the superlative degree appears to be intended to indicate a supereminent, or a very high degree of misconduct, and not, that

the degree should be so high or so low as cannot be outclassed or excelled. It is for the Police Officer who Judge the infraction of the Police Rules to determine the seriousness of the misconduct and to decide upon the suitability of the punishment. It will not be within the powers of the High Court, when petitioned to issue writ of certiorari, mandamus, etc., to interfere with the discretion of the heads of the departments when it has not been excercised want only or arbitrarily. The reasons which induce the punishing authority, if there has been and enquiry consistent with the prescribed rules, are not justiciable; nor is the penalty open to review. *Bhagat Parshad v. Inspector-General of Police, AIR 1970 Punjab 81: 1970 P.L.R. (S.N.) 2.*

24. Gravest act of misconduct while not being capable of being put in a strait jacket.—In Bhagwat Parsad's case the word 'misconduct' used in the rule has been analysed and it has been emphasised that a distinction has to be drawn between 'misconduct', 'simpliciter' and 'grave misconduct'. It has also been held that the gravest act of misconduct while not being capable of being put in a strait jacket or confined to a definition must, however, relate to an action which is of the utmost gravity and grossly flagrant. It implies a matter of the utmost seriousness. *State of Punjab v. Parkash Chand, Constable, 1992(1) S.L.R. 174.*

25. Gravest misconduct.—This Court is of the considered view that even one act of misconduct would be sufficient to attract the applicability of rule 16.2(1) provided the act is gravest. The gravest act, of course, is incapable of any strict definition. The distinction has to be drawn by the punishing authority between misconduct and grave misconduct. Misconduct should not be of an ordinary nature and it always has to be of a serious nature. The use of the word 'gravest' only means that it has to be of a superlative degree than what a particular act can just be described to be 'grave'. The gravest act does not mean that the number of acts complained of should be more than one. The use of word 'act' in rule 16.2(1) can be said to include a single gravest act of misconduct. It has to be held in order to give effect to the legislative intendment that the word used in plural in rule 16.2(1) would be deemed to include the 'singular'. If the punishing authority comes to the conclusion that a particular act of the police official was one of the gravest, surely it would not be necessary to wait for the commission of a second act of grave nature by the police official. If such an interpretation is to be taken to the words 'gravest acts of misconduct', the delinquent police official would commit a heinous crime in order to contend that he does not fall within the mischief of rule 16.2(1). In view thereof a single act of misconduct of gravest nature is good enough for invoking the aid of rule 16.2(1) to award punishment of dismissal. However, a single act or number of acts of misconduct of a police official must prove incorrigibility and complete unfitness for police service. *State of Haryana v. Lakhan Lal, 1991(4) S.L.R 82: 1991(3) RSJ 530.*

26. Meaning of word 'Acts of Misconduct'.—The contention that there must be plurality of acts of misconduct does not appear to me to be sound as this interpretation can lead to absurd results. Taking an extreme illustration, can it be said, that the framers of the Police Rules contemplated, that if a foot constable were to subject a high police officer to a want on and serious assault, or were to be guilty of a single act of gross insubordination, the punishment of dismissal could not be imposed, unless such conduct was repeated at least once. The use of the word 'acts' does not exclude a single act of misconduct. In order to give effect to the legislative intent, the words in plural number may be construed to include the singular; and the words importing the singular only, may be applied to plurality of acts, things of persons. In order to gauge gravity of misconduct, what matters, is not frequency, as obliquity or delinquency. I cannot persuade myself to accept the argument that a single act of misconduct, howsoever grave, can never result in dismissal. What

really matters is the enormity of the misconduct. "Misconduct" is a generic term and means "to conduct amiss; to mismanage; wrong or improper conduct; bad behaviour; unlawful behaviour or conduct." It includes malfeasance, misdemenanour, delinquency and offence. The term "misconduct" does not necessarily imply corruption or criminal intent. *Bhagwat Parsad v. Inspector General of Police and others, 1967 S.L.R. 807.*

27. Mere absence from duty for a few days does not amount to an act of gravest misconduct.—Achhar Singh respondent joined service of the Police Department at Amritsar on 12th July, 1956, as a Constable. A departmental inquiry was initiated against him on the allegation that on 19th December, 1975, he was found absent from duty at the time of evening roll call and remained absent from duty for seven days without obtaining any leave or prior permission. This act was considered by the authorities as a "gross misconduct" on his part and an inquiry was ordered against him as a result of which he was dismissed from service. This order was challenged in a civil suit but the samw was dismissed. In appeal, the learned lower appellate Court reversed the finding of the trial Court and decreed the suit of the plaintiff and after thorough consideration of the evidence on record came to the conclusion that the dimissal from service of the plaintiff-respondent on his ground was wholly arbitrary and violative of Rule 16.2 of the Punjab Police Rules, 1934.

After hearing the learned counsel for the appellant, I am in complete agreement with the conclusion arrived at by the learned lower appellate Court. The mere absence from duty for a few days does not amount to an act of gravest misconduct the cumulative effect of which may go to prove incorrigibility and complete unfitness of the employee for Police service. Therefore, dismissal from service on such a charge cannot be upheld absence from duty. *State of Punjab and another v. Acchar Singh, 1991(4) S.L.R. 539.*

28. Misconduct–Meaning of.—"Misconduct" is a generic term and means "to conduct amiss; to mismanage; wrong or improver conduct; had behaviour; unlawful behaviour or conduct". It includes malfeas sance, misdemeanour, delinquency and offence. The term "misconduct" does not necessarily imply corruption or criminal intent. *Bhagwat Parshad v. Inspector-General of Police, Punjab, AIR 1970 Punjab 81.*

29. Nature of Rule 16.2–Operation of amendment.—Rule 16.2 of the Punjab Police Rules is a procedural one which are always retrospective in nature unless expressly made prospective. *Satnam Singh, Constable and others v. State of Punjab and others, 1987(4) S.L.R. 28.*

30. New Plea–No grouse made before the appellate authority.—Not only that, the plaintiff did not file any reply to the show cause notice. The Deputy Inspector General of Police while dealing with the appeal specifically observed, "that the appellant, however, did not submit any reply to the show cause notice. There are no mitigating circumstances in this case to justify any lenient view of the misconduct". It appears that the plaintiff never made any grouse on this score before the authorities concerned and that being so he cannot be allowed to agitate this point in the suit. *State of Punjab and others v. Ex-Constable No. 500 Bur Singh, 1987(5) S.L.R. 175.*

31. Non-observance of the provisions of Rule 16.2(1) of the Rules.—The order of dismissal from service passed in this case is clearly opposed to the mandatory provisions of Rule 16.2 of the Punjab Police Rules. Lastly, it is difficult to appreciate when the Inspector Sham Nath has been ordered to be reinstated after the judgment of the District Judge dated 26.8.1986 (Annexure P.2) and the order of the High Court dated 16.1.1987 (Annexure P.3), why the petitioner who stands in the same postition should by dismissed from service. The shows that the order passed in this case is clearly discriminatory and violative of

Article 14 of the Constitution of India. Moreover, the appellate authority did not afford any personal hearing to the petitioner before dismissing the appeal. It has been authoritatively laid down by the Supreme Court that in a case where pre-decisional inquiry in not held, as contemplated under Article 311(2) of the Constitution of India, it is obligatory on the appellate authority to give personal hearing to the officer concerned. *Darshan Singh v. State of Punjab and another, 1991(4) S.L.R. 102: 1992(3) RSJ 512.*

32. Order of dimissal based upon the conviction.—Order of the dismissal was based upon the conviction of the petitioner. Placing reliance upon the provisions of the unamended sub-rule (2) of Rule 16.2 of Punjab Police Rules, 1934, the authorities concerned considered that the petitioner had become disqualified for being retained in service because of his having suffered the conviction mentioned in the impugned order. In that view of the matter it is not possible to hold that in terms of the unamended rule 16.2 of Punjab Police Rules, 1934, the order of dismissal would not be against the provision of Section 12 of Probation of Offenders Act, 1958. Order of dismissal did not show that it was based merely on the conviction and that the competent authority had ever by itself considered the nature and gravity of the offence and had recorded its own conclusion that the retention of the petitioner in service was prima facie undesirable. In view of the clear language of the impugned order of dismissal the competent authority could not place reliance on the amended sub-rule (2) of Rule 16.2 Punjab Police Rules, 1934. *Shri Iqbal Singh, Ex-Head Constable Police v. Inspector General of Police, Delhi and others, 1971(2) S.L.R. 257.*

33. Order of dismissal not indicating that the punishing authority was alive to the length of service of the petitioner.—The punishing authority was not alive to the facts regarding length of service, previous service record and the conditions in which the incident of firing had taken place. The part played by the deliquent was also not taken into consideration. Even assuming the act to be the gravest act of misconduct, the second part of the rule, has not been complied with, as the complete unfitness for police service, the length of service, incorrigibility and claim to pension had not been considered. In the order also there is no indication that the punishing authority was alive to the above-said elements of the rule. Apparently, there is a complete violation of rule 16.2 of the Police rules. The counsel for the appellant has not been able to point out anything to show that the rule has been either impliedly or in fact complied with. The Division Bench judgment cited by him has no parallel on the facts of the present case and the said judgment was on its own facts which are not pari materia with the facts of the present case. *Punjab State and another v. Balwant Singh, Ex-Constable, 1989(4) S.L.R. 105.*

34. Order of removal not disclosing that officers were conscious of the existence of Rule 16.2.—Order of the Superintendent of Police and the Inspector General of Police, Annexure P.6 and P.10, respectively do not disclose that those officers were even conscious of the existence of this Rule. These orders are completely silent so far as this aspect of the matter is concerned. The Deputy Inspector-General has, however, made this mention in this impugned order Annexure P.8 the present single act of the appellant is of gravest nature and his case is no way deserves leniency. This observation has been made by the Deputy Inspector General in the context of the sevice record of the petitioner on the basis of which it was pointed out to him that the petitioner had by that time rendered nine years' unblemished service and had done commendable work during the Indo-Pak War of 1971. But even this observation or the consideration by the Deputy Inspector General of Police fails far short of the requirements of sub-rule (1) of Rule 16.2 ibid. It has nowhere been recorded by any of the authorities concerned that the petitioner was guilty of such 'gravest' acts of misconduct, the cumulative effect of which can go to prove incorrigibility

and complete unfitness for police service. *Ram Partap, Constable v. State of Haryana and others, 1989(4) S.L.R. 50: 1989(2) RSJ 566.*

35. Period of absence of the petitioner after he was suspended.—Absence of 174 days could not be a ground for dismissal of the petitioner. The period prior to his suspension was hardly about 46 days. It is not for this Court to adjudicate as to whether on proof of the allegation of absense of 46 days. *Munshi Ram v. State of Haryana, 1991(2) RSJ 345.*

36. Petitioner along with other Constable who participated in the drinking and firing dismissed.—After going through the enquiry file exhibit P.3, it can be safely concluded that there is nothing on the record to show that the punishing authority was alive to the mandatory requirements of the rules or the fact regarding his length of service was considered. The service record was not on the enquiry file. The punishing authority was not alive to the situation or the circumstances in which the firing had taken place. He further contends that the State has in the case of a co-delinquent officer accepted the civil Court's verdict holding the impugned order bad and has reinstated him. The State cannot be permitted to deal with the persons accused of the same lapse in the same incident differently, in particular when the facts attributed to the other delinquent are of more serious nature. He further contends that since the order of dismissal has been passed in violation of the mandatory provisons of law, that is rule 16.2 of the Punjab Police Rules, it is a void order and need not be got set aside as there is no requirement of law to get a void order set aside. *Punjab State and another v. Balwant Singh, Ex-Constable, 1989(4) S.L.R. 105.*

37. Punishing Authority not recorded any finding that the act of respondent amounts to the gravest act of misconduct.—It is essential for the Punishing Authority to apply its mind and to record a specific finding as to whether the conduct of the delinquent official which has been complained of is of such a grave nature that it must lead inflexibly to his dismissal. As already indicated above, reliance has also been placed by the respondent on Gurdev Singh's case, in which the respective scope of rules 16.2 and 16.24(1) were discussed. It was held by the learned single Judge that it was incumbent upon the Punishing Authority to record a finding that the misconduct attributed to the deliquent official was the gravest act of misconduct and in the absence of such a finding the order could not be sustained. *State of Punjab v. Parkash Chand, Constable, 1992(1) S.L.R. 174.*

38. Punishment imposed wholly disprotionate to misconduct and not waranting dismissal from service.—The punishment for the misconduct with ASI Ganpat Ram that he can do what ever he likes, cannot be construed as a gravest act of misconduct deserving a dismissal from service. The Deputy Inspector General of Police has come to a conclusion that the charge was of misbehaving in a rude and insubordinate manner and that had been established against the appellant. As we have extracted the allegation of charge and summary of allegations, it nowhere state that he behaved in a rude and insubordinate manner. The Police is a disciplined force and the gravest act of misconduct can be a justification for an order of dismissal. The appellant was shabbily dressed and his hair were not cut. The ASI asked the appellant the reasons for the being properly dressed and why he did not get his hair cut. The appellant did tell the ASI that "Cutting Karai To Hai" and "Meri Bhi Vesi Hai Jaisi Auron Ki Hai". This misbehaviour does not warrant an order of dismissal from service. We are satisfied that the punishment imposed is so wholly disprportionate to the misconduct that it pricks our conscience. *Khem Chand Constable v. Union of India and others, 1989(5) S.L.R. 503: 1989(2) RSJ 179.*

39. Punishment of dismissal can only be awarded on the ground of gravest of misconduct.—The dismissal order could be passed only if the act attributed was the gravest

act of misconduct or the cumulative effect of continued misconduct proved incorrigibility and complete unfitness for police service. *Punjab State v. Piara Singh, Ex-Head Constable, 1988(7) S.L.R. 493.*

40. Punishment of dismissal to be imposed only in cases of grave misconduct.—If Rule 16.2(1) of Punjab Police Rules, and Rule 8 read with Rule 10 of the Delhi Police Punishment and Appeal Rules, 1980 are compared it may be seen that there is no inconsistency between them. In fact, both the provisions stated that the misconduct must be very 'grave' and continued, indicating incorrigibility and complete unfitness for Police service. It is thus seen that while awarding the sentence the Disciplinary Authority must apply its mind closely to the nature of the misconduct. It must be very grave. It cannot be said that the temporary misappropriation of a utensil from a mess is such a grave misconduct. But what is more important is that neither the Disciplinary Authority nor the Appellate Authority have applied their mind to the requirment of the statutory provisions before awarding the sentence of dismissal. It was incumbent on the said Authorities to look to the past record of the petitioner and to find out whether there is any history of "continued misconduct". Neither the order of the Disciplinary Authority nor the order of the Appellate Authority disclose any past record of the petitioner. The requirment of the statutory provision is that it must be shown that the delinquent is incorrigible. A history of part record showing the proceedings or warnings to the petitioner would have thrown light on this aspect of the misbehaviour but the orders are silent. So also, the rules requires that a delinquent must be found "to be complete unfit" for working in the Police force. This is in contradistinction to the unfitness to work "in a particular rank". The Disciplinary Authority and the Appellate Authority have not looked at this aspect of misconduct also. Considering the nature of the misconduct and the statutory requirments I hold that discretion has not been properly exercised by the Disciplinary Authority and the Appellate Authority and the punishment of dismissal is awarded in branch of the said statutory requirements. The punishment is too severe as compared to the misconduct. *Sukbir Singh v. The Deputy Commissioner of Police, New Delhi and others, 1984(2) S.L.R. 149.*

41. Punishment not necessary for the punishing authority to specifically mention in the impugned order.—We also agree with the learned counsel for the State that it is not necessary for the punishing authority to specifically mention in the impugned order about the length of service put in by the delinquent officer which was already a part of the record and was well-known. The learned Single Judge had set aside the impugned order of punishment taking this as the second ground. Accordingly, we up set the reasoning of the learned Single Judge in this regard. This in view of the said judgement in the Letters Patent Appeal, the appeal is liable to be accepted. *State of Punjab and others v. Ex-Constable No. 500 Bur Singh, 1987(5) S.L.R. 175.*

42. Punishment whether proportionate to allegations.—As regards the protection of rule 16.2(i) claimed by the petitioner the rule reads as follows. "16.2(i) dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be to length of service of the offender and his claim to Pension". From the impugned order dated 24.2.79, it is clear that the petitioner under the influence of liquor demanded more liquor from a private person within his jurisdiction and demanded English liquor on the pretext of giving the same to the S.P. and DSP to get some transfer order cancelled. He also demanded money from the same person and threatened him with knife when he expressed his inability to pay that amount. Then the petitioner is alleged to have taken Rs. 50 from another person and beat a third person. A number of

people collected and caught him and handed him over to the police. Thus, the alleged conduct of the petitioner comprised being under the influence of liquor in public place demanding money and liquor from another person, falsely implicating higher officers in his illegal acts, inflicting injuries on another person and unruly behaviour in presence of members of public. We feel that the order of dismissal cannot be said to be disproportionately harsh as compared to the reprehensible conduct of the petitioner.

As regards violation of the provisions of Rule 16.3 and 16.38 we find that rule 16.3 regarding removal from promotion list is not relevant to the case. As regards 16.38 we agree with the respondents that giving information to the District Magistrate as prescribed in his rule is mandatory when any complaint is recieved by the S.P. indicating commission by a police officer to a criminal offence in connection with the official relations with the public. Since in this case the petitioner was not discharging his duties vis-a-vis persons from whom he demanded liquor and money but acting in his individual capacity, provisions of rule 16.38 are not attracted. *Mehak Singh v. Union of India etc., 1987(2) S.L.R. 357.*

43. Revision.—An application for mercy is competent only in case where the order is passed by the Inspector General himself and in such a case no revision lies to him. *Inspector General of Police v. Balbir Singh, 1937 Cur. LJ 376.*

44. Rule talks of gravest acts of misconduct.—It was held that the said part of the sub-rule was mandatory in character and the order passed in disregard of it could not be upheld. The same view was taken in an unreported short decision in Civil Writ Petition No. 3037 of 1977 by a Division Bench consisting of A.D. Koshal and R.N. Mittal, JJ. (as their Lordships then were). It was held that it was incumbent on the Appointing Authority to take into consideration the provisions of Rule 16.2 before awarding the penalty of dismissal from service and the same having not been considered by the Authorities, the order of dismissal was quashed, by order dated 16.11.1977. The same view has been followed in two decisions in *Rattan Lal, Ex-Constable v. The State of Haryana and others,* 1983(2) SLR 159 and *Sukhdev Singh v. The State of Punjab and others,* 1983(2) SLR 645. I have gone through the order of dismissal passed by the Superintendent of Police as well as the orders passed by the Deputy Inspector-General of Police and Inspector General of Police in appeal and revision respectively. The Superintendent of Police in his order held that the respondent was on an important duty as Gunman with the Deputy Commissioner and the misconduct proved against him amounted to serious infraction of discipline while being a Member of the Disciplined Force. There is nothing in the order to even remotely suggest that the Punishing Authority was alive to the provisions of rule 16.2, either with regard to the gravity of the misconduct or the delinquent being habitual in indulging in gravest type of misconduct or that he had put in, as I am informed at the Bar about 17 years of service, and would qualify for pension after putting another three-four years' service. The order passed by the Deputy Inspector General of Police in appeal also fails to show that he had in mind the provisions of the above rule while disposing of the appeal. In the order of the Inspector-General of Police, all that was said that the misconduct on the part of the alleged delinquent was "very grave" and that he was rightly dismissed from service. Again, there was nothing to show in the order that provisions of the above rule were kept in view. As the provisions of rule 16.2 have been held to be mandatory, failure of the authorities to take due notice of the same and passed an appropriate order is sufficient to vitiate the order. *State of Punjab and another v. Ram Singh, 1989(3) S.L.R. 629: 1992(3) RSJ 508.*

45. Suitability of punishment awarded by the head of department.—A constable had conducted an unauthorised check on Ambala Jagadhri Road along with another constable

by posing as traffic police official and during that checking illegally obtained money from certain truck drivers. Leteron, a departmental enquiry was started and an order of dismissal was passed by the competent authority which was challenged in the writ petition in this Court. While upholding the order of dismissal, it was held that it is for the police officers to judge the infraction of the Police Rules to determine the seriousness of the misconduct and to decide about the suitability of the punishment and that it is not within the ambit of the extraordinary jurisdiction of this Court to interfere with the discretion of the head of the department unless it is shown that the discretion has been excercised want only or arbitrarily. *State of Haryana and others v. Gurdev Singh, 1981(3) S.L.R. 130.*

46. Term 'Misconduct' does not necessarily imply corruption or criminal intent.— As we read section 7 and Rule 16.2, a dismissal can be awarded only for the gravest acts of misconduct. We will assume that the charge as laid in summary of allegations is clearly established. The appellant was shabbily dressed and had not got his hair cut while posted at Guard duty at RTC Mehrauli. He was checked by ASI Ganpat Ram when he misbehave with ASI Ganpat Ram and told him to do whatever he likes. The averment on the record before the Enquiry Officer of the appellant is that he told the ASI that "Cutting Karai to Hai" and as regards the Shabby dress he said that "Meri Bhi Waisi Hai Jaisi Auron Ki Hai". This is certainly an act of misbehaviour as also telling the ASI to do whatever he likes. But the misconduct has to be construed for the purposes of punishment within the meaning of Section 7 and Rule 16.2. 'Misconduct is generic term and means "to conduct a miss; to mis manage, wrong or improper conduct; bad behaviour; unlawful behaviour or conduct". It includes malfeasance, misdemeanour, delinquency and offence. The term 'misconduct does not necessarily imply corruption or criminal intent. *Khem Chand Constable v. Union of India and others, 1989(5) S.L.R. 503: 1989(2) RSJ 179.*

47. Termination–Whether incumbent upon the authority before awarding the punishment to take into consideration the length of service and claim to pension of the delinquent employee.—In support of his contention the learned counsel relied upon *State of Orissa and others v. Bidyabhushan Mohapatra, AIR 1963 SC 779 and Baldev Singh v. State of Punjab and others, 1985(3) SLR 657 (Pb. & Hry.).* Bidyabhushan Mohapatra's case (supra) has been cited for the proposition that once an authority prima facie comes to a conclusion on the basis of enquiry that person is guilty of the charges levelled, then it is not within the ambit of the Court to find fault with the punishment awarded by the authority concerned. The lower appellate Court for its view that it was incumbent upon the authority before awarding the punishment to take into consideration the length of service and claim to pension of the plaintiff, relied upon the judgment reported as *Gurdev Singh v. The State of Haryana and others, 1976(2) SLR 442.* The learned counsel for the appellant has contended that in view taken in Gurdev Singh's case (supra) has been reversed by the Division Bench in Baldev Singh's case (supra) and in this view of the matter prayed that the impugned judgement is liable to be set aside. *State of Haryana v. Tek Singh, 1992(4) S.L.R. 213: 1992(2) RSJ 682.*

48. Order of dismissal-power of the competent authority—It is apparent from the Rule 16.2 of the Punjab police Rules, 1934 that the competent authority has power to pass the order of dismissal only in case of gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. *Major Singh v. State of Punjab, (2017) 4 SCT 32: (2018) 1 SLR 342 (P&H).*

49. Finding of unfitness for service-Effect of—Once a person is found unfit for service on account of intermittent and unauthorized absence for which the delinquent though

has a reasonable explanation, no doubt, there is no point in continuing him in service either by reverting him or by imposing punishments like stoppage of increment, etc. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 9 JT 101: (2015) 10 SCALE 267: (2015) 7 Supreme 193: 2015 AIR SCW 6054: (2015) 4 Law Herald (SC) 3036: (2015) 4 RSJ 39: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 11 AD(SC) 229 (SC) (DB).*

50. Satisfaction arrived at by the authority-Held based on objective assessment— Merely on the basis of oral statement with regard to the involvement of the petitioner and without mentioning the reasons as to how it was not practicable to hold departmental inquiry, the impugned order has been passed. The report of SSP Tarn Taran was received on 23.05.2014 and the impugned order was passed on that very day i.e., 23.05.2014, which shows that the concerned authority has not applied its mind independently and the impugned order of dismissal has been passed in a mechanical manner by attracting the powers provided under Article 311(2)(b) of the Constitution of India. The satisfaction arrived at by the authority was not based on objective assessment. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

51. Award of punishment of disimissal-Condition for—The Rule 16.2 (1) of the Rules, 1934 states that dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect or continued misconduct proving incorrigibility and complete unfitness for police service. Still further this Rule is subject to the safety clause for maintaining the balance while imposing the severest punishment of dismissal upon the delinquent that while passing such an order the length of service and his claim to pension is to be taken into consideration. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

52. Absence of an employee-Effect of—The police force is a disciplinary force and absence of an employee even for a short period may prove dangerous to the society because the police personnel are meant for protection of the society from criminals. *State of Punjab v. Constable Budh Singh, (2015) 1 ILR(Punjab) 160 (P&H).*

53. Unfit employee-No point in continuing service—Once a person is found unfit for service on account of intermittent and unauthorized absence for which the delinquent though has a reasonable explanation, no doubt, there is no point in continuing him in service either by reverting him or by imposing punishments like stoppage of increment, etc. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 10 SCALE 267: 2015 AIR SCW 6054: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 7 Supreme 193 (SC) (DB).*

54. Power of dispensing with the inquiry-Exercise of—It has been held in various judgments of this Court as well as Hon'ble the Supreme Court that an inquiry under Article 311(2)(b) of the Constitution of India is a rule and dispensing with the inquiry is an exception. This power is not to be exercised arbitrarily and out of ulterior motive. The competent authority is bound to follow the principles of natural justice and the normal procedure cannot be dispensed with only on the pretext that it is not practicably possible to hold departmental inquiry. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

55. Punishment of dismissal-Nature of—No doubt that the punishment of dismissal is extremely harsh, oppressive and arbitrary to the levels of interference indicated in the Wednesbury principles. The punishment of dismissal is totally disproportionate to the gravity of the misconduct. *Babu Lal v. State of Haryana, (2017) 2 PLR 715 (P&H).*

56. Provisions of Rule-Substantial compliance of—Although the punishing authority has not exactly used the language of Rule 16.2 while passing the punishment order, but at the same time it has been observed that he is not a fit person to be retained in the Police Department and deserves to be weeded out by way of dismissal from service on account of his habitual absence from duties on three different occasions and incorrigibility as well as his previous service record and thus there is a substantial compliance of the latter part of the Rule 16.2 of the Rules. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

57. Quantum of punishment-Principles governing interference in the same therefor—Even as regards quantum of punishment, the principles governing interference in the same are well settled. It has been held in a catena of judgments rendered by the Apex Court that the High Court while exercising powers of judicial review cannot substitute its own opinion of penalty and impose some other penalty. *Charanjit @ Charanjit Singh v. State of Punjab, (2018) 1 SCT 710: (2017) 6 SLR 473 (P&H).*

58. Satisfaction of the punishing authority-No jurisdiction of the Courts to re-examine it—It is well settled that once the punishing authority itself comes to a conclusion that a particular act of the delinquent official constitutes gravest act of misconduct warranting his dismissal from service, then the Courts have no jurisdiction to re-examine the question as to whether such act constitutes the gravest act of misconduct. *State of Punjab v. Constable Budh Singh, (2015) 1 ILR(Punjab) 160 (P&H).*

59. Disciplinary authority-Discretion of—The fact that different punishments are prescribed under the rules shows that there is a discretion vested on the competent authority to decide what should be the proper punishment taking note of the nature of misconduct, its gravity and its impact on the service. Having regard to the facts and circumstances of each case, the disciplinary authority has to take a proper decision on punishment. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 9 JT 101: (2015) 10 SCALE 267: (2015) 7 Supreme 193: 2015 AIR SCW 6054: (2015) 4 Law Herald (SC) 3036: (2015) 4 RSJ 39: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 11 AD(SC) 229 (SC) (DB).*

60. Awarding the extreme penalty of dismissal-Importance of the total length of service of more than 25 years—The punishing authority cannot be oblivious of the good service record and also the fact that a single act will be a ground for imposing extreme penalty of dismissal. While awarding the extreme penalty of dismissal, the total length of service of more than 25 years has not been considered and the petitioner has been deprived of his right of pension. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

61. Action of respondents for dismissal of petitioner-Legality of—In the present case, four annual increments with cumulative effect were stopped for remaining absent. For the same allegations, the petitioner was dismissed from service. Admittedly, the second penalty/punishment was passed on the same cause of action i.e., wilful absence from duty. Earlier, the petitioner was reinstated and was allowed to join duty. Thereafter, the order was reviewed and order of dismissal from service was passed. The action of respondents is not only discriminatory but also contrary to the principles of natural justice. *Rajesh Kumar Sharma v. State of Punjab, (2017) 1 SCT 485: (2017) 4 SLR 289 (P&H).*

62. Dismissal from service-Award of—Dismissal from service can be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. The gravest acts of misconduct are enumerated in the rule 16.2 of the Rules, 1934. *Balbir Kaur v. State of Punjab, (2017) 4 SCT 38: (2018) 1 SLR 408 (P&H).*

63. Provisions of Rule 16.2 of the Punjab Police Rule, 1934-Requirement to be considered while imposing the punishment of dismissal from service—The initial date of appointment of petitioner was 01.08.1985 and he has been dismissed from service on 01.03.1994. Therefore, he had rendered less than 10 years of service. Hence, he was not eligible for minimum pension as per Rules. In this background, Rule 16.2 of the Punjab Police Rule, 1934 was not required to be considered while imposing the punishment of dismissal from service. *Ex. Constable Suresh Chander v. State of Haryana and others, (2016) 3 PLR 82 (P&H).*

64. Interference by the Courts-Appropriateness of—It is only if the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the Court, then it would be appropriate to mould the relief either by directing the Disciplinary/ Appellate Authority to reconsider the punishment imposed or to shorten the litigation and in exceptional and rare cases, to pass an order imposing appropriate punishment in the light of cogent reasons being assigned. *Charanjit @ Charanjit Singh v. State of Punjab, (2018) 1 SCT 710: (2017) 6 SLR 473 (P&H).*

65. Indiscipline by the member(s) of police service-Effect of—There is no doubt that disciplined police force is the hallmark and mirror of a civilized society for maintenance of law and order. Thus the indiscipline by the member(s) of police service shall be detrimental to the society at large for maintenance of law and order and the same should not be tolerated as far as possible. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

66. Punishment-Award of—The Punishing Authority, while passing order of dismissal, is to take into consideration the total length of service of the employee. The said punishment can be awarded, in case, gravest act of misconduct is there. Secondly, such conduct has resulted into a situation that the police officer is rendered unfit for police service. *Major Singh v. State of Punjab, (2017) 4 SCT 32: (2018) 1 SLR 342 (P&H).*

67. Finding as to unfitness of the employee-Requirement of—As per Rule 16.2 of the Punjab Police Rules, 1934, the past service record cannot be ignored and prior to passing of impugned order of dismissal, the competent authority was required to exercise his power provided under Rule 16.2 of the Rules as it is imperative for the authority to record a finding that the employee is guilty of the gravest act of misconduct or that he is guilty of continued misconduct, which proves its incorrigibility and complete unfitness for police service. No such finding has been recorded while passing the impugned order. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

68. Punishment of dismissal-Reduction of—Consumption of alcohol by a policeman on duty cannot be encouraged or given premium and has to be dealt with by a firm hand, but still keeping in view the medical evidence of mere consumption of alcohol without accompanying drunken levels the petitioner could have been dealt with by imposing a punishment lesser than dismissal, especially when it was his first offence with no past record of alcoholism impeding judgment. *Babu Lal v. State of Haryana, (2017) 2 PLR 715 (P&H).*

69. Compulsory retirement-Appropriateness of—Since the authorities found the Appellant to be unfit to continue in Police Service, hence, the punishment of compulsory retirement, which is also a prescribed punishment, should have been the appropriate one to be imposed in the circumstances. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 9 JT 101: (2015) 10 SCALE 267: (2015) 7 Supreme 193: 2015 AIR SCW 6054: (2015) 4 Law Herald (SC) 3036: (2015) 4 RSJ 39: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 11 AD(SC) 229 (SC) (DB).*

70. Opportunity of hearing to employee-Held necessary for punishment of dismissal from service—The punishment of dismissal from service is a major punishment and the same cannot be awarded without giving any opportunity of hearing and before conducting regular departmental inquiry. It is also not disputed that the principles of natural justice have not been followed while passing the impugned order of dismissal from service. *Rajesh Kumar Sharma v. State of Punjab, (2017) 1 SCT 485: (2017) 4 SLR 289 (P&H).*

71. Provisions of Rules 16.2 (1) and Rule 9.18-Requirement of balance between them—The provisions of Rules 16.2 (1) cannot be read over and above or in derogation of Rule 9.18 for converting the dismissal of a constable of Haryana Police into compulsory retirement; rather the same is to be applied subject to the parameter as contained in Rule 9.18 otherwise the latter will be rendered as otiose. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

72. Appropriale punishment-Duty of the disciplinary authority or at least the appellate authority—Indiscipline of any sort cannot be tolerated at all in a disciplined force. However, in the factual background of the appellant, the disciplinary authority or at least the appellate authority, should have considered whether a punishment other than dismissal would have been appropriate and whether dismissal is the only punishment available and appropriate in the circumstances. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 10 SCALE 267: 2015 AIR SCW 6054: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 7 Supreme 193 (SC) (DB).*

73. Petitioner-Held a habitual absentee—Petitioner herein was a member of disciplined a force. In pursuance to a regular departmental inquiry conducted and after following due procedure and in consonance with the rules of the natural justice he has been held guilty of wilful absence from duty over a prolonged length of time. On a number of previous occasions, the petitioner has also remained absent. This Court would have no hesitation in holding the petitioner to be a habitual absentee. *Charanjit @ Charanjit Singh v. State of Punjab, (2018) 1 SCT 710: (2017) 6 SLR 473 (P&H).*

74. Dispensation with a disciplinary inquiry-Contingencies therefor—The disciplinary authority is not expected to dispense with a disciplinary inquiry lightly or arbitrarily or out of ulterior motive or merely in order to avoid the holding of an inquiry or because the department's case against the civil servant is weak and, therefore, is bound to fail. In the present case none of these contingencies exist. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

75. Findings of the Enquiry Officer-Limited role of Courts as to interference—It is also equally well settled that Courts cannot sit over the findings of the Enquiry Officer as accepted by the disciplinary authority and act as a court of appeal unless it is shown that the findings are without any evidence. *State of Punjab v. Constable Budh Singh, (2015) 1 ILR (Punjab) 160 (P&H).*

76. Order of dismissal from service-Justification of—As per written statement, there were seven bad entries in his service record, which are sufficient to show that he would not be a responsible employee of the Police Department. His absence from duty on 09.10.1993 and subsequently, non appearance in the enquiry proceedings was sufficient to justify the order of dismissal, which has been passed by order (Annexure P-4). *Ex. Constable Suresh Chander v. State of Haryana and others, (2016) 3 PLR 82 (P&H).*

77. Major penalty of dismissal from service-Imposition of—No doubt dismissal from service is the extreme penalty, which is to be awarded only in the gravest acts of misconduct and in case the misconduct is proved to be incorrigible and the petitioner is

found completely unfit for the Police Service. For imposing such a major penalty, the total length of service of the candidate is to be taken into consideration. In this case, no finding whatsoever has been recorded that the petitioner is guilty of an act of gravest misconduct. *Rajesh Kumar Sharma v. State of Punjab, (2017) 1 SCT 485: (2017) 4 SLR 289 (P&H).*

78. Compulsory retirement-Held not punishment—Under the service jurisprudence also, generally, the compulsory retirement is not considered as a punishment; rather it is a prerogative under which relationship between the government and its employee(s) comes to an end. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

79. Extreme punishment of dismissal-Effect of—The extreme punishment of dismissal not only disturbs but shocks the conscience of the court and, therefore, intervention in the impugned orders have become necessary to serve the ends of justice. For these reasons, this Court find sufficient merit in this petition and would prefer to allow the same on the question of reduction of quantum the penalty imposed being too wide off the mark of reasonableness, while reasonableness is a major part and parcel of Article 14 of the Constitution. *Babu Lal v. State of Haryana, (2017) 2 PLR 715 (P&H).*

80. Mandatory provisions of Rule 16.2 of the Rules, 1934-Compliance of—The respondent authority is to record a finding that the misconduct attributed to the concerned employee is gravest act of misconduct. Meaning thereby, the mandatory provisions of Rule 16.2 of the Punjab Police Rules, 1934 have to be complied with while passing the impugned order. The competent authority has also exercised the provisions of Article 311(2)(b) of the Constitution of India. *Major Singh v. State of Punjab, (2017) 4 SCT 32: (2018) 1 SLR 342 (P&H).*

81. Dispensation with a disciplinary inquiry-Reasonability of—The other aspect of the matter is that in the impugned order it was held that it was not reasonably practicable to hold inquiry. The respondents should have justified their stand in arriving at the conclusion that it was not reasonably practicable to hold inquiry. Had any attempt to hold inquiry been made, i.e., witnesses were called and they failed to appear, only in such eventuality it could be held that it was not reasonably practicable to hold inquiry. In this case, no inquiry was made and the petitioner was dismissed from service by invoking the provisions of Article 311(2) of the Constitution of India. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

82. Proper punishment-Discretion of the competent authority—The fact that different punishments are prescribed under the rules shows that there is a discretion vested on the competent authority to decide what should be the proper punishment taking note of the nature of misconduct, its gravity and its impact on the service. Having regard to the facts and circumstances of each case, the disciplinary authority has to take a proper decision on punishment. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 10 SCALE 267: 2015 AIR SCW 6054: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 7 Supreme 193 (SC) (DB).*

83. Ex parte proceeding against the petitioner-No case for interference made out—In this case, after initiating the enquiry, the Enquiry Officer had followed all the procedure and took permission for proceeding ex parte against the petitioner. Thereafter, he sent all the documents to the petitioner along with list of witnesses before submitting the enquiry report. In view of the above, no case for interference is made out. *Ex. Constable Suresh Chander v. State of Haryana and others, (2016) 3 PLR 82 (P&H).*

84. Imposion of major penalty of dismissal from service to petioner-No application of mind at the hands of the punishing authority—In this case, while imposing major penalty of dismissal from service to petioner it has also not been held that the petitioner is guilty of a continued misconduct proving his incorrigibility and complete unfitness for police service. There is no such reference to the service record of the petitioner and the impugned order of dismissal does not even reveal the application of mind at the hands of the punishing authority on the question whether any other penalty could be imposed upon the petitioner keeping in view his past service record. *Rajesh Kumar Sharma v. State of Punjab, (2017) 1 SCT 485: (2017) 4 SLR 289 (P&H).*

85. Non-holding of the departmental enquiry-Legality of—In this case, nothing has been placed on record or brought to the notice of this Court, even during arguments as to how the competent authority has reached to the conclusion that the petitioner was having links with the terrorists and how it was not reasonably practicable to hold the departmental enquiry. Even nothing has been mentioned as to whether any past incident was there to show that the petitioner was having any link with the terrorists or any adverse remarks were conveyed to the petitioner during his service. Hence, non-holding of the departmental enqiury cannot be said to be legal. *Major Singh v. State of Punjab, (2017) 4 SCT 32: (2018) 1 SLR 342 (P&H).*

86. Conversion of dismissal of the plaintiff-respondent into compulsory retirement-Effect of—The conversion of dismissal of the plaintiff-respondent into compulsory retirement by learned First Appellate Court is virtually exonerating him from the charges of absence from duty and giving a clean chit of his misconduct and the same cannot be construed as a substitution of lesser punishment. *State of Haryana v. Chander Singh, Ex. Constable No. 620/Jind, (2018) 1 SCT 400: (2018) 4 SLR 576: (2018) 1 Law Herald 187 (P&H).*

87. Dismissal from service-Validity of—The punishments awarded to the husband of the petitioner as reproduced above goes to show that there was continuous misconduct on the part of the husband of the petitioner. He was incorrigible and unfit for police service. Therefore, the order of dismissal from service was rightly imposed upon the husband of the petitioner. *Balbir Kaur v. State of Punjab, (2017) 4 SCT 38: (2018) 1 SLR 408 (P&H).*

88. Statutory powers conferred upon authorities-Manner of exercise for—It is also well settled that statutory powers conferred upon authorities have to be exercised by them and if in substance it is exercised by another, it will be a case of failure to exercise the said statutory powers resulting decision in such a case to be ultra vires and void. Admittedly, in the present case, the Senior Superintendent of Police, Shaheed Bhagar Singh Nagar has not applied his mind and virtually surrendered his powers only to the Senior Superintendent of Police, Tarn Taran and without having any material before him blindly dittoed the report of the Senior Superintendent of Police, Tarn Taran, which is not permissible under the law. *Balkar Singh v. State of Punjab, (2017) 1 SCT 312: (2017) 3 SLR 348 (P&H).*

89. Punishment of compulsory retirement-Held appropriate—Having regard to the fact that the disciplinary proceedings were initiated in the year 1994, and having regard to the prolonged litigation, it is not proper to remand the matter to any of the authorities, either original or appellate. The authorities having found the Appellant to be unfit to continue in Police Service, this Court is of the view that the punishment of compulsory retirement, which is also a prescribed punishment, should have been the appropriate one to be imposed in the circumstances. *Rajinder Kumar v. State of Haryana and others, AIR 2015 SC 3780: (2016) 15 SCC 693: (2015) 10 SCALE 267: 2015 AIR SCW 6054: (2015) 4 SCT 507: (2015) 6 SLR 705: (2015) 7 Supreme 193 (SC) (DB).*

90. Impugned order of dismissal from service-Setting aside of—In this case, the mandate of Rule 16.2 of the Rules, 1934 has also been given a go by in asmuch as the length of service of the present petitioner has not been taken into account while passing the impugned order. Even the reply to show cause notice, which was never served has not been considered and the punishment of dismissal from service has been imposed whereas for that allegation, the petitioner has already been punished. Hence, the impugned order of dismissal from service is set-aside. *Rajesh Kumar Sharma v. State of Punjab, (2017) 1 SCT 485: (2017) 4 SLR 289 (P&H).*

91. Grant of reasonable opportunity of hearing to a person-Purpose of—The punishing authority must satisfy himself by recording the reasons to hold that it is not reasonably practicable to hold an inquiry. No reasons whatsoever have been mentioned in the order of dismissal. The purpose of granting reasonable opportunity of hearing to a person is to grant an opportunity to defend himself and establish his innocence by cross-examining the prosecution witnesses produced against him and by examining the defence witnesses in his favour, if any. It can only be possible if inquiry is held and the delinquent is informed of the charges levelled against him. *Hardeep Singh v. State of Punjab, (2017) 3 PLR 22 (P&H).*

92. Recording of finding-Imperative nature thereof—The competent authority was required to exercise his power provided under Rule 16.2 of the Rules, 1934 as it is imperative for the authority to record a finding that the employee is guilty of the gravest act of misconduct or that he is guilty of continued misconduct, which proves its incorrigibility and complete unfitness for police service. *Major Singh v. State of Punjab, (2017) 4 SCT 32: (2018) 1 SLR 342 (P&H).*

93. Discipline in the disciplinary forces-Requirement of—This Court has no sympathy with the husband of the petitioner, as the discipline has to be enforced with iron hands and the indiscipline in the disciplinary forces like police and army cannot be tampered with. In view of the matter, since a dismissed employee is not entitled to pension and this Court is not inclined to interfere in the said order, therefore, the petitioner is not entitled to grant of premature voluntary retirement or pension or family pension. *Balbir Kaur v. State of Punjab, (2017) 4 SCT 38: (2018) 1 SLR 408 (P&H).*

16.3. Action following on a judicial acquittal.—(1) When a Police Officer has been tried and acquitted by a criminal court he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless—

(a) the criminal charge has failed on technical grounds; or

(b) in the opinion of the court or of the Superintendent of Police, the prosecution witnesses have been won over; or

(c) the court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or

(e) additional evidence admissible under rule 16.25 (1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of the Deputy Inspector-General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honourably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.

SYNOPSIS

1. *Acquittal by the Criminal Court.*
2. *Acquittal of Police Officer by Criminal Court on technical ground.*
3. *Departmental Inquiry.*
4. *Enquiry officer not to sit-in judgment over the decision of the Criminal Court.*
5. *Double jepoardy–Acquittal by a criminal court.*
6. *Double jeopardy–Acquitaed in criminal case.*
7. *Double jeopardy–Departmental enquiry.*
8. *Found drunk while on duty–Dismissed after departmental enquiry.*
9. *Judgment of criminal Court.*
10. *Standard of proof in the departmental enquiry and criminal trial-Nature of.*
11. *Interfernece by the Courts-Scope of.*

1. Acquittal by the Criminal Court.—A police officer who is aquitted in a criminal court cannot be tried departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not. *Amin Lal v. The State of Punjab, 1965 Cur. L.J. 509: 1967 P.L.R. (S.N.) 89.*

Survey of judicial opinion seems to point to a perponderating preference for the middle view which is that when there is a substantial acquittal of the accused on the criminal charge there should not be a departmental proceedings against him in respect of the same charge on the same facts unless there are present conditions like the acquittal being on a technical ground or establishing conduct which would make it unworthy of the said office continue in office etc. Some of these ideas find concreate expression in P.P.R. 16.3. *Shri Kunda Lal v. The Delhi Administration, Delhi and others, 1976(1) S.L.R. 133.*

Departmental proceedings-Criminal proceeding resulted in Acquittal-Punishment–Clause (b) of sub-rules (1) of Rule 16.3 not applied.—Those witness who turned hostile before the Criminal Court have not been examined in departmental proceedings, as no material is brought on record to prove that; even otherwise, the charges against the respondent had not been proved. Furthermore, as noticed herein before the occurrence took place in the year 1974 and respondent was acquitted in the year 1979 and, thus, at this distant point of time, no interference with the impugned judgement of the first appellate court affirmed by the High Court decreeing the suit. *State of Punjab v. Prem Sarup, 2008 (11) JT 98: 2008(12) SCALE 855: 2008(8) S.L.T. 202.*

2. Acquittal of Police Officer by Criminal Court on technical ground.—It was, thus a case where the criminal charge failed on a technical ground that is, the absence of the complainant on the date of the hearing and not because the charge had been enquired into but had not been substantiated. The fact, that another trial court not be held in a criminal Court against the petitioner on the same charge because of his acquittal under

Section 247 of the Code of Criminal Procedure, will not bar the departmental proceedings being taken against him in respect of the same charge and on the same evidence. I am, therefore, of the opinion that Superintendent of Police rightly decided to hold departmental proceedings against the petitioner and obtained the sanction of the Deputy Inspector-General of Police for holding the same. The proceedings with regard to obtaining the sanction of the District Magistrate under rule 16.38(1) and (2) were unnecessary and can be treated as useless surplusages. The Inquiry Officer could be appointed by the Superintendent of Police after the sanction of the Deputy Inspector General of Police had been obtained and the mere fact that the Superintendent of Police also obtained the sanction of the District Magistrate did not, in my opinion vitiate the appointment of the Inquiry Officer by him and the enquiry held by the enquiry Officer. The petitioner has not challenged the proceedings of the enquiry before the Inquiry Officer. Shri Prem Kumar, in the writ petition and for this reason no fault can be found with the show-cause notice issued to the petitioner by the Superintendent of Police on October 19, 1965. *Gurdev Singh, Sub-Inspector of Police v. State of Punjab through the Inspector of Police, Punjab and another, 1970 S.L.R. 885.*

3. Departmental Inquiry.—Facts forming basis of departmental inquiry found not unconnected with charge in criminal case. *1965 Cur. LJ 509.*

Judicial acquittal. Departmental proceedings were initiated and the appellant was dismissed from service prior to the decision of the Criminal Case. The appellant cann't derive strength under Rule 16.3 of the Punjab Police Rules. *Sukmander Singh v. Punjab State through Secretary to Government of Punjab, Home Department Chandigarh, 2007(4) RSJ 602.*

4. Double jeopardy–Acquittal by a criminal court.—Of course, it the above said rule is applicable to the present case, then it may be argued that the same having not been complied with, the enquiry was vitiated and the subsequent orders based thereon are also vitiated, but in the present case, the lower appellate Court found that the charge, of which the plaintiff was found guilty, did not relate to a matter which has any relation with the public. It did have a relation with his exercising proper and efficient supervision and control over the Accounts Branch of which he was the head, in which he had failed. This charge can hardly be termed to be an offence in connection with his official relations with the public. Thus, the plaintiff was not entitled to invoke the said provisions of the Rules. *Ram Rakha Joshi (Retd.) A.S.I. Punjab Police v. State of Punjab, 1984(1) S.L.R. 404.*

5. Double Jeopardy–Acquitted in criminal case.—The only exception left is the one enumerated at clause (b), that is, "in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over". A close scrutiny of the judgment of the criminal Court would show that the accused persons were acquitted not because the prosecution witness were won over but because there were fundamental infirmities in the prosecution case which had damaged its veracity. The only witness alleged to have been won over was one Banta Singh (P.W.) of which the Criminal Court did not even take any notice. Thus, the initiation of a departmental inquiry by invoking the provisions of Rule 16.3 ibid, after Constable Mohinder Pal had been acquited by a criminal Court, was wholly without jurisdiction and contrary to the provisions of Punjab Police Rules, 1934. Otherwise also there is hardly any material in support of the charge against the petitioner in the departmental inquiry on the basis whereof the charge could be sustained justifying his dismissal from service. *Mohinder Pal v. State of Punjab and others, 1987(1) S.L.R. 266.*

6. Double jeopardy–Departmental enquiry.—The order initiating the inquiry as also the show cause notice clearly indicate that the petitioner is being proceeded against exactly

on the same charges which were contained in the F.I.R. and he was discharged. The relevant rule which admittedly is applicable in Delhi is rule 16.3 of the Punjab Police Rules. This rule has been interpreted by this Court in various authorities but, in my opinion, it is necessary to refer to any of the judgment in view of the clear writing of rule itself. However, I would refer to only *Kundal Lal v. Delhi Administration.*

The learned counsel for the respondent contends that under rule 16.3(1)(d), the department could proceed with the departmental inquiry and in this case they were acting under the said sub-rule. A mere reading of the order and the show cause reproduced above, would show that this arguments untenable and cannot be accepted. The departement is not proceedings on the facts unconnected with the charge before the Court which justified the departmental proceedings on a different charge but is proceedings exactly on the same charges which were subject matter of the trial before the competent Criminal Court. *Shri Sahib Ram v. Delhi Administration and others, 1984(2) S.L.R. 133.*

7. Enquiry officer not to sit-in judgment over the decision of the criminal Court.— Where the acquittal is substantially on merits, on identical facts and charges, it will not be proper for a disciplinary Tribunal to record a finding of guilt, and to punish, the employee thereon. This would be a basic principle of jurisprudence and it would make no difference that the departmental authority acts before the criminal proceedings or after it and the Court, in exercise of the jurisdiction under Article 226 of the Constitution, would be justified in striking down the action based on such finding, as not in consonance with the principles of natural justice.

Examining the findings of the Enquiry Officer we find that he had examined the very persons, who were examined in the criminal case and on the same material and the circumstances, the Enquiry Officer came to a contrary conclusion. He purported to examine the evidence adduced before him as if he was deciding a Sessions case. Evidently, the Enquiry Officer would have no power to sit as an appellate Court of the Additional Sessions Judge. It is, therefore, clear that the petitioner's acquittal was not on any technical grounds, nor was it on the basis that he was given the benifit of doubt. In fact, the prosecution had miserably failed to prove it case, either by direct or by circomstantial evidence. As such, the aquittal was on account of the prosececution failure to bring home guilt to the accused without establishing any incriminating circumstances, although inconclusive.

The next question will be whether the judgment of acquittal itself indicates that the petitioner's retention in Police Service could be undesirable. In our opinion the judgment does not give any indication of such type. In the criminal Court, the prosecution had not only failed to establish any incriminating circumstance, either by direct evidence or by circumstantial evidence, but also had failed to establish any motive, whatsoever. In view of these facts, the Enquiry Officer could not purport to function as a Court of law and re-examine the very material, which had been put up before the Sessions Judge. The attempt of the Enquiry Officer was to function as an appellate Court of the Additional Sessions Judge and to come to a contrary conclusion upon the same material, which had been adduced in the Sessions Court. This, evidently, the Enquiry Officer could not have done on the principles laid down by their Lordships of the Supreme Court in State of *M.P. v. Qumarali Wehidali. Harinarayan Dubey v. State of Madhya Pradesh and others, 1976(1) S.L.R. 585.*

8. Found drunk while on duty–Dismissed after departmental enquiry.—The plea raised by the petitioner is that a single act of having been found under the influence of liquor while on duty would not amount to a very grave act or misconduct which would

render him incorrigible and complete unfitness for police service. In support of his contention the learned counsel for the petitioner had cited an unreported judgment in *Dharampal v. The State of Haryana and others, CWP No. 4680 of 1987* decided by Amarjeet Chaudhary, J. on 10.3.1989 and *Phool Singh v. State of Haryana and others, 1989(6) SLR 138 decided by Jai Singh Sekhon, J.*

So far as the judgment of Jai Singh Sekhon, J. in Phool Singh's case (supra) in concerned, the same is distinguishable as that was a case of constable who was under suspension and absented himself from duty and under the circumstances it was held the absence from duty of a police official who was under suspension would not amount to a grave act of misconduct which would entail the punishment of dismissal. So far as the judgment in Dharampal's case (supra) is concerned, of course, that does not help the petitioner. In this case Amarjeet Chaudhary, J. has held that the punishment of dismissal awarded in that case to the petitioner who was found under the influence of liquor while on duty was not proportionate to the charges levelled against him.

It has been further held that this court would not interfere regarding suitability of the punishment awarded by the held of department unless it is shown that the discretion has been exercised want only or arbitrarily. I am bound to follow the judgment of Amarjeet Chaudhary, J. I find that conduct of the petitioner was such which amounted to an act of gravest misconduct with in the meaning of rule 16.2(1) and which merited the punishment of dismissal from service. The petitioner being a constable who belongs to a disciplined force had to act with some sense of responsibility. Thus, I find no force in the contention raised by the petitioner. *Joginder Singh, Ex-Constable v. State of Haryana and others, 1990(5) S.L.R. 515: (1950-1988) 1 RSJ 12.*

9. Judgment of criminal court.—Did not suggest acquittal on technical ground or suspension resting upon Police Officer. *1965 Cur. LJ 509.*

10. Standard of proof in the departmental enquiry and criminal trial-Nature of—The standard of proof in the departmental enquiry and criminal trial is not the same. Departmental proceedings can be decided on the basis of preponderance of probabilities whereas in the criminal trial under the Prevention of Corruption Act, the strict rule of 'proof beyond all reasonable doubts' applies and demand and acceptance of bribe must be proved whereas in the departmental proceedings mere recovery of tainted money from an employee coupled with the other circumstances can be a sufficient ground to conclude that the illegal gratification was taken. *Suraj Bhan v. State of Haryana, (2017) 3 SCT 219 (P&H).*

11. Interfernece by the Courts-Scope of—It is immaterial whether it is proved or not that the complainant was handed over the said money to employee. This court, otherwise, cannot replace the findings of the Enquiry Officer with its own findings and take a different view. The Enquiry Officer had held that the charges against the petitioner are proved in the present case. *Suraj Bhan v. State of Haryana, (2017) 3 SCT 219 (P&H).*

16.4. Reduction.—(1) A police officer may be reduced (a) to a lower rank (except in the case of Sergeants and of constables on the time-scale; (b) from the selection grade of a rank to the time-scale of the same rank; (c) if in a graded rank, to a lower position in the seniority list of his grade or to a lower grade in his rank. A police officer so reduced shall be placed in the time-scale to which he is reduced, whether from higher rank or from the selection grade of the same rank, at the point to which his approved service entitles him, but below the efficiency

bar, if any. An officer reduced in rank shall not be placed in the selection grade of the rank to which he is reduced.

(2) An upper subordinate shall not ordinarily be reduced to the rank of Head constable, unless he has been promoted from that rank and is capable of performing the duties of a Head Constable. If he is absolutely unfitted for his position or for that of a Head Constable, he shall be dismissed, and not reduced in rank.

(3) A Head Constable reduced to the rank of Constable shall ordinarily occupy a position in the gradation list of Constables according to the length of his approved service.

SYNOPSIS

1. Word 'rank'– Meaning of.

1. Word 'rank'–Meaning of.—No doubt some of the dictionary meanings of the word to tend to support the stand urged on the side of the petitioner, but in view of the meaning given to this word by their Lordships of the Supreme Court in the *High Court, Calcutta v. Amal Kumar Roy, A.I.R. 1962 S.C.* 1704, the ordinary meanings of the word cannot be taken, and the meanings of the word that have to be applied are those given by their Lordships in the judgment of that case. In that case a Munsif in the West Bengal Civil Service (Judicial) having been passed over for promotion to the post of a subordinate Judge, when he came to the promoted to that post, he stood eight places below as compared the place where he would have been had he been promoted in his own turn at the proper time. It was urged that his lowering of seniority by eight places in this matter was reduction in rank. Their Lordships observed :- @INDENT2 : "In our opinion, there is no substance in this contention because losing places in the same cadre, namely, of subordinate Judges does not amount to reduction in rank, within the meaning of Article 311(2). The plaintiff sought to argue that 'rank', in accordance with dictionary meaning signifies 'relative position or status or place' according to Oxford English Dictionary. The word 'rank' can be and has been used in different senses in different contexts. The expression 'rank' in Article 311(2) has reference to a person's classification and not his particulars place in ths same cadre in the hierarchy of the service to which he belongs. Hence, in the context of the Judicial Service of West Bengal, 'reduction in rank' would imply that a person who is already holding the post of a Subordinate Judge has been reduced to the position of a munsif, the rank of a subordinate Judge being higher than that of a Munsif. But Subordinate Judges in the same cadre hold the same rank, though they have to be listed in order of seniority in the Civil List. Therefore, losing some places in the seniority list is not tantamount to reduction in rank".

This was again approved by their Lordships in the *Divisional Personal Officer, Southern Railway, Mysore v. S. Raghavendrachar, A.I.R. 1966 S.C. 1529.* So, it is the meaning of the word 'rank' as given by their Lordships in sub-article (2) of Article 311 that negatives the case of the present petitioner in spite of his losing two places in seniority and also losing two steps in his time-scale by the forfeiture of two years of his pay permanently. The reason is that he remains still Head Constable and in the rank of Head Constables. By the lowering of his seniority or by the lowering of his pay by two steps in the time-scale he does not crease to remain in the rank of Head Constables. He is still there very much in that rank, and merely because he has lost seniority or has been lowered by two steps in the time-scale of his pay, which slightly lowers his in his own rank and it is reduction in so far as it affects his seniority under sub-rule (1) of rule 16.4, it is not reduction in rank as

that expression is used in sub-article (2) of Article 311 of the Constitution, inasmuch as it does not lower the rank of the petitioner. *Ranjit Singh, Head Constable v. Commandant P.A.P. Jullundur Cantt. and others, 1967 S.L.R. 543.*

Rule 16.5 for Punjab

16.5. Stoppage of increments-or Forfeiture of approved service for increment.—The increment of a police officer on a time-scale may be withheld as a punishment. The order must state definitely the period for which the increment is withheld, and whether the postponement shall have the effect of postponing future increments. The detailed orders regarding the grant and stoppage of increments are contained in rule 13.2.

(2) Approved service for increment may be forfeited, either temporarily or permanently, and such forteiture may entail the deferment of an increment or increments or a reduction in pay. The order must state whether the forfeiture of approved service is to be permanent; or, if not, the period for which it has been forfeited.

(3) Reinstatement on the expiry of a period fixed under sub-rule (1) or (2) above shall be conditional upon good conduct in the interval, but, if it is desired under this rule not to reinstated an officer, a separate order shall be recorded after the officer concerned has been given opportunity to show cause why his reinstatement should not be deferred, and the period for which such order shall have effect, shall be stated. Rules regarding the method of recording punishments under this rule in seniority rolls are contained in Chapter X.

Rule 16.5 for Haryana

16.5. Stoppage of increments.—The increment of police offficer on a time-scale may be withheld as a punishment. The order must state definitely the period for which the increment is withheld, and whether the postponement shall have the effect of postponing future increments. The detailed orders regarding the grant and stoppage of increments are contained in rule 13.2.

[1][***]

16.6. Confinement to quarters.—A constable confined to quarters shall be confined in the lock-up attached to the police quarter guard. While so confined he shall perform punishment drill or may be employed instead on any authorised fatigue duty. He shall not leave the lock-up during the period of his confinement, except under escort of one or more Constables in uniform, and in accordance with the order, general or specific, of an officer of status not less than that of Lines officer.

16.7. Punishment drill.—(1) Punishment drill shall consist of drill with a musket and rolled great-coat for not more than six or less than four hours in any one day, with an interval of at least 30 minutes between each hour. Only such days shall be counted towards the completion of an award of punishment drill on which such drill is actually carried out.

1. Sub-Rule 2 and 3 omitted by Haryana Notification dated 4.2.1975.

(2) An officer awarding punishment drill may direct that the constable so punished, if attached to the reserve, shall not leave the lines, except on duty, during the days on which such punishment is to be carried out.

16.8. Censures.—A censure shall be recorded in the character roll of a police officer only under the following conditions—

(i) Censures shall be supported by a formal order in the order book.

(ii) No Censure shall be recorded by an Assistant or Deputy Superintendent of Police, without the prior approval of the Superintendent, in the character roll of any officer whom he is not empowered under rule 16.1 (2) to punish.

(iii) A District Magistrate is authorised, subject to the limitations prescribed in clause (iv) below, to record a censure in the character roll of any enrolled police officer.

(iv) A censure, whether recorded by a District Magistrate or a police officer, is required to be confined to facts and deductions from such facts. Statements or expressions of opinion amounting to charges of a kind which, if proved, would involve a major punishment, shall not be so recorded. Such statements should form the basis of a formal enquiry at which the officer against whom they are made has the opportunity of making his defence. Their record in character rolls ex-parte is prohibited.

16.9. Maintenance of discipline.—Discipline shall be maintained by patient and continuous instruction, combined with firm, vigorous and sustained control, Superintendents and officers subordinate to them having power to punish shall endeavour to check neglect and misconduct in their subordinates, which appear to be due to ignorance or inattention and not to willful disobedience, by clear instruction and careful explanation. They shall, as far as possible, avoid the constant infliction of minor punishments, and shall, in all cases in which they inflict punishment, pass their orders after full consideration of the facts and circumstances of the case and of the character and position of the officer punished. If the previous record of an officer, against whom charges have been proved, indicates continued misconduct proving incorrigibility and complete unfitness for police service, the punishment awarded will ordinarily be dismissal from service. When complete unfitness for police service is not, but unfitness for a particular rank is, established, the punishment will normally be reduction.

16.10. Punishment of officers officiating in higher rank.—The misconduct of a police officer must be judged in relation to the position he was occupying at the time when such misconduct is alleged to have taken place. For purposes of punishment, therefore, an officer officiating in a higher rank shall be treated as belonging to that rank. This rule shall not prevent an officer being reverted to his substantive rank on being placed under suspension.

16.11. Presecution under section 29, Act V of 1861.—When a disciplinary offence on the part of a police officer can be adequately punished departmentally, such officer shall not be prosecuted under section 29 of the Police Act, and no upper subordinate shall be prosecuted under that section without the sanction of the Deputy Inspector-General.

16.12. Judicial prosecutions.—When a police officer is departmentally punished for an offience committed in his public capacity for which he is liable to be prosecuted criminally, the Deputy Inspector-General is required to satisfy himself that the course adopted was expedient in the interests of the administration, and may order a criminal prosecution if he considers it desirable.

SYNOPSIS

1. Natural justice—Enquiry.

1. Natural justice–Enquiry—The rule of natural justice and fairness to the official are two paramount considerations. It is instructive in this context to refer to the decision of the House of Lords in *Ridge v. Baldwin, (1963 ALL. ER 66)*, where the Watch Committee summarily dismissed a Cheif Constables on the basis of his being severely criticised by the trial judge while acquiring him. There was no doubt a departmental enquiry in this case but, the enquiry as explained above, did not give a sufficient opportunity as required by, the rule for the petitioner to defend himself adequately. The said proceedings are, therefore, quashed. *Hem Raj, A.S.I. Police v. The Delhi Administration and ors., 1973(1) S.L.R. 349.*

16.13. Magisterial procedure.—(1) All cases against police officers are required by standing instruction of the High Court to be tried by magistrates of the Ist class. Petty charges in which there is no probability of the District Magistrate, who is the appellate authority, having been required to advise in the executive capacity, may, however, be tried by any Magistrate who can most conveniently take them up. Police officers are never to be tried summarily.

(2) Magistrates are required to exercise care in making entries of censure on police officers in their judgments, and it is undesirable that they should make remarks in criminal cases censuring the action of police officers, unless such remarks are strictly relevant to the case and the officers concerned have had an opportunity of explaining their action-(vide Chief Court Circular No. 7-3482-G, dated 19h September, 1903, reproduced in Police Rule Appendix No. 1.19). If remarks to which exception can be taken come to notice, they shall be referred in the first instance by the Superintendent to the District Magistrate.

16.14. Punishment Register.—(1) A punishment register in Form 16.14 (1) shall be maintained in each district.

(2) Every award of departmental punishment, except awards of punishment drill not exceeding 10 days, shall be entered therein.

(3) All punishment inflicted by criminal courts upon police officers shall be entered at the reverse end of the punishment register.

(4) An award of dismissal in consequence of a criminal conviction shall not be shown separately as a departmental punishment.

(5) If the award is one of punishment drill not exceeding 10 days, the entry made in the Order Book shall be the only record of such punishment.

(6) All punishments required to be entered in the punishment register shall also be entered in character and service rolls. Entries of punishment, against which an appeal lies, shall not be made in character or service rolls until the lapse of the period of appeal or until the appeal has been decided.

16.15. Monthly punishment returns.—(1) Every Superintendent shall, on or about the 5th day of each month, prepare and despatch to the Deputy Inspector-General a return in Form 16.15 (1) of all punishments, departmental and judicial, inflicted during the preceding month and required under rule 16.14 (6) to be entered in character rolls. Such return shall after due examination by the Deputy Inspector-General be filed in his office.

(2) Sufficient particulars shall be given in column 3 to enable the Deputy Inspector-General to judge of the fitness of the award.

(3) All entries shall bear the annual serial numbers of the punishment register, and copies of all bad entries made in the character rolls of upper subordinates during the last preceding month shall be submitted with the return.

(4) When an award is quashed or altered by an authority empowered to do so, the entry in the return and in the punishment register shall be cancelled or amended accordingly, and a fresh order shall be entered in the Order Book canceling or amending the original order of punishment.

16.16. Annual return of punishments for corruption.—Every Superintendent shall submit to the Deputy Inspector-General of Police, on or before the 5th January in each year, a statement in Form 16.16, showing all punishments inflicted in consequence of corruption. Deputy Inspectors-General and the Superintendent of Police Railway shall submit to the Inspector-General a consolidated statement on or before the 10th January, in each year together with an annual review discussing the progress of anti-corruption measures, etc., as required by Punjab Government letters Nos. 8957-G.-38/10003 (H.—Gaz.) and 2124-G.-39/18878 (H.—Gaz.), dated the 15th March, 1939 and 25th May, 1939, respectively.

16.17. Power to suspend an officer.—Any police officer above the rank of Head Constable may suspend, pending inquiry or investigation, any enrolled police officer junior to him in rank, who is guilty or is reasonably suspected of misconduct. An officer may be released from suspension only by the gazetted officer empowered to punish him. The suspension of an upper subordinate shall be reported immediately to the Deputy Inspector-General in Form 16.17. The release of such officer and the reason therefore shall also be reported to the Deputy Inspector-General.

16.18. Suspension in departmental cases.—A police officer, whose conduct is under departmental enquiry, shall ordinarily be placed under suspension, when it appears likely that a charge will be framed which, if proved, would render him liable to reduction or dismissal, or when the nature of the accusations against him is such, that his remaining on duty is prejudicial to the public interests, or to the investigation into those accusations. Unnecessary suspensions should be avoided, as they increase the number of non-effectives, and also, unless the officer suspended is acquitted, involve under Fundamental Rule 43 the additional penalty, over and above the punishment awarded, of the substitution for pay of a subsistence grant.

16.19. Suspension in Judicial cases.—A police officer charged with a criminal offence shall unless the Deputy Inspector-General of Police or the Assistant Inspector-General, Government Railway Police for special reasons to be recorded in writing otherwise directs, be placed under suspension from the date on which he is sent for trial, if such action has not already been taken under the provisions of rule 16.17. Suspension is compulsory during any period in which a police officer is committed to prison. A police officer, who may be arrested by order of a civil court in execution of a decree or otherwise shall be considered as under suspension from the date of arrest till his release from custody is ordered by the Court.

SYNOPSIS

1. Training–Refusal to depute to B-1 Lower School Course.

1. Training–Refusal to depute to B-1 Lower School Course.—I am the considered view that the respondents are justified in not deputing the petitioner to the Lower School Course so long as she remains under suspension because of the pending Criminal case against her. At the same time, I feel that the petitioner cannot be robbed of the meritorious position attained by her in the written and parade test and the eligibility for undergoing the Lower School Course gained by her. In the circumstances, therefore, the appropriate direction which ought to be issued is that as and when and in case the petitioner is acquitted of the criminal charges against her and is consequently reinstated in service, she shall be deputed to the ensuing Lower School Course at the Police Training School, Madhuban, immediately after the date of her acquittal and reinstatement. *Krishna Devi, Lady Constable v. State of Haryana and ors., 1988(3) S.L.R. 384.*

16.20. Subsistence Grants.—(1) A Police officer under suspension shall be given a subsistence grant. If, as the result of an enquiry, a police officer under suspension is punished, his subsistence grant for the time spent under suspension may not exceed one-fourth of his pay (Fundamental Rule 53); if he is acquitted either as the result of an original enquiry or on appeal, the assessment of the subsistence grant is governed by Fundamental Rule 54.

(2) The following officers are empowered to make subsistence grants to police officers under suspension—

(a) Deputy Inspectors-General, the Assistant Inspector-General, Railway Police, and Superintendents of Police.	To all non-Gazetted officers subordinate to them.
(b) The Assistant Superintendent, Government Railway Police, and (except as regards Sergeants) Deputy Superintendents in charge of Railway Police Sub-Divisions, subject to confirmation by the Assistant Inspector-General, Railway Police.	Ditto

SYNOPSIS

1. Departmental enquiry—Found guilty of one of the charges.

1. Departmental enquiry–Found guilty of one of the charges.–Rule 16.3 of the Rules inter alia provides that if a Police Officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on different charge upon the evidence cited in the criminal case,whether actually led or not, unless, (a) the criminal charges has failed on technical grounds or (b) in the opinion of the Court or of the Superintendent of Police, the procecution witnesses have been won ever; or (c) the court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or (d) the evidence cited in the criminal case disclose facts unconnected with the charge before the Court which justify departmental proceedings on a different charge; or (e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available. Thus, it could not be successfully argued that after having been acquitted by the criminal Court, the plaintiff could not be proceeded against departmentally under any circumstances. *Ram Rakha Joshi (Retd.) A.S.I. Punjab Police v. State of Punjab, 1984(1) S.L.R. 404.*

16.21. Status and Treatment of Officers under suspension.—(1) A police officer shall not only be reasons of being suspended from office cease to be a police officer.

During the term of such suspension the powers, functions and privileges vested in him as a police officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if had not been suspended.

(2) A police officer under suspension shall be transferred to the lines, if not already posted there. He shall attend all roll calls and shall be required to perform such duties and to attend such parades as the Superintendent may direct; provided that he shall not perform guard duty or any other duty entailing the exercise of the powers or functions of a police officer; shall not be placed on any duty involving the exercise of responsibility, and shall not be issued with ammunition. A police officer under suspension shall ordinarily be confined to lines when off duty, but shall be allowed reasonable facilities for the preparation of his defence. When transferred to the lines under this rule Lower Subordinates shall deposit their belts and Upper subordinates their revolvers, belts and swords with the Line Officer.

(3) Mounted police officers placed under suspension shall cease to draw horse, pony or camel allowance, as the case may be, and hand over their mounts to the Lines Officer who shall be responsible for the feeding and keeping of such animals under the supervision of a gazetted Officer. The actual expenditure incurred on this account shall be debited to contingencies under the head "Feeding and keeping of animals of mounted police officers under suspension".

SYNOPSIS

1. Absence from duty for 18 days while under suspension.

1. Absence from duty for 18 days while under suspension.—The perusal of Rule 16.21(2) of the Punjab Police Rules, 1934, reveals that during the suspension period of a Police Officer, he cannot be assigned responsible duties like guard duty or any other duty entailing the exercise of the power or functions of a Police Officer or duty involving the exercise of responsibility, but during suspension he shall ordinarily be confined to lines and may be required to perform such duties and to attend such parades as the Superintendent may direct. It is further provided that such officer on suspension shall be transferred to the police lines and he shall deposit his belt and ammunition etc. with the lines Officer.

The working of the mind of a suspended police officer on account of the registration of a criminal case just after his release by the Court on bail, in such criminal cases can be well imagined. Certainly he will feel confused and shaken, especially when he is convinced of his innocence. This conclusion is further fortified as according to the written statement filed by the respondent State, the above referred criminal cases consequently, ended in his acquittal, although the Court has given him the benefit of doubt. Just the lapse on the part of the petitioner is not attending the police lines during the spell of 18 days cannot be said to be that grave as that of a regular police officer and thus would not entail the extreme penalty of terminating his services. *Phool Singh v. State of Haryana, 1989(6) S.L.R. 138.*

16.22. Records in departmental cases.—(1) In all departmental cases in which the alleged offence is such as to merit a major punishment if proved, a record shall be kept, which shall contain—

(a) the charge;

(b) the evidence supporting the charge;

(c) the defence of the accused officer;

(d) the statements of the defence witnesses, if any;

(e) the finding of the officer conducting the case;

(f) the final order.

(2) In all cases against upper subordinate the record shall be in English throughout. In cases against lower subordinates evidence may be recorded in vernacular, but the statement of the accused officer in his defence, the finding, and the final order shall be in English.

(3) The record shall be paged like an ordinary file, and an index in Form 16.22 (3) shall be attached to the first page.

(4) The record, together with any orders passed in revision or appeal, shall, after the necessary entry has been made in the character roll, be filed with the vernacular personal file of the officer concerned. If the record concerns more than one officer, an attested copy of the final order in the case shall be attached to the vernacular personal file of each officer concerned.

(5) Each record shall bear the annual serial number of the entry in the punishment register relating to the case, and a reference to this number shall be made in the remarks column of the Long Roll.

SYNOPSIS

1. *Discretion left to the enquiry officer to record the evidence in vernacular if he so decides.*
2. *Final authority on question of fact.*
3. *Service of an Advocate.*

1. Discretion left to the enquiry officer to record the evidence in vernacular if he so decides.—Petitioner also contends that the evidence should have been recorded during the enquiry proceedings in vernacular and not in English. In this connection he relies on Punjab Police Rule 16.22(2). This lays down that "in all cases against upper subordinates the record shall be in English throughout. In cases against lower subordinates evidence may be recorded in vernacular, but the statement of the accused officer in his defence, the finding and the final order shall be in English". This rule shows that a discretion is left to the enquiry officer to record the evidence in vernacular if he so decides. It is not imperative for him to record the evidence in vernacular only. Moreover, I find that this point was not taken up by the petitioner either before the enquiry officer or before the disciplinary authority or in appeal. This contention has, therefore, to be rejected. *Ajit Singh, Constable v. Kirpal Singh, D.I.G. Police, Delhi and others, 1972 S.L.R. 768.*

2. Final authority on question of fact.—Petitioner's contention that the bare statement of Uma Shankar, Sub-Inspector that he saw the petitioner attending the mass rally in question should not have been accepted in view of the evidence produced by the petitioner, is miconceived. Whether the petitioner did attend the rally or not in a question of fact and it cannot be said that the findings given by the enquiry officer is without evidence. It is for him to believe a particular witness and disbelieve the other. He is the final authority on question of fact as long as the decision can be shown to be based on evidence. *Ajit Singh, Constable v. Kirpal Singh, D.I.G. Police, Delhi and others, 1972 S.L.R. 768.*

3. Services of an Advocate.—Petitioner's contention that he was denied the services of an Advocate during the proceedings before the enquiry officer is without substance. In his writ petition he has only mentioned this fact indirectly to show that the enquiry officer was biased and prejudiced against him and "the petitioner was not even entitled to avail of the assistance of some advocate". There is nothing to show whether the petitioner did request for such assistance. Even in the petition he has not disclosed when and how such assistance was asked for and refused. Again, no grievance was made at any stage of the proceedings right to the appellate stage about this aspect. *Ajit Singh, Constable v. Kirpal Singh, D.I.G. Police, Delhi and others, 1972 S.L.R. 768.*

16.23. Prompt record of complaints.—Whenever a definite complaint is made by a member of the general public of misconduct on the part of a police officer, the officer to whom such complaint is made shall, provided he is senior in rank

to the officer complained against, immediately record it, together with such statements in support of the complaint as may be immediately available. This record shall be forwarded without delay through the usual channel to the Superintendent of Police or other gazetted officer under whose immediate control the officer who has recorded the complaint is serving. If such officer is of opinion that the allegations in the record constitute a *prima facie* case for enquiry, he shall proceed as in rule 16.24 post. The record referred to above shall be attached to the record of the inquiry and may be used as the basis of the charge, but the statements recorded shall not be regarded as evidence; the persons making such statement shall ordinarily be called as witnesses and examined in the presence of, and be tendered for cross-examination by, the accused police officer.

Rule 16.24 for Punjab

16.24. Procedure in departmental enquiries.—(1) The following procedure shall be followed in departmental enquiries—

(i) The police officer accused of misconduct shall be brought before an officer empowered to punish him, or such superior officer as the Superintendent may direct to conduct the enquiry. That officer shall record and read out to the accused officer a statement summarizing the alleged misconduct in such a way as to give full notice of the circumstances in regard to which evidence is to be recorded. A copy of the statement will also be supplied to the accused officer free of charge.

(ii) If the accused police officer at this stage admits the misconduct alleged against him, the officer conducting the enquiry may proceed forthwith to frame a charge, record the accused officer's plea and any statement he may wish to make in extenuation and to record a final order, if it is within his power to do so, or a finding to be forwarded to an officer empowered to decide the case. When the allegations are such as can form the basis of a criminal charge, the Superintendent shall decide at this stage, whether the accused shall be tried departmentally first and judicially thereafter.

(iii) If the accused police officer does not admit the misconduct, the officer conducting the enquiry shall proceed to record such evidence, oral and documentary, in proof of the accusation, as is available and necessary to support the charge. Whenever possible, witnesses shall be examined direct, and in the presence of the accused, who shall be given opportunity to take notes of their statements and cross-examine them. The officer conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay and expense or inconvenience, if he considers such statement necessary, and provided that it has been recorded and attested by a police officer superior in

rank to the accused officer or by a magistrate, and is signed by the person making it. This statement shall also be read out to the accused officer and he shall be given an opportunity to take notes. The accused shall be bound to answer any questions which the enquiring officer may see fit to put to him with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.

(iv) When the evidence in support of the allegations has been recorded the enquiring officer shall, (a) if he considers that such allegations are not substantiated, either discharge the accused himself, if he is empowered to punish him, or recommend his discharge to the Superintendent, or other officer, who may be so empowered, or (b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.

(v) The accused officer shall be required to state the defence witnesses whom he wishes to call and may be given time, in no case exceeding forty-eight hours, to prepare a list of such witnesses, together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specific charge framed. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded; provided that the enquiring officer may cause to be recorded by any other police officer superior in rank to the accused the statement of any such witness whose presence cannot be secured without undue delay or inconvenience, and may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers, except such as form part of the record of the confidential office of the Superintendent of Police, as the enquiring officer deems fit. The supply of copies of documents to the accused shall be subject to the ordinary rules regarding copying fees.

(vi) At the conclusion of the defence evidence, or, if the enquiring officer so directs, at any earlier stage following the framing of a charge, the accused shall be required to state his own answer to the charge. He may be permitted to file a written statement and may be given time, not exceeding one week, for its preparation, but shall be bound to make an oral statement in answer to all questions which the enquiring officer may see fit to put to him, arising out of the charge, the recorded evidence, or his own written statement.

(vii) The enquiring officer shall the proceed to pass orders of acquittal or punishment, if empowered to do so, or to forward the case with his finding and recommendations to an officer having the necessary powers.

Whenever the officer passing the orders of punishment proposes to take into considerations the adverse entries on the previous record of the accused police officer, he shall provide reasonable opportunity to the defaulter to defend himself; and a copy or at least a gist of those entries shall be conveyed to the defaulter and he shall be asked to give such explanation as he may deem fit. The explanation furnished by the defaulter shall be taken into account by the officer before passing orders in the case.

(viii) Nothing in the foregoing rule shall debar a Superintendent of Police from making or causing to be made a preliminary investigation into the conduct of a suspected officer. Such an enquiry is not infrequently necessary to ascertain the nature and degree of misconduct which is to be formally enquired into. The suspected police officer may or may not be present at such preliminary enquiry, as ordered by the Superintendent of Police or other gazetted officer initiating the investigation, but shall not cross-examine witnesses. The file of such a preliminary investigation shall form no part of the formal departmental record, but statements therefrom may be brought to the formal record when the witnesses are no longer available in the circumstances detailed in clause (iii) above. All statements recorded during a preliminary investigation should be signed by the person making them and attested by the officer recording them.

(ix) No order of dismissal or reduction in rank shall be passed by an officer empowered to dismiss a police officer or reduce him in rank until that officer has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him, provided that this shall not apply—

(a) where a police officer is dismissed or reduced in rank on the ground of conduct which led to his conviction on a criminal charge; or

(b) where the officer empowered to dismiss him or reduce him in rank is satisfied that for some reasons to be recorded by that officer in writing, it is not reasonably practicable to give to that police officer an opportunity of showing cause.

Before an order of dismissal or reduction in rank is passed, the officer to be punished shall be produced before the officer empowered to punish him, and shall be informed of the charges proved against him, and called upon to show cause why an order of dismissal or reduction in rank should not be passed. Any representation that he may make shall he recorded, shall form part of the record of the case, and shall be taken into consideration by the officer empowered to punish him before the final order is passed:

Provided that if, owing to the complicated nature of the case or other sufficient reason to be recorded, the officer empowered to impose the punishment considers

this procedure inappropriate, he may inform the officer to be punished in writing of the charges proved against him, and call upon him to show cause in writing why an order of dismissal or reduction in rank should not be passed. Any written representation received shall be placed on the record of the case and taken into consideration before the final order is passed.

2. (i) Notwithstanding anything contained in sub-rule (1) a Superintendent of Police or any officer of rank higher than Superintendent, may institute, or cause to be instituted, *ex parte* proceedings in any case in which he is satisfied that the defaulter cannot be found or that inspite of notice to attend the defaulter is deliberately evading service or refusing to attend without due cause.

(ii) The procedure in such *ex parte* proceedings shall, as far as possible, confirm to the procedure laid down in sub-rule (1):

Provided that the defaulter shall be deemed—

(a) not to have admitted the allegations contained in the summary of misconduct, and

(b) to have entered a plea of not guilty to the charge:

Provided further that the defaulter, if he subsequently appears at any stage during the course of the proceedings shall not be entitled to claim*de novo* proceedings or to recall for cross-examination any witness whose evidence has already been recorded. He shall, however, be fully informed of the evidence which has been led against him and shall be permitted to take notes thereof. He shall also be furnished with a copy of the summary of misconduct and of the charges or charges framed.

Rule 16.24 for Haryana

16.24. Procedure in departmental enquiries.—(1) The following procedure shall be followed in departmental enquiries—

(i) The police officer accused of misconduct shall be brought before an officer empowered to punish him, or such superior officer as the Superintendent may direct to conduct the enquiry. That officer shall record and read out to the accused officer a statement summarizing the alleged misconduct in such a way as to give full notice of the circumstances in regard to which evidence is to be recorded. A copy of the statement will also be supplied to the accused officer free of charge.

(ii) If the accused police officer at this stage admits the misconduct alleged against him, the officer conducting the enquiry may proceed forthwith to frame a charge, record the accused officer's plea and any statement he may wish to make in extenuation and to record a final order, if it is within his power to do so, or a finding to be forwarded to an officer empowered to decide the case. When the allegations are such as can form the basis of a criminal charge, the Superintendent shall decide at this stage, whether the accused shall be tried departmentally first and judicially thereafter.

(iii) If the accused police officer does not admit the misconduct, the officer conducting the enquiry shall proceed to record such evidence, oral and documentary, in proof of the accusation, as is available and necessary to support the charge. Whenever possible, witnesses shall be examined direct, and in the presence of the accused, who shall be given opportunity to take notes of their statements and cross-examine them. The officer conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay and expense or inconvenience, if he considers such statement necessary, and provided that it has been recorded and attested by a police officer superior in rank to the accused officer or by a magistrate, and is signed by the person making it. This statement shall also be read out to the accused officer and he shall be given an opportunity to take notes. The accused shall be bound to answer any questions which the enquiring officer may see fit to put to him with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.

(iv) When the evidence in support of the allegations has been recorded the enquiring officer shall, (a) if he considers that such allegations are not substantiated, either discharge the accused himself, if he is empowered to punish him, or recommended his discharge to the Superintendent, or other officer, who may be so empowered, or (b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.

(v) The accused officer shall be required to state the defence witnesses whom he wishes to call and may be given time, in no case exceeding forty eight hours, to prepare a list of such witnesses, together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specific charge framed. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded; provided that the enquiring officer may cause to be recorded by any other police officer superior in rank to the accused the statement of any such witness whose presence cannot be secured without undue delay or inconvenience, and may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers, except such as form part of the record of the confidential office of the Superintendent of Police, as the enquiring officer deems fit. The supply of copies of documents to the accused shall be subject to the ordinary rules regarding copying fees.

(vi) At the conclusion of the defence evidence, or, if the enquiring officer so directs, at any earlier stage following the framing of a charge, the accused shall be required to state his own answer to the charge. He may be permitted to file a written statement and may be given time, not exceeding one week, for its preparation, but shall be bound to make an oral statement in answer to all questions which the enquiring officer may see fit to put to him, arising out of the charge, the recorded evidence, or his own written statement.

(vii) The enquiring officer shall the proceed to pass orders of acquittal or punishment, if empowered to do so, or to forward the case with his finding and recommendations to an officer having the necessary powers. Whenever the officer passing the orders of punishment proposes to take into considerations the adverse entries on the previous record of the accused police officer, he shall provide reasonable opportunity to the defaulter to defend himself; and a copy or at least a gist of those entries shall be conveyed to the defaulter and he shall be asked be conveyed to the defaulter and he shall be asked to give such explanation as he may deem fit. The explanation furnished by the defaulter shall be taken into account by the officer before passing orders in the case.

(viii) Nothing in the foregoing rule shall debar a Superintendent of Police from making or causing to be made a preliminary investigation into the conduct of a suspected officer. Such an enquiry is not infrequently necessary to ascertain the nature and degree of misconduct which is to be formally enquired into. The suspected police officer may or may not be present at such preliminary enquiry, as ordered by the Superintendent of Police or other gazetted officer initiating the investigation, but shall not cross-examine witnesses. The file of such a preliminary investigation shall form no part of the formal departmental record, but statements therefrom may be brought to the formal record when the witnesses are no longer available in the circumstances detailed in clause (iii) above. All statements recorded during a preliminary investigation should be signed by the person making them and attested by the officer recording them.

[1][(ix) ***]

(2) (i) Notwithstanding anything contained in sub-rule (1) a Superintendent of Police or any officer of rank higher than Superintendent, may instituted, or cause to be instituted, *ex parte* proceedings in any case in which he is satisfied that the defaulter cannot be found or that in spite of notice to attend the defaulter is deliberately evading service or refusing to attend without due cause.

(ii) The procedure in such *ex parte* proceedings shall, as far as possible, conform to the procedure laid down in sub-rule (1):

1. Omitted by Haryana Government Notification No. G.S.R. 31/C.A. 5/1861/S. 2 and 7/85, dated 21.3.1985.

Provided that the defaulter shall be deemed —

(a) not to have admitted the allegations contained in the summary of misconduct, and

(b) to have entered a plea of not guilty of the charge;

Provided further that the defaulter, if he subsequently appears at any stage during the course of the proceedings shall not be entitled to claim *de novo* proceedings or to recall for cross-examination any witness whose evidence has already been recorded. He shall, however, be fully informed of the evidence which has been led against him and shall be permitted to take notes thereof. He shall also be furnished with a copy of the summary of misconduct and of the charge or charges framed.

(3) Notwithstanding anything contained in these rules, where an officer, empowered to dismiss, remove or reduce in rank the police officer accused of misconduct, is satisfied at any stage during an enquiry that for reasons, to be recorded in writing by that officer, it is not reasonably practicle to hold the enquiry after that stage, he will stright-away award the punishment.

Explanation.—For the purposes of sub-rule (3), initiation of disciplinary proceedings against the police officer on the grounds of,—

(i) including in spying or smuggling activities;

(ii) disrupting the means of transport or of communication;

(iii) damaging public property;

(iv) creating indiscipline amongst fellow policemen;

(v) promoting feelings of enmity or hatred between different classes of citizens of India or grounds of religion, race, caste, community or language;

(vi) going on strike or mass casual leave or resorting to mass abstenstions;

(vii) spreading disaffection against the Government; and

(viii) causing riots and the like;

shall be a sufficient reason for concluding that it is not reasonably practicable to hold the enquiry.

SYNOPSIS

1. *Admission regarding guilt and pleading guilty.*
2. *Constable molesting lady constable.*
3. *Cross-Examination–Departmental Enquiry.*
4. *Departmental Enquiry–Right to cross-examination.*
5. *Departmental enquiry dispensed with after recording reasons and application of mind.*
6. *Dismissal from service after departmental enquiry.*
7. *Dismissal on the charge of assaulting a girl.*
8. *Dismissal –Refusal to perform the duty.*

9. *Dispensing with enquiry.*
10. *District Magistrate to pass a speaking order.*
11. *Enquiry Officer exonerated the petitioner by holding that was not negligent in the performance of his duties.*
12. *Enquiry–Police officer challenged the accused.*
13. *Nature and degree of misconduct.*
14. *Non-supply of statement of witness cannot be said to have vitiated the disciplinary proceedings.*
15. *No reasonable opportunity given to cross-examine the witness produced by the department.*
16. *Opportunity of hearing not given before passing the order.*
17. *Opportunity of oral hearing.*
18. *Opportunity of personal hearing.*
19. *Opportunity to a delinquent.*
20. *Order of dismissal well reasoned–Personal hearing not given.*
21. *Personal hearing–No specific plea.*
22. *Personal hearing–Procedure regarding.*
23. *Presence before the dismissing authority.*
24. *Reasons for dispensing with the enquiry.*
25. *Reduction in rank.*
26. *Reference to District Magistrate.*
27. *Termination of probationer on the ground of taking part in "a non-taking food compaign".*
28. *Word "enforcement".*
29. *Termination of service-Double Jeopardy.*
30. *Dismissal—Grave misconduct.*
31. *Departmental proceeding—Criminal trial.*
32. *Protection of the rights of the citizens-Duty of the Court.*
33. *Statutory Rules-Requirement of compliance of.*
34. *Dismissal from service-Effect of delayed challenging order.*
35. *Order of punishment-Interference by the Civil Court.*
36. *Reason for condonation of delay-Held not sufficient.*

1. Admission regarding guilt and pleading guilty.—The petitioner was not given an opportunity to defend himself. Now the papers of the enquiry which are produced in the case show that the petitioner had admitted and had pleaded guilty to the charges levelled against him. It is difficult to understand what further opportunity the petitioner required in view of this clear plea of guilty. The petitioner has contended in the petition that he had never pleaded guilty. This is of course a bare assertion of an interested party. In fact, he has not filed any appeal challenging the allegation that he pleaded guilty. *Shri Bhagat Ram v. Inspector General of Police, Himachal Pradesh and others, 1979(3) S.L.R. 256.*

2. Constable molesting lady constable.—The trial court found that the plaintiff was guilty of the alleged misconduct; there was no necessity for according the sanction by the

District Magistrate and that there was no question of any illegality in the orders passed by the authorities. Consequently, his suit was dismissed. In appeal, the learned Additional District Judge reversed the said finding of the trial Court relying upon the judgment of this court in *Gurdev Singh v. The State of Haryana, 1976(2)* SLR 442. In view of the ratio of the above-said case, it was held that in the present case, the only allegation against the plaintiff was that while under the influence of liquor he pulled down the mosquito-net of the lady Constable while she was sleeping on cot. There was no allegation that the said lady Constable was actually molested. No finding was recorded by the punishing authority that the misconduct committed by him was of a gravest type. That being so, the order of dismissal passed against the plaintiff was liable to be struck down. It was further found by the lower appellate Court that the provisions of rule 16.24 of the Punjab Police Rules, were also not complied with inasmuch as the plaintiff was not fully informed of the evidence which had been led against him ex parte, and that he was not permitted to take notes of the same. Thus, the mandatory provisions of rule 16.24 of the Rules were violated. In view of the said findings, the plaintiff's suit was decreed. Dissatisfied with the same, the state of Punjab has filed this second appeal in this Court. *State of Punjab and others v. Iqbal Singh, Ex-Constable, 1983(3) S.L.R. 713.*

3. Cross-Examination–Departmental Enquiry.—In a disciplinary inquiry against a civil servant, the right of effective cross-examination including the contradiction of witnesses examined in support of the charges is an essential part of the rules of natural justice. *Jug Raj Singh v. The Delhi Administration, Delhi and others, 1970 S.L.R. 400.*

4. Departmental Enquiry—Right to cross-examination.—The petitioner was denied the right to defend himself because the right of effective cross-examination by using the previous statement of the complainant was denied to him contrary to Police Rules. Apart from Police Rules the right of cross-examination is included in the minimum content of the rules of natural justice applicable to a disciplinary inquiry. Further held, there are two classes of documents to which public servant has a right to defend himself. In the first class are the documents on which the Inquiry Officer relies, that is to say documents which are intended to be used by the prosecution agency to prove the charges against the public servant, in the second class fall the documents which, even if they are not relied upon by the Enquiry Officer to support the charges against the petitioner, are nevertheless required by the petitioner for his defence. *Jug Raj Singh v. The Delhi Administration, Delhi and others, 1970 S.L.R. 400.*

Dismissal—Misconduct–A question arises a record of person's prosecution as well as its reasons should be kept? In case his procedure is done against department. Then no recording of reasons why he is not prosecuted. If there is defect in the order then departmental enquiry has to be proceeded. *Haryana State through Collector, Karnal v. Raghbir Singh, 2002(1) RCR (Civil) 657 (P&H): 2002(1) PLR 782 (P&H).*

5. Departmental enquiry dispensed with after recording reasons and application of mind.—It could not be successfully argued on behalf of the petitioner that the enquiry under Article 311(2)(b) of the Constitution of India was dispensed with arbitrarily or without any application of mind. Moreover, a case under section 223, 224, IPC had been registered against the petitioner and the proceedings are pending in the Court of Additional Chief Judicial Magistrate, Ferozepur. Immediately after the said F.I.R. No. 1 dated 2.1.1986 was registered against the petitioner, he was dismissed from service vide order 3.1.1986 after dispensing with the departmental enquiry. Even if it be held that the enquiry was not dispensed with arbitrarily, then as regards punishment, ordinarily it is not for this court to go into the matter. It is for the department concerned to award punishment after

taking into consideration all the facts and circumstances of the case. *Balbir Singh v. State of Punjab and others, 1989(4) S.L.R 42: 1989(2) RSJ 540.*

6. Dismissal from service after departmental enquiry.—It is correct that under Rule 16.24(2)(ii) even in the case of *ex parte* proceedings, the procedure prescribed under Rule 16.24(1) has to be followed as far as possible. Personal hearing is definitely a step in the procedure prescribed under Rule 16.24(1) for holding a departmental enquiry to impose the penalty of dismissal. But in my opinion, the words 'as far as possible' make the provision only directory. Therefore, if no personal hearing was given to Sh. Dhani Ram, the order dated 7.9.1973 of dismissal is not vitiated. I am satisfied that in the present case no useful purpose would have been served by another notice to Sh. Dhani Ram by the Superintendent of Police for his personal appearance. Sh. Dhani Ram would have maintained his silence as he did before. From the narration of facts given above, it is established on record that Sh. Dhani Ram was afforded proper opportunity to defend himself at different stages at the departmental proceedings. The case of *Shri Ram v. The State of Punjab, 1967 SLR 678* is distinguishable on its own facts. That was not a case of ex parte proceedings. Moreover, it was found by the Court that though personal hearing was given to the petitioner in that case yer, it was a mere formality as the Superintendent of Police had already made up his mind to punish him as was apparent from the notice to show cause. *Dhani Ram v. State of Himachal Pradesh, 1991(6) S.L.R. 184.*

7. Dismissal on the charge of assaulting a girl.—The petition averred two separate facts. Para 11 of the petition stated that the findings of the Enquiry Officer were not communicated to the appellant when he was summoned before the Superintendent of Police, and Para 12 stated that he was only orally told that it was proposed to dismiss him, and that no other fact was communicated to him. In reply to these two averments, the affidavit which has not been filed admits that the first of the allegations is correct. Para 11 of the affidavit of the respondent quite clearly admits that the findings were not communicated to the appellant. Para 12 of the petition which stated that he was only told that it was proposed to dismiss him has not been met by the quotation from the order sheet of the proceedings before the Superintendent of Police, and does not advance the matter much further.

It was contended before us that what is meant by the word 'charge' in the order sheet of the Superintendent of Police is very much the same, as is meant by Rule 16.24, para 9 of the Punjab Police Rules, Vol. II, where it is laid down that the "defaulter" should be explained the "charges proved" against him but this is not what the order sheet of the Superintendent of Police shows. The Superintendent does not say that the appellant was explained the nature of the findings on the charge against him. All that the order sheet shows is that the charge was explained to him. Now, the word 'charge' in this context is something quite different from 'finding' and it may be presumed that the Superintendent of Police knew this difference. In our opinion, the affidavit filed in this Court in reply to the petition does not show that there was any real attempt to explain to the appellant on what grounds the findings proceeded and indeed, what the findings themselves were. In view of this, it is difficult to hold that there was due compliance with the requirements of Art. 311(2) of the Constitution. Every public servant, however, bad he may be is entitled to have the whole of the matter brought to his notice before he was asked to show cause way a particular punishment should not be meted out to him. This does not appear to have been done, and the affidavit which has been filed in this court is not the affidavit of the officer who knew personally about the matter but of a person who had only the proceedings before him and quoted extracts therefrom in the affidavit and swore to their

accuracy from information. In this view of the matter, we find ourselves unable to accept the contention of the learned counsel for the respondent that due compliance with the requirments of Art. 311(2) was made in this case. In our opinion, this defect goes to the very root of the matter, and the appeal must, on this ground alone, succeed. *Avtar Singh, Police Constable v. The Inspector General of Police, Punjab, 1968 S.L.R. 131.*

8. Dismissal–Refusal to perform the duty.—The impugned order does not indicate that the punishing authority examined the claim of the plaintiff for pension having regard to the length of his service. It is undisputed that the plaintiff had 7-1/2 years service to his credit on the date of order of dismisal was passed. The rule enjoined upon the disciplinary authority while awarding the punishment of dismissal from service to take into consideration the length of service of the delinquent official and his claim to pension. The impugned order does not indicate that the disciplinary authority took into consideration the length of service of the plaintiff and his claim to pension. The order of dismissal being in violation of the statutory rule was rightly held to be invalid. The judgments of the Courts below suffer from no infimirmity. The same are upheld. *State of Haryana v. Lachhman Singh, 1991(7) S.L.R. 74: 1992(2) RSJ 398.*

9. Dispensing with enquiry.—Undertrials freed–Dismissed from service after dispensing with regular enquiry–Petition against– Dismissed–Enquiry not dispensed with arbitarily. *Head Constable Swaran Singh v. State of Punjab and other, 1989(2) RSJ 742.*

10. District Magistrarte to pass a speaking order.—There is no doubt whatsoever that the provisions of Rule 16.38 envisage as to how the authorities shall act in a situation when a complaint is received by the Superintendent of Police indicating commission by a police officer of a criminal offence in connection with his official relations with the public, namely, that either he should be criminally prosecuted or he should be dealt with departmentally by holding departmental enquiry in accordance with the procedure laid down in Rule 16.24. Further, it is also obvious that information of the complaint received by the Superintendent of Police of the commission of crimnal offence has to be given to the District Magistrate and after preminary enquiry as a general rule the criminal prosecution of the police official concerned must follow. In certain exceptional cases, however, where the District Magistrate is of opinion that the delinquent official should be dealt with departmentally, he has to give reasons therefore meaning thereby that this must be a speaking order with full application of his mind. In fact, a Division Bench of the *High Court of Himachal Pradesh in State v. Nain Singh and another, AIR 1986 H.P. Series 727,* while relying on the judgment of the Supreme Court in *State of Punjab v. Charan Singh, AIR 1981 SC 1007,* has held that if a police officer is criminally prosecuted without any intimation to the District Magistrate or obtaining his prior permission for such prosecution, there is no violation of the provisions of Rule 16.38 but, in case the police officer has to be departmentally dealt with, the prior sanction of the District Magistrate is required to pass in such a situation a speaking order after full application of his mind. *State of H.P. v. Baldev Singh, 1987(7) S.L.R. 1.*

11. Enquiry Officer exonerated the petitioner by holding that he was not neglient in the performance of his duties.—It was on the basis of this evidence tha the Enquiry Officer had exonerated the petitioner of the charges levelled against him. The senior Superintendent of Police while issuing the show cause notice to the petitioner did not refer to any evidence which may show that the petitioner was negligent in the performance of duties. The show cause notice was totally vague and did nto specify the grounds on which respondent No. 2 had disagreed with the findings recorded by the Enquiry Officer. It was merely mentioned that "I do not agree with this report, because you remained

posted as Station House Officer, Police Station City, Tarn Taran and is was your duty to take interest in arresting the accused in the these cases but you failed to do so. Therefore, I find you guilty in this Departmental Enquiry". It is not stated as to why the respondent did not agree with the findings of the Enquiry Officer. It does not also indicate as to which part of the enquiry report was being doubted by the officer. In such a situation, it cannot be said that the petitioner was given an effective opportunity to show cause. The petitioner had then made a specific grievance against this action before the appellate as also the revisional authorrities. His claim was rejected without any reference to the clear evidence on record.

It is no doubt correct that the High Court while exercising jurisdiction under Article 226 of the constitutions of inda does not sit as a Court of appeal. How ever, it is charged with the duty of ensuring that the action taken by the authorities is just and fair. I am satisfied in the circumstances of the case that the action was totally arbitrary. *Rajinder Kumar, SI (Retd.) v. State of Punjab and others, 1192(4) S.L.R. 394: 1992(3) RSJ 302.*

12. Enquiry–Police officer challanged the accused.—It must be noticed that it is not the mere presence of a few tyre marks on the record, without anything more, that would suggest that speed at which the vehicle was driven at the relevant time. It is common knowledge based on the ordinary and well known laws of physical that only if the distance over which tyre marks appeared and the weight of the vehicle are known it would be possible to estimate the speed at which the car was driven. Even if a car is driver at a slow speed, when brakes are suddenly applied some tyre marks are possible. There is, therefore, no support from the evidence on record before the Enquiry Officer for the view that the petitioner had falsely introduced reference to tyre marks on the road. *Hem Raj, A.S.I. Police v. The Delhi Administration and ors., 1973(1) S.L.R. 349.*

13. Nature and degree of misconduct.—The object of making a preliminary investigaion is to ascertain the nature and degree of misconduct which had to be formally inquired into. This record of preliminary investigation is no doubt not to be a part of the formal departmental record. There does not seem to be scope, however, for any secret enquiry such as what Shri Jarith says, in the report, he made. This opportunity given to the delinquent is prima facie inconsistent with any notion of secrecy for the deliquent can be present if he likes, though it is not obligatory on his part to be present. It seems difficult to agree with the contention that he could be present only when is was so ordered by the Superintendent of Police or other gazetted officer initiating the investigation. Those words apply to only the enquiry, which is to be conducted when so ordered but not the presence of the deliquent at such enquiry. If the Superintendent of Police or other officer is given the option of allowing the delinquent to be present or not present it is possible that the very purpose of enabling his presence during such enquiries is likely to be unfulfilled in may cases.

Rule 16.24(v) provides that the enquiring officer "shall recorded the statements of those defence witness whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded" etc. Fairness would require some reasons to be given why some alone among the witnesses in the list of defence witnesses are examined while the examination of others is not permitted. In the present case, by merely looking at that list, one is unable to find anything to distinguish between those who were examined and those who were not, even making allowances for the enquiring officer's anxiety not to duplicate witnesses. There is no means of knowing the consideration which prevailed with the enquiring officer in the present case in the

matter of only recording the statements of only some but not of all witnesses required to be examined in his behalf by the delinquent officer.

All these individually and cumulatively did have an impact on the fairness of the enquiry. It is of extreme importance that such departmental inquiries in which the servants of the State are likely to meet with even major penalties should be punished after a full and fair inquiry, the enquiring officer and others concerned with such enquiries should be careful and avoid giving an impression of unfairness in anything which they do or fail to do. *Ram Karan v. Union of India and others, 1975(2) S.L.R. 683.*

14. Non-supply of statement of witnesses cannot be said to have vitiated the disciplinary proceedings.—We have considered these rulings but find that the facts in the present case are materially different from those in the two above mentioned rulings in as much as no request whatsoever was made in writing for the supply of statement of witness recorded during the preliminary enquiry, and the contention of the learned counsel for the petitioners that such a request was made orally during the course of enquiry cannot be relied upon, particularly in view of the clear stand taken by the respondents that the petitioners never applied for the copies of statement as alleged. We have, therefore, no hesitation in coming to the conclusion that the petitioners did not ask for the copies of the statement of the witnesses recorded during the course of the preliminary enquiry and their stand that they asked for such copies verbally is not worthy of any reliance. *Godan Devi and anr. v. Superintendent of Police and ors. 191(3) S.L.R. 623.*

15. No reasonable opportunity given to cross-examine the witness produced by the department.—The final argument raised by the counsel for the respondent is that there was not compliance of the other mandatory provisions of rule 16.24(1) as the respondent had not been given a list of witnesses or documents relied upon by the Department and that a responsable opportunity was not given to cross-examine the witnesses produced by the Department. We have gone through the pleadings of the parties in this respect and find that no such point was made in the plaint and, as such, no justifiable grievance can now be made on this score. *State of Punjab v. Parkash Chand, Constable, 1992(1) S.L.R 174.*

16. Opportunity of hearing not given before passing the order.—It has been stated in the examination-in-Chief that no opportunity of hearing was given to the plaintiff before imposing the penalty of dismissal. There is no reliable evidence to rebut the same. It is not dispute at the bar that no opportunity of hearing was given before passing the impugned order though an opportunity of hearing was given after the pronouncement of the punishment. In my considered view it will be no opportunity and it will be in violation of principles of natural justice, apart from the patent violation of rule 16.24(9) which envisages that before a punishment is imposed on a person an opportunity should be given to show cause that the proposed punishment is disproportionate to the offence committed by him. Nothing substantial has been stated controvert the said proposition. *State of Haryana and another v. Surjan Singh, 1990(2) S.L.R. 88.*

17. Opportunity of oral hearing.—The Statutory requirements of personal hearing envisaged by the portion of clause (ix) just above the proviso, relates to the stage subsequent to the provisional opinion of the competent authority resulting in the service of the 'show-case' notice and prior to the final making up of the mind of the punishing authority. In the instant case, the impugned order shows that not only had the Superintendent of Police made up his mind finally, but had recorded his detailed order wherein he had even considered the question of quantum of punishment and held that there were no extenuating circumstances to inflict on the petitioner any punishment lesser than that of dismissal.

Having recorded all that, the punishing authority said in the last sentence of its ordere that a verbal hearing would, however, be given to the petitioner, as required by the rules "at the time of announcement of the order". This shows that the alleged verbal hearing given to the petitioner on April 29, 1963, was a mere farce and that the punishing authority had already closed its mind finally in the matter before the oral hearing commenced. This kind of a situation is often described in legal terminology as a fraud on the requirment of the rule. It has been held in C.P. Govil's case, 1965(1) DLT 16 that the High Court can set aside any finding or order which has been arrived at without observance of procedure required by law and in violation of principles of natural justice. We are of the considered opinion that the impugned order was passed without observance of the procedure prescribed in clause (ix) of rule 16.24(1) of the Police Rules and the hearing after the preparation of the final order and just before its announcement, was a sheer formality which cannot be held to have satisfied the requirments of the rule and which appears to have violated the principles of natural justice. *Siri Ram v. State of Punjab, 1997 S.L.R. 678.*

18. Opportunity of personal hearing.—In support of this position the petitioner had also annexed (he has also referred to other instances) a copy of the order of the Inspector General of Police (Annexure Z-19) in Revision Petition filed by H.C. Vinodi Lal where an order of reduction in rank, passed on the ground of his having contracted a second marriage during the life-time of his first wife, was quashed on the ground that Rule 16.24(i)(viii) a similar rule which applied to his case-which required that he should be called upon to appear before the punishing authority and be informed of such punishment being awarded upon him, was not observed. The order of punishment was quashed and fresh orders were directed to be made on the merits of the case from that stage onwards. The rule itself is quite clear; it has been explained and affirmed in the circular issued by the Inspector General of Police on 30.5.1971 (copy of which is Annexure Z-17) drawing attention to the need for the delinquent officer to be produced before the punishing authority before punishment is awarded. There has been a failure to comply with it in the present case; it is unfortunate that inspite of the petitioner asking for a personal hearing he was not granted one. In the view that the enquiry itself has to be quashed from the commencement the need to quash the same from a later stage assumes secondary importance and hence may not have to be discussed further. None the less, refrence has been made to this aspect the order to show that in no view of the matter could be punishment of dismissal, as it was originally passed, be justified. *Ram Karan v. Union of India and others, 1975(2) S.L.R. 683.*

19. Opportunity to a delinquent.—Issuance of a written show cause notice to the delinquent official and the consideration of the reply received in response thereto amounted to substantial compliance with sub-rule (ix) of rule 16.24(1) of the Rules, and the said excercise having gone through in the present case, fulfils the requirment of law. *The State of Punjab v. Parkash Chand, 1992(1) RSJ (D.B.) 61.*

20. Order of dismissal well reasoned–Personal hearing not given.—The main argument of the learned counsel for the applicant Sh. H.S. Mann, rested on the meaning and import of the words "dismissal shall be awarded only for the gravest of misconduct". It was submitted that assuming that the applicant was guilty of the alleged misconduct, still he could not be dimissed except when there were several acts of misconduct, because the above mentioned rule refers to "acts" and not to an "act" of misconduct. It was observed in *Bhagwat Parshad v. Inspector General of Police and other, 1967* SLR 807 that there must be plurality of acts of misconduct, does not appear to be sound as such an interpretation could lead to absurd results. An illustration considered in support of the above interpretation

was that if a foot constable were to subject a high police office to a wanton and serious assault, or were to be guilty of a single act of gross insubordination, could be punishment of dismissal be not imposed, unless such conduct was repeated at least once. It was further observed that the use of the words "acts" does not exclude a single act of misconduct and that in order to gauge gravity of misconduct, what matters, is not frequency, as obliquity or delinquency. What really matters is the enormity of the misconduct. *Manjit Singh v. Home Secretary and others, 1989(6) S.L.R. 399.*

21. Personal hearing –No specific plea.—On a reading of the entire written statement, the impression left is that all the requirments of the provisions of law for taking disciplinary action were followed meticulously and there was no violation of infraction of any part of the Rules, and in the absence of the specific plea about non-granting of personal hearing as required by Rule 16.24 of the Police Rules, the State could not be expected to lead evidence in this behalf and the trial Court was not right in observing that the statement of the plaintiff in this behalf remained un-controverted. Evasive plea like the one is to be ignored. The plaintiff has not produced the copy of the order passed by the I.G. Police, from which it could be seen as to whether the point was raised, and if raised how was it dealt with. If the plea about non-granting of personal hearing had been specific then in the interest of justice, I would have allowed the placing on record the copy of the order passed by the I.G. Police, with regard to rebuttal to the other side. Since plea is vague and inconclusive, it is futile to follow this procedure at such a late stage. *Joginder Singh v. Punjab State, 1989(3) S.L.R. 626: 1992(3) RSJ 697.*

22. Personal hearing–Procedure regarding.—The first point urged by the counsel for the appellant must succeed. We, therefore, hold that the issuance of a written show-cause notice to the delinquent official and the consideration of the reply received in response thereto, amounted to substantial compliance with sub-rule (ix) of rule 16.24(1) of the Rules, and the said exercise having gone through in the present case, fulfills the requirement of law. We are however not unmindful of the fact that written representations are often dealt with in a casual and perfunctory manner and to obviate, this possibility we hold that should a delinquent official request a personal hearing, it must be given to him and its denial would vitiate any action against the official. *State of Punjab v. Parkash Chand, Constable, 1992(1) S.L.R. 174.*

23. Presence before the dismissing authority.—Rule 16.24 contemplates two alternatives, either the production of the officer threatened with punishment before the officer who is to pass that order and the recording of an oral statement after informing him of the charges provided against him or else his submitting a written representation against the order proposed to be passed against him after similarly informing him of the charges proved against him.

The onus was on the plaintiff to prove any defect in the proceedings which led to his dismissal. The bare assertion that he was not produced before the Additional Inspector General is not al all sufficient to establish his case. *State of Punjab v. Sunder Singh, 1968 P.L.R. (S.N.) 33.*

24. Reasons for dispensing with the enquiry.—The reasons given for dispensing with the enquiry in the impugned order are ; because in the present circumstances if the departmental enquiry is ordered, a large number of witnesses have to be examined and the witnesses may not come forward due to fear of the accused (undertrials) who are still at large and can put the witnesses in constant fear of death and either harm at their hands; that it is not practicable to order a regular departmental enquiry due to the chaotic condition

in the Punjab created due to the extremists menance. The said two reasons could not be said to be relevant or extraneous as to hold that the enquiry should not have been dispensed with. *Swaran Singh, Head Constable v. State of Punjab and another, 1989(4) S.L.R. 171 : 1991(2) RSJ 115.*

25. Reduction in rank.—Rule 16.24 of the Punjab Police Rules leaves no manner of doubt that it is incumbent on the punishing authority to afford a personal hearing before an order of dismissal or reduction in rank is passed. *Rulia Ram v. The Punjab State, 1968 P.L.R. (S.N.) 27.*

26. Reference to District Magistrate.—Rule 16.24(1)(ii) of the Punjab Police Rules shows that "when the allegations are such as can from the basis of a criminal charge. The Suprintendent shall decide"-----, whether the accused shall be tried departmentally first and judicially thereafter. A harmonious reading of Rules 16.24(ii) and 16.38 shows that the Superintendent of Police is not required to send information to District Magistrate regarding any and every criminal offence committed by a police officer. It is in this context, that the use of the expression "in connection with his official relations with the public" becomes significant. Unless this requirment of Rule 16.38 is satisfied, no reference to the District Magistrate is required. A police officer when accused of criminal offence, can be dealt with departmentally and can also be prosecuted in a criminal Court. Rule 16.24(1)(ii) as mentioned above, empowers the Superintendent of Police to take decision in this behalf. *Brij Pal Singh, Constable v. State of Haryana and others, 1991(7) S.L.R. 246.*

27. Termination of probationer on the ground of taking part in "a non-taking food compaign.—Th impugned order of removal dismissal of service was in substance and in effect in order made by way of punishment after considering the service conduct of petitioner. There is no doubt the impugned order casts a stigma on the service career of the petitioner and the order being made by way of punishment, the petitioner is entitled to the protection afforded by the provisions of Article 311(2) of the Constitution as well as by the provisions of Rule 16.24(ix)(b) of the Punjab Police Rules, 1934. The petitioner has not been served with any charges of misconduct in discharging of his duties as a police constable nor has he ever been asked to show cause against the said charges. The order of removal from service was made because of his union activities namely participating in the call for expressing the protest of the association for improvement in service conditions by abstaining from taking meals in the Mess on 15th August, 1982 although the petitioner like other members of the asociation performed his duties on that day and did not abstain from duty. It cannot be said in the facts and circumstances of the case that the impugned order is an order simpliciter of removal from service of probationer in accordance with the terms and conditions of the service. The impugned order undoubtedly, tentamounts to dismissal from service by reason of misconduct of the petitioner in discharge of the official duties as police constable. *Hardeep Singh v. State of Haryana and others, 1987(4) S.L.R. 576.*

28. Word "enforcement".—The Enforcement Department was a still a Police Department and a Deputy Superintendent of Police (Enforcement) was still a Deputy Superintendent of Police competent to conduct enquiry. The word "enforcement" merely specifies the department to which he was attached. *Union of India v. Jagjit Singh, 1969 S.L.R. 356.*

29. Termination of service-Double Jeopardy.—Absence from duty- Punishment was not on the basis of past record, only it is mentioned in the impugned order that appellant is a incorrigible person and can never become a good employee. This can be only a reference of his past record, but, while passing the termination order it was not mentioned. Judgement under appeal rightly passed and wouldn't call for any interference *Kuldeep Singh v. State of Punjab, 2010(2) SLR (P&H) 745.*

30. Dismissal—Grave misconduct.—Petitioner-applicant remained absent from duty for 4 days, 22 hours and 30 minutes. Plea that his absense from duty can't be termed as grave misconduct. Appellant with his co-accused being a police officer brought bad name to the whole of police force while doing immoral activities in Police Station. Punishment of dismissal not liable to be interfered. *Sukhmander Singh v. Punjab State through Secretary to Government of Punjab, Home Department Chandigarh, 2007(4) RSJ 602.*

31. Departmental proceeding—Criminal trial.—Petitioner, who is member of a disciplined force, took illegal gratification of Rs. 2500/- for releasing a moped ceased by the police. Case under section 7 and 13 of the Prevention of Corruption Act was registered against him. Departmental proceedings were also initiated against the petitioner. Departmental proceedings cann't be allowed to be kept in abeyance indefinitely till the conclusion of the criminal trial. Stay of departmental proceedings indefinitely would only lead to protracting the same without any basis. *Balwinder Singh v. State of Punjab, 2009(2) RSJ 95 (DB).*

32. Protection of the rights of the citizens-Duty of the Court—It has been held in various judgments that the Court has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without any adequate reason, approaches the Court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether it is at a belated stage and is to be entertained or not. *Ex. Constable Mohinder Singh v. State of Punjab, (2018) 1 SCT 828: (2018) 3 SLR 577 (P&H).*

33. Statutory Rules-Requirement of compliance of—In this case, the show cause notice along with the copy of the enquiry report has been duly served upon the respondent-plaintiff but he chose not to file any reply to the show cause notice or to appear personally before the punishing authority and, therefore, it cannot be said that the Statutory Rules were not complied with. *State of Haryana and others v. Bharat Singh, (2019) 3 SCT 601 (P&H).*

34. Dismissal from service-Effect of delayed challenging order—The petitioner has approached this Court after a delay of more than 21 years and more so no satisfactory explanation has been given. Moreover, while exercising power under Article 226 of the Constitution of India, the Court is to see that the discretion must be exercised judiciously and reasonably. The petitioner cannot be allowed to take unreasonably long time to challenge the impugned orders i.e. after delay of more than 21 years. When the petitioner himself is not vigilant about his rights, the discretionary relief under Article 226 of the Constitution of India cannot be granted. No doubt the powers of this Court under Article 226 of Constitution of India is discretionary but it is to be exercised in a judicious and reasonable manner. *Ex. Constable Mohinder Singh v. State of Punjab, (2018) 1 SCT 828: (2018) 3 SLR 577 (P&H).*

35. Order of punishment-Interference by the Civil Court—In case the principles of natural justice having not been complied with or the Statutory Rules governing the service, especially in a departmental enquiry which has been held against an employee, having been violated or not complied with, interference by the Civil Court in an order of punishment imposed by the punishing authority can be made. *State of Haryana and others v. Bharat Singh, (2019) 3 SCT 601 (P&H).*

36. Reason for condonation of delay-Held not sufficient—In the present case, there is delay of more than 21 years and as such the claim of the petitioner is hopelessly time barred as he has slept over the matter for years together. No explanation, whatsoever, has been given as to how the delay of years together can be condoned. Simply by saying

that the petitioner was not aware about passing of the orders is not sufficient to condone the delay as he was associated in the inquiry and was given adequate opportunities on all the occasions. *Ex. Constable Mohinder Singh v. State of Punjab, (2018) 1 SCT 828: (2018) 3 SLR 577 (P&H).*

16.25. Standards of evidence and Nature of charges.—(1) A police officer called upon to answer a charge of misconduct must be given every reasonable opportunity of proving his innocence; officers conducting departmental enquiries are, however, not bound to follow the provisions of the Criminal Procedure Code or Indian Evidence Act. They may admit any evidence which they consider relevant, and should exclude evidence which is irrelevant to the specific charge under inquiry, or which is introduced merely to prejudice the opposite party or to cloud the issue. They require only that standard of proof which is necessary to satisfy themselves whether the charge is established or not. Discipline must also be maintained in relation to the proceedings of departmental enquiries. Refusal by an accused police officer to plead or answer questions; inordinate delay in producing his defence; insubordinate behaviour before the enquiring officer, and the intemperate or impertinent questioning of officers by accused officers who are their inferious in official status, are, in addition to being contrary to be spirit of the rules for the conduct of departmental enquiries, entirely contrary to the requirements of discipline, and shall be treated accordingly.

(2) Charges need not be framed in relation only to a specific incident or act of misconduct. When reports received against an officer or a preliminary enquiry show that his general behaviour has been such as to be unfitting to his position, or that he has failed to reach or maintain a reasonable standard of efficiency he may and should be charged accordingly, and a finding of guilty on such a charge will be valid ground for the infliction of any authorised departmental punishment which may be considered suitable in the circumstances of the case.

16.26. Payments to witnesses.—Witnesses summoned in departmental enquiries shall be entitled to journey expenses and, if detained for more than twelve hours, to suitable detention allowance. Such expenditure shall be paid out of the allotment for "Rewards to private persons".

16.27. Panel officers.—When it appears that allegations of misconduct on the part of a police officer in respect of his relations with the public are of such a nature as to involve a lengthy and complicated investigation, or when in any district important enquires of this nature are so numerous as seriously to hamper the fulfillment by superior officers of the district staff of their normal duties the Superintendent may apply through the Deputy Inspector-General to the Inspector-General for the services of a special officer to conduct such enquiry or enquiries. If the Inspector-General decides to support the request, he will apply to the Chief Secretary to Government for the services of a member of the panel of selected retired officers. If a panel officer is deputed, he will hold his investigation and record all available evidence under the general supervision of the immediate superior of the office under suspicion, who will normally be the Superintendent

of Police, and for this, purpose he will be given access to all documents and should be put in touch with any person who may be in a position to give evidence. He shall have no powers of punishment and on the conclusion of investigation he will submit his report and the record of the evidence to the Superintendent of Police with a recommendation as to the charges which, in his opinion, can be established. The prescribed procedure for final orders, appeals, etc., shall then apply. Panel officers will be remunerated by the Inspector-General at the rates authorized by the Local Government.

16.28. Powers to review proceedings.—(1) The Inspector-General, a Deputy Inspector-General, and a Superintendent of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders. [1][The State Government may also call for the records and review the awards made by the inspector General of Police Punjab or by any other authority subordinate to him.]

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service previous to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award they shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

SYNOPSIS

1. *Appellate Authority had no jurisdiction to remand the case to the punishing authority to pass a de novo order of punishment.*
2. *I.G. competent to review the proceedings and enhance the penalty imposed by Superintendent of Police.*
3. *Penalty–Enhancement of.*
4. *Departmental Enquiry—Natural Justice.*
5. *Dis-satisfaction of the Authority-Option therefor.*
6. *Successor DGP-Held not be entitled to review and reopen the cases decided by his predecessor.*
7. *Power of review proceedings-Limitation for.*
8. *Suspension of the police official-Restriction for.*
9. *Second inquiry-No direction thereof.*
10. *Proposition that Successor DGP not be entitled to review and reopen the cases decided by his predecessor-Non-applicablity of.*
11. *Power of the Director General of Police review proceedings-Held limited to refer proceedings.*
12. *Independent application of mind-Need of.*

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1. Added by Punjab Government Notification dated 15.3.1966.

1. Appellate Authority had no jurisdiction to remand the case to the punishing authority to pass a *de novo* order of punishment.—A plain reading of the Rule makes it clear that the Appellate Authority i.e. the Deputy Inspector General of Police, had the following options after calling for the record and the award made by his subordinate authority: (i) to confirm the award; (ii) to enhance, modify or annual the award, or make further investigation himself, or direct such further investigation to be made by subordinate authorities before passing the orders of confirmation, enhancement, modification or annulment. He had no jurisdiction to remand the case to the punishing authority to pass a *de novo* order of punishment. The jurisdiction of the Appellate Authority having been specified by the staturary provisions, the jurisdiction to remand shall be deemed to have been impliedly not granted. In view of this, the remand order being without jurisdiction, all the subsenquent proceedings shall be deemed to be void and without jurisdiction. *Punjab State v. Piara Singh , Ex-Head Constable, 1988(7) S.L.R. 493.*

2. I.G. competent to review the proceedings and enhance the penalty imposed by Superintendent of Police.—The provisions of the Act cannot be carried properly unless suitable and detailed rules are made with a view to see that proper and appropriate punishment is awarded in a particular case consistent with the efficiency of the police force and the idea of prevention and detection of crime. When, therefore, the State Government framed Rule 16.1 and provided the lessor punishment of stoppage of increment or forfeiture approved service, it was completely within its powers under section 46 to frame such a rule. To sum up, therefore, we are of the opinion that it is not possible to contend successfully the Rule 16.1 which contemplates the punishment of stoppage of increment or forfeiture of approved service is in any manner ultra vires the statute. *Shri Bhagat Ram v. Inspector General of Police, Himachal Pradesh and others, 1979(3) S.L.R 256.*

3. Penalty–Enhancement of.—The petitioner, in support of his contention, has relied upon *Anadi Pradhan v. Inspector General of Police and others, 1971(2) SLR 711*, wherein it was held that the appellate authority had no jurisdiction to enhance the punishment in an appeal filed by the delinquent official when the department had not appealed against of quantam of punishment inflicted by the disciplinary authority. The ratio of this judgment is not applicable to the facts of this case. Another judgement relied upon is *State of Mysore v. H.D. Kolkar, 1974(1) SLR 51*. The facts of this case are completely different from the facts of the case under consideration. *Gopi Chand, Head Constable v. Deputy Inspector General of Police, Hissar Range and others, 1979(3) S.L.R. 586.*

4. Departmental Enquiry—Natural Justice.—Punishment of forfeiture of 3 years service and reduction in pay. Security Guard consumed liquor at the residence of a Judge of High Court while on duty. Departmental enquiry conducted against him. He was given opportunity of hearing in respect of the charges levelled against him. Order passed by tribunal not sustainable in the eyes of law. Order passed by department authorities inflicting major punishment restored. *Union Territory, Chandigarh v. Central Administrative Tribunal, Chandigarh Bench, Chandigarh, 2011(3) SLR (Pb & Hry.) (DB) 664.*

5. Dis-satisfaction of the Authority-Option therefor—As per mandate of Rule 16.28 of the Rules, 1934, if respondent No.3 was not satisfied with the manner and conduct of the inquiry or the orders passed by the subordinate officer, he could have made further investigation, in the matter himself or direct such investigation to be made by some subordinate officers prior to passing of the final order. *Baljit Singh v. State of Punjab, (2018) 1 SCT 772: (2018) 3 SLR 630 (P&H).*

6. Successor DGP-Held not be entitled to review and reopen the cases decided by his predecessor—The powers of the successor DGP, Haryana in over turning the decision

of his predecessor who had accepted the representation and expunged the adverse remarks in a petition which was not maintainable and wholly unwarranted. The general principle is that merely because there is a change in the regime or when the successor assumes the office, he would not be entitled to review and reopen the cases decided by his predecessor. That would apply in those cases where the predecessor had passed the orders which he was empowered to pass under the Rules and had exercised his discretion in taking a particular view. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

7. Power of review proceedings-Limitation for—No power of review under Rule 16.28 of the Punjab Police Rules, 1934 has been conferred upon the Director General of Police and under that Rule power is restricted either to Inspector General of Police or the State Government. *Raj Pal v. State of Haryana, (2017) 4 Law Herald 3439 (P&H).*

8. Suspension of the police official-Restriction for—In the present case, since only FIR was lodged at the instance of complainant, hence, the respondent-department cannot be blamed for putting the police official under suspension on a criminal charge. *Raj Kumar v. State of Punjab, (2017) 1 SCT 479 (P&H).*

9. Second inquiry-No direction thereof—In the instant case after considering facts and circumstances of the case, it was held that having set aside the order of his subordinate, a de novo inquiry could not have been ordered. The language of the provision is unambiguous and clear. No power can be derived from Rule 166.28 o fthe Punjab Police Rules, 1934 whereby a second inquiry can be directed. *Baljit Singh v. State of Punjab, (2018) 1 SCT 772: (2018) 3 SLR 630 (P&H).*

10. Proposition that Successor DGP not be entitled to review and reopen the cases decided by his predecessor-Non-applicablity of—The proposition that successor DGP would not be entitled to review and reopen the cases decided by his predecessor applies in a situation where order of the predecessor resulted in legal, binding and conclusive decision. However, the position would be different when it is found that the order of the predecessor was without jurisdiction or when a palpably illegal order was passed disregarding all the cannons of administrative law viz., when the predecessor's decision was without jurisdiction or ultra vires or when it was exfacie an act of favoritism. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

11. Power of the Director General of Police review proceedings-Held limited to refer proceedings—Once the appellant had himself filed revision to the Director General of Police the exercise of power of review under Rule 16.28 cannot be objected. In the circumstances of this case, the Director General of Police could best have referred the matter for review to the competent Inspector General of Police or the State Government but could not pass an order himself. *Raj Pal v. State of Haryana, (2017) 4 Law Herald 3439 (P&H).*

12. Independent application of mind-Need of—A perusal of the impugned orders dated 06.08.2010 and 30.09.2010 at Annexures P-5 and P-6 it is clear that there has been no independent application of mind at the hands of respondent No.3-Deputy Inspector General of Police, Jalandhar Range, Jalandhar. It is discernible from the impugned orders that respondent No.3 has acted on the dictate of the Director General of Police, Punjab. Such course of action is alien to Rule 16.28 of the Punjab Police Rules. *Baljit Singh v. State of Punjab, (2018) 1 SCT 772: (2018) 3 SLR 630 (P&H).*

Rule 16.29 for Punjab

16.29. Right of appeal.—(1) Appeals shall lie only against orders of dismissal or reduction or stoppage of increment or forfeiture of approved service for increment.

(2) There shall be one appeal only from the original order, and the order of the appellate authority shall be final.

(3) A copy of the original order appealable shall be supplied to the person concerned free of cost.

(4) Any persons wishing to appeal under sub-rule (1) may apply to the Superintendent for a copy of the complete record, or any portion thereof. Such copies shall not be given during the pendency of the original proceedings for the facilitating of cross-examination or the preparation of the defence. Copies of the record of preliminary enquiries (rule 16.24 (viii) shall not be given for purposes of appeal.

Such application shall bear a court-fee stamp of the value of two annas, unless the applicant is in jail, and shall be accompanied by a deposit of the copying fees chargeable under the scale in force in the civil courts of the district.

(5) The copy of such record shall be given with as little delay as possible, and the Superintendent shall certify to its correctness and to the date on which it was given to the applicant.

(6) The appellate authority in cases of reduction and dismissal is as indicated in the following table—

Officer by whom original order of punishment is framed	Appellate authority
Deputy Superintendent (Administrative) Government Railway Police, Deputy Superintendent, in charge of Railway Police Sub-Division.	Assistant Inspector-General Government Railway Police.
Superintendent of Police, Senior Assistant Superintendent of Police, Lahore, *[Officer in-Charge of Police Constables Training Centre], Deputy Superintendent of Police, Punjab Armed Police, Lahaul and Spiti.	Deputy Inspector-General of Police and Assistant Inspector-General, Provincial Additional Police (designated as Commandant Provincial Additional Police).
Deputy Inspector-General of Police, Assistant Inspector-General Government Railway Police, Assistant Inspector-General, Provincial Additional Police (designated as Commandant.	Provincial Additional Police), Assistant Inspector-General of Police (Traffic)

*See Punjab Government Notification No. G.S.R. 43/C.A. 5/1861/S.7/Amd dated 4.4.1988.

(7) Appeals against reduction shall be presented through the Superintendent of Police of the district in which the appellant is serving; but in the case of officers serving directly under a Deputy Inspector-General of Police appeals shall be forwarded through such Deputy Inspector-General of Police. Appeals against dismissal shall be forwarded direct to the appellate authority.

Rule 16.29 for Haryana

16.29. Right of appeal.—(1) Appeals shall lie only against orders of dismissal or reduction or stoppage of increment or forfeiture of approved service for increment.

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Officer by whom original order of punishment is framed	Appellate authority
Deputy Superintendent (Administrative), Government Railway Police, Deputy Superintendent, in charge of Railway Police Sub-Division.	Assistant Inspector-General Government Railway Police.
Superintendent of Police, Senior Assistant Superintendent of Police, Lahore, Officer in-Charge of Recruits Training Centre, Deputy Superintendent of Police, Punjab Armed Police, Lahaul and Spiti.	Deputy Inspector-General of Police and Assistant Inspector-General, Provincial Additional Police (designated as Commandant Provincial Additional Police).
Deputy Inspector-General of Police, Assistant Inspector-General Government Railway Police, Assistant Inspector-General, Provincial Additional Police (designated as Commandant. Provincial Additional Police), Assistant Inspector-General of Police (Traffic)	Inspector General of Police

(7) Appeals against reduction shall be presented through the Superintendent of Police of the district in which the appellant is serving; but in the case of officers serving directly under a Deputy Inspector-General of Police appeals shall be forwarded through such Deputy Inspector-General of Police. Appeals against dismissal shall be forwarded direct to the appellate authority.

SYNOPSIS

1. *Appeal against order of dismissal from service.*
2. *Enquiry—Scope and application.*
3. *Personal hearing—Dispensing with departmental enquiry.*

1. Appeal against order of dismissal from service.—Admittedly, the petitioner was not given personal hearing, so the impugned order passed on appeal is clearly invalid and cannot be sustained. In this view of the matter, this writ petition is allowed with costs and the impugned order of dismissal from service and the order passed on appeal are hereby quashed. The respondents are directed to reinstate the petitioner with full back wages with 12% interest per annum, with a month. *Darshan Singh v. State of Punjab and another, 1991(4) S.L.R. 102.*

2. Enquiry—Scope and application.— As a matter of fact Rule 16.29 deals with a stage after the original order of punishment has been passed. All that this sub-rule (4) of Rule 16.29 means is that though the right to obtain a complete record is available to the police official after the original order has been impugned this will not entitle him to also ask for the copies of the file/report during the pendency of the original proceedings, that is to say that if on the first day 2/3 witness have been examined the police official cannot insist that he be should be given copies of their statements for the purpose of cross-examining the other witnesses who are to be examined on subsequent days. This rule deals with a situation about the supply of copies during the course of the enquiry and has no relevancey to whether the copies of statements recorded at preliminary enquiry should be given to the Police Officer or not for the purpose of cross-examining the witness when they are examined at the enquiry. This rule does not, therefore, in any way prohibit the supply of the copies of the prior statements of the witnesses which are needed to exercise of effective right of cross-examination and is a content of the reasonable opportunity to which the police officials has a Constitutional right. As the statements of those witnesses were denied to the plaintiff there is no scope from the conclusion that the plaintiff was denied a reasonable opportunity and the order is liable to be struck down on this ground also. *Union of India v. Shri Ravi Dutt, 1973(1) S.L.R. 1222.*

3. Personal hearing–Dispensing with departmental enquiry.—The petitioner appealed to the D.I.G. against the order of dismissal passed by the Superintendent of Police. The D.I.G. did not give any personal hearing. It has been laid down by the Supreme Court that even in case where enquiry has been dispensed with under the provision of Article 311(2) it was incumbent upon the appellate authority to give personal hearing. *Ashok Kumar, Sub-Inspector of Police v. State of Punjab and others, 1990(3) S.L.R 127.*

16.30. Rules regarding appeals.—(1) Every appeal to the Deputy Inspector-General or Inspector-General shall be in English. It shall set forth the grounds of appeal, and shall be accompanied by a copy of the order made in the case.

(2) An appeal which is not filed within a month of the date of the original order, exclusive of the time taken to obtain a copy of the order or record, shall be barred by limitation. The appellate authority may, however accept an appeal filed out of time, if he sees fit to do so.

16.31. Orders of appeals.—Every order passed in appeal shall contain the reasons therefore. A copy of every appellate order and the reason therefore shall be given free of cost to the appellant.

SYNOPSIS

1. *Acquittal on benefits of doubt.*
2. *Not obligatory on the appellated authority to give detailed reasons for.*
3. *Effect of the fault of appellate order for want of reasons.*

1. Acquittal on benefits of doubt.—While discussing the evidence the Magistrate observed that "in the present case all the eye witnesses including Constable Raja Ram, P.W.2 turned hostile and though, cross-examined by the learned P.P. nothing material favourable to the prosecution could be elicited". One of the prosecution witnesses Ishwar Lal who was the sole witness before Enquiry Officer of Departmental proceedings completely reverted from his statement given to the police and confronted with his own statement before the P.P. in the criminal proceedings. After a detailed discussion the Magistrate concluded on the following lines. "In view of the above discussion I hold that prosecution has not been able to prove its case beyond reasonable doubt against accused Mehak Singh. I accordingly give the benefit of doubt accused Mehak Singh and acquit him". From the above it is, therefore, clear that the petitioner had been acquitted on the benefit of doubt and not on merits. We see no reason why the acquittal should be a bar against the departmental proceeding. *Mehak Singh v. Union of India etc. 1987(2) S.L.R. 357.*

2. Not obligatory on the appellate authority to give detailed reasons for.—In dealing with the question as to whether it is obligatory on the appellate authority to give reasons in support of the order rejecting the appeal as required under Rule 16.31 of the Rules, it has to be borne in mind that disciplinary proceedings against a delinquent official begin with an inquiry conducted by an Officer apointed in that behalf and the same is followed by a report which is considered by the punishing authority and having regard to the material which is thus made available and which is also made available to the delinquent official, also the punishing authority accepts the findings of the Enquiry Officer and thereafter issues a show cause notice, proposing punishment and then imposes punishment after considering the reply to the show cause notice. In the case in hand the punishing authority had recorded a detailed order (A-5) while imposing the punishment of dismissal from service upon the applicant. In the circumstances of the case, it was not obligatory on the appellate authority i.e. Inspector General of Police to repeat the reasons contained in the impunged order (A-5) for agreeing with the reasons and conclusions arrived at by the punishing authority. *Manjit Singh v. Home Secretary and others, 1989(6) S.L.R. 399.*

3. Effect of the fault of appellate order for want of reasons—Since the appellate order has been faulted for want of reasons, the order in revision dated 16.02.2015 (Annex P-4) is automatically nullified so that parties are restored to the position where the first rectifiable error occurred which caused grave prejudice, i.e., at the appellate stage. Narration of facts of the case, even when done elaborately, would not make for a speaking order when they are not accompanied by reasons in support of conclusions. *Roshani v. State of Haryana and others, (2017) 1 SCT 212 (P&H).*

[1]**[16.32 Revision.**—An officer whose appeal has been rejected is prohibited from applying for a fresh scrutiny of the evidence. Such officer may, however, apply, within a month of the date of despatch of appellate orders to him, to the authority next above the prescribed appellate authority for revision on grounds of material irregularity in the proceedings or on production of fresh evidence, and may submit to the same authority a plea for mercy: provided that no application

1. Substituted by Punjab Government Notification Dated 15.3.1966.

for the revision of an order by the Inspector-General will be entertained. An officer whose appeal has been heard by the Inspector General may however, submit to the Inspector-General a plea for mercy or may apply to the Inspector-General for a review of his appellate order only on the ground that fresh evidence has become available since the appellate order has been pronounced. This rule does not affect the provisions of rule 16.28. Such application or plea must be in English.]

Rule 16.32 for Chandigarh

[1][**16.32. Revision.**—An officer whose appeal has been rejected is prohibited from applying for a fresh scrutiny of the evidence. Such officer, may, however, apply within a month of the date of the despatch of appellate orders to him, to the authority next above the prescribed appellate authority for revision on the grounds of material irregularity in the proceedings or on production of fresh evidence. Such application must be in English.]

SYNOPSIS

1. *Mercy petition before Inspector General of Police.*
2. *Another revision petition raising the plea for mercy held not permissible.*
3. *Suspension-Effect on after acquittal.*
4. *No valid reason or justification shown in exercise of the non existent power.*
5. *Setting aside of the cancellation of the order of penalty by the DGP.*
6. *Wages-Entitlement of.*
7. *Undue sympathy without stating any such sympathetic grounds-Effect of.*

1. Mercy petition before Inspector General of Police—It is not necessary to decide this question for the simple reason that the order of the Inspector General of Police in revision cannot be maintained, because while dealing with the revision-cum-mercy petition, he took into consideration the so called, chequered service records of the petitioners which, as observed by the learned Single Judge, did not form part of the charge and was not gone into by the Enquiry Office and the petitioners were also not given any opportunity to meet this aspect of the case. Consequently, in view of the observations of their Lordships of the Supreme Court in K. Manche Gowda's case (supra) which were reffered to in Amar Nath's case (supra), decided by the learned Single Judge, the two writ petitions had to be accpeted and the revisional order of the Inspector General of Police had to be quashed. It would be open to the Inspector General of Police to go into the whole question, including the instructions of 1961 issued by the Inspector General of Police referred to above, and to decide once again not only about the misconduct of the two petitioners, but also about the proper punishment that is to be inflicted. The question, whether in the circumstances of this case, the departmental authorities could or could not arrive at the conclusion that the misconduct of which the petitioners were found to be guilty did or did not amount to gravest act of misconduct within the meaning of rule 16.2 of the Rules, must be left open. Normally speaking, this court would be most reluctant to go into the question of the nature of the misconduct after the matter has been dealt with by the authorities, yet there may arise a case where the conclusion arrived at is such that the same cannot possibly be

1. Substituted by Chandigarh Administration Gazette Notification No. 12833-HIII(I)-95/18118 dated 28.9.1995.

maintained. However, as stated above, it is not necessary for us to decide this point in the present case, at this stage. *The Inspector General of Police, Punjab v. Balbir Singh, 1973(2) S.L.R. 271.*

2. Another revision petition raising the plea for mercy held not permissible—There is no sparate or other provision for mercy petition which is contained in Rule 16.32 itself. Thus, under Rule 16.32 an employee can seek Revision either on the ground of material irregularity in the proceedings or on provision of fresh evidence. In the alternative he can submit Revision Petition raising a plea for mercy. We are, therefore, of the opinion that when the Revision Petition is earlier rejected on merits, another revision petition raising the plea for mercy would not permissible. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

3. Suspension-Effect on after acquittal—It is also not disputed that no departmental proceedings were initiated and only because of lodging of criminal case and conviction by trial Court, he was suspended and ultimately he was dismissed. On acquittal by the appellate Court, he was reinstated by the respondent-Department. *Raj Kumar v. State of Punjab, (2017) 1 SCT 479 (P&H).*

4. No valid reason or justification shown in exercise of the non existent power—In the present case we find that not only the order passed by earlier DGP, Haryana was ultra vires, as that was not backed by any authority vested in it under the Rules as the representation/mercy petition was not maintainable, even while exercising its discretion in passing that order, the alleged reasons are abhorrent to the good administration/ governance and in fact there was no valid reason or justification shown in exercise of the non existent power. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

5. Setting aside of the cancellation of the order of penalty by the DGP—In the present case, the mercy petition was not filed within one month. Further, it was not filed on the ground of material irregularity in the proceedings or by producing any fresh evidence. On the contrary, the DGP while allowing the mercy petition specifically recorded that there was no irregularity in the conduct of departmental proceedings. In spite thereof, he cancelled the order of penalty without giving any cogent reasons. Such a order was palpably illegal and was rightly set right departmentally. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

6. Wages-Entitlement of—In the present case, the petitioner is not entitled for wages during the period he was placed under suspension or he was dismissed from service. He is held entitled for wages from the date of submission of application after acquittal by the Appellate Court till he was reinstated. *Raj Kumar v. State of Punjab, (2017) 1 SCT 479 (P&H).*

7. Undue sympathy without stating any such sympathetic grounds-Effect of—It was not a case of mere discretion which the DGP was empowered to exercise or the exercise of power on rational basis. Undue sympathy, that too without stating any such sympathetic grounds would be anathema to fairness. There has to be fairness in the administrative action and it should be free from vice of arbitrariness. *Vinod Kumar v. State of Haryana and others, AIR 2014 SC 33: (2013) 16 SCC 293: (2013) 13 SCALE 161: 2013 AIR SCW 6134: (2014) 1 SCJ 339: (2013) 11 SCR 471: (2014) 1 SCT 312: (2014) 1 SLJ 155: (2013) 7 Supreme 642 (SC) (DB).*

16.33. Removal from promotion lists.—Removal of a name from a promotion list may follow from the award of punishment for a specific offence, or be ordered on general grounds. In neither case shall a formal charge be framed not evidence recorded, but an order shall be recorded in writing and given effect to through an entry in the Order Book. The original order of the authority ordering removal shall be read out to the officer concerned, but a copy thereof shall not be given to him and no appeal shall lie against it.

16.34. Suspension of officer immediately responsible.—If a prisoner escapes or is rescued from police custody, the enrolled police officer immediately responsible shall forthwith be suspended from duty. A searching departmental inquiry shall at once be held by or under the orders of the Superintendent. The object of this inquiry shall be the elucidation of all the circumstances connected with the escape or rescue and the determination of the issue whether the escape or rescue could have been prevented by the exercise of such vigilance and courage on the part of the enrolled police officer immediately responsible as might reasonably have been expected, and whether it was rendered possible or facilitated by any neglect or omission of duty on the part of any superior enrolled police officer.

SYNOPSIS

1. *Framing of rule in consonance with the provisions of Section 7 of the Punjab Police Act, 1961.*
2. *Dismissal from service—Charges of accepting illegal gratification.*

1. Framing of rule in consonance with the provisions of Section 7 of the Punjab Police Act, 1961.—It has been contended that the provision of Rule 16.28 are beyond the Rule making powers conferred under Section 7 of the Punjab Police Act. In my view the provision of Rule 16.28 do not infringe the provisions of Sec. 7 in any manner whatsoever. No provision of the aforesaid Rule, confers the powers of any officer lower in rank than the Appointing Authority to inflict any punishment or enhance a punishment nor it is shown to be in any way beyond the rule making powers of the authorities. The decision in the case mentioned above also is clearly distinguishable as the court had found the rule to be beyond the rule making power conferred Section 25(2)(c) of the Bombay Police Act, 1951, which had fallen for consideration by Such is not position here. *Brij Pal Singh, Constable v. State of Haryana and others, 1991(7) S.L.R. 246.*

2. Dismissal from service—Charges of accepting illegal gratification.—Charge of receiving illegal gratification against constable was proved in enquiry. Show cause notice for imposition of penalty of dismissal from service was issued. After considering the reply order was passed no procedural lapse or violation of principles of natural justice or violation of mandatory rules pointed out before the Tribunal. No interference required in the case. *Maan Singh v. Central Administrative Tribunal, Chandigarh Bench, Chandigarh, 2011(7) SLR (P&H) (DB) 268.*

16.35. Re-instatement after suspension.—On the conclusion of the enquiry, if the Superintendent finds that no misconduct attaches to the police officer or officers suspended, he shall reinstate them. In order to guard against any laxity in enforcing the responsibility for escapes. Deputy Inspectors-General should freely exercise their powers under rule 16.28 in respect of such cases.

16.36. Action when negligence is established.—If the enquiry establishes negligence or connivance in an escape, thereby creating a presumption that an offence under section 221, 222 or 223, Indian Penal Code, has been committed, the police officer concerned shall be prosecuted criminally, unless the District Magistrate on a reference by the Superintendent of Police decides, for reasons to be recorded, that the case shall be dealt with departmentally. If the enquiry establishes a breach of discipline or misconduct not amounting to an offence under any of the sections of the Indian Penal Code mentioned above, the case shall ordinarily be dealt with departmentally. The criminal prosecution under this rule of an upper subordinate shall not be undertaken without the sanction of the Deputy Inspector-General of Police.

16.37. Dismissal the normal punishment in escape cases.—(1) Dismissal shall normally follow a judicial or departmental conviction for negligence resulting in the escape of the prisoner and may, with the approval of Deputy Inspector-General, follow judicial discharge or acquittal under the conditions described in rule 16.3. Where extenuating circumstances exist, and a punishment other than dismissal is awarded, the file shall be submitted to the Deputy Inspector-General for review of the orders passed. The Deputy Inspector-General, will, however, pass no orders until the period of appeal has expired. If an appeal is lodged, the punishment will be examined in the ordinary way, if there is no appeal, the Deputy Inspector-General will proceed to review the punishment if he considers it necessary. If the Deputy Inspector-General decides to enhance the punishment awarded, an appeal will then lie against such order to the Inspector-General. If an appeal does not lie against the original punishment awarded, the Deputy Inspector-General will proceed to review the case as soon as he receives it.

(2) The authority to retain in the service an enrolled police officer, who has been convicted of neglect either judicially or departmentally in connection with an escape, shall rest with the Deputy Inspector-General, or, in the case of Inspectors, with the Inspector-General. If extenuating circumstances exist, they shall be clearly stated and application made to or through the Deputy Inspector-General to award any authorized punishment other than dismissal.

SYNOPSIS

1. *Ordinarily order of suspension suspends the contract of service.*

1. Ordinarily order of suspension suspends the contract of service.—The documents, orders and communications referred to earlier make it clear that the conviction of the respondent by way of stoppage of 2 years increment was on account of the enquiry held against him. Even in his writ petition, the respondent had proceeded on the basis that the departmental enquiry was on account of the escape of the said Bahadur Singh and that the order of stoppage of increment for a period of two years, was the punishment awarded to him as a result of the said enquiry. We are therefore, not in agreement with the finding of the learned single Judge that there was no evidence to show that the punishment meted out to the respondent could not be said to be on account of the finding of misconduct in connection with the escape of said Bahadur Singh in the said enquiry. Superintendent of Police was authorised to vacate his own order of suspension to reinstate the respondent.

It is correct that as a rule a person who has authority to pass an order has also the authority to vacate it but this is subject to the law or statutory rules. Rule 16.37(2) specifically provides:—

> "the athority to retain in service an enrolled police officer, who has been convicted of neglect either judicially or departmentally in connection with an escape, shall rest with the Inspector General of Police....."

In the face of this clear provision contained in the Punjab Police Rules as applicable to H.P. we are of the view that the Superintendent of Police had no athority to reinstate the respondent in service and that his order dated 1st September, 1965, was in violation of the above quoted rule, and, therefore, invalid and of no effect.

The Inevitable result of this conclusion would be that the aforesaid order of reinstatement has to be treated as non-existent and would have the result of revising the order of suspension dated August 21, 1965. If the respondent had not resumed duty in pursuance of even the aforesaid invalid order to reinstatement, this appeal would have had to be allowed. The difficulty in the way of appellants, however, is that the respondent had resumed duty on September 1, 1965, in pursuance of the aforesaid order of reinstatement even though invalid. Ordinarily, an order of suspension suspends the contract of service. At the same time, the employer is not entitled to take any work from the servant during the period of suspension. It must, therefore, follow that if the employee is allowed to resume duty during the period of suspension and does discharge his duties, he would immediately become entitled to his full emoluments instead of the suspension allowance that may have been fixed. In the present case, the respondent admittedly resumed his duties on September 1, 1965, and continued to discharge them until July 3, 1967 when the appellent No. 2 sent the aforesaid endorsement to him in pursuance of the orders of appellant No. 1. The respondent is therefore, entitled to his full salary for the period between September 1, 1965 and July 3, 1967 not withstanding the revival of the order of suspension dated August 21, 1965. The said order dated July 3, 1967 can, therefore, be effective only from that date as held by the learned single Judge and it is bad in so far as it purports to place the respondent under suspension with effect from August 21, 1965. *Inspector General of Police, Himachal Pradesh v. Munshi Ram, 1971(2) S.L.R. 39.*

Rule 16.38 for Haryana

[1]**[16.38. Criminal offences by police officers and strictures by courts-Procedure regarding.**—(1) Where a preliminary enquiry or investigation into a complaint alleging the commission by an enrolled police officer of a criminal office in connection with his official relations with the public, establishes a *prima facie* case, a judicial prosecution shall normally follow. Where however, the Superintendent of Police proposes to proceed in the case departmentally, the concurrence of the District Magistrate shall be obtained.

(2) Orders have been issued by the Hon'ble Judges of the High Court making it obligatory on all civil and criminal courts, whenever they make strictures on the personal character or professional conduct of a police officer, to send a copy of the judgment to the executive authorities. In the case of the High Court itself the copies will be forwarded to the State Government. In the case of all other courts (including Courts of Sessions), the copies will be sent by the Judges and Magistrates concerned to the District Magistrates.

1. Substituted by Haryana Government Notification dated 22.8.1978.

(3) In cases in which strictures are passed on the conduct of the police by a Sessions Court or by a Magistrate's Court and no specific recommendation is made by the Court making such strictures that an enquiry should be made, the District Magistrate will decide whether an investigation into the matter is necessary, and if so, whether it shall be conducted by police officer or by a selected Executive Magistrate. After an investigation or enquiry, the procedure laid down in sub-rule (1) shall be followed. In cases in which the court passing strictures on the conduct of the police suggests that an enquiry should be made, the District Magistrate will comply with such request.

When strictures on the conduct of the police are made by the High Court and communicated to the State Government direct in accordance with sub-rule (2) above, the instructions of Government as to the action to be taken by the local authorities will be communicated to them through the ordinary channals. In cases in which the High Court suggests that an enquiry should be made, that State Government will give orders accordingly.

(4) Rules 24.14 and 24.15 provide for reports of all serious charges against the police being communicated to the State Government by a special report. In cases where such serious charges arise from strictures passed by criminal courts, the Superintendent of Police and the District Magistrate should communicate, either in the report itself or in a covering letter, the procedure which they propose to adopt and any information or notes in connection with the case which they consider should be brought to the notice of Government. Rule 24.15 provides the opportunity for Deputy Inspectors-General and Commissioners similarly to communicate their comments to the State Government.]

Rule 16.38 for Punjab

16.38. Criminal Offences by police officers and strictures by Courts—Procedure regarding.—(1) Immediate information shall be given to the District Magistrate of any complaint recieved by the Superintendent of Police, which indicates the commission by a police officer of a criminal offence in connection with his official relations with the public. The District Magistrate will decide whether the investigation of the complaint shall be conducted by a police officer, or made over to a selected [1][Executive Magistrate].

(2) When investigation of such a complaint establishes a *prima facie* case, a judicial prosecution shall normally follow; the matter shall be disposed of departmentally only if the District Magistrate so orders for reasons to be recorded. When it is decided to proceed departmentally the procedure prescribed in rule 16.24 shall be followed. An officer found guilty on a charge of the nature reffered to in this rule shall ordinarilly be dismissed.

(3) Ordinarily a Magistrate before whom a complaint against a police officer is laid proceeds at once to judicial enquiry. He is, however, required to report

1. Substituted for the words "Magistrate having Ist class powers" by Punjab Notification dated 4.7.1980.

details of the case to the District Magistrate, who will forward a copy of this report to the Superintendent of Police. The District Magistrate himself will similarly send a report to the Superintendent of Police in cases of which he himself takes cognizance.

(4) The Local Government has prescribed the following supplementary procedure to be adopted in the case of complaints against police officers in those districts where abuses of the law with the object of victimising such officers or hampering investigation is rife. The District Magistrate will order that all petitions against police officers shall be presented to him personally. If he considers that these petitions are of a frivolous or factious nature, it is within his discretion to take no action on them. When he considers an enquiry to be necessary he will use his discretion whether to send the papers to the Superintendent of Police or to a Magistrate for judicial enquiry.

In the case of formal criminal complaints, the District Magistrate will arange for all cases to be transferred from other courts to his own.

(5) Orders have been issued by the Hon'ble Judges of the High Court making it obligatory on all civil and criminal courts, whenever they make strictures on the personal character or professional conduct of the police officer, to send a copy of the judgement to the executive authorities. In the case of the High Court itself the copies will be forwarded to the Local Government. In the case of all other courts (including Courts of Sessions), the copies will be sent by the Judges and Magistrates concerned to the District Magistrate.

(6) In cases in which strictures are passed on the conduct of the police by a Sessions Court or by a Magistrate's Court and no specific recommedation is made by the Court making such strictures that an enquiry should be made, the District Magistrate will decide whether an investigation into the matter in necessary, and if so, whether it shall be conducted by a police officer or by a selected[1][Executive Magistrate]. If he decides that an investigation shall be made, the procedure subsequent to such investigation shall be that laid down in sub-rule (2) above. In cases in which the court passing strictures on the conduct of the police suggests that an enquiry should be made, the District Magistrate will comply with such request in accordance with the procedure prescribed in paragraphs (1) and (2) above.

When strictures on the conduct of the police are made by the High Court and communicated to the Local Government direct in accordance with paragraph (5) above, the instructions of Government as to the action to be taken by the local authorities will be communicated to them through the ordinary channels. In cases in which the High Court suggests that an enquiry should be made the Local Government will give orders accordingly.

(7) Rules 24.14 and 24.15 provide for reports of all serious charges against the police being communicated to the Local Government by a special report. In

1. Substituted for the words "Magistrate having Ist class powers" by Punjab Notification dated 4.7.1980.

cases where such serious charges arise from strictures passed by criminal courts, the Superintendent of Police and the District Magistrate should communicate, either in the report itself or in a covering letter, the procedure which they propose to adopt and any information or notes in connection with the case which they consider should be brought to the notice of Government. Rule 24.15 provides the opportunity for Deputy Inspectors-General and Commissioners similarly to communicate their comments to the local Government.

Rule 16.38 for Chandigarh

16.38 Criminal offences by police officers and strictures by Courts-Procedure regarding.—[1][(1) (a) Of receipt of an information which indicates the commission by an officer of a criminal offence in connection with his relations with the public, the District Superintendent of Police shall be enquiries conducted by an officer not below the rank of Inspector.

(b) A gist of the complaint and the action taken thereon shall be sent to the District Magistrate by the concerned Superintendent of Police at the earliest.

(c) The District Magistrate, may, at any time, stop the police enquiry, and order an enquiry by the Executive Magistrate giving reasons for entrusting the enquiry to such a Magistrate.

(d) If, however, the complaint is received by the District Magistrate, he will decide whether the investigation of the Complaint will be conducted by a police officer or made over to the selected Magistrate.

(2) (a) When investigation of such a complaint establishment *prima facie* case, a judicial prosecution shall normally follow. The matter shall be disposed of departmentally only if the District Superintendent of Police so orders for reason to be reocorded.

(b) Where it is decided to proceed departmentally the procedure prescribed under rule 16.24 shall be followed. An Officer found guilty on a charge of the nature reffered to in this shall ordinarily be dismissed.

(c) The District Superintendent of Police shall immediately intimate to the District Magistrate in writing his decision taken under sub-rule 2(b). It shall be open to the District Magistrate to supersede the order of the District Superintendent of Police and the order of the District Magistrate shall be complied with.]

(3) Oridinarily a Magistrate before whom a complaint against a police officer is laid proceeds at once to judicial enquiry. He is , however, required to report details of the case to the District Magistrate, who will forward a copy of this report to the Superintendent of Police. The District Magistrate himself will similarly send a report to the Superintendent of Police in cases of which he himself takes cognizance.

(4) The Local Government has prescribed the following supplementary procedure to be adopeted in the case of complaints against police officers in those

1. Chandigarh Administration Notification Dated 21th June, 1977.

districts where abuses of the law with the object of victimising such officers or hampering investigation is rife. The District Magistrate will order that all petitions against police officers shall be presented to him personally. If he considers that these petitions are of a frivolous or factious nature, it is within his discretion to take no action on them. When he considers an enquiry to be necessary he will use his discretion whether to send the papers to the Superintendent of Police or a Magistrate for judicial enquiry.

In the case of formal criminal complaints, the District Magistrate will arange for all cases to be transferred from other courts to his own.

(5) Orders have been issued by the Hon'ble Judges of the High Court making it obligatory on all civil and criminal courts, whenever they make strictures on the personal character or professional conduct of a police officer, to send a copy of the judgment to the executive authorities. In the case of the High Court itself the copies will be forwarded to the Local Government. In the case of all other courts (including Courts of Sessions), the copies will be sent by the Judges and Magistrates concerned to the District Magistrate.

(6) In cases in which strictures are passed on the conduct of the police by a Sessions Court or by a Magistrate's Court and no specific recommendation is made by the Court making such strictures that an enquiry should be made, the District Magistrate will decide whether an investigation into the matter is necessary, and if so, whether it shall be conducted by a police officer or by a selected[1][Executive Magistrate]. If he decides that an investigation shall be made, the procedure subsequent to such investigation shall be that laid down in sub-rule (2) above. In cases in which the court passing strictures on the conduct of the police suggests that an enquiry should be made, the District Magistrate will comply with such request in accordance with procedure prescribed in paragraphs (1) and (2) above.

When strictures on the conduct of the police are made by the High Court and communicated to the Local Government direct in accordance with paragraph (5) above, the instruction of Government as to the action to be taken by the local authorities will be communicated to them through the ordinary channels. In cases in which the High Court suggests that an enquiry should be made the Local Government will give orders accordingly.

(7) Rules 24.14 and 24.15 provide for reports of all serious charges against the police being communicated to the Local Government by a special report. In cases where such serious charges arise from strictures passed by criminal courts, the Superintendent of Police and the District Magistrate should communicate, either in the report itself of in a covering letter, the procedure which they propose to adopt any information or notes in connection with the case which they consider should be brought to the notice of Government. Rule 24.15 provides the opportunity for Deputy Inspectors-General and Commissioners similarly to communicate their comments to the local Government.

1. Substituted for the words "Magistrate having Ist class powers" by Punjab Notification dated 4.7.1980.

SYNOPSIS

1. *Charge against Police officials regarding molestation of a girl.*
2. *Charge of Bigamy against Police Head Constable.*
3. *Colourable attempt to avoid effect of Rule 16.38 sub-rule (1).*
4. *Commission of Criminal offence by Police Officer.*
5. *Complaint–Departmental proceedings.*
6. *Concurrence of the District Magistrate not obtained before passing the order.*
7. *Condition of service.*
8. *Court cannot interpret rules so as to make, modify or amend them.*
9. *Criminal Prosecution against police officer.*
10. *Criminal Prosecution Rule confined only to departmental enquiries.*
11. *Delay in taking departmental proceedings after acquittal from Criminal Court.*
12. *Departmental enquiry after deviation from the normal rule of prosecution.*
13. *Departmental enquiry—Criminal Prosecution.*
14. *Departmental enquiry—Reduction in rank.*
15. *Departmental enquiry without the permission of District Magistrate not bad.*
16. *Departmental inquiry.*
17. *Departmental officer is not excepted to put his complaint in the form of a petition.*
18. *Disciplinary proceedings.*
19. *Dismissal–Dispensing with enquiry.*
20. *Dismissal from service.*
21. *Dispensing with enquiry.*
22. *District Magistrate ordering departmental enquiry.*
23. *District Magistrate gave sanction without recording any reasons.*
24. *District Magistrate to decide as to whether the investigation of a particular type of complaint shall be conducted by a Police Officeror by a Magistrate.*
25. *Enquiry–Departmental proceedings.*
26. *Enquiry officer recommended his exoneration.*
27. *Executive instructions–Absence of specific provision in the rules the police authorities are bound to follow instructions.*
28. *Expression "immediate" means "within reasonable" time.*
29. *Failure to account for the entrusted money.*
30. *Fresh enquiry on same charge.*
31. *Import and effect of word 'Immediate'.*
32. *Intermediate School Course.*
33. *Investigation conducted by D.I.G.*
34. *Investigation disclosing prima facie case a judicial prosecution should normally follow.*
35. *Investigation–Offence against police officer.*

36. *Mandatory–Departmental enquiry.*
37. *Misuse of power by Police Officer.*
38. *Obligatory on the part of S.S.P. to bring the case to the notice of District Magistrate.*
39. *Opinion of the District Magistrate.*
40. *Order of dismissal by an authority subordinate to the appointing authority.*
41. *Plaintiff purporting to exercise authority of a police officer in plain clothes.*
42. *Police Department cannot pick and choose the cases for obtaining the sanction of District Magistrate.*
43. *Police Officer committing offence in relation to public.*
44. *Promotion.*
45. *Procedure–Complaint against.*
46. *Prosecution–Offences committed by Police Officers.*
47. *Provisions are mandatory.*
48. *Resort to departmental proceedings.*
49. *Rule applicable only if criminal offence has been committed by a Police Officer "in connection with his official relations with the public".*
50. *Rule mandatory.*
51. *Scope.*
52. *Speaking order–Departmental enquiry.*
53. *Suggestion is not be equated with the expression "dictate".*
54. *Tearing off the Rapat Rojnamcha by the police Head Constable.*
55. *Concurrence of the District Magistrate for proceedings-Necessity of.*
56. *Provisions of the Rule-Operatibility of.*
57. *Sanction of the District Magistrate for holding a departmental enquiry-Held not mandatory.*
58. *Judicial prosecution or departmental action-Procedure for.*
59. *Approval of District Magistrate-Condition for requirement of.*
60. *Concurrence of the District Magistrate–Condition for being not mandated.*
61. *Sanction-Requirement of.*
62. *Departmental action-Procedure for.*
63. *Before conducting the enquiry sanction of District Magistrate-Held mandatory.*
64. *Sanction of the District Magistrate for holding a departmental enquiry-Held discretionary.*
65. *Non-obtaining sanction-Effect of.*
66. *Requirement of sanction-Stage therefor.*
67. *Provisions of the Rule-Applicability of.*
68. *Judicial and criminal proceedings continuing simultaneously-Permissibility of.*

1. Charge against Police officials regarding molestation of a girl.—Rule 16.38 shows that it is the District Magistrate who, on receipt of information regarding the commission by a police officer of a criminal offence in connection with his official relations with the

public, is firstly to decide whether investigations of the complaint shall be conducted by a police officer or made over to a selected Magistrate having first class powers. If a *prima facie* case is established, then a judicial prosecution has normally to follow. If is the District Magistrate who has to decide whether instead of a judicial prosecution the matter should be disposed of departmentally. Rule 16.38(1) and (2) vests the power in the District Magistrate alone. The judicial prosecution is the rule and the departmental inquiry is an exception. The source of power to direct departmental inquiry instead itself lays down the authority empowered to act. No officer other than the District Magistrate who has to consider if a departure from judicial prosecution would be justified and to give good and valid reasons for the proposed departure. The jurisdiction to exercise the power under PPR 16.38(1) and (2) is given to the District Magistrate. A District Magistrate is other than an Addl. District Magistrate. The distinction between the post of a District Magistrate and an Addl. District Magistrate is quite clear and the two cannot be equated. By virtue of the notification, an Addl. District Magistrate may exercise all or any of the powers of the District Magistrate under the Criminal procedure Code or under any other law for the time being in force, but he does not thereby acquire the status and rank of the District Magistrate. Whatever might be the powers of the Addl. District Magistrate to carry on the administration of the District, he is not appointed as the District Magistrate. There is an absence of a notification under Section 10(1) and thus the two above named officers are not appointed as District Magistrate. The exercise of power under PPR 16.38(1) and (2) is vested in a District Magistrate and could not by the side wind of a notification under section 10(2) of the Criminal Procedure Code be conferred on an Addl. District Magistrate. The Addl. District Magistrate, who is invested with the powers of a District Magistrate does no thereby attain the status of the District Magistrate as sub-section (3) of Section 10 itself makes clear. The fact that the Addl. District Magistrate may have all the powers of a District Magistrate does not make him a District Magistrate inasmuch as there can be only one person in the District which can be a District Magistrate and that is what is referred to in Rule 16.38(1) and (2). *Malkiyat Singh v. Delhi Administration and others, 1989(3) S.L.R. 58.*

2. Charge of Bigamy against Police Head Constable.—The disciplinary authority was not competent to issue the second show cause notice after issue of the first show cause notice and he could not direct taking the additional evidence by way of examination of the first wife of the applicant. He also pointed out that as contended by the respondents, P.P.R. 16.28 was not applicable to the present case. The applicant was informed on 9.1.1969 (Annexure 'O' to the petition) that "a Superintendent of Police, is empowered to make further investigation or direct such to be made before passing order under P.P.R. 16.28.

In the present case, P.P.R. 16.28 is not attracted and disciplinary authority could not act under the provisions thereof because the said rule envisages calling for the records of awards made by the Subordinates. No rule, however, has been shown to us which prohibits or limits the powers of the disciplinary authority in directing the recording of fresh evidence in the light of the plea advanced by the delinquent officer in his reply to the show-cause-notice. In the present case, the applicant had taken the plea in his reply to the first show-cause-notice that he had contracted the second marriage with the consent of his first wife, who had been ailing for 13 years. *Vinodi Lal v. Union of India and others, 1988(5) S.L.R. 543.*

3. Colourable attempt to avoid effect of Rule 16.38 sub-rule(1).—The allegations against Ram Kishan and others were that they had inflicted a knife injury on Mst. Batto, a Harijan woman and the medical report showed that the injury was with a blunt weapon though the injury was simple. He further said that S.P. ordered him to start a departmental inquiry against the plaintiff. There is no evidence that any immediate information was

given to the District Magistrate of the complaint received against the plaintiff. Neither is there any evidence that the District Magistrate decided that the investigation shall be conducted by the police officers, who conducted it.

The learned counsel for the Government further contended that the charge against the plaintiff in the departmental proceedings was a charge of negligence and not a charge in connection with the commission of a criminal offence in connection with his official relations with public.

But according to the final sentence in the summary of allegations this action amounted to gross negligence of duty and misconduct. It seems to us that it was a colourable attempt to a void the effect of Police Rule 16.38 sub-rule (1). It is a clear case of criminal offence and it was a mere device to call it gross negligence. Following the case *Delhi Administration v. Chaman Shah, (1969) 3 SCR 653*, we hold that as in this case there has been no compliance whatsoever of Rule 16.38, sub-rule (1) the order of dismissal is illegal. *Union of India v. Ram Kishan, 1972 S.L.R. 11.*

4. Commission of Criminal offence by Police Officer.—Judicial prosecution is the rule and departmental enquiry is an exception. *Malkiyat Singh v. Delhi Administration and others, 1989(2) RSJ 74.*

5. Complaint–Departmental proceedings.—The Superintendent of Police is required to send information to the District Magistrate only when a criminal offence has been committed by a police officer "in connection with his official relation with the public". In the present case, there is nothing on record to show that the petitioner was accused of having committed an offence in connection with his official relations with public. In fact, neither the summary of allegations nor the enquiry proceedings were attached with the writ petition. However, the original record was suommoned by me and I have perused it. On perusal of the record, it transpires that the original complaint made by ASI Sukhbir Singh only suggested that the petitioner had obstructed the raiding party during the raid on the house of Dharam Pal. It was during the preliminary enquiry, that some evidence came on the record to show that the record to show that the petitioner had certain connection with the wife of Dharam Pal. The proceedings were initiated in the present case, on the basis of a complaint submitted by ASI Sukhbir Singh, and the complaint itself did not disclose the commission of a criminal offence by the petitioner in connection with his official relations with the public. *Brij Pal Singh, Constable v. State of Haryana and others, 1991(7) S.L.R. 246.*

6. Condition of service.— Police officers hold office during the pleasure of the President under Article 310 of the Constitution. The condition of their service can be regulated by the legislature under the proviso to Article 309 and the Police Act, 1861 may be regarded as such legislation. *Daulat Ram v. Union of India, 1971(2) S.L.R. 502.*

7. Concurrence of the District Magistrate not obtained before passing the order.— It is not disputed that concurrence of the District Magistrate had not been obtained. In view of this, the order of removal passed against the petitioner for the criminal offence committed by him in connection with his official relation with the public was passed in violation of the said mandatory rule. The order shall thus be deemed to be a void order. *State of Haryana and another v. Surjan Singh, 1990(2) S.L.R. 88.*

8. Court cannot interpret rules so as to make, modify or amend them.—Court cannot make law, it can merely interpret or construe it, and not modify or amend it under the cloak or guise of interpretation, though in this process of construction it may give the law shape, but this is permissible only within the strict limits of discernible legislative scheme or intent. *AIR 1956 Punjab 102.*

9. Criminal Prosecution against police officer.—Rule 16.38 prescribes-more correctly we may say Rule 16.38 lays down the guidlines of the procedure to be followed when a Superintendent of Police receives any complaint about the commission of a criminal offence by a police officer "in connection with his official relations with the public". The Superintendent of Police is enjoined to give immediate information to the District Magistrate who is thereupon to decide whether the investigation of the complaint shall be conducted by a Police Officer or by a Magistrate. It is stated that though's judicial prosecution shall normally follow', the matter may be disposed of departmentally if the District Magistrate so orders, for reasons to be recorded. The further Departmental procedure is prescribed by the remaining clauses. It is clear that Rule 16.38 is not designed to be a condition prcedent to the launching of a prosecution in a Criminal Court; it is in the nature of instructions to the Department and is not meant to be of the nature of a sanction of permission for the prosecution. Nor can it override the provisions of the Criminal Procedure Code and the Prevention of Corruption Act. *State of Punjab v. Charan Singh, 1981(1) S.L.R 355.*

10. Criminal Prosecution Rule confined only to departmental enquiries.—The only point pressed upon me is that the Courts below have gone wrong in holding that the compliance with Rule 16.38 of the Punjab Police Rules, 1934, was not a condition precedent to the prosecution of police officer in a court of law. I find no merit in this submission. A plain reading of the said Rule shows that its application ins confined to departmental enquiries only. *Lal Chand v. The State, 1983(2) S.L.R. 33.*

11. Delay in taking departmental proceedings after acqittal from Criminal Court.—It would also follow that he would not only be entitled to be confirmed in his rank of Sub-Inspector of Police but his seniority as Sub-Inspector would also have to be properly determined attracting the further consequence of whatever opportunities that might accure to him in the matter of promotion. It is well known that confirmation is a necessary incidence of service; there may be no justification to postpone it if the conditions for confirmation are satisfied. The only ground stated in the return, for not confirming the petitioner was that owing to the departmental action taken against him he was not confirmed. In this context it has become necessary to notice specifically the great and unexplained delay in taking departmental action. The petitioner was acquitted by the Special Judge on 21.1.1971 and the State's appeal against the acquittal was dismissed in limine on 21.2.1971. He was re-instated w.e.f. 20.2.1971. His troubles began do novo when he was served with the summary of allegations on 25.3.1973, more than two years after the acuittal. Apart from the view, which I have taken, that this was not permissible or legal, it seems difficult to justify the delay in talking such departmental action. No justification for this has even been attempted in the return in spite of a specific complaint of "harassment" and "vindictiveness" by reason of such departmental action being taken against him, after such delay. The whole of these proceedings have to be also viewed in the background of P.P.R. 16.38 which requires that every allegations of committing a criminal offence by a police officer in his relations with the public as a police officer having to be reported to the District Magistrate without loss of much time (three months) for him to decide whether the matter should be placed before a Court or, for reasons to be recorded by him in writing, only departmental action should be taken. Elementary fairness to a public servant would require that the sword of Democles should not be allowed to hang over him longer than necessary; otherwise there is the likelihood of degeneration into an engine of oppression. Whether the departmental action taken against the petitioner in this case was legal or illegal, minimum fairness required that the said action was taken at least expeditiously and not after so much unexplained delay as has unfortunately happened in this case. *Shri Kundan Lal v. The Delhi Administration, Delhi and others, 1976(1) S.L.R. 133.*

12. Departmental enquiry after deviation from the normal rule of prosecution.—After the completion of the departmental enquiry against him in pursuance of the said order. According to the learned counsel if the petitioner had felt aggrieved by this order he should have challenged it right at the stage when the departmental enquiry was launched against him. This submission of the learned counsel prima facie appears to be of some weight but holds no water when examined minutely. It is nobody's case that order Annexure P.3 was ever communicated to the petitioner at any stage. He thus never knew that the Deputy Commissioner had passed the order for initiating a departmental enquiry against him without recording any reasons for the same. *Sarup Singh v. State of Haryana and others, 1983(3) S.L.R. 585.*

13. Departmental enquiry–Criminal Prosecution.—The only object of this rule is that no offence alleged to have been committed by a police officer in connection his official relations with the public and brought to the notice of the Superintendent of Police should be disposed of departmentally in accordance with the provisions of the rules found in Chapter XVI without obtaining the prior approval of the District Magistrate for that purpose. Judicial prosecution for such an offence is the normal rule and departmental action is an exception and it is only to bring the case within that exception that prior direction or order of a District Magistrate is required. In case the normal procedure of launching judicial prosecution is to be followed, there should be no necessity of obtaining the prior approval of the District Magistrate and certainly is was not the intention of rule 16.38 to obtain such a sanction in derogation of the relevant provisions of the Code of Criminal Procedure. If the construction as sought to be placed by the learned counsel for the petitioners for rule 16.38 is aceded to, it would be difficult to reconcile the provisions of rules 16.11 and 16.12 with those of rule 16.38. *Shri Beli Ram and others v. State of Himachal Pradesh, 1981(1) S.L.R. 264.*

14. Departmental enquiry–Reduction in rank.—It can easily be concluded that non-compliance of P.P.R. 16.38 is fatal to the departmental enquiry held against the applicant. It cannot be disputed that under Rule 16.38, it was proper for the authority concerned to initiate legal proceedings against the applicant in the normal course. Since the deviation has been made from the normal rule and departmental proceedings were initated against the applicant without seeking permission of the District Magistrate, the departmental enquiry conducted against the applicant is illegal. It was necessary that for initiating departmental enquiry against the applicant, the permission of the District Magistrate was obtained. The result of the above observations is that the departmental enquiry held against the applicant was not in consonance with the provisions as contained under Rule 16.38. *Gurdhyan Singh v. State of H.P. and others, 1988(7) S.L.R. 174.*

Police Head Constable in Haryana Railway Police. Charges of criminal offence levelled against the plaintiff. Permission from District Magistrate was not obtained before proceeding for departmental enquiry. The said enquiry is invalid. It is mandatory to seek permission from District Magistrate under rule 16.38. Appeal against order of trail court set aside and order of reversion dismissed. *State of Haryana v. Mohinder Singh, 2010 (7) SLR (Pb & Hry) 423.*

15. Departmental enquiry without the permission of District Magistrate not bad.—A perusal of the charge-sheet set out leaves no manner of doubt that the allegations against the petitioner was (1) that he mixed up the bad characters of the ilaqa (2) that he was found absent from the police station without permission on the night between 6/7-8-66 at about 11.5 P.M. (3) that an entry in that respect was made in the diary at serial No. 26 dated 6th August, 1966. The said charges can be enquired into under the provision of the

Punjab Police Rules. The being so, there is no merit in the contention that instead of proceeding to enquire into them under the Police Rules, the department should have chosen to file prosecution against the petitioner either under section 34 of the Punjab Police Act or section 506 of the Indian Panel Code and that department was required to obtain the permission of the District Magistrate as envisaged by Rule 16.38 of the aforesaid Rules. Since the provision of Rule 16.38 to charge on which enquiry was held against the petitioner were not attracted I do not find any irregularity in termination of his services. I do not agree that the department had circumvented the procedure laid down in Rule 16.38 of the rules. *Shri Har Parkash, Ex-Constable v. Union of India and another, 1977(2) S.L.R. 357.*

16. Departmental Inquiry.—According to the plain intention of Rule 16.38 of the Punjab Police Rules, Vol. II, the District Magistrate is to decided for himself whether the enquiry was to be done by a Magistrate or by a police officer. The enquiry by a police officer may, not be desirable in many cases and it is not for the Superintendent of Police himself to suggest that the departmental enquiry should be launched. All that the Superintendent of Police is enjoined to do is to submit his report to the District Magistrate who alone is to decide what should be done.

Rule 16.38 had been breached in two essential aspects and the enquiry had been initiated in violation of the elementary rules of procedure and the order of dismissal was set aside. *Walaiti Ram v. State of Punjab, 1965 Cur. L.J. 1 : 1967 P.L.R. 523.*

17. Departmental officer is not excepted to put his complaint in the form of a petition—A Departmental officer is not excepted to put his complaint in the form of a petition. It may take the form of a departmental not or a confidential report. Sometime the information or accusation received may be oral or to be inferred from the conduct of the concerned police officer. The facts against him themselves may speak more eloquentlythan any piece of writing. A certain secrecy is often attached to information relating to the commission of an offence and it would be against human nature to expect that such information must always be in writing. *Daulat Ram v. Union of India, 1971(2) S.L.R. 502.*

18. Disciplinary proceedings.—It is not absolutely necessary that a list of prosecution witnesses must be given to the Government servant facing the inquiry to make him know the charges brought against him. *Union of India v. Suraj Bhan, I.L.R. (1970)1 Delhi 275.*

It was held that the perusal of the allegations clearly disclosed the ingredients of section 160 of IPC and section 145 of the Railway Act for which the plaintiff should have been prosecuted judicially by instituting a Criminal Case. The Superintendent of Police proposes to proceed departmentally against the plaintiff without following the procedure of Rule 16.38 and without concurrence of District Magistrate. Finding of Court that suit was decreed and no question of law much less substantial involved in the appeal. *State of Haryana and Others v. Mohinder Singh, 2010(2) RSJ 798 (Pb).*

19. Dismissal-Dispensing with enquiry.—Rule 16.36 laying down holding of a preliminary enquiry by District Magistrate—Obligatory on the S.P. to refer matter oto District Magistrate. *Ashok Kumar, former Sub Inspector v. State of Punjab and others, 1990(2) RSJ 505.*

Dismissal—Misconduct–A question arises a record of person's prosecution as well as its reasons should be kept? In case his procedure is done against department. Then no recording of reasons why he is not prosecuted. If there is defect in the order then departmental enquiry has to be proceeded. *Haryana State through Collector, Karnal v. Raghbir Singh, 2002(1) RCR (Civil) 657 (P&H): 2002(1) PLR 782 (P&H).*

20. Dismissal from service.—Case not brought to the notice of District Magistrate—S.S.P. failing to perform statutory obligation—impugned order of dismissal cannot be sustained. *Ex-Sub Inspector Mohinder Singh Cheema v. State of Punjab and others, 1990(2) RSJ 716.*

21. Dispensing with enquiry.—There was no material before the Superintendent of Police to come to the conclusion that it was not reasonably practicable to hold enquiry in this case. The satisfaction of the Punishing Authority is the condition precedent for invoking the provisions of Proviso to Article 311 of the Constitution. A bare perusal itself shows that the Superintendent of Police has held that it was not reasonably practicable to hold departmental enquiry. I asked Mr. Rajiv Atma Ram, counsel for the respondent to show the material on the basis of which this satisfaction was based. There is hardly any material on record on the basis of which an opinion can be formed that it was not reasonably practicable to hold a departmental enquiry. Consequently, the order of dismissal in the present case is wholly arbitrary, unreasonable and capricious and, therefore, cannot be sustained. The order of the Superintendent of Police is clearly outside the scope of Article 311 of the Constitution and consequently it was incumbent upon the Superintendent of Police to have held enquiry in the present case before punishing the petitioner. *Ashok Kumar, Sub Inspector of Police v. State of Punjab and others, 1990(3) S.L.R. 127.*

22. District Magistrate gave sanction without recording any reasons.—In the present case the complaint received by the Superintendent of Police (City) Delhi indicated the commission by the appellant of a criminal offence in connection with his official relations with the public. The complaint fell within Rule 38(1) and should have been dealt with accordingly. Nevertheless there was no investigation of the kind prescribed by Rule 38(1). The District Magistrate did not direct any preminary investigation nor was any prima facie case against the appellant as a result of such an investigation established. In *State of Uttar Pradesh v. Babu Ram Upadhya 1961(2) SCR 679*, the Court by majority held that the provisions of paragraph 486 Rule 1 of the U.P. Police Regulations were mandatory and that a departmental action against the police officer in disregard thereof was invalid. The minority held that the paragraph was directory and as there was substantial compliance with its provisions the departmental proceedings were not invalid. In *Jagan Nath v. Sr. Supdt. of Police, Ferozepur, AIR 1962 Punjab 38*, the Punjab High Court held that the provisions of rule 16.38(1) and (2) were mandatory and that a departmental inquiry held without following its provisions was illegal. It is not necessary to decide in this case whether the provisions of Rule 16.38 of the Punjab Police Rules are mandatory or directory. Even assuming that the rule is directory we find that there has been no substantial compliance with its provisions. The complaint fell within rule 16.38 and it was for the District Magistrate to decide who should investigate the case. No investigation of any kind was mad under the directions. Without obtaining his directions, the Superintendent of Police held an inquiry, and passed on order of censure. The order was set aside by the Deputy Inspector General. Thereafter by D.O. letter No. 2165-C, the Superintendent of Police, asked for the sansction of the District Magistrate to proceed departmentally. Even at this stage, the District Magistrate was not informed that the Superintendent of Police held an inquiry and passed an order of censure and that, his order was aside by the Deputy Inspector-General. The inquiry held by the Superintendent of Police was not authorised by the District Magistrate nor did it receive his approval. The District Magistrate gave his sanction without recording any reason and without applying his mind to the requirement of Rule 16.38. In the circumstances, we are constrained to hold the departmental action taken against the respondent is invalid. *Delhi Administration v. Chanan Shah, 1969 S.L.R. 217.*

23. District Magistrate ordering departmental enquiry.—The report of the Vigilance Department was enclosed with the papers forwarded by the Superintendent of Police, the District Magistrate must be deemed to have made a perusal of it and the order passed for a departmental enquiry was a full compliance with the Police Rules. *Ram Singh Dhawan v. The State of Punjab, 1967 P.L.R. 763.*

24. District Magistrate to decide as to whether the investigation of a particular type of complaint shall be conducted by a Police Officer or by a Magistrate.—The Legislature has itself performed the essential function of creating an agency to detect crimes and what has been delegated to the Executive Government is the task to implementing the purposes and the objects of the Act. It would be trite to say that an effective and proper method of implementing the policy of the Legislature would be to frame rules on the subject for ensuring uniformity of treatment. The crimes may be committed by the public at large or by the members of the agency created by the statue. The procedure for investigation of these crimes is essentially a matter of detail and the task of providing for this procedure has been left to the Executive authority. The impugned rule only empowers a District Magistrate to step in and to make a choice between one agency or the other to investigate a particular class of crimes committed by police officers. It falls squarely within clause (a) of sub-section (2) of Section 46 and has the added protection of clause (c) of sub-section of the same section. *Raj Kumar v. State of Punjab, 1976(1) S.L.R. 5*

25. Enquiry–Departmental proceedings.—I am of the opinion that this was merely a formal order passed in pursuance of the decision of the Chief Commissioner taken on 11th of January, 1977, in which discussion even the District Magistrate was present and he merely carried out the decision of the Chief Commisioner and in furtherance of the same passed the order dated 12th of January, 1977. It is again not disputed before me that under sub-rule (2), there has to be application of mind by the District Magistrate alone and the moment it is found that he did not apply his own mind but passed the order on the dictates of some superior authority, then such an order would be no order in the eyes of law and would stand vitiated. The question which is to be seen is whether on the facts of the present case, the order dated 12th of January, 1977, was passed by the District Magistrate of his own or at the behest of the Chief Commissioner, pursuant to the dicision dated 11th of January, 1977, which the District Magistrate was also present. As already found above, the District Magistrate was merely carrying out the order of the Chief Commissioner dated 11th of January, 1977, and, therefore, the order dated 12th of January, 1977, passed by the District Magistrate cannot be allowed to stand in law and deserves to be quashed. *Sita Ram, Sub-Inspector of Police v. Union Territory of Chandigarh and others, 1981(1) S.L.R. 438.*

26. Enquiry officer recommended his exoneration.—A State Government cannot order disciplinary enquiry under Rule 16.37, 16.38 and 16.40 through an officer other than a police officer or Magistrate. The Rule, therefore, empowers the State Government to conduct an enquiry by such an officer if administrative exigenicies so require. The proviso further empowers the State Government to order enquiry under CCS (CCA) Rules, 1965, where it is of the opinion that it is not feasible to conduct an enquiry in accordace with the procedure laid down under the P.P.S. Rules. It can also order such an enquiry, if a joint enquiry is found necessary with officers who are govenerned by the CSS (CCA) Rules. If the enquiry is ordered under Rule 16.38 (as was done by the Addl. Commissioner of Police in the present case) the enquiry has to be conducted by a police officer and under the provisions of Punjab Police Rules. Informing its opinion the State Government must address itself to a question whether it is feasible to conduct an enquiry under Rule

16.38 or not. The procedure under Rule 16.38 and Rule 16.42 is thus mutually exclusive. If there is no inquiry under Rule 16.38 then alone an inquiry can be ordered under Rule 14.42. If Rule 16.38 and Rule 16.42 are read together it is clear that once an enquiry is held under Rule 16.38 no enquiry can be held simultaneously or afterwards under Rule 16.42. *Shyamdev v. Union of India and others, 1982(3) S.L.R. 784.*

27. Executive instructions–Absence of specific provision in the rules the police authorities are bound to follow instructions.—In case the competent or the controlling authority cannot release the official whose assistance is being sought the delinquent official must be informed so that he can suggest another name. The circular upon which the petitioner is relying takes the principles to its logical conclusion. M. Bagai, learned counsel for the respondents, was unable to show me any provision in the Police Act or in the Punjab Police Rules by which the respondents have been permitted to ignore the administrative instructions issued from time to time by the Government of India. In my view, in the absence of a specific provision in the Punjab Police Rules to the contrary, the said circular of the Government of India was applicable and the police authorities were enjoined to follow the same. I reject the contention of Mr. Bagai that the police authorities were not bound by the instruction given the circular. The non-application of mind by the authorities on this plea has resulted in injustice. This finding by itself can be made the basis for setting aside the departmental enquiry. But for the reasons which I give herein below I am not setting aside the enquiry proceedings or the impugned orders. Instead in exercise of discretion vested in this court under Article 226 of the Constitution of India I mould the relief. The petitioner who was a constable in the Delhi Police has been put of service for the last 16 years, having been dismissed in the year 1968. In the year 1971 when he filed the present petition, he was 43 years old, as per his supporting affidavit. As to what the petitioner has been doing for the last 16 years is not clear from the petition Mr. Budhiraja's contention is that he was without a job and in fact has been idle. Whether he was working or not is not the question to be decided. What is to, be seen is whether he can be said to be physically and mentally fit to undergo the hardships which a constable is expected to face? Would he be able to because of the long interval, carry out the orders of his superiors without any reservation? The petitioner now is 56 years old. In this for intervening period of 16 years, for reasons beyond his control, he could not take part in parades, physical training exercises, games and other training programmes which are essential for a member of police force to remain not only physically fit but also mentally alert. He has been deprived of leading an active, organised and disciplined life. *Jiwan Singh v. The Administrator, Union Territory of Delhi and others, 1985(1) S.L.R. 781.*

28. Expression "immediate" means "with in reasonable" time.—It would be seen that the petitioners in the aforesaid two cases approached this Court at stages when the matter was pending at one stage or the other before the departmental authorities, and effort was being or had been made at their end to comply with rule 16.38(1) though belatedly. The view taken in the aforesaid two decisions with regard to the word "immediate" employed in the said sub-rule appears to us to be too legalistic and not in consonance with the view expressed by us earlier and now. Thus the view expressed by Narula J. in Avtar Singh Uppal's case (supra) and Bhajan Singh's case (supra) in relation to the word "immediate" would stand overruled. And in any event, those were cases in which the matter was raised in this Court at comparatively earlier stages or had been raised in this court at comparatively earlier stages or had been raised before the departmental authorities, and thus decisions on their own facts. *Ram Phal v. State of Haryana and ors., 1980(3) S.L.R. 186.*

29. Failure to account for the entrusted money.—The primary justification of rule 16.38 being insterted in the Rules is to ensure priority being given to a criminal trail in preference to a departmental enquiry when a police officer is accused of the commission of a criminal offence in connection with his official relations with the public. Under Section 190 of the Criminal Procedure Code, cognizance of an offence may be taken by a criminal court either on a complaint or on a police report or otherwise. This is an additional reason why the meaning of the word 'complaint in the rule cannot be restricted only to a written petition.

In the present case, the accusation against the plaintiff appellant was that he come into possession of Rs. 150/- in the course of his official duties. He was thus entrusted with that money. His failure to account for the same amounted to criminal breach of trust within the meaning of section 405 of Indian Penal Code. He was therefore, entitled to the protection of rule 16.38. The direct institution of departmental action against him in complete disregard of the said rule was, therefore, illegal and ultra vires Rule 16.38. The departmental enquiry and the punishment imposed on the plaintiff appellant by the order dated 20.2.1958 are, therefore, quashed. As the suit of the plaintiff had been dismissed on a preliminary ground, the case is remanded to the trial Court for trial on merits as to whether the police authorities would not like to comply with rule 16.38 and if so whether the plaintiff appellant is to be placed in his former position as officiating Sub-Inspector of Police or on suspension till the matter against him is finally decided and what should be his pay and if he is entitled to the arrears of pay claimed by him and such other matters. *Daulat Ram v. Union of India, 1971(2) S.L.R. 502.*

30. Fresh enquiry on same charge.—The impact and effect of the word "immediate" in the opening part of rule 16.38(1) of the Police Rules. Permitting resort to the said rule after such a long time, would in my opinion, amount to ignoring the statutory requirements of the said rule. I, therefore, hold that so much of the order of the Deputy Inspector-General of Police, Ambala Range (Annexure 'I') as directs compliance with the provisions of Police Rule 16.38(1) by placing the matter before the District Magistrate, Rohtak at this stage, is contrary to the provision of law, and has to be struck down. The order of the appellate authority quashing the order of punishment passed by the Superintendent of Police, Rohtak, is manifestly correct and has to be upheld. *Bhajan Singh v. Shri Bahal Singh, S.P. Rohtak and another, 1967 S.L.R. 601.*

31. Import and effect of word 'Immediate'.—Learned counsel has then contended that the observations made in the confidential report of the petitioner (Annexure 'H') which have been quoted in an earlier part of this judgment, and the warning administered to him therein and on April 17, 1965 (Annexure 'C') are *mala fide* and should be quashed. Without entering into the allegations of mala fides, I think the Superintendent of Police had no jurisdiction to administer a warning to the petitioner (wearing itself being a punishment), on allegations which were still pending enquiry before the departmental authorities. Same applies to the observations in the confidential report relating to the Chuchakwas liquor taking incident. For the foregoing reasons I set aside and quash the order, dated April 17, 1965 (Annexure 'C') administering warning to the petitioner and direct that the portion relating to the Chuchakwas incident from the confidential report (Annexure 'H') shall also be deleted. *Bhajan Singh v. Shri Bahal Singh, S.P. Rohtak and another, 1967 S.L.R. 601.*

32. Intermediate School Course.—Petitioners cannot allege any discrimination if persons working in the H.A.P. though confirmed later are sent to attend the Intermediate College. *Raj Kumar v. State of Haryana, 1991(2) RSJ 342.*

33. Investigation conducted by D.I.G.—Investigating has admittedly been conducted at least by the D.I.G. into the complaint without complying with the provisions of Rule 16.38(1) of the Police Rules. The entire investigation proceedings against the petitioner in this case have, therefore, been vitiated on the account. *Avtar Singh Uppal v. The Inspector General of Police, Chandigarh , 1966 Cur. L.J. 318.*

34. Investigation disclosing *prima facie* case a judicial prosecution should normally follow.—The provisions of sub-rules (1) and (2) of Rule 38 are attached in cases of complaint received by the Superintendent of Police, indicating the commission by a police officer of a criminal offence in connection with his official relations with the public. In such a case, the Superintendent of Police is required to bring the complaint to the notice of District Magistrate who is to decide whether the investigation of the complaint should be made by a selected Magistrate having first class powers or should be left to a police officer. If the investigation discloses a *prima facie* case, a judicial prosecution shoul normally follow unless for reasons to be recorded in writing the District Magistrate directs that the matter should be disposed of departmentally. *Delhi Administration v. Chanan Shah, 1969 S.L.R. 217.*

35. Investigation–Offence against police officer.—Coming to the facts of the instant case it may be pointed out that in view of the opening words of the said Regulation namely "when the offence alleged against a police officer, amounts to an offence only under Section 7 of the Police Act", the said Regulation also stands on the same footing as Rule 16.38 of the Punjab Police Rules. In *Mahendra Singh v. State, AIR 1956 Allahabad 96* a special Bench of the Allahabad High Court held that Section 7 of the Police Act provided for the departmental punishment of inferior police officers. It was also held that the said section did not in terms make provision for any inquiry, it merely provided that the exercise of disciplinary powers shall be subject to rules framed by the State Goverment and Chapter 32 of the Police Regulations laid down these rules which provided for a departmental trial for punishment to be inflicted under section 7 of the Police Act. In this view of the matter it is apparent that like Rule 16.38 of the Punjab Police Rules, the procedure prescribed in Regulation 486(1)(3) of the Regulations had to be confined to departmental proceedings under section 7 of the Police Act and the High Court was clearly in error in taking the view that notwithstanding the provision contained in the proviso to Section 5A of the Prevention of Corruption Act and the undisputed fact that the Inspector of Criminal Branch, Criminal Investigation Department, who conducted the enquiry in the instant case had been duly authorised by the State Government as contemplated by the said proviso, the investigation was vitiated in law on the ground that the said Inspector was not higher in rank to the respondent as contemplated by Regulation 486(1)(3) of the Regulations. *State of Uttar Pradesh and others v. Surinder Pal Singh, 1989(1) S.L.R. 561.*

36. Mandatory–Departmental enquiry.—The primary challenge to these orders is on the ground that the procedure prescribed in Rule 16.38 of the Punjab Police Rules, as applicable to Haryana, had not been complied with and the petitioner has been materially prejudiced by the said non-compliance. The precise argument is that on the basis of the preliminary enquiry held under sub-rule (1) of the said Rules, the District Magistrate concerned had to pass a reasoned order for not prosecuting the petitioner in a judicial Court which otherwise is a the normal rule. A bare reading of this order manifestly indicates that the District Magistrate has not recorded any reason whatsoever for deviating from the normal course of launching a prosecution against the petitioner and ordering a no compliance of the requirements of sub-rule (2). The District Magistrate who has been arrayed a respondent No. 4 to this writ petition has not even cared to file a reply to the same. *Sarup Singh v. State of Haryana and others, 1983(2) S.L.R. 609.*

37. Misuse of power by Police Officer.—Rule 16.38, however, has not application where information of the commission of such an offence has been received by any Court. The rule is, however, based on a statutory principle that a complaint of the Commision of an offence against the police officer should not be dealt with by the Police Administration itself and should be left to be dealt with by the District Magistrate, and where investigation discloses a *prima facie* case a judicial prosecution should normally follow unless the District Magistrate, for reasons to be recorded, decides, that the officers concerned may be dealt with departmentally. It was, therefore, consistent with this Rule that Jain, J. referred the matter for inquiry to the Chief Metropolitan Magistrate. The Chief Metropolitan Magistrate has found a *prima facie* case against two officers, has exonerated the third, but has given the benefit of doubt to the fourth.

I would direct that the Commissioner of Police would initiate appropriate proceedings at his own level or at such lower but senior level as having regard to all the circumstances, he considers to be necessary to deal with the allegations made against the delinquent officers, who have been indicated in the two reports and who may otherwise appear to him to be concerned and to consider what steps are necessary to deal generally with the problem of misuse, abuse or excessive use of power by the Police officers and take such action as may be considered necessary by him. *Satpal v. Assistant Commissioner of police, 1984(1) S.L.R. 613.*

38. Obligatory on the part of S.S.P to bring the case to the notice of District Magistrate.—It was asked from the S.S.P why he did not bring this case to the notice of the District Magistrate as required by Rule 16.38 of the Punjab Police Rules. He could not give any proper reason in support of this. It may be pointed out that the provisions of Rule 16.38 of the Punjab Police Rules deal with holding of departmental enquiry as envisaged by Article 311 of the Constitution of India. It was obligatory according to Rule 16.38 for the S.S.P to bring this case to the notice of the District Magistrate and it was for the District Magistrate to decide whether a departmental enquiry should be held or a criminal prosecution shoul be ordered. The S.S.P. failed to perform the statutory obligation. In my opinion, the S.S.P. has violated the mandatory provisions of Rule 16.38 in dismissing the petitioner from service summarily without following the mandatory provisions of Rule 16.38. *Mohinder Singh Cheema, Ex-Sub-Inspector v. State of Punjab through Home Secretory, Chandigarh, 1990(5) S.L.R. 690.*

39. Opinion of the District Magistrate.—Rule 16.38 is really meant to have a completely objective and unbiased consideration by the District Magistrate whether a particular case relating to official relations of the Police with the public should be tried by a Magistrate having first class powers or investigated departmentally by the police authorities themselves. But there may be cases which are not required to be forwarded to the District Magistrate. *Madan Gopa v. The Punjab State, 1968 P.L.R. 874.*

40. Order of dismissal by an authority subordinate to the appointing authority.—There cannot be better case of illegality of the order that the author of the order himself felt that the order cannot be sustained. It is also clear that the Punishing Authority of was satisfied the petitioner was D.I.G. as he was promoted under his orders. Consequently, the decision to dispence with the enquiry could be taken by the D.I.G. In this view of the matter the impugned order is illegal. There is no material on the file to show that the punishing authority that it was not reasonably practical to hold enquiry against the petitioner. Therefore, the order of dismissal is artibitrary, unreasonable and capricious as it denies equality before law and equal protection to the person concerned and, therefore, violative of Article 14 of the Constitution of India. For this reason, the order of dismissal from

service being violative of Article 14 of the Constitution is bad in the eye of law. *Ashok Kumar, Sub Inspector of Police v. State of Punjab and others, 1990(3) S.L.R. 127.*

41. Plaintiff purporting to exercise authority of a police officer in plain clothes.—Plaintiff purporting to exercise authority of a police officer and even if he was in plain clothes it does no mean that he was not purporting to act as a police officer. *Union of India v. Ram Kishan, 1972 S.L.R. 11.*

42. Police Department cannot pick and choose the cases for obtaining the sanction of the District Magistrate.—There has been no explanation at all why the petitioner's case was not put up before the District Magistrate when the case of Kishan Chand was duly put up, the mere fact of his arrest or his having incited the Police Force demonstrating before the Home Minister's residence would not make any distinction in principle. If in the case of Kishan Chand it was a case of his allegedly committing a criminal offence, on identically the same accusation against the petitioner and in exactly similar terms and his case was put up before the District Magistrate under Rule 16.38 for his orders, the case against the petitioner also had to be similarly put up; in other words, the Police Department cannot pick and choose at its sweet will, the kind of cases which they would put up under Rule 16.38 to the District Magistrate for his orders when accusations were identically the same. Such a course, is permitted is likely to greatly undermine the confidence of the police force in their official superiors. *Ram Karan v. Union of India and others, 1975(2) S.L.R. 683.*

43. Police Officer committing offence in relation to public.—Petitioner, a Police Officer, during performance of his duties came into contact with the drivers of trucks which were stopped and not challaned by him. The petitoner committed a criminal offence under Section 217 Indian Penal Code. The petitioner was proceeded against departmentally without obtaining orders of District Magistrate to enquire into his conduct under rule 16.38(1) of Punjab Police Rules.

Whenever a Police Officer in the discharge of his official functions comes to have official relations with the public and commits a criminal offence in connection with those relations, rule 16.38(1) of Punjab Police Rules becomes applicable irrespective of the fact whether any member of the public was aggrieved of his conduct or not. It could not be contended that before rule 16.38 became applicable, a member of the public should be aggrieved of the conduct a Police official. A Police Officer by committing an offence in connection with his relations with a member of public may in fact be benefitting that person by not proceeding against him under the law when that person makes himself liable to be proceeded against and so he may not be aggrieved of the conduct of the Police Officer. *Ajit Singh v. Delhi Administration and ors., 1973(1) S.L.R. 1100.*

44. Procedure–Complaint against.—Rule is mandatory for investigation of cases pertaining to departmental enquiries and the holding of departmental enquiries in accordance with the procedure prescribed thereunder. *Harishyam A.S.I. v. State of Punjab 1991(3) RSJ 444.*

45. Promotion.—Allegations of some pending enquiry–Inaction on part of authorities for not making any steps for conducting alleged enquiry–Matter of promotion kept in abeyance for a decade–Petition allowed. *Sukhdev Singh, Head Constable v. State of Punjab and others, 1989(2) RSJ 295.*

46. Prosecution–Offences committed by Police Officers.—It may be noticed that the three decisions of this Court which have been referred to above related to departmental enquiries and not criminal prosecutions for offences committed by the deliquent police

officers. The pronouncements in these cases will therefore govern only cases where departmental enquiries are held in contravention of the procedure prescribed by the Police Rules. The reason for a special procedure being prescribed in the Rule for investigations before departmental enquiries are held against deliquent police officers is not far off to see. In the very nature of their duties, the members of the police force would often stand exposed to criticism and complaints by not only the members of the public but also by the members of the force themselves and consequently they stand placed more vulnerable than members of other Government services, of being implicated in false or exaggerated charges. In order to protect them from false implications and resultant proceedings, the Government had thought it necessary to have initial screening of the complaints received against members of the police force by the District Magistrate. Such screening would however extend only the matters which fall within the zone of departmental action and it could never extend to cases where the offences alleged to have been committed would attract investigation under the Criminal Procedure Code in the same manner the investigation would be attracted if the offences complained of had been committed by any member of the public. That the procedure prescribed in Rule 16.38 has only a limited field of operation *i.e.* applicable only to departmental enquiries and punishments could be seen from the fact that clause 3 of the Rule enjoins every Magistrate to whom a complaint against a police officer is referred by the District Magistrate for judicial enquiry to report the details of the case to the District Magistrate in order to enable the District Magistrate to forward the report to the Superintendent of Police. The clause further says that if the District Magistrate himself takes cognizance of case, he should of his own accord sent a report to the Superintendent of Police. Clause IV of Rule 16.38 also throws light on the matter and brings out the objective in greater clarity. This clause sets out that in order to protect the interests of police officers serving in districts where petition mongering activities are notorious, the District Magistrate can direct that all petition complaining about police officers shall be presented to him personally so that he can scrutinize them to find out whether the petitions are of a frivolous nature of they have been engineered by factious groups in the districts etc. In fact, the words used in the clause are of a tell-tale nature viz. "complaints against police officers in those districts where abuses of law with the object of victimising such officers or hampering investigation in rife."

All these features make it clear that the purpose underlying the rule is to enable the District Magistrate and the District Superintendent of Police to exercise personal control and supervision over the complaints received against members of the Police force in the performance of their duties and enable the District Magistrate to ensure that the complaint is not a baseless or malafide one and secondly to determine whether the complaint requires investigation by a police officer or by a selected Magistrate. The procedure envisaged by the Rule is for effective check being exercised against victimisation of efficient and honest police officers on the one hand and favouritism being shown to the delinquent police officers on the other. These rules were not inteded to replace and certainly cannot over-ride the provisions of the Criminal Procedure Code. The Full Bench was therefore in error in taking the view that the Rules lay down a special procedure for investigation of all offences committed by the member for investigation of all offence committed by the members of the police force and, that they have over-riding effect over the provisions of the Criminal Procedure Code in terms of Sections 4 and 5 of the Code. *State of Punjab v. Raj Kumar, 1988(2) S.L.R. 83.*

47. Provisions are mandatory.—As the mandatory provision of the Police Rule 16.38 were not followed, it must be held that the departmental enquiry which was being conducted against the petitioner was altogether illegal and invalid. *AIR 1962 Punjab 38.*

48. Resort to departmental proceedings.—Provisions of Rule 16.38(1) and (2) being mandatory, compliance with the same is imperative. As provided by sub-rule (2) when on an inquiry under sub-rule (1) a prima facie case is established indicating the commission by a police officer of a criminal offence in connection with his official relations with the public a judicial prosecution is normally to follow. But the District Magistrate has been given power to order depatmental proceeding instead, for reasons to be recorded by him. Failure to recorded reasons for proceedings departmentally instead of judicial procecution, renders the order illegal. *Nand Nandan Sarup v. The District Magistrate, Patiala, 1966 Cur. L.J. 608 : 1968 P.L.R. 747.*

49. Rule applicable only if criminal offence has been committed by a Police Officer "in connection with his official relations with the public".—Rule 16.38 has no relevance to the facts of the present case, and therefore, it has no application. Even a cursory reading of the language employed by the above quoted portion of Rule 16.38 shows that it is not every type of offence which is required to be brought to the notice of the District Magistrate. The plain reading of the rule suggests very clearly that the criminal offence which is required to be brought to the notice of the District Magistrate should be one which should be found to have been committed "in connection with his official relations with the public". Therefore, unless it is found that the criminal offence, which a particular officer is said to committed, was committed by him in connection with his official relations with the public, no question of the application of Rule 16.38 would arise. *Shri Bhagat Ram v. Inspector General of Police Himachal Pradesh and others, 1979(3) S.L.R. 256.*

50. Rule mandatory.—If this rule is not meticulously followed in its latter and spirit, it could thwart the statutory right of the District Magistrate to order a departmental enquiry against a delinquent police officer for, if the investigation is made without a prior reference to him the evidence collected in the course of such an investigation could not be used against the delinquent officer in departmental proceedings at a subsequent stage. An interpretation which destroys or diminished the allowed object of a statute should be avoided at all costs. As already stated the object of the Act is to make the police force a more efficient instrument for the prevention and detection of crime. The Act does contemplate the holding of departmental enquiries against negligent police officers. Rule 16.38(1) of the Rules is mandatory in character and the evidence collected in an investigation held in derogation of this rule cannot be used against a police officer in a criminal prosecution. *Raj Kumar v. State of Punjab, 1976(1) S.L.R. 5.*

51. Scope.—Rule 16.38 relates to a criminal offence committed by a Police Officer in connection with the official business of the public. *AIR 1956 Punjab 102.*

52. Speaking order–Departmental enquiry.—The impugned order of the District Magistrate (Annexure P3) is a self-contained order. It has not been passed in the context of any other notice or proposal by any other authority. The District Magistrate make a reference to the departmental enquiry held against the petitioner under sub-rule (1), finds the charges to have been *prima facie* established and then suddenly in paragraph 2 of the order, directs the initiation of a departmental enquiry against him. No reason whatsoever as required by sub-rule (2) for deviating form the normal course of prosecution has been recorded. *Sarup Singh v. State of Haryana and others, 1983(3) S.L.R. 585.*

53. Suggestion is not to be equated with the expression "dictate".—The District Magistrate is the Superior most. The suggestion by the Superintendent of Police to the District Magistrate (an officer superior in rank) cannot be equated with 'dictate' or a suggestion 'meaningful or otherwise'. Rule 16.38(2) enjoins objectivity to the functions of the District Magistrate, again in the larger public intrest. It is another matter if that objectivity

could be pointed out as utterly lacking of there was no application of the mind. Since, Rule 16.38(2) postulates judicial prosecution to be the normal course and deparmental action to be an exception, it enjoins giving of reasons by the District Magistrate, if the normal course is to be deviated from. *Ram Phal v. State of Haryana and ors., 1980(3) S.L.R. 186.*

54. Tearing off the Rapat Rojnamcha by the police Head Constable.—A criminal offence was committed by the plaintiff in connection with his official relations with the public in as much as he owed a duty to discharge his official functions which are in relation with the public. His tearing off the Rapat Rojnamcha is another offence in connection with his official relations with the public inasmuch as Rapat Rojnamcha is a public record maintained in accordance with law and a police official is not expected to tear it off. No substantial argument has been addressed to substantiate that the act committed by a plaintiff does not fall within the purview of Rule 16.38(1). All the ingredients for the applicability of the said rule stood satisfied. It has not been stated at the bar that any of the ingredients was missing. *State of Haryana and another v. Surjan Singh, 1990(2) S.L.R. 88.*

55. Concurrence of the District Magistrate for proceedings-Necessity of—A perusal of Rule 16.38(1) of the Rules, 1934 shows that where, after a preliminary enquiry or investigation into a complaint against an enrolled police officer a criminal offence is made out, a judicial prosecution would normally follow, but where the Superintendent of Police proposes to proceed in the case departmentally, the concurrence of the District Magistrate for such proceedings is necessary. *Varender Kumar v. State of Haryana, (2018) 2 SCT 218 (P&H).*

56. Provisions of the Rule-Operatibility of—The Rule 16.38 of the Rules, 1934 would not be applicable to the case in hand for the reason that the said Rule comes into operation in case the punishing authority, i.e., the Superintendent of Police instead of proceeding against the delinquent employee for judicial prosecution decides not to proceed for the same purpose and instead decides to take action departmentally. It is in this situation that the concurrence of the District Magistrate has to be obtained. *EHC Dhan Singh v. State of Haryana, (2019) 1 PLR 81 (P&H).*

57. Sanction of the District Magistrate for holding a departmental enquiry-Held not mandatory—As per Rule 16.38 (a)(1) of the Punjab Police Rules, 1934, sanction of the District Magistrate for holding a departmental enquiry where criminal offence is made out on the basis of allegations on a delinquent employee, is not mandatory. *Constable Mohan Singh v. State of Haryana and others, (2014) 3 PLR 821 (P&H).*

58. Judicial prosecution or departmental action-Procedure for—Though Rule 16.38 of the Rules, 1934 envisages one or the other situation, i.e., either a judicial prosecution or departmental action, and in case of departmental action, the concurrence of the District Magistrate is to be obtained, the question would be whether, where both, judicial prosecution as also departmental action, are proposed, would the sanction of the District Magistrate be necessary or not. *Varender Kumar v. State of Haryana, (2018) 2 SCT 218 (P&H).*

59. Approval of District Magistrate-Condition for requirement of—From perusal of Rule 16.38 of the Punjab Police Rules, 1934 it is clear that the approval of the District Magistrate is only required when a criminal offence is alleged to have been committed by the police officer and he is to be prosecuted. Present is not such a case. *Devi Lal v. State of Haryana, (2019) 2 PLR 89 (P&H).*

60. Concurrence of the District Magistrate—Condition for being not mandated-Present is a case where judicial prosecution had followed the registration of an FIR against the petitioner. Apart from proceeding against the petitioner on the criminal side in the judicial

proceedings, the Superintendent of Police has proceeded against him departmentally as well. In such a situation, the concurrence of the District Magistrate is not mandated under this Rule. *EHC Dhan Singh v. State of Haryana, (2019) 1 PLR 81 (P&H).*

61. Sanction-Requirement of—As per Rule 16.38 of Rules 1934, it is abundantly clear that once the F.I.R is registered, no prior sanction of the District Magistrate is required before initiating a departmental inquiry. *EHC Dhan Singh v. State of Haryana, (2019) 1 PLR 81 (P&H).*

62. Departmental action-Procedure for—As a matter of fact, sanction of the District Magistrate has been stipulated only where departmental action alone is proposed in the absence of judicial prosecution, so as to enable the District Magistrate to know that no judicial prosecution has been launched against the allegedly erring official; and therefore, he may either concur with the Superintendent of Police to proceed only departmentally against him or to still recommend or direct that judicial prosecution should follow. *Varender Kumar v. State of Haryana, (2018) 2 SCT 218 (P&H).*

63. Before conducting the enquiry sanction of District Magistrate-Held mandatory—Before conducting the enquiry sanction of District Magistrate is required under Section 16.38(1) of Punjab Police Rules, 1934, applicable to Haryana had not been obtained, which is mandatory in nature and submits that no substantial question of law arise for adjudication before this Court. *State of Haryana v. Ex. H. C. Anant Ram, 2015 (4) SCT 575 (P&H).*

64. Sanction of the District Magistrate for holding a departmental enquiry-Held discretionary—The language of the Rule 16.38 (a)(1) of the Punjab Police Rules, 1934 itself suggest that sanction of the District Magistrate for holding a departmental enquiry where criminal offence is made out on the basis of allegations on a delinquent employee is only discretionary in nature and it is upto the punishing authority either to proceed to get a criminal case registered against an employee where criminal offence is made out or to proceed with the departmental enquiry. *Constable Mohan Singh v. State of Haryana and others, (2014) 3 PLR 821 (P&H).*

65. Non-obtaining sanction-Effect of—In this case, as per Section 16.38(1) of Punjab Police Rules, 1934, the sanction was not obtained which is mandatory in nature and therefore the entire process of holding an enquiry was vitiated in law and accordingly the order of dismissal of service of the respondent-plaintiff and dismissal of his appeal were not correct in law and ought not to have been passed. *Varender Kumar v. State of Haryana, (2018) 2 SCT 218 (P&H).*

66. Requirement of sanction-Stage therefor—As per Rule 16.38 of Rules 1934, it is only at the stage of the complaint when the sanction of District Magistrate is required. *EHC Dhan Singh v. State of Haryana, (2019) 1 PLR 81 (P&H).*

67. Provisions of the Rule-Applicability of—Here it is a case where enquiry which was initiated against the appellant-plaintiff was for deliberate absence from duty for 61 days, hence, Rule 16.38 of the Punjab Police Rules, 1934 would not be applicable to the case in hand. *Devi Lal v. State of Haryana, (2019) 2 PLR 89 (P&H).*

68. Judicial and criminal proceedings continuing simultaneously-Permissibility of—As regards the question of judicial and criminal proceedings continuing simultaneously, the law is well settled that such proceedings can continue simultaneously, though in order to ensure that the delinquent/accused is not prejudiced in the criminal proceedings, statements of witnesses should not be recorded in the disciplinary proceedings till those witnesses (if they are witnesses in the criminal proceedings) have testified in such criminal proceedings. *Varender Kumar v. State of Haryana, (2018) 2 SCT 218 (P&H).*

16.39. Rules regarding proceedings against Police Officers reported to be habitually corrupt.—In all cases in which a report imputing corruption to a police officer is brought on to his personal file, character roll or fauji missal, an attested copy of the report shall be furnished, under the orders of the officer maintaining state, the record in question, to the police officer concerned and his receipt therefore shall be filed with the report in question.

16.40. Method of dealing with charges of corruption.—Charges of corruption shall be enquired into in the manner prescribed in this Chapter for departmental enquires generally. Charges of specific acts of corruption shall be thoroughly investigated by a competent officer, the provisions of rule 16.27 being utilised, if necessary, and the preliminary investigation shall be followed by a judicial prosecution or a departmental charge according to the circumstances of each case. Departmental charges based on a general record of dishonesty may also be entertained in accordance with rule 16.25 (2).

It is further ordered that, if five reputable persons join in making a written complaint regarding corruption, otherwise, than in regard to a case in which they are personally interested directly or indirectly, concerning any police official, the departmental superior of the officer in question shall be bound to make full investigation and to inform the complainants of the results.

SYNOPSIS

1. *Departmental Enquiry initated without requisite permission.*
2. *Sanction violative of the principles of fair play and natural justice.*

1. Departmental Enquiry initiated without requisite permission.—The requirements of P.P.R. 16.40 is that further action in each case is to be taken after obtaining orders the Administration on completion of enquiries/investigations made by the Superintendent of Police, Anti Corruption. I desireded the production of the original file in which the permission of the Lt. Governor under P.P.R. 16.40 for taking departmental action against the petitioner was obtained. The original file produced shows that permission for departmental action under P.P.R. 16.40 was granted by the LT. Governor on 19th December, 1974. The action of instituting a departmental enquiry on 15.12.1973 against the petitioner wa thus void ab initio being without the requisite permission under P.P.R. 16.40. *Raghubir Singh v. The Delhi Administration and others, 1981(1) S.L.R. 826.*

2. Sanction violative of the principles of fair play and natural justice.—The District Magistrate on the report of the Sub-Divisional Magistrate took a decision that neither departmental proceedings nor the judicial prosecution was called for. I called upon the counsel for the respondents to procedure the enquiry report of the Sub-Divisional Magistrate as well as the decision of the District Magistrate. And I have been informed that those have been destroyed. The copy of the report of the Sub-Divisional Magistrate and the decision of the District Magistrate was not brought to the notice of the Lt. Governor when permission of the Lt. Governor under P.P.R. 16.40 was obtained. The Lt. Governor was not even informed of the fact that a complaint containing idential allegations against the petitioner was enquired into by a Sub-Divisional Magistrate under P.P.R. 16.38(1). The Lt. Governor was also not apprised of the fact that the District Magistrate had taken a decision that no departmental proceedings be taken against the petitoner on the aforesaid allegations as those remained unsubstantiated. The obtaining of the permission from the Lt. Governor is thus clearly vitiated as it violates the principles of fair play and natural justice. *Raghubir Singh v. The Delhi Administration and others, 1981(1) S.L.R. 826.*

16.41 Special rules for testings suspicions of corruption in cases of upper Subordinates.—When an upper subordinate is suspected of being generally corrupt, but definite charges cannot be framed under rule 16.40 ante, such upper subordinate shall ordinarily be transferred to another district. If the Superintendent of that district arrives at a considered conclusion that the officer concerned is corrupt, the officer shall be called on to show cause why his increment of pay and promotion should not be stopped until he had satisfied his superiors that he has reformed his habits.

FORM No. 16.14 (1)

PUNISHMENT REGISTER

1	2	3		4	5	6
		OFFENDER				
Annual Sr. No.	Date	Rank and No.	Name	By whom misconduct	Nature of punished	Punishment

The reverse end of the register shall be used for entry of judicial punishments.

FORM No. 16.15 (1)

POLICE DEPARTMENT _____DISTRICT

Punishment Return for the month of _____19_____

Punishments-By the Criminal Courts. No._____

Dated_____19_____

1	2	3	4	5	6	7
		OFFENDER				
Sr. No.	Nature of offence	Name	Rank	By what Court punished	Sentence passed	REMARKS

By Police Officers

1	2	3	4	5	6	7	8
			POLICE OFFICER PUNISHED				
Sr. No.	Date	Nature of misconduct	Name	Rank	Designation of officer making award	Punishment awarded	REMARKS

Superintendent of Police.

FORM No. 16.16

POLICE DEPARTMENT

DISTRICT
RANGE

STATEMENT SHOWING PUNISHMENTS INFLICTED ON POLICE OFFICERS IN CONSEQUENCE OF CORRUPTION IN THE DISTRICT DURING THE YEAR ENDING 3IST MARCH, 19.

RANGE

1	2	3	4	5	6
Head of Department or office	Rank and designation of official punished	Charge	Punishment awarded, with the names of the officers who— (a) conducted the enquiry amd (b) passed the (original) punishment order	Orders passed in appeal or revision	REMARKS

1. The form should be completed in four parts as follows—

A. Departmental cases on charges involving bribery or some other form of corruption—

I. Decided.

II. Pending.

B. Cases in which an official has been dismissed on a charge not itself involving corruption, but in which his general corrupt record has been taken into account in deciding what punishment should be given.

C. Cases in which an officer is required to retire on completion of twenty-five years' service under note I to article 465 of the Civil Service Regulation, on the basis of a reputation for corruption.

D. Cases in which the pension of a retiring official has been reduced by order under section 470 (b) of the Civil service Regulations, on account of a reputation for corruption.

2. Where any case has been made the subject of proceedings in a criminal court, the fact should be indicated in the remarks column, with particulars.

3. Statements will continue to be compiled by the financial year. The returns, with the accompanying reviews, should reach Government not later than the 15th May.

FORM No. 16.17

REPORT OF SUSPENSION
RE-INSTATEMENT FROM SUSPENSION.

POLICE DEPARTMENT _____DISTRICT

Name of officer	Rank and No.	Date of suspension and re-instatement	Appointment held when suspended	Brief reasons of Superintendent of police for order passed	REMARKS

Dated_____

Superintendent of Police.

The_____19.

FORM No. 16.22(3)

ANNUAL SERIAL NO. IN PUNISHMENT REGISTER_____
DATE 19____DISTRICT

Statement summarizing alleged misconduct		..	..	at page
Prosecution witness	1	..	..	at page
Ditto	2	..	..	at page
Ditto	3	..	..	at page
Ditto	4	..	..	at page
Ditto	5	..	..	at page
Ditto	6	..	..	at page
Ditto	7	..	..	at page
Ditto	8	..	..	at page
Formal Charge		..	..	at page
Statement of accused		..	..	at page
Defence witness	1	..	..	at page
Ditto	2	..	..	at page
Ditto	3	..	..	at page
Ditto	4	..	..	at page
Ditto	5	..	..	at page
Ditto	6	..	..	at page
Ditto	7	..	..	at page
Ditto	8	..	..	at page
Finding by		..	..	at page
Order by		..	..	at page

❑❑❑

CHAPTER 17

HEADQUARTERS ESTABLISHMENTS AND RESERVES

Rule 17.1 for Punjab

17.1. Lines establishment.—(1) The Lines establishment shall include the following.—

Reserve Inspector	Inspector.
Lines Officer	Sub-Inspector
School-Master	Assistant Sub-Inspector
Lines Clerk	Head constable.
Kot head Constable	Ditto
Clothing and Equipment Clerk	Ditto
Drill and Gymnastic Instructor	Ditto
Assistant Clothing and Equipment	Clerk Constable
Assistant Kot Head Constable	Ditto
Assistant Drill Inspector	Ditto
Armourer	Ditto
Bugler	Ditto

Barbers and washermen shall be given a monopoly of work in police lines on contract on proper agreements in which it shall be laid down both the obligations by which they are bound and the fees that they might charge. In each police line a properly fitted barber's shop shall be provided and a suitable *Dhobi Ghat*.

Strength of the Lines establishment.—(2) The strength of the Lines establishment shall be fixed by the Inspector-General for each district, according to its special circumstances and requirements, and shall be shown in the distribution statement, Form 2.1.

(3) Such number of menial servants shall be maintained in each district as may, from time to time, be sanctioned by the Inspector-General.

Rule 17.1 for Haryana

[1][**17.1. Lines establishment.**—(1) The Lines establishment shall include the following.—

Reserve Inspector	Inspector
Lines Officer	Sub-Inspector
School-Master	Assistant Sub-Inspector
Lines Clerk	Head Constable.
Kot Head Constable	Ditto
Clothing and Equipment Clerk	Ditto
Drill and Gymnastic Instructor	Ditto
Assistant Clothing and Equipment	Clerk Constable
Assistant Kot Head Constable	Ditto
Assistant Drill Inspector	Ditto
Armourer	Ditto
Bugler	Ditto

Barbers and washerman will be provided at Government expense. They will also be provided with instruments/implements, properly fitted barber shops and suitable Dhobi Ghats at Government expense. However consumable items e.g. shaving cream, shaving soap, shaving towels and washing soap and charcoal will be arranges by the barber/washerman at their own expenses recoverable from members of the force and other beneficiries at the rates fixed by the Director General of Police from time to time, They will have the monoply of work in the Police lines.]

Strength of the Lines establishment.—(2) The strength of the Lines establishment shall be fixed by the Inspector-General for each district, according to its special circumstances and requirements, and shall be shown in the distribution statement, Form 2.1.

(3) Such number of menial servants shall be maintained in each district as may, from time to time, be sanctioned by the Inspector-General.

17.2. Duties of reserve Inspector.—In district where a reserve Inspector is sanctioned the following shall be his duties—

(i) The reserve inspector is responsible under the control of the gazetted officer in charge of the Lines to the Superintendent for the discipline, good conduct and training of the men stationed in the lines and at all standing and other guards at headquarters.

He shall supervise and control the work of the Lines establishment and be responsible for the correctness of the accounts. He shall also be in charge of all the clothing, equipment, arms, ammunition, tents, stores, horses and other animals

1. Substituted by Haryana Notification No. GSR 68/CA 68/1861/S. 46/85 dated 16.8.1985.

in the custody of the police at headquarters shall satisfy himself that the registers maintained therefor are correct, and shall Superintend all additions to and issues from the stock of Governments property. As storekeeper the reserve inspector is required every half year to take stock of all Government property i n possession of the police throughout the district and to report deficiencies to the Superintendent.

He is responsible that the authorized number of copies of Police Rules, and other official manuals, is kept in proper order and up-to-date; that all standing orders issued by competent authority for the regulation of headquarters duties are properly recorded, and that his subordinates are thoroughly acquainted with such portion of such rules, manuals and orders as relate to their respective duties. He is further responsible for reporting to the Superintendent of Police any deficiency or need of revision in respect of local standing orders.

He shall also be in charge of the buildings and lands in the occupation of the police at headquarters and be responsible for their good order and general condition. He shall frequently visit the police or other hospital and ensure that all patients of the police department are receiving proper attention.

He shall exercise a general supervision over the working of constabulary messes.

(ii) He shall be responsible for the training of recruits, for the instruction and exercise of the whole force in drill, shall supervise musketry instruction and range practices prescribed in Chapter XIX unless relieved by a superior office, and shall take care that the general duties of the reserve, the furnishing of guards, escorts, patrols, etc., are efficiently performed, and that men detailed for duty are properly equipped and smartly turned out, and that the registers and reports maintained therefore are correct. He shall at intervals to be prescribed by the Superintendent of Police visit by day and night all guards at headquarters checking the patrolling duties of the officer in charge of the Lines.

He is responsible for keeping the Superintendent and gazetted officer in charge of the Lines fully and correctly informed of all matters connected with the headquarters force, its discipline, duties and equipment.

He may be employed in command of escorts and guards when his presence is desirable on account of danger of a disturbance, or the importance of the duty, or, where necessary, for ceremonial purposes, and he should be employed, if a European, where action has to be taken against Europeans.

He shall submit a weekly note in Form 17.2 (2) which shall be attached to the Superintendent's weekly diary.

17.3. Duties of Lines officer.—(1) In districts for which a reserve Inspector is sanctioned the Lines officer is the subordinate and assistant of the reserve inspector. He is required to be fully acquainted with all the details connected with the internal economy, discipline and training of the force and management of the lines and

shall constantly inspect barracks, guard rooms, the hospital, stables and other buildings at headquarters, and be responsible that they are clean, tidy and properly kept; that no police officer sleeps out of lines without proper sanction; that unauthorised strangers are removed from police limits; that punishments ordered are fully carried out; that all Government stores are correct and safely kept in proper order, and that the headquarter lines school functions regularly according to orders.

(2) He shall attend all formal parades in lines and be responsible that all roll-calls are properly held. He shall personally inspect as many escorts and parties going on and off duty as possible and, if unable to inspect any party, shall so arrange that it should not fail to be inspected by a responsible officer. Entries of such inspections with the name of the inspecting officer shall be made invariably in the daily diary. He shall visit all guards at headquarters at intervals to be prescribed by the Superintendent of Police-(see also rule 18.4).

The keys of the armoury and the Lines cash chest shall always be in the personal custody of the Lines officer.

(3) In districts for which no reserve inspector is sanctioned the Lines officer shall have, in addition to those detailed in this rule, at the responsibilities and duties of a reserve inspector.

17.4. Duties of kot head constable.—Subject to the orders and responsibility of the Lines officer, the kot held constable shall be in charge of all Government property, the armoury, tents and other store rooms and the registers connected therewith, except as provided in rule 17.6.

17.5. Duties of the clothing and equipment clerk.—Subject to the orders and responsibility of the Lines officer, the Clerk Head Constables sanctioned for duties in Lines, connected with clothing and equipment, shall maintain all registers connected with clothing and equipment and shall be responsible for the order and good management of the clothing and equipment store rooms.

17.6. Duties of Lines clerk.—Under the orders and responsibility of the Lines officer, the Lines Clerk deals with ordinary correspondence and is required to maintain all the Lines registers except those dealing with property which are in the charge of the Kot Head Constable and the clothing and equipment clerk. In these duties he will be assisted by such other clerks as are sanctioned by competent authority from time to time.

17.7. Lines registers.—(1) The following bilingual registers shall be maintained of Lines—

(1) List of officers attached to headquarters in Form 17.7 (1) for all enrolled officers attached to headquarters.

The register will be divided into the following parts, separate page being assigned to each rank—

Part I.—To include all officers attached to the office of the Superintendent and on court duties and those attached to the headquarters of the district other than those included under Parts II to V. A note regarding officers proceeding on leave shall be made in the column of remarks and their names shall not be struck out.

Part II.—Officers under training from police stations.

Part III.—Officers temporarily withdrawn from rural duties on occasions such as the mobilization of the 2nd or 3rd Reserve (rules 17.10, 17.11, etc.)

Part IV.—Menial servants attached to head quarters.

Part V.—Officers posted to lst Armed Reserve.

Vernacular acquittance rolls ordered in rule 10.90 shall be prepared from this register.

(2) Duty register in Form 17.7 (2) for all duties performed by enrolled officers attached to head-quarters.

The register shall be kept in the following parts and sub-parts—

Part I.—Fixed duties—

(a) Police office, including Court duties (description of the duty on which employed shall be given in the column of remarks).

(b) Treasury Guard.

(c) Magazine Guard.

(d) Personal Guards (separate pages shall be assigned for each).

(e) Lines establishment (rule 17.1) (description of the duty on which employed shall be given in column of remarks).

(f) Orderlies at headquarters (designation of each officer with whom serving shall be quoted in column of remarks).

(g) Judicial Lock-up (if any) at headquarters.

(h) Other fixed duties (separate pages being assigned for each class).

N.B.—Police officers employed on duties not sanctioned by the Inspector-General (i.e., in the printed Provincial Distribution Statement) 'shall not be shown in this part, but they shall come under sub part "(m) of part II–Miscellaneous fluctuating duties."

Part II.—Fluctuating duties—

(i) Training School in the Lines (*i.e.*, men actually undergoing instruction).

(j) Recruits (description shall be given in column of remarks).

(k) Escorts of all descriptions (description shall be given in column of remarks).

(l) Special duty (description shall be given in column of remarks).

(m) Other fluctuating miscellaneous duties, including men at Phillaur (description shall be given in column of remarks).

Part III.—Absentee—

(n) Sick in hospital.

(o) (a) under suspension or in Quarter Guard.

(b) In transit to police stations, etc.

(p) Casual leave (amount to be given in column of remarks).

(q) Absent without leave.

(r) Absent on privilege leave from headquarters or absent on long leave. If necessary, each part may be bound in a separate volume. Duties of a few hours' duration (such as sentries over barracks and escorting prisoners to and from courts) need not be entered in this register, but only in the Lines diary register No.18.

(3) Duty roster to be maintained in Form 17.7 (3) of all enrolled officers off duty in the Lines.

This register shall be divided into two parts, separate pages being assigned when necessary for (a) Mounted men, (b) Head Constables, and (c) Constables—

Part I.—All lower subordinate included in Register I, but not included in Register II, i.e., men off duty.

Part II.—Arrivals from out-stations or district (staying over the night).

Columns 5 and 6 will be filled in whenever a man leaves headquarters, his transfer being recorded in appropriate part of Register 14.16 (1) and references given in columns 7 and 8, or is transferred to one of the duties included in Register II, reference again being given in columns 7 and 8 to the new entries to this register, but shall not be filled in when a man is merely detailed on some temporary duty involving an absence from the Lines of less than 12 hours (such as escorting under-trial prisoners to and from jail, etc.) or on some Lines duty of a few hours' duration. In such cases an entry need only be made in the Lines Diary.

For the purposes of the Roll-Call provided by Rule 17.8 a list shall be made out as often may be necessary on a blank sheet of paper of all lower subordinates included in Registers II and III who have not been specially excused from attending Roll-Calls. Names and numbers need only be entered and separate columns may be allowed for head constables, sowars, office staff, recruits, men under training from outstations, etc.

Officer shall, as far possible, be detailed for duty in the order in which their names stand on this register, due regard being paid to the nature of the duty. On the return of an officer from duty his name shall be entered at the bottom.

(4) Vernacular Stock Account of clothing and equipment in Form 4.35.

(5) Equipment Stock Register in Form 5.12 (1).

(6) Arms Distribution Register in Form 6.8.

(7) Register of rifles issued in Form 6.9.(1).

(8) Magazine Register in Form 6.16 (4).

(9) Stock Book of component parts in Form 6.20 (2).

(10) District Register of miscellaneous stores in Form 5.16 (1).

(11) Distribution Register of miscellaneous stores in Form 5.17.

(12) Lines Miscellaneous Stores Register in Form 5.16 (1).

This register should show all miscellaneous Government property, including livestock, for which no special register has been prescribed.

(13) Range Practices Registers to be maintained in the form and parts prescribed in Chapter XIX.

(14) Temporary Issue and Receipt Register in Form 5.19 showing miscellaneous property issued or received temporarily.

(15) Cash Book in Forms 10.52 (a) and (b) in accordance with rules 10.52 and 10.108.

It shall be kept separately in two parts as follows—

(a) Other monies such as undisbursed pay, traveling allowance, etc.

(b) Permanent advance.

The lines clerk shall personally maintain the cash-book, and his duties and responsibilities in this connection, and as accountant, shall not be delegated to any other officer.

The Lines officer is responsible for the correct maintenance of the Lines Cash Book, and shall cause to be entered therein particulars of all sums recovered in connection with equipment, clothing ordinance stores, etc., before they are remitted to the accounts officer. The latter shall on receipt of such monies issue a receipt in Form 10.14 (1).

(16) Road Certificate Register in Form 10.17

(17) Receipt Book Register in Form 10.14 (1).

(18) Lines Diary, in duplicate, in Form 22.48 (1).

It shall contain a brief record of duties performed by officers present in the Lines, receipt and dispatch of property or cash, such particulars ordered in rules 22.48 and 22.49 as are applicable to the Lines and such other matters specially ordered by the Superintendent.

(19) Files of Standing orders.

To be revised by Superintendent yearly.

(20) Minute Book for gazetted officers.

All matters regarding stores, registers, buildings, training, etc., requiring the attention of the reserve inspector or Lines officer, and the result of any inspections or checking done by gazetted officers, shall be entered herein. This register shall be a permanent record and shall not be removed from Lines.

(21) Correspondence Register in Form 22.55.

(2) The Lines Registers shall be destroyed after the periods noted against each.—

		Years.
(1)	Rules 17.9 (3) and (18)	2
(2)	Rules 17.7 (2) (13)and (16)	3
(3)	Rules 17.7 (4) to (9)	5
(4)	Rules 17.7 (5) and (17)	6
(5)	Rules 17.7 (1) (11) (12) and (14)	7

17.8. Night roll-calls.—Roll-call shall be held every night at the time fixed by the Superintendent. Roll-calls shall be attended by all officers quartered in the Lines and such other officers as the Superintendent may by special order direct. After roll-call, orders for the next day, and any new orders of a general nature issued by the Superintendent of Police, shall be read out.

17.9. First armed reserve.—(1) The first armed reserve for each district shall always be maintained at full strength. The armed reserve is shown separately in the distribution statement Form 2.1, and shall remain permanently mobilized at headquarters, ready to proceed immediately anywhere within or outside the district. This reserve is the provincial police reserve which is distributed to districts is normal times, but it is absolutely at the disposal of the range Deputy Inspector-General and the Inspector-General as described in sub-rule (5) below.

(2) The first armed reserve shall be selected by the Superintendent of Police personally. Not less than a third of the mean of the reserve, shall be experienced constables of at least five years' experience; the remainder shall ordinarily by men who have just passed their recruits course. Men shall remain posted to the reserve for six months, shall not be employed on ordinary duties and shall continue their education in the headquarters Lines School. Suitable smart Head Constables shall be posted to the reserve for six months and suitable Sub-Inspector shall be posted in charge for at least one year. Under the supervision of the Lines officer the reserve Sub Inspector shall be responsible for the training and discipline of his men.

(3) On the completion of six months in the reserve, Constables shall be transferred to other duties. Men who have recently passed through the first reserve should, however ordinarily be collected to form the second reserve when orders for its mobilization are received, or when the first reserve leaves the district. Such men can readily be traced by reference to Lines Register. No. 1, but for facility of reference in emergencies a separate list showing their where abouts may kept in the Lines office.

(4) All Officers and men of the first armed reserve shall be trained in the use of H.V. rifles and shall undergo musketry training and range practice with these weapons as laid down in the Police Drill Manual and the Police Training School

Manual. They shall be maintained in a high state of efficiency and physical fitness, and shall be trained in bayonet and laihi fighting and in riot tactics and tactical schemes of a simple nature, and shall frequently be exercised in marching and turning out quickly on alarm.

(5) The Deputy Inspector-General is empowered, for good and sufficient reasons, to despatch, for temporary purposes, the whole or any part of the armed reserve of a district to another district or place within his range and in so doing shall report the circumstance to the Inspector-General. In an emergency when it is not possible to communicate immediately with the Deputy Inspector-General, a Superintendent of Police may apply for assistance direct to the Superintendent of Police of a neighbouring district. The Superintendent of Police so addressed or, in his absence, the Senior Police Officer at headquarters should, if the local situation permits, send his armed reserve in anticipation of the orders of the Deputy Inspector-General, informing the Deputy Inspector-General, however, immediately of his action.

The Inspector-General may despatch the whole or any part of the armed reserve of a district to any other district or place in the province.

17.10. Mobilization of the second reserve.—The second reserve shall be mobilized only under the orders of the Inspector-General. When mobilized its strength shall be the same as that of the armed reserve. The men shall be mobilized by drafts from cities, cantonments, and personal guards, by calling men from leave, calling in orderlies and substituting recruits for men on standing guard duties. [See also rule 17.9(3)]

17.11. Mobilization of third reserve.—(1) The third reserve shall be mobilized only under the orders of the Local Government.

It shall be mobilized by the withdrawal of one third of the sanctioned strength of lower subordinates from police stations or in such manner as the Inspector-General may otherwise direct.

(2) When considered necessary, and this procedure is sanctioned by Government, chaukidars shall be appointed as special constables to fill the place of the regular police thus transferred from police stations. Chaukidars so employed at police stations may be granted the extra remunation (if any) specially sanctioned by Government.

17.12. Equipment on Mobilization.—In all orders for mobilization, detailed instructions shall be issued as to the number of tents required, the description of arms and ammunition to be carried, whether horses are to be taken, and all other necessary details regarding equipment and clothing.

17.13. Practice parades.—For purposes, of training, Superintendent shall hold not less than once in three months, practice parades on alarms for fire, outbreaks in jails, etc., and shall take such steps as circumstances may require to render such parades instructive to the police.

17.14. Outbreak in jails.—Detailed orders regarding the action to be taken on the occasion of an outbreak in the jail have been prepared and are required to be maintained and periodically revised in all districts, and Superintendents will be held responsible that these orders are known to the officers chiefly concerned. These orders after being approved and countersigned by the District Magistrate and the Deputy Inspector- General shall be printed.

17.15. Plans for police dispositions.—Superintendents of Police are required to maintain among their confidential records copies of approved plans for police dispositions in the event of various kinds of serious disorder, general or local. It is essential that these plans should be kept thoroughly up-to-date and that all gazetted officers and Inspectors at headquarters should be fully conversant with them. In addition, all other officers at headquarters must be fully instructed in the action to be taken by them immediately on the occurrence of an emergency in anticipation of orders from a gazetted officer or Inspector. Deputy Inspectors-General are required to satisfy themselves at their inspections, both formal and causal, that this rule is strictly observed.

17.16. The ordinary reserve.—For each district a reserve, known as the ordinary reserve, equal to 16.5 percent of the total number of constables sanctioned for fixed duties, is provided under the orders of Government to replace casualties, i.e. men on leave other than casual leave, sick, under training as recruits and vacancies. This reserve shall be utilized to its fullest extent.

Illustration.—If the number of constables sanctioned for fixed duties is 500, the reserve will be 83 men. If there are 10 vacancies, 15 recruits and 5 sick in hospital, the number of men available for leave is 53. The fewer vacancies, recruits and sick, the larger the number of men available for leave.

The ordinary reserve shall be shown separately in the distribution statement Form 2.1.

All available men of this reserve shall be located in lines.

Rule 17.17 for Haryana

17.17. Constabulary messes.—The Superintendent of Police or Commandant HAP Battalian shall make every effort to establish and maintain messes in Lines and in large police stations. These shall be on a co-operative basis but the expenses on account of water, electricity used for lighting and fans, refrigerators, etc., and not for cooking purposes and the salaries of the cooks and any other establishment kept to maintain the messes shall be paid by Government out of the State funds. The number of cooks and other establishment shall be determined with the approval of Government keeping in view the number of Police Establishment for whom the messes shall be established.

(2) As far as possible such messes shall be managed by the policemen themselves. Detailed rules, schedules of meals and price lists shall be prepared and hung up in all messes. The rules shall provide for the appointment of managing staff from among the members. Gazetted officers shall take a close personal interest

in messes both to encourage their development, to prevent irregularities and keep down prices and shall insist on the maintenance of the highest standard of cleanliness in mess buildings and utensils.

(3) The building premises to run the messes and cooking utensils shall also be provided by Government but the replacement of the utensils shall be made at the expenses of the beneficiaries.

(4) The following accounts forms shall be maintained in Lines messes—

(a) Order book in foil and counterfoil, in Form 17.17 (3) A, by the manager who shall order and issue all stores.

(b) Daily attendance register of Police Mess at _____ in Form 17.17 (3) B, by the Mess Orderlies.

(c) Cash Book of Mess Accounts in Form 17.17 (3) C, by the Accountant.

(d) Stock account of articles purchases for Messes in Form 17.17 (3) D, by the accountant.

(e) Monthly balance sheet showing cost per meal in Form 17.17 (3) E, by the Accountant.

The departmental receipt and voucher form shall be used in connection with these accounts.

Rule 17.17 for Punjab

17.17. Constabulary messes.—(1) Superintendents of Police shall make every effort to establish and maintain messes in Lines and in large police stations, particularly in cities and cantonments. These shall be on a co-operative basis. The object of such messes shall be the provision of meals for lower subordinates at a rate cheaper than that obtaining outside the lines, etc.

(2) As far as possible such messes shall be managed by the men themselves. Detailed rules, schedules of meals and price lists shall be prepared and hung up in all messes. The rules shall provide for the appointment of managing staff from among the members. Gazetted officers shall take a close personal interest in messes both to encourage their development, to prevent irregularities and keep down prices and shall insist on the maintenance of the highest standard of cleanliness in mess buildings and utensils.

(3) The following accounts forms shall be maintained in Lines messes—

(a) Order book in foil and counterfoil, in Form 17.17 (3) A, by the manager who shall order and issue all stores.

(b) Daily attendance register of Police Mess at _____ in Form 17.17 (3) B, by the Mess Orderlies.

(c) Cash Book of Mess Accounts in Form 17.17 (3) C, By the Accountant.

(d) Stock account of articles purchases for Messes in Form 17.17 (3) D, by the accountant.

(e) Monthly balance sheet showing cost per meal in Form 17.17 (3) E, by the Accountant.

The departmental receipt and voucher form shall be used in connection with these accounts.

17.18. Vegetables gardens.—Vacant lands attached to Lines may be utilized for the growing of vegetables for constabulary messes. The vegetables shall be sold to messes at a reasonable rate and the proceeds credited to the Lands Fund.

17.19. Bed-head tickets.—(1) The Superintendent shall supply for the use of the medical officer in charge of police hospital bed-head tickers in Form 17.19 (1).

(2) Every police officer on discharge from hospital shall report himself for duty and make over his bed-head ticket to the Lines officer or, in the case of a police officer treated at a hospital, other than the police hospital, to the officer in charge of the police station concerned. Such officer shall send it to the office of the Superintendent for entry in the hospital sheet.

The bed-head ticket will then be filed in the hospital.

17.20. Cases of infectious and contagious diseases.—Case of infectious and contagious disease will not be accommodated in Government tents, but in serviceable grass or reed huts erected at a distance from other buildings.

17.21. Supply of bedding.—Bedding, hospital clothing mosquito nets, utensils and comforts required for use in police hospitals are supplied by the medical department. If it shall appear to the Superintendent that the supply of such articles is insufficient or unserviceable he shall note the fact in the hospital minute book and bring it the notice of the Civil Surgeon.

17.22. Payment for special diet.—When a Head Constable, or Constable in the interests of his health, is ordered special diet by the Civil Surgeon or other medical officer in charge of the hospital, in Form 17.22, which he cannot reasonably be expected to provide at his own expense, the Lines officer shall supply the necessary diet and pay for it out of his permanent advance, keeping a daily account of the expenditure incurred.

The Lines officer shall submit the account, together with all receipts, through the reserve inspector in districts where such an officer is appointed, to the Superintendent periodically.

Superintendents are authorized to pay such account from the contingent grant under sub-head "Miscellaneous" (Punjab Government letter No. 46 (Home), dated lst February 1915).

An English and vernacular copy of this order shall be hung up in every police hospital.

FORM No. 17.2(2)

_____**DISTRICT**

RESERVE INSPECTOR'S NOTE FOR WEEK ENDING_____19

1	2	3	4	5	6	7	8	9
Sr. No.	Details	Ins-pectors	Ser-geant	Sub-Ins-pectors	Assistant Sub-Ins-pectors	Head Cons-tables Mtd. and Ft.	Cons-tables, Mounted and Foot	REMARKS
1.	Vacancies							
2.	Recruits							
3.	On long leave							
4.	On privilege leave							
5.	Sick in hospital Total (serial Nos.1 to 5)							
6.	On duty in other districts (Give details in column 9 or on reverse)							
7.	Under training a P.T. School							
8.	Other non-effectives* (Give details in column 8 or on reverse)							
9.	Total non-effective							
10.	Resignations pending							
11.	Sanctioned strength							

*To include absent without leave, on causal leave, under suspension, in quarter guard, etc.

Dated the_____ S.P.'s initials *Reserve Inspector.*

(Reverse)

WEEKLY MUSKETRY RETURN

	.410 MUSKET		.22 RIFLE		.303 RIFLE		REVOLVER	
	Head Constables	Constables	Head Constables	Constables	Head Constables	Constables	Gazetted officer	Upper subordinates
Practised during the week under report								
Practised during the year upto beginning of week under report								
Total								

FORM No. 17.7(1)

LINES REGISTER No. 1

LIST OF POLICE OFFICERS ATTACHED TO THE HEADQUARTERS OF THE _____DISTRICT.

Sr. No.	Badge No.	Name	Grade	Date of enlistment	Date of posting headquarters	Education	From where transferred	Date of transferred from headquarters	To where transferred	Reason of transferred	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12

(Bilingual)

FORM No. 17.7(2)

LINES REGISTER NO.II

DUTY REGISTER

DUTIES PERFORMED BY OFFICER ATTACHED TO THE HEAD-QUARTER OF THE _____DISTRICT.

Sr. No.	Constabulary No.	Name	Rank	DATE OF		REMARKS
				Posting	Return to Lines (Register No. III)	
1	2	3	4	5	6	7

(Bilingual)

FORM No. 17.7(3)

REGISTER NO. III

DUTY ROSTER OF LOWER SUBORDINATES "OFF DUTY" AND ROLL CALL REGISTER

Constabulary No.	Name	Date of arrival	From what duty	Date of departure	To what duty	Register No.	Entry serial No.	REMARKS
1	2	3	4	5	6	7	8	9

FORM No. 17.17(3)A

Police Lines Mess Order Book No. 1 Date..... Name of Shopkeeper..... Please supply the following articles— Name of article. Weight or quantity. Signature of Manager. Attestation by Duty Officer.	Police Lines Mess Order Book No. 1 Date..... Name of Shopkeeper..... Please supply the following articles— Name of article. Weight or quantity. Signature of Manager. Attestation by Duty Officer.

FORM No. 17.17(3)B

POLICE DEPARTMENT _____DISTRICT

DAILY ATTENDANCE REGISTERS OF POLICE MESS AT_____

1	2	3
Sr. No.	Constabulary No.	Name of member

4

DAILY ATTENDANCE FOR MONTH OF

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E	M/E

M = Morning E = Evening

5	6	7	8	9	10		11	12
					AMOUNT RECOVERED			
Total number of meals.	Cost per meal	Total Cost chargeable	Balance due for last month (Column No.11 of last month)	Total	Receipt No.	Amount No.	Balance Due	REMARKS

FORM No. 17.17(3)C

CASH BOOK OF MESS ACCOUNT

District_____

Month_____

1	2	3	4	5	6	7	8	9	10
Sr. No.	Date	Nature of receipt and ex-penditure	Receipt	Expendi-ture	Balance	Number of receipts issued	Reference to item No. in the stock register	Reference to item No. in the Daily register	Remarks
			Rs. A.P.	Rs. A. P.	Rs. A. P.				

FORM No. 17.17(3)D

District_____

Stock Account of Articles Purchased for Messes_____of _____for the month of_____

1	2	3	4			5	6	7	8
Sr. No.	Date	Order Book	QUANTITY RECEIVED			Total quantity in stock [column (7+4)]	Quantity issued	Balance	REMARKS
			Maundage	Rate	Cost				
						Mds. Srs. Chs.	Mds. Srs. Chs.	Mds. Srs. Chs.	

FORM No. 17.17(3)E

DISTRICT_____
MONTH_____

MONTHLY BALANCE SHEET SHOWING COST PER MEAL

Rs. As. Ps.

1. Total expenditure during the month (column No.5 of Cash Book).
2. Add value of the balance of store on the first day of this month.
3. Total.
4. Deduct-Cost of the balance of store on the last day of this month.
5. Balance.
6. Deduct-Cash recovered during the month from—
   (1) Members, and
   (2) Private sales, if any
7. Net expenditure during the month.
8. Number of meals.
9. Cost per meal

FOOT-NOTE NO. 1.— The value against item No.2 above should be arrived at the rates at which stores were purchased last and of which the balance of stores in hand make a part.

FOOT-NOTE NO. 2.— The value against item No.4 above should be arrived at the rates which the stores were last purchased during the month, and of which the stores in hand make a part.

FORM No. 17.19(1)

POLICE DEPARTMENT _____DISTRICT

POLICE HOSPITAL BED-HEAD TICKET

Department No._____ Disease_____

Rank _____ Date of Admission_____

Name _____ Date of discharge_____

Age _____ Years_____ Result _____

Date	Daily Particulars	Treatment	Diet

HEADQUARTERS ESTABLISHMENTS AND RESERVES

Date of Observation

Days of disease

Time		A.M. P.M.	A.M. P.M.	A.M. P.M.	A.M. P.M.	A.M. P.M.	A.M. P.M.
Temperature							
Cent.	R. Fahr.	.....	.....	.....	.....	.....	.....
43	R 1 0 8	.....	.....	.....	.....	.....	.....
	R 1 0 7 R	.....	.....	.....	.....	.....	.....
42	R 1 0 6	.....	.....	.....	.....	.....	.....
	R 1 0 5 R	.....	.....	.....	.....	.....	.....
41	R 1 0 4	.....	.....	.....	.....	.....	.....
	R 1 0 3	.....	.....	.....	.....	.....	.....
40	R 1 0 3	.....	.....	.....	.....	.....	.....
	R 1 0 2 R	.....	.....	.....	.....	.....	.....
39	R 1 0 1 R	.....	.....	.....	.....	.....	.....
	R 1 0 0 R	.....	.....	.....	.....	.....	.....
38	R 9 9 R	.....	.....	.....	.....	.....	.....
	R	.....	.....	.....	.....	.....	.....
37	R 9 8 R	.....	.....	.....	.....	.....	.....
36	R 9 7 R	.....	.....	.....	.....	.....	.....
	R 9 6 R	.....	.....	.....	.....	.....	.....
35	R 9 5 R	.....	.....	.....	.....	.....	.....
	Pulse						
Respirations							

(Standard Form)

FORM No. 17.22

REQUISITION FOR SPECIAL DIET

To

THE LINES OFFICER,

_____

Please supply the following special diet for_____ days or until further notice, for the under mentioned Police officer who is sick—

Name_____

Rank_____No._____

of _____District.

Special diet—

Dated_____ *Signature of Civil Surgeon,*

or

The_____19 *Senior Medical Officer in-charge.*

Note.—Special diet means diet especially prescribed by the Medical Officer in the interests of a patient's health which a Head Constable or Constable cannot be reasonably expected to provide at his own expense.

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CHAPTER 18

GUARDS AND ESCORTS

18.1. Standing Guards.—All treasury, tahsil, magazine, magisterial lock-up and other sanctioned standing guards shall be furnished from the police lines and shall be relieved at period fixed by the Superintendent.

Policemen shall not ordinarily be kept continuously on standing duty for a period exceeding three months without being relieved. The sanctioned strength of each standing guard shall be shown in the distribution statement, Form 2.1.

18.2. Supervision of standing guards.—Standing guards at district headquarters shall be under the immediate supervision of the Lines Officer and reserve inspector. Other standing guards shall be under the supervision of the officer in charge of the police station within whose jurisdiction they are located.

18.3. Guards orders.—Standing orders shall be framed by the Superintendent for each standing guard and a copy of these orders shall be hung up in the guard room.

18.4. Inspection.—(1) All police guards at district headquarters shall be visited in every week, once by day and once by night, between the hours of 10 P.M. and 4 A.M. by a gazetted officer unless special circumstances make this impracticable, and once by day and twice by night, between such hours, by the reserve inspector, and twice by day and once by night by the officer in charge of the Lines. Standing orders to this end shall be framed in each district and approved by the Deputy Inspector General.

(2) Officers in charge of police stations, shall, from time to time, inspect the police guards in their jurisdiction.

18.5. Routine of standing guard.—(1) The entire guard shall fall in under arms at sunrise in uniform and be thoroughly inspected by the officer in command. When the latter has found all Present, and arms, ammunition and accoutrements complete, the guard shall be dismissed to clean arms and accoutrements and to dress themselves smartly. Three quarters of an hour later the guard shall be fallen in again, thoroughly inspected, orders read out, duties told off and the guard exercised in arms drill. The whole of the latter procedure shall last a quarter of an hour. After this and up to 6 P.M. in summer and 5 P.M. in winter permission to leave the immediate neighbourhood of the guard for a maximum period of two hours may be given by the officer in charge to not more than one-fourth of the guard at a time. At other hours the entire guard shall be present.

Arms shall be issued at "Retreat," and from that hour till the hour of the morning inspection of the guard they shall remain with the men of the guard, men off duty sleeping with their arms beside them.

(2) Sentries and the next relief for duty shall be in uniform and accoutred day and night. During the day the next relief for duty shall sit outside the guard-room near the sentry.

(3) The officer in command of the guard shall remain in uniform for two hours before dark every day and shall during this time post and relieve all sentries himself. At other hours the sentries shall be relieved by the police officers next for relief without the intervention of the officer in command who shall, however, visit his sentries at least four times during the hours between reveille and retreat and once between each relief during the night. When visiting sentries the officer in command shall be in uniform and accoutred.

(4) When the officer in command is assisted by another officer of or above the rank of head constable each shall be on duty in uniform during half the day and half the night and all sentries shall be posted by one or the other. In addition, sentries shall be visited as prescribed in sub-rule (3) above.

(5) When guards are not relieved daily, four constables shall be allowed for each sentry supplied by the guards. Every sentry shall be relieved after three hours on duty and shall do two turns of duty in the twenty-four hours. In placed where it is found possible to relieve guards daily, three constables shall be allowed for each sentry and sentries shall be relieved after two hours on duty. But in such cases no constables may be posted to standing guard duty on two consecutive days.

Personal guards (ruled 18.20 (1)) shall ordinarily be relieved daily, and in this case sentries shall be relieved after two hours on duty. In cases where personal guards cannot be relieved daily, sentries shall be relieved after three hours on duty – the whole guard being on duty for 9 hours only during the night.

(6) When the guard turns out at night for rounds only, head constables on duty (if any) and the next relief for duty shall turn out accoutered and in uniform; the rest of the guard shall turn out in undress and with their arms. The inspecting officer shall satisfy himself that the proper number is present and that the police officers are fit for duty.

(7) A duty roster shall be maintained for each standing guard in which shall be recorded the rotation of duties and the particular hours of duty of each man of the guard. An entry once made in this duty roster will stand so long as the time and rotation of duties remain the same. Any alteration in the time or rotation of duties will necessitate a fresh entry in the duty roster.

(8) A vernacular copy of these routine orders shall be posted on the order of every guard governed by them.

SYNOPSIS

1. *Constable under influence of liquor while not on duty.*

2. *Validity of the departmental proceedings.*

1. Constable under influence of liquor while not on duty.—Mere consumption of alcohol even if this has to be taken as an established fact in the case in hand does not amount to any misconduct known to the service Rules. Merely because an employee is found under the influence of liquor without anything more, does not, to my mind, render the employee to any such disciplinary action. The learned Additional Advocate-General is not in a position to bring to my notice any precedent or principal on the basis of which it can be said that mere consumption of liquor by an employee, particular when he is not on duty, amounts to misconduct or misbehaviour. It rather looks somewhat intriguing that the state and its functionaries who treat excise revenue as one of its major sources of income should hold that mere consumption of alcohol by its employee is some sort of misconduct. *Rattan Lal, Ex-Constable v. State of Haryana and ors., 1983(2) S.L.R. 159.*

2. Validity of the departmental proceedings.—Question which could affect the result in a civil suit has to be of such a nature that it goes to the root of the jurisdiction and the conduct of the departmental trial and vitiates the result. *Kehar Singh v. State of Haryana, 1991(2) RSJ 106.*

18.6. Treasure Guards.—(1) The ordinary strength of a police guard over a district treasury shall be two head constables and twelve constables, and it shall furnish three sentries. The usual police guard over a tahsil treasury shall be one head constable and four constables, and it shall furnish one sentry.

In districts where the work of treasuries has been taken over by the Imperial Bank of India, the duties of the bank guard are normally to provide a night sentry or sentries but not a day sentry. The guard shall be available, however, to turn out by day on an emergency. See also rule 2.10.

(2) The Superintendent shall record an order prescribing the position of the sentries, and may also require any additional precautions to be taken such as strengthening of fastenings, burning of lights, etc.

(3) The responsibility for the security of the building and its fixtures at a Government treasury rests with the Executive Engineer, and for the security of chests and other treasury furniture, not being part of the building or fixtures, with the officer in charge of the treasury.

(4) A copy of the Executive Engineer's certificate and of the Superintendent's order shall be suspended in a conspicuous place within the strong room.

18.7. Responsibilities of the guards.—The police guard shall be responsible that no box containing cash, notes or stamps is left at night outside the treasury strong-room, and, when the treasury strong room is secured by windows and doors and there are no solid shutters and doors fastened over them, that bags of coin are firmly secured in the treasure vault or in boxes before the treasury closes for the day. If any such box is left outside the strong-room, or if, in cases where the strong room is secured by grated windows and doors only, any bags of coin are left out of the vault otherwise than secured in boxes when the treasury closes

for the day, the officer commanding the guard shall at once report the fact to the Superintendent, who shall obtain the orders of the District Magistrate thereon without delay. In the case of tahsil treasuries this report shall be made to the tahsildar and to the senior district police officer present in the station.

18.8. Admission after business hours.—No one except the officer in charge of the treasury shall be admitted into the treasury after the work of the district or tahsil officer has been closed for the day, without a written order from such officer. The police guard is responsible for seeing that this rule is carried out. Whenever any person enters a treasury after it has been closed for the day the fact shall be specially reported to the Superintendent and an entry shall be made in the police station diary.

18.9. Opening of double locks to be prevented.—The police guard shall at all times prevent the opening of the double locks at tahsil treasuries except in the presence and under the authority of the tahsildar or any naib-tahsildar, or any officer to whom they are subordinate.

18.10. Orders to be posted.—A vernacular copy of rules 18.6 to 18.9 shall be pasted on a board, with others standing orders, and suspended in a conspicuous place within view of the guard. Orders embodying the same principles, but modified to suit the circumstances of each case, shall be framed for the guidance of Imperial Bank guards.

18.11. Travelling treasure guards.—(1) With respect to the duties of police guards supplied to canal, railway, and other officers or persons for the protection of treasure, the following regulations shall have effect—

(a) So much of the rules for treasury guards as are applicable shall be followed.

(b) The guard shall not be available for any other duty except that of escorting treasure.

(c) When treasure is to be escorted, not less than two police officers shall be sent as such escort.

(d) When the sum to be escorted exceeds Rs.200, a head constable shall be sent with as many constables as may be necessary.

(e) The police shall decline to receive charge of money or notes unless enclosed in a locked box, sealed bag or sealed envelope.

(f) If money or notes are sent in a locked box and no responsible person is sent in charge of the key, the police may receive the key only if it is enclosed in a sealed envelope.

(g) It is the duty of the police to guard and not to carry such sums of money.

(2) A copy of this rule and of rules 18.6 to 18.10 shall be supplied to the commander of such guard and shall be shown by him, where necessary, to servants of the department or corporation to which the guard has been supplied.

18.12. Feeding of persons confined in magisterial lock-ups.—Except when by order or Government a special exception has been made and the police have charge of a magisterial lock-up, the responsibility of the police guard on such lock-up is limited to the safe custody of persons therein confined and the police shall not have charge of the key, and no police officer may be concerned with the feeding of persons confined in a magisterial lock-up.

18.13. Search and confinement of persons in magisterial lock-ups.—The rules regarding search and confinement of persons in police station lock-ups (vide rule 26.3 and 26.4) apply equally to these lock-ups, except that the District Magistrate's permission shall be obtained to handcuff persons in a magisterial lock-up when it is in an insecure state.

18.14. Count of prisoners.—A count is taken every morning and evening by the official holding the keys, of the prisoners in every magisterial lock-up not located within or attached to a jail. At the evening count the number of prisoners in each ward of the lock-up is entered, in a lock-up register; this entry shall be initiated, if correct, by the officer commanding the police guard.

18.15. Guards over prisoners in camp.—When, on account of a serious epidemic, over-crowding or otherwise, it becomes necessary to move prisoners into camp the Superintendent of the Jail is authorized to call on the police to provide a guard on the circumference of the camp. All internal watch and ward over the prisoners shall be performed by the jail staff. The Superintendent of Police shall confer with the Superintendent of the Jail as to the position, lay-out and fencing of the camp and shall be entitled to refuse to supply a guard until he is satisfied that in these respects the camp is one for the security of which he can accept responsibility. The Superintendent of Police is also authorized to demand such reasonable notice as is necessary to enable him to provide the guard required by the circumstances of each case. No fixed scale of guard is laid down; this must be decided by the Superintendent of Police according to the nature of the camp, the class of the prisoners, in it and other factors. When camps of more than 500 prisoners are to be guarded, the approval of the Deputy Inspector-General to the Police arrangements shall be obtained.

18.16. Temporary insecurity of jails.—If from any cause a jail becomes temporarily insecure, it is the duty of the of the Superintendent of the Jail to call on the Superintendent of Police for the supply of such guard as the latter may consider necessary to provide for the safe custody of the prisoners, until the jail is made secure. In such a case the Superintendent shall personally, or by deputy, estimate and supply the guard considered necessary, reporting the matter as soon as possible to the Deputy Inspector-General.

18.17. Escorts and guards for tours of the Viceroy and the Governor of the Punjab.—(1) Rules for police arrangements in connection with tours of His Excellency the Viceroy are contained in a confidential pamphlet of instruction issued under the authority of the Central Government, copies of which are in the possession of all Superintendents and other police officers concerned. Confidential

instructions of similar scope in regard to the tours of His Excellency the Governor of the Punjab have been issued by the Inspector-General with the approval of the Provincial Government to all police officers concerned.

(2) In the case to tours by His Excellency the Viceroy, the Deputy Inspector-General of the range shall personally control the police arrangements. He shall remain attached to the tour, so long as it is within his range, except during journeys by railways, when the Assistant Inspector-General, Government Railway Police, is responsible. The Deputy Inspector-General is not required to be in personal attendance during the tours of His Excellency the Governor of the Punjab unless his presence is specially ordered, or unless he considers it necessary for particular reasons to take charge of the police arrangements. He shall, however, exercise the supervisory control prescribed in the confidential instructions referred to in sub-rule (1) above, over the arrangements made for such tours by Superintendents.

(3) Superintendents of district though which His Excellency the Viceroy tours shall remain in personal attendance throughout such tours. They shall be in direct command of the police arrangements within their jurisdiction and shall perform such duties as are required of them by the standing confidential instructions and by such orders as may be issued for particular occasions. The same procedure shall be followed in the case of tours of His Excellency the Governor of the Punjab, provided that personal attendance is not necessary in the case of semi-private tours for which no programme is issued, or when His Excellency merely passes without halting through part of a district in the course of a formal tour. If urgent duty requires the presence of the Superintendent of Police elsewhere, he shall arrange, in consultation with the Deputy Inspector-General and the Military Secretary to His Excellency, to place another gazetted officer in charge of the tour arrangements.

(4) When a tour programme necessitates, police assistance from outside, the Superintendent of Police of the district immediately, concerned, shall submit promptly a statement of the number of extra police required, with an explanation of their necessity to the Deputy Inspector-General of the range.

(5) Except as provided in Part III 1 (c) of the confidential instructions regarding police arrangements for the tours and journeys of His Excellency the Governor of the Punjab, the police shall not furnish guards of honour.

18.18. Viceroy's guard at Simla and Governor's at Lahore and Simla.—(1) His Excellency the Viceroy's guard at Simla shall consist of 1 Sub-Inspector, 6 Head Constables and 37 Constables, or such greater strength as may from time to time be authorized, furnished from the Simla District. It shall be commanded during the summer months by an European inspector, who is specially sanctioned for the post. The men of the guard shall be of good character and shall ordinarily have not less than five years' service and shall measure not less than 5 feet 7 inches in height and 33 inches round the chest.

(2) The guard for Government House, Lahore and Barnes Court, Simla, shall consist of 1 Sub-Inspector, 3 Head Constables and 26 Constables furnished from the Lahore district. During the summer months this strength shall be divided so as to provide the requisite duties at Barnes Court and also a reduced guard at Lahore.

(3) Standing orders for the above guards, prescribing their duties and providing for their inspection, discipline, training leave, etc., shall be drawn up by the Superintendents concerned.

18.19. Public and Private arrivals and departures of His Excellency the Governor.—On all occasions of the public arrival or departure of His Excellency the Governor of the Punjab in or from Lahore, the Deputy Inspector General, Central range, Assistant Inspector General, Government Railway Police and Senior Superintendent of Police, Lahore, shall attend at the station. Private arrivals at Lahore junction station shall be attended by the Deputy Inspector General, Central Range, and Assistant Inspector General, Government Railway Police, if present in Lahore and by the senior Superintendent of Police, Lahore, or, in his absence, the Senior gazetted police officer available, unless they or any of them are informed by the Private Secretary that their presence is unnecessary. Private departures from Lahore junction station shall be attended by the senior Superintendent of Police, Lahore, or in his absence the senior gazetted police officer available, unless he receives directions to the contrary from the Private Secretary.

The above orders shall, in so far as they may be applicable, govern procedure on similar occasions elsewhere than at Lahore.

18.20. Personal guards.—(1) Personal guards doing duty by night only shall consist of one Head Constable and three Constables; Personal guards doing duty throughout the 24 hours shall consist of 1 Head Constable and 4 Constables. Personal guards at headquarters shall ordinarily be changed daily and elsewhere not less frequently than once a week.

(2)(i) Personal guards at the headquarters of a district shall ordinarily be provided only for the Inspector General of Police and for the Deputy Commissioner of the district.

(ii) Personal guards at the headquarters of a district shall not ordinarily be provided for an Additional Deputy Commissioner, for a District and Sessions Judge at his personal headquarters, for a District and Sessions Judge on tour or circuit at the headquarters of a district which is included in his charge but is not his personal headquarters, or for any other official who is not specifically declared by these rules to be entitled to such a guard. Under exceptional circumstances, however, and with the prior sanction of the Deputy Inspector-General of Police concerned on each occasion, personal guard may be provided as a temporary measure for any such official, if the Deputy Commissioner and the Superintendent of Police are agreed that the provision of a guard is essential of ensure his personal safety or the safety of Government money or property in his immediate charge.

(iii) When a Judge of the High Court, the Inspector-General of Police, a Financial or Divisional Commissioner, a Deputy Inspector-General of Police, or a District and Sessions Judge is on tour or circuit at any place away from the headquarters of a district, a guard of 1 Head Constable and 4 Constables shall be provided by the Superintendent of police of the district, subject to the receipt of a week's notice in writing stating the period for which the guard will be required. The provision of a guard shall, however, be dispensed with if any of the said officers expresses such a desire provided that the Deputy Commissioner and the Superintendent of Police are agreed that the withdrawal of the guard is consistent with the safety of the official concerned.

(iv) Subject to sub-rule (v) following, a Deputy Commissioner may, if he so desires, take his personal guard with him in camp, but extra men in addition to this guard shall not be provided.

(v) When an officer who is entitled to a personal guard proceeds on duty to the hills, or on leave of any kind including vacation for a period which is likely to exceed 10 days at a time, his guard shall be withdrawn. Personal guards are not intended for the protection of houses or property. For such purposes chaukidars should be entertained.

(3)(i) The Superintendent of Police shall provide a personal guard of one Head Constable and four foot Constables for Hon'ble Ministers of the Indian Union Council and Hon'ble Ministers of the East Punjab throughout the period of their stay in the district, and shall also make such other arrangements as may be necessary in the light of local conditions at the time to ensure their convenience and protection both on the occasion of their arrival, in, and departure from, the district, whether by rail, road or air and throughout their stay.

(ii) If Hon'ble Minister of the Indian Union or Hon'ble Ministers of the East Punjab reside in special carriages during their halts in the district, the personal guard required to be provided under sub-para (1) above shall be placed over the special carriage.

(iii) The provision of a personal guard shall ordinarily be dispensed with if any Hon'ble Minister so desires, provided that the Deputy Commissioner and the Superintendent of Police are agreed that the withdrawal of the guard is consistent with his safety.

(4) When a personal guard is provided in accordance with these rules, quarters for the guard shall be provided at Government expense and it will be the duty of the Superintendent of Police of satisfy himself that the quarters provided are satisfactory from the point of view of hygiene and of safe custody of arms, ammunition and other Government property on charge with the guard. It will also be the duty of the Superintendent of Police to ensure that proper standing orders are drawn up for each guard as required by Police Rules 18.3, 18.4 and 18.5.

18.21. Command certificate.—All police sent on duty to other districts shall have a command certificate in Form 18.21 and shall be instructed to report themselves at the police lines, if no place is specially mentioned for their attendance.

As far as may be possible, without unreasonable detention, the services of returning escorts of other districts shall be utilized for escort duty on the return journey.

18.22. Requisition for the supply of escorts.—Requisition for supply of police escorts shall give one day's clear notice (excluding Sundays and Holidays) if required for duty within the district and four days' clear notice if required to proceed beyond the district. This is to enable the Superintendent to make arrangements for supplying the guard and to warn Superintendents of the relieving districts to arrange for relief.

18.23. Arrangement for conveyance, etc.—(1) All arrangements regarding conveyance, lights, coolies, etc., for conveying prisoners and their baggage, or treasure, shall be made by the department which demands the escort and the police shall not assume the duty of escort unless and until such arrangements has been satisfactorily made. In no circumstances shall police escorts carry jail or prisoner's baggage.

Explanation.—The expression "prisoner" or "prisoners" as used in this rule and hereinafter in this chapter, means any person or persons under police escort in custody.

(2) Cooly and transport charges for the baggage of police escorts and other detachments travelling in uniform shall be paid for by the Superintendents of Police, and commanders of such parties shall be responsible for engaging such transport as is necessary, and that men under their command are not allowed to encumber themselves with articles other than their arms and equipment required to be carried on the person.

18.24. Escorts over treasure by rail.—The following rules framed by the Government of India (Government of India, Ministry of Home Affairs letter No. 74/49-Police-I, dated 3lst March, 1949) govern the escort of treasure by rail—

Escort over treasure by rail

(i) The Police officer taking charge of a treasure guard traveling by rail will not see the treasure packed at the treasury, but he will se the boxes weighted and satisfy himself that each boxes is properly secured before it is transferred to the van, and that it is properly placed therein.

(ii) The guard should be accommodated in a brake-van attached to the treasure van or in the end compartment of the carriage next adjoining the treasure-van; and the doors of the compartment occupied by the guard should never be locked.

(iii) The escort officer will wire to the receiving officer the number of the train (passenger or goods) conveying the remittance and its hour of

departure and will also wire again enroute if any change in the train has been made or anything has occurred to delay its arrival.

(iv) An officer relieving such a guard will see that the numbers of the wagons agree with those given in the blank receipt tendered for his signature; that the locks are secure; that the seals are unbroken and bear no sign of having been tampered with; and that the locked doors of the van cannot be opened.

(v) The officer-in-charge of such a guard should be provided with a latern which will burn all night, and should cause a sentry to alight at every alternate stopping place and ascertain that the locks have not been tampered with. During any long stoppage a guard must remain on duty by the door of the treasure-wagon; if there are several such wagons it will suffice to tell of two men, who may stand, one at each end of the wagons.

(vi) In case of a break-down, separating a convoy, the officer-in-charge should separate his party attaching himself to the disabled portion.

(vii) On delivering the boxes at the treasury to which they are addressed he will obtain a receipt for..... bags said to contain coin to the value of Rs. ..... or for.....boxes with marks and weights detailed in the invoice said to contain coin or notes to the value of Rs. ....., if any box be short weight or shows signs of having been tempered with, it should be opened in the presence of the escort officer; otherwise, he should be allowed to return at once.

The form of receipt to be used by a relieving guard should run thus—

Received charge from.....police officer of..... District of Railway wagon No.....said to contain.....boxes aggregating Rs.....wagon No.....said to contain.....boxes aggregating Rs.....(and so on). The wagons were duly locked and sealed, and one key for each made over;.....receipts to be given by other relieving guards are also acknowledged. The number and contents of each wagon should be detailed in case of a break-down. The receipts should be in English if the police officer is acquainted with that language otherwise in the language ordinarily used by the officer.'

(viii) the escort officer will present the command certificate for examination to the remitting treasury or Bank Officer before the remittance is handed over to him. He should also present it for examination to the treasury or Bank Officer taking charge of the treasure. The latter will satisfy himself that he is taking over the treasure from the officer named in the command certificate and will at the same time check the strength of the escort with that stated in the command certificate, noting any difference that he may find. When all is correct he will merely sign the command certificate.

(ix) Whenever any breach of these rules occurs the officer-in-charge of the guard must insist on the treasure-van being detached from the train and should immediately telegraph the facts to the remitting officer, to his own departmental superior, and to the Traffic Manager of the Railway.

(x) When a potdar accompanies a remittance he is responsible during the whole course of the journey for the contents of the boxes, and the police guard acts as an escort, The potdar will not interfere in any way in the performance by escort of its legitimate duties but he must be permitted to satisfy himself that all necessary precautions are being taken. In the event of damage occurring to a box it is the duty of the potdar to take over any coin that may fall out and to verify the contents and re-pack the boxes if re-packing becomes necessary. The escort officer must not permit the potdar to be interfered with in the execution of his duties.

Note.—(i) The treasury officer jointly with the police officer who is to travel in-charge, shall superintend personally or by substitute the loading of the vans, and shall hand over to the police officer a memorandum of instructions (in form STR-49), and as many blank receipts as there will be reliefs. The treasury officer shall take a receipt for these documents.

(ii) If the seals on a wagon are broken or bear signs of being tampered with or if wagon has not been sealed it is the duty of the relieving escort officer to insist on the wagon being opened and the number of boxes counted before he gives a receipt to the relieved officer. In such cases the fact of the wagon having been opened and the number of the boxes counted should be endorsed on the receipt.

(iii) Padlocks for securing treasure-van are supplied by the Treasury Officer dispatching the treasure.

(iv) Loading and unloading the treasure and providing coolies and carts etc., is not the duty of the police at any period of the journey.

18.25. Strength of escort over treasure by railway.—The following shall be the minimum strength of police escorts over treasure by railway—

(a) For each railway van – two constables and one Head Constable. When more than one van is used, a Sub-Inspector or Assistant Sub-Inspector shall be sent in command of the escort.

(b) No police escort is necessary in the case of remittances consisting exclusively of copper, bronze and nickel coin when sent by railway from one treasury to another. Remittances partly of silver and partly of copper, bronze or nickel coin will be sent under an escort.

(c) Two police officers, one of whom shall be a Head Constable, shall be sent as an escort over a consignment of currency notes sent by rail or

carriage dak, and if the value exceeds Rs. 50,000 one officer shall be a Sub-Inspector.

18.26. Positing of the escort.—(1) Parcels containing notes shall be carefully packed in sealed parcels or boxes.

(2) Escorts over notes shall occupy one of the end compartments of a third class carriage, and sit on the end seat. If the notes are packed in a box, such box shall be placed under the seat against the outer planking of the carriage, and the escort shall sit over it. If the box is too large to go under the seat, it shall be placed between the members of the escort, and the Superintendent shall pay the usual charge for the space occupied.

18.27. Purchase of tickets.—(1) Government treasure, which term includes species (i.e., gold, silver, copper bronze and nickel coins), precious articles, bullion, currency notes, current or uncurrent, signed or unsigned, defaced currency notes and Government stamps will be carried by rail as under, subject to the following exception—

(i) Consignments weighing 54 maunds or less on broad-gauge and those weighing 40 maunds or less on metre or narrow-gauge.	In brakevans.
(ii) Consignments weighing over 54 maunds on broad-gauge and those weighing over 40 maunds on metre or narrow gauge	In separate vehicle or in a reserved compartment or carriage.

Exception

Remittances of silver coins and currency notes, land precious articles should always be sent under Police escort. Such remittances weighing between 54 and 81 maunds should be carried in reserved compartments while those weighing over 81 maunds in separate vehicles.

(2) Free conveyance of escorts in 3rd class compartments on the following scale on both outward and return journey will be allowed only when treasure is carried in separate vehicles (other than in reserved passenger compartments or carriages) irrespective of whether the escort returns with or without treasure—

(a) One man when the consignment of treasure is over 54 and under 135 maunds;

(b) Two men when the consignment is from 135 to under 270 maunds;

(c) Four men when the consignment is 270 maunds or over.

Free tickets in such cases will be issued by the booking clerk immediately after the treasure has been weighed. Such tickets will be stamped "FREE" by the railway authorities when issuing them.

If the escort is larger than that for which free conveyance has been provided, tickets for each extra man will be taken to the destination of the treasure by the officer in-charge of the escort.

(3) When treasure is carried in a reserved compartment or carriage the usual number of fares required for reservation shall be paid for by the officers incharge of the escort as no free tickets are admissible under such circumstances. When the actual number of the escort exceeds the number of fares paid for the reserved accommodation, additional fares shall be paid for each man in excess. Tickets for the escort in all cases be taken to the destination of the treasure.

(4) Tickets issued for the outward journey, whether paid for or free, shall be handed on to each relieving escort.

(5) Members of the escort provided with free tickets for the outward journey are entitled to free tickets for the return journey and shall apply for these free return tickets to the Station Master of the Station where the guard is relieved. For other members of the escort the Lines Officers shall make provision for the return journey before the escort sets out by issuing to the officer in charge of the escort either a railway warrant or the necessary expenses for the journey from the prescribed relieving station. If the escort is not relieved at this station, it will continue with the treasure until relieved, and in that case the expenses for the return journey from the station where the escort is actually relieved to the prescribed reliving station shall be paid by the Superintendent of Police within whose district the escort is actually relieved.

18.28. Escorts over treasure by road.—(1) Except within the limits of the Lahore Municipality the following shall be the minimum scale of police escorts over specie in transit otherwise than by rail—

Description of treasure	Amount of treasure in rupees	STRENGTH OF GUARD			
		Sub-Inspectors	Head Constables	Constables	Number of sentries
	Rs.				
Remittance by usual conveyance up to	5,000	..	1	4	1
Ditto	10,000	..	1	8	2
Ditto	20,000	..	1	10	2
Ditto	50,000	..	2	12	3
Ditto	1,00,000	..	3	16	4
Ditto	4,00,000	..	3	24	6

(2) The minimum scale of police escorts over specie in Lahore between the Railway Station, Currency Office and the Imperial Bank of India shall be two foot constables per cart load of treasure, provided that—

(a) the total escort shall never be less than one Head Constable and four Constables;

(b) there shall be one Head Constable for every 4 carts or less;

(c) there shall be one Sub-Inspector for every 10 carts.

(3) The foregoing scale of escorts over treasure shall be the minimum escorts sent in charge of the amount specified, but Superintendents shall use their discretion in increasing the protection afforded whenever necessary.

(4) If currency notes are sent by road a sufficient escort shall be sent.

(5) Treasure shall not be carried under escort by motor bus unless the hiring of a whole 'bus is justified by the number and weight of boxes and the size of the escort.

The minimum escort per bus shall be one Head Constable and six Constables. Superintendents of Police shall increase this strength when the value of the treasure to be escorted, local conditions or the nature of the journey are such as to increase the risk of attack.

In the case of the escort for specie, which is bulky and weighs heavy, the use of motor transport will seldom be convenient or economical; for the escort of treasure in the form of currency notes, however, motor transport will often be suitable.

Note.—*One lakh of full weight rupees weighs 31¼ maunds net, and when packed for remittance possibly a little more than 35 maunds.*

18.29. Receipt and guarding of treasure.—(a) Treasure to be escorted will be packed by the treasury authorities in bags holding Rs. 2,000 each, and, after being sealed, these bags will be placed in pad-locked iron remittance boxes. Each box shall be weighed in the presence of the officer commanding the escort and the number, weight and contents of each box shall be entered in the invoice.

The officer commanding the escort shall see that the boxes or tumbrils are strongly made and securely fastened and shall sign the receipt at the foot of each copy of invoice as responsible for_____boxes of marks and weights detailed above, said to contain_____coin to the value of Rs._____. If he is ignorant of English he shall fill up the blanks and sign such receipt in the vernacular and a copy of the invoice shall be made over to him.

(b) A sentry shall march alongside each cart and shall keep the carts together.

(c) The reminder of the escort shall march half in front of the leading cart and half in rear of the rear cart.

(d) At each encamping ground the carts shall be parked in a compact square, leaving a narrow path between each line of carts; the bullocks shall be fastened to the front of each cart.

(e) If buoys are attached to treasure chests, the officer commanding the escort shall examine them and point out if the ropes appear likely to sink the buoys; before crossing a ferry by boat he shall see that the ropes are not detached, knotted or entangled while the boxes are on board the boat and that they work freely.

(f) If the treasure is secured by double locks, the officer commanding the escort shall keep the keys of the second lock and the potdar of the first; if there are single locks only the potdar shall keep the keys.

(g) The officer commanding the escort shall be responsible that no box or tumbril is opened on the journey except in case of damage or accident.

(h) The officer commanding the escort shall march with his escort, shall see the carts parked and the first sentries posted, and shall visit his sentries once by day and once by night in every twenty-four hours.

(i) If the remittance arrives at night, it shall remain in the custody of the police guard until next morning.

18.30. Use of handcuffs.—The rules relating to the use of handcuffs are given in Chapter XXVI. In addition, the following orders shall have effect in regard to escorts over prisoners—

(a) The police officer of highest rank present shall be responsible that the handcuffs fit properly.

(b) If the prisoner is violent and is strong and able to offer considerable resistance, the handcuffs may be coupled behind his back instead of in front of his body.

(c) The police officer in command of an escort over unconvicted prisoners, whether in police or judicial custody, shall be held strictly responsible that such prisoners are not allowed to have their hair, beards or moustaches cropped or in any other way to alter their appearances, so as to make identification difficult and that they are allowed no communication with any member of the public, while under the custody of the escort, except on the written authority of a superior police officer or of a magistrate.

(d) If it becomes necessary to release one of the prisoner's hands, the handcuff on the other wrist shall not be opened, and adequate precautions shall be taken to prevent escape. The release of one of, the prisoner's hands, for any purpose whatever, will be on the responsibility of the officer in charge of the prisoner, and any escape from custody as a result of or facilitated by, such release of one hand will, except under the circumstances provided for in rule 18.35 (2), be regarded as negligence falling within rules 16.37.

(e) In the case of prisoners despatched by the Jail Department, handcuffs shall be supplied by the police, but leg-irons shall be supplied by Jail Department.

(f) The handle of the chain of the handcuffs shall be passed through the belt of the constables in immediate charge of the prisoner for the time being, and shall remain so, as long as the prisoner is under escort. When such constable has to be relieved for any purpose, the prisoner shall be secured in the same manner to the relieving constable. The

practice of fastening the chain to a bed while the escort rests or feeds, and all other methods of attachment are absolutely forbidden.

18.31. Admission of prisoners to jails.—Under the rules of the Jail Department prisoners transferred from one jail to another must be received into jail at any hour.

18.32. Escorts over European prisoners.—(1) On occasions on which an European soldier may have to be conveyed in custody, before or after conviction by the civil power, an application shall invariably be made to the nearest military authorities for a military escort, unless there are sufficient European police available for the duty. *(Government of India letter No.8-405 dated 17th February 1881).*

(2) On occasions when Europeans (other than soldiers have to be conveyed in custody, European police shall ordinarily be utilized, and when necessary may be requisitioned from other districts or the railway for the purpose.

18.33. Railway accommodation for prisoners.—When a despatch of prisoners is to be made under the orders of the Jail Department by rail from a headquarter station of a district, it is the duty of the reserve inspector or lines officer to ascertain two hours before the departure of the train, that the proper description of carriage has been supplied and that all gratings, door locks etc; are in order. Padlocks, when considered necessary shall be provided by the police.

18.34. Transfer of prisoners between jails.—The prisoners shall be made over to the police guard after they have been carefully and thoroughly searched in the presence of the jailor and the officer in charge of the police guard. A nominal roll in the usual form shall be made over with the prisoners. The police guard shall be entirely responsible for the safe custody of the prisoners until they reach their destination and are formally made over to the jail officers and a receipt obtained for them. The officer commanding the escort shall satisfy himself that the handcuffs and fetters are in good order, and that they fit properly before he takes them over. If the prisoners are desperate or dangerous, the officer commanding the escort shall be supplies with a chain with two rings and padlock and shall connect all the handcuffs or leg-irons with it.

18.35. Fetters to be dispensed with in certain cases.—(1) Under jail regulations every male prisoner under sentence for an offence is required to be handcuffed before being removed from a jail for any purpose, and when on transfer, is required to be fettered as well, unless medically certified as unfit on account of age or infirmity. The rule regarding fettering may be relaxed in the case of prisoners classed as "A" or "B" by the convicting court, if the Superintendent of Police is satisfied, after ascertaining the convict's history, that there is no reasonable apprehension of an attempt at escape or rescue. Juvenile offenders are not required to be fettered, but only to be handcuffed when in transit from a jail to the Reformatory School at Delhi.

(2) One handcuff may also be removed from prisoners traveling by rail while eating, drinking or going to the latrine, provided that the number enjoying the

concession at any one time shall not exceed half the number of constables on the escort.

18.36. Transfer of prisoners by rail.—(1) So far as be practicable, the railway shall be used for the transit of persons escorted in police custody.

(2) A responsible police Officer shall be present at the railway station to despatch persons in custody by rail.

(3) Prisoners sentenced to transportation, and other dangerous and notable prisoners, should not be sent by mail trains unless there be exceptional and special reasons for doing so, which should be fully stated in writing.

18.37. Regulations for transport of prisoners by rail.—With respect to the kind of railway carriage to be used and the strength of escort to be employed in the transit of prisoners in police custody, the following regulations shall have effect—

(a) When the prisoners escorted are A and B class convicts and better class under-trial prisoners, normally third class accommodation should be provided, but where suitable third class carriages with proper sanitary arrangements are not available, inter class accommodation shall be allowed. Any A and B class prisoner or better class under trial prisoner who desires to travel by a higher class may be allowed to do so on paying the extra fares for himself and escort.

A and B class convicts and better class under trial prisoners shall, when on transfer be taken to and from the station by motor lorry or such other conveyance as may be available. Instructions regarding the use of handcuffs for such convicts and under trial prisoners are contained in Police Rule 26.22 (1) and (2). [1][The strength of escort in such cases should be equal in number to the prisoners and when there is only one prisoner, the strength of escort shall be at least two. The escort shall sit on each side of the prisoner and guard the doors.]

(b) When the prisoners escorted are aged, feeble, sick, crippled, women, children, or are accused of minor offences and are not desperate characters, or are harmless lunatics or where the number of persons, including the escort, does not exceed five, they may be conveyed in ordinary third class carriages. The ordinary strength of escorts shall be the same as in (a) above.

(c) Transportation convicts proceeding out of the province and prisoners of exceptionally dangerous character, who require extra vigilance for there safe custody, shall be conveyed in custody by rail in prison van. The ordinary strength of escort in such cases shall be one Head Constable and six Constables for each carriage or van, and if more than a single carriage or van is sent a Sub-Inspector shall be sent in command.

1. Substituted by correction slip No. 113 dated 25.8.1959.

When the prisoners are transported by III Class compartment, the strength of escort shall be as under—

Number of prisoners	Strength		
	S.I.	H.C.	Constables
1	..	..	2
2	..	..	3
3	..	1	4
4	..	1	5
5	..	1	7
6	..	2	8
7	..	2	9
8	..	2	10
9	..	2	11
10	1	2	14

If the number of prisoners is more than 10 but less than 20 escort should be one Head Constable extra per every 4 Constables and 1 Sub-Inspector extra for every 10 Constables.

(d) All other prisoners shall be conveyed in third class carriages provided with iron gratings for the windows and iron bars or railings between the compartments. The ordinary strength of escorts shall be the same as in (b) above.

(e) In the case of prisoners on transfer to the jails of districts in which their homes are situated with a view to their release, the police escort need not exceed the following strength—

For 1 prisoner	2 Constables
For 2 to 4 prisoners	3 Constables
For 5 to 9 prisoners	One H.C. and 4 Constables
For 10 to 12 prisoners	One H.C. and 6 Constables

(f) The escort accompanying prisoners by rail shall occupy the position from which the best possible control over the prisoners can be secured, but shall not take up such share of accommodation as will result in overcrowding among the prisoners.

18.38. Precautions for safe custody.—(1) If it is necessary to allow any of the prisoners or any of the escort to leave the carriage for purposes of nature, permission shall be given to do so only at stations where the train stops at least ten minutes, and subject to proper arrangements for the safe custody of the prisoners. Whenever it is necessary to remove the prisoners at a station where a change of trains is to be made, or between stations in case of trans-shipment or accident, a portion of the escort shall alight first, and the prisoners, as they alight, shall be marshalled in file. Prisoners, shall, as far as possible, be kept apart from other passengers, and no access to or intercourse with them by any person, other than a magistrate

or police officer superior in rank to the officer commanding the escort shall be allowed. When waiting for a train the escort shall form a cordon round the prisoners, if the latter number more than four, and members of the escort shall be allowed to leave their posts only in such numbers as will not reduce the guard over the prisoners to such an extent as to facilitate escape.

(2) Except as provided in sub-rule (1) and in case of serious illness, no member of the escort shall leave the carriage except in the performance of his duty.

(3) When a change of trains necessitates a delay of over an hour at any junction, all prisoners shall be taken by their escorts to the Railway Police or local District Station and kept there in the lock-up during the period of waiting. The Assistant Inspector-General, Government Railway Police and all Superintendents of Police will issue orders to their station house officers to receive such prisoners and to give all necessary help to the escorts. The officer detailed under sub-rule (6) below to explain rules to escorts shall inform escorts where to take prisoners during halts at the various junctions on the journey.

(4) Escorts are strictly prohibited from accepting gifts of any kind including food from any class of prisoner or a prisoner's friend. Relative or sympa-thisers.

(5) Section 441 of the "Manual for the Superintendent and Management of Jails" says that no prisoner shall, except on transfer from another jail, be admitted into any jail after the hour of lock-up for the night or before sunrise on any day. This implies that prisoners on transfer may be admitted at any time of the day and night and escorts over prisoners on transfer from one jail to another will proceed immediately on arrival at their destination station to the jail and have the prisoners admitted. Escorts over prisoners other than those transferred from one jail to another will on arrival at the station of destination during the night, when prisoners cannot be produced before the officer before whom they are to be produced, confine them in the railway police or local district police station lock-up, until they can be produced before the officer concerned.

(6) Police rules laying down the duties of escorts will be carefully explained to all escorts before they proceed on duty and gazetted officers will select all escorts over special classes of prisoners themselves from among men on whom they can rely to observe orders strictly. Officers in charge of escorts will be particularly instructed not to allow any contact between prisoners and outsiders in any circumstances.

Note.—*Although this rule deals specifically with the escort of prisoners by rail, it applies mutatis mutandis to escorts by all other means of transport.*

SYNOPSIS

1. *Purview of Article 310 of the Constitution.*
2. *Word "Complaint" not defined in the Rules.*

1. Purview of Article 310 of the Constitution.—Rule 18.38 may appear to be a fetter on the disciplinary power exerciseable by the Inspector General of Police which must ordinarily be unfettered in view of Article 310 of the Constitution of India. But a closer

understanding of the Rule 16.38 disclosed that the prosecution of a police Officer has to be dealt with under the Criminal Procedure Code. It is outside the purview of Article 310 of the Constitution, and therfore, of the disciplinary power of the Inspector General of Police. In so-far as Rule 16.38 enables the District Magistrate to order prosecution of the concerned Police Officer, it merely supports the statutory function of the Magistrate under Section 170 of the Criminal Procedure Code inasmuch as it is for the Magistrate to decide, after Police investigation, if the prosecution should be launched against a person or not. *Daulat Ram v. Union of India, 1971(2) S.L.R. 502.*

2. Word "complaint" not defined in the Rules.—Must therefore be understood in its general sense to mean any accusstion, allegation or information of the commission of an offence or misconduct against the police officer concerned. Such an accusation, allegation or information may be in writing or it may be oral. It may be couched in the form of a petition by a member of the public or a note by a departmental officer or a confidencial report by a superior officer or information given by any person whether official or non-official. There is no reason why the word 'Complaint' in the rule must be restricted to a complaint received from a person outside the police force. What the rule requires is that a complaint against a policer officer disclosing the commission of a particular type of offence should be received. The source of complaint is not at all material. *Daulat Ram v. Union of India, 1971(2) S.L.R. 502.*

18.39. Security and health of prisoners.—(1) When a police escort travels in a prison van or in a separate compartment to that occupied by the prisoners, two Constables shall be placed on sentry duty over the prisoners, being relieved every two hours.

(2) At every station where the train stops fifteen or more minutes, the officer commanding the escort shall personally test the window fastenings, see that the prisoners are not suffering in health, and arrange for any necessary cleaning of the carriage and the refilling of water tanks and supply of drinking water to the prisoners.

18.40. Searching prisoners and handing over charge.—(1) At each relieving station all the prisoners shall be searched in the presence of the senior officer of both the relieving and relieved police escorts and the officers of the Jail Departments.

(2) In the case of transfer of prisoners within the province, police officers commanding escorts shall be held responsible that they hand over the iron frames, locks and keys of window gratings to the station master at destination, and that they take receipt; but in the case of transfers beyond the province, such responsibility shall rest with the jail warder accompanying the prisoners. If a frame, lock or key is received in an injured state or is injured by the prisoners on the way, the officer commanding the escort or jail warder, as the case may be, shall report the matter at the end of the journey to the nearest Superintendent of Police who shall explain it to the Chief Commercial Manager. When padlocks, supplied by the Police under rule 18.33, have been used, the officer commanding the escort shall hand over the locks in the police lines of destination to be returned to the district of despatch. If the van or carriage goes outside the province, the locks shall be removed and returned in the same way to the district of despatch.

18.41. Reservation of rail accommodation.—(1) If insane persons are sent by railway in police custody, and whenever a party of prisoners and its escort so sent exceeds in number three persons, one or more compartments shall be reserved for such party.—*(Government of India letter No. 1424-31-R., dated 8th April 1879).*

(2) If the prisoners are accused persons being sent by the police for trail, arrangements shall, if possible, be made either to send them so that compartments need not be reserved, or to occupy fully the compartments reserved.

(3) If the escort travels in the same compartment as the prisoners, and the compartment is reserved, the number of persons seated their in shall in no case be in excess of its capacity.

(4) Tickets shall be taken by the original district of despatch for the forward journey of the escort to the railway station of destination of prisoners, irrespective of provincial limits. On occasions, however, when prisoners are despatched under one escort to various destinations and this escort has to be relieved on route, tickets shall be taken only as far as the relieving station.

(5) In the case of a Punjab Police escort proceeding out of the Punjab or an escort from some province entering the Punjab which has not been relieved at the relieving stations laid down in Appendix 18.49 (1), the Superintendent of Police of the district in which the escort is eventually relieved shall advance railway fares to take it back to the recognized relieving station and debit the amount to his Contingent grant. This expenditure shall not be recovered from the province providing the escort.

18.42. Escort by road-Responsibility of dispatching officer.—(1) The police officer who despatches an escort over prisoners by road shall be held responsible that a proper and sufficient escort is sent; that, where the escort consists of one or two Constables only, they possess equal or greater physical power to, or than that possessed by, the prisoners in their custody, and that proper discretion is used in regard to increasing the escort under special circumstances when the country is disturbed or popular feeling is excited in favour of, or against, the prisoners, or in regard to the offence committed. Prisoners shall not be marched by road in the hot weather between the hours of 10 a.m. and 4 p.m. or in any season when it is raining, or likely to rain, heavily. A and B class convicts and better class under-trial prisoners shall when traveling by road, be taken by motor-lorry or other suitable conveyance.

(2) Police escorts shall on no account be required to carry any property belonging to prisoners. The officer commanding the escort shall take over from the jail or other dispatching authority any official documents relating to the transfer, petty cash, whether belonging to prisoners or advanced for the expenses of the journey, keys of fetters, etc. but any property belonging to or necessarily sent with the prisoners shall be transported under arrangements to be made by the dispatching authority. The cost of transporting, whether by coolie or otherwise, any such property and the bedding of prisoners shall be recovered from the Jail Department. (See also rule 18.23).

18.43. Feeding of prisoners.—(1) Rules for the feeding of persons under police arrest or remanded in police custody are contained in Chapter XXVI. For prisoners under escort between jails and courts the Jail Manual (paragraph 758) prescribes that, when the court to which prisoners are to be escorted is situated at the same station as the Jail, the officer in charge of the jail shall be responsible for the supply of the prisoners' food ready cooked. When such court is situated at a distance, the money necessary to purchase food at the scale prescribed by the Jail Department, shall be made over to the police commanding the escort by the officer in charge of the jail.

(2) Prisoners on transfer are required to be given a cooked meal before starting, and, for a journey exceeding twelve hours, but not exceeding eighteen hours in duration, each prisoner shall receive, before being handed over to the police escort, parched gram and gur, or such other ration as jail regulations may prescribe, to eat on the journey. Police officers commanding escorts shall satisfy themselves that this regulation (paragraph 939, Jail Manual) has been complied with, when taking over prisoners. When the journey on transfer is likely to exceed eighteen hours in duration, money shall be made over to the warder accompanying the prisoners or the officer commanding the escort, as the case may be, by the officer in charge of the jail to enable him to purchase food at the prescribed scale. See also rule 26.27 (1).

(3) The police officer to whom money is made over under sub-rules (1) and (2) above shall acknowledge its receipt and, on conclusion of the escort duty shall submit, together with his duty report, an account of his expenditure, supported by detailed receipts or satisfactory explanation of failure to obtain such receipts.

(4) A jail official shall accompany prisoners on transfer when their number exceeds ten. In this case he shall be responsible for all arrangements for food and water. When the prisoners are less than ten, a jail official should see them off at the railway station and will be responsible for seeing that they start with—

(a) One zinc pail full of water, if the van does not possess a permanent drinking water tank;

(b) One *lota* full of water for each prisoner;

(c) One zinc pail full of water at the latrine for cleaning purposes.

In cases where no jail official accompanies prisoners the police officer in charge of the escort shall inform station masters of important stations in advance on the route of any requirements in the way of water, food, etc., that may be needed on the journey.

(5) It is the duty of the police officer incharge of the escort to see that prisoners who have not been in jail previously have their food before they are taken to the jail if they are likely to arrive there too late for a meal.

[1][**18.44. Strength of escorts by road.**—When the prisoners are escorted by road or foot there shall be at least one Constable per prisoner with 1 Head Constable after every ten Constables and one Sub-Inspector after every 20 Constables. In case of one prisoner there shall be two Constables.

Prisoners shall always sleep under shelter which shall be provided where necessary by the Jail Department before the prisoners are taken over.]

18.45. Escort over prisoners by motor bus or passenger lorry.—The strength of escorts over prisoners transported by motor bus or other vehicle not specially constructed as a prison van shall be not less than that prescribed in rule (18.37) for escorts over prisoners by rail; provided that, if the circumstances of the journey to be performed are such as to entail danger of rescue or to necessitate special precautions, the strength of the escort shall be increased at the discretion of the Superintendent of Police. In cases where it is necessary to march the prisoners by road between the place of departure or destination and the terminus of the journey by motor vehicle the arrangements prescribed in rule (18.48) for reinforcement shall be followed.

18.46. Escort for prison vans.—The strength of escorts over prisoners transported in specially constructed motor prison vans shall be one head constable and three constables for each such van.

18.47. Intimation for the relief escorts.—(1) Every Superintendent who furnishes an escort shall send intimation as soon as possible to the Superintendent whose duty it will be to relieve such escort, of—

(a) the strength of such escort;

(b) the nature of the duty, that is, the number of the prisoners being escorted or the amount and nature of treasure, etc.

(c) the mode of transit, the destination;

(d) the probable date and hour of arrival; and

(e) the number of handcuffs required.

(f) Whether prisoners are dangerous.

It a letter by post would not give three clear days, notice, such intimation shall be telegraphed, but the strength of the escort need not be telegraphed unless it is abnormal. Intimation shall be in Form 18.47.

(2) In the case of districts in the United Provinces, the intimation, both postal and telegraphic, should be addressed not to the Superintendent of Police but to the Reserve Inspector. Telegrams for him should be addressed "Police Lines".

(3) Reliefs for inter-provincial escorts must always be provided and not refused or withheld on the ground that the men cannot be spared. Compliance with requisitions must be strictly exacted.

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1. Substituted by Correction slip No. 113 dated 25.8.1959.

18.48. Reinforcement of escorts.—As escorts travelling by rail are of reduced strength an escort of ordinary strength, shall escort the persons or property in charge to the railway train, and again from the railway train at the termination of the railway journey. When an escort leaves by train, a telegram shall be despatched by the officer in command of the escort to the Superintendent whose duty it is to provide an escort to guard the persons or property from the railway station where the railway journey terminates, in all cases in which proper arrangements have not been completed before the despatch of such escort.

18.49. Regulations as to relief of escorts.—(1) Escorts over prisoners or treasure sent by railway shall not ordinarily be relieved so long as the journey to destination is not of longer duration than 12 hours and is within the province.

(2) When an escort has to be relieved under the above rule, the transfer shall ordinarily be made at a station which is the headquarters of a district, and if possible at a station where a change of railway or train is effected.

(3) The relief guard shall assist the relieved guard to watch the prisoners or treasure during the transfer.

(4) Escorts over prisoners or treasure sent by railway proceeding out of, or coming into, the Punjab shall be relieved at the places shown in Appendix 18.49 (4).

18.50. Authorities for provisions for guards.—Police shall not be provided as guards, escorts or for any other duty except as authorised in this chapter or elsewhere in the Police Rules.

APPENDIX NO. 18.48(4)[1]

Escorts over V.I.P.s. or prisoners or treasure sent by Railway out of or into the Punjab shall be relieved at the following stations—

(a) Escorts proceeding out of the Punjab.—

1. Through Saharanpur to any Railway Station in U.P.	Shall be relieved at Saharanpur if the Punjab Escort is proceeding to any Railway Station in the Uttar Pradesh and has not to pass through or to go to Delhi, In case, the Punjab escort is proceeding to any Railway Station in the U.P. through Delhi, it will be relieved at Delhi by the U.P. escort.
2. Through Delhi by the Northern Railway, to any Railway Station in U.P.	The U.P. Police will take over from the Punjab Police at Delhi on the following Northern Railway routes passing through the U.P. (a) Delhi-Gaziabad-Meerut-Saharanpur. (b) Delhi-Gaziabad-Aligarh.
3. Through Mathura by the Northern Railway and the Western Railway	On the Central Railway (Delh-Mathura-Jhansi-Bombay route) the Punjab Police will provide the escort up to Mathura and will be relieved there (Mathura) by the U.P. Police.
4. Through Mathura by the Northern Railway and the Western Railway.	On the Western Railway viz Delhi-Mathura-Bharatpur-Bombay route the Punjab Police will provide escort up to Mathura and will be relieved there (at Mathura) by the Rajasthan police.
5. Through Hissar on the Hissar-Siwani-Sadulpur Station Rajasthan.	Punjab escort shall be relieved at Hissar by the Rajasthan escort, if the Punjab escort is proceeding to any Railway Station in Rajasthan on the Hissar-Siwani-Sadalpur section.
6. Through Hanumangarh to (or via) Rajasthan	Rajasthan Police will take over escort at Railway Station Hanumangarh, on the Bhatinda-anumangarh section, of the Northern Railway from the Punjab Police.
7. Through Rewari on the Delhi-Ahmedabad line (Meter Gauge)	The Punjab escort would be relieved by the Rajasthan Police escort at Rewari
8. Through Loharu on the Loharu-Sadalpur-Rattangarh-Bikaner route	Punjab escort would be relieved at Loharu by the Rajasthan escort if the Punjab escort is proceeding to any Railway Station in Rajasthan on the Loharu-Sadalpur-Rattangarh-Bikaner route.
9. Through Loharu on the Loharu-Jhujhunu-Sika-Reengus-Jaipur route to any Railway Station in Rajasthan	Punjab escort would be relieved at Loharu by the Rajasthan escort if the Punjab escort is proceeding to any Railway Station in Rajasthan on the Loharu Jhujhunu-Sika Reengus-Jaipur route.
10. Through Pathankot to Jammu and Kashmir State	On detraining at Pathankot, the VIP will either have to travel by air or by car. In the former case, the Gurdaspur District Police will escort the VIP by road up to Dhangu airport and in the latter case upto Lakhanpur on Gurdaspur J&K border, where the escorts will be relieved by the Jammu and Kashmir Police.

1. Appendix Substituted by Correction slip No. 112 dated 22.7.1959.

(b) Escorts coming into the Punjab or passing through the Punjab State.—

1. Through Saharanpur to any Railway Station in the Punjab on the Saharanpur-Ambala route.	The U.P. escort will be relieved at Saharanpur by the Punjab escort, if the former is proceeding from any Railway Station in the Uttra Pradesh and has not to pass through or to come to Delhi. In case, the U.P. escort is proceeding to any Railway Station in the Punjab through Delhi it will be relieved at Delhi by the Punjab escort.
2. Through Delhi by the Northern Railway, to any Railway Station in Punjab State.	The U.P. Police will hand over to the Punjab Police at Delhi on the following Northern Railway routes passing through the U.P. (a) Delhi-Gaziabad-Meerut-Saharanpur. (b) Delhi-Gaziabad-Aligarh.
3. Through Mathura by the Northern Railway and the Central Railway to any Railway Station in the Punjab	On the Central Railway Delh-Mathura-Jhansi-Bombay route the Punjab Police will take over from the U.P. escort at Mathura
4. Through Mathura by the Northern Railway and the Western Railway to any Railway Station in the Punjab State.	On the Western Railway viz Delhi-Mathura-Bharatpur-Bombay route the Punjab Police will relieve the Rajasthan Police escort at Mathura.
5. Through Hissar on the Sadalpur-Siwani Hissar Section to any Railway Station in the Punjab State.	The Punjab Police will take over from the Rajasthan Police escort at Railway Station Hissar on the Hissar-Sadalpur section.
6. Through Hanumangarh (or via Rajasthan) to any Railway Station in the Punjab State.	The Punjab Police will take over at Railway station Hanumangarh on the Bhatinda- Hanumangarh section of the Northern Railway from the Rajasthan Police.
7. Through Rewari on the Delhi-Ahmedabad line (Meter Gauge) to any Railway Station in the Punjab State.	The Punjab police would relieve the Rajasthan Police escort at Rewari.
8. Through Loharu on the Loharu-Sadalpur-Rattangarh-Bikaner route, to any Railway Station in the Punjab.	Rajasthan escort would be relieved at Loharu by the Punjab Police escort if the former is proceeding to any Railway Station in the Punjab on the Loharu-Sadalpur- Rattangarh-Bikaner route.
9. Through Loharu on the Loharu-Jhunjhunu-Sika-Reengus-Jaipur route to any Railway Station in the Punjab State	The Punjab escort would relieve Rajasthan escort at logaru, if the latter is proceeding to any Railway Station in the Punjab on the Loharu-Jhunjhunu-Sika-Reengus-Jaipur route.
10. Through Pathankot to Jammu and Kashmir State	The VIP will either travel by air or by car to Pathankot. In the former case, the Gurdaspur District Police will escort the VIP by road from Dhangu airport upto Pathankot Railway Station. In the latter case, the Gurdaspur District Police escort will take over from the J&K Police at Lakhanpur.

FORM No. 18.21

POLICE DEPARTMENT _____DISTRICT

COMMAND CERTIFICATE OF AN ESCORT PROCEEDING IN CHARGE OF_____TO_____

1		2	3	4	5
Strength of Escort	Nos	Name of Officer in command	Nature of duty	Mode of Transit and where to be relieved	Note of special orders
Gazetted Officers ..					
Inspectors ..					
Sergeants ..					
Sub-Inspectors ..					
Assistant Sub-Inspectors					
Head Constables { Mounted					
Foot					
Constables { Mounted					
Foot					
Total ..					

(Standard Form)

Reports of arrival and of Relief to be noted on reverse.

DISTRICT POLICE OFFICER:

The_____19 *Superintendent of Police*

FORM No. 18.47

POLICE DEPARTMENT

APPLICATION FOR RELIEF OF ESCORT

FROM

Superintendent of Police,

_____

To

Superintendent of Police,

_____

*Dated*_____ No._____

*Received*_____ No._____

Informs him that an escort of the following Strength--				Number
Inspectors	..	..	..	
Sergeants	..	..	..	
Sub-Inspectors	..	..	..	
Assistant Sub-Inspectors	..	..	..	
Head Constables	Mounted	..	..	
	Foot	..	..	
Constables	Mounted	..	..	
	Foot	..	..	
Total	..			

will leave this district in charge of_____to proceed to_____ and travel by_____.

Request that a relied of equal strength may be held in readiness to relieve the police of this district on the_____

Superintendent of Police

(Standard form)

□□□

CHAPTER 19

TRAINING AND EXAMINATION

19.1. Importance of training.—Successful police work depends very largely on each individual officer acting correctly on his own initiative. The police force of a district or province can be compared to an intricate machine the inefficiency of one cog of which may mean in some important instance the inefficiency of the whole. It follows, therefore, that the training of each individual officer to do the work allotted to him is of the highest importance.

Superintendents of Police shall give their attention to the training of all officers and men serving under them. The object of such training shall be to inculcate in police officers habits of physical health, activity, discipline, self-reliance, observation, punctuality, sobriety, courtesy and straight-forwardness of dealing in the execution of their work as also a knowledge of the technical details of the work required of them. Training shall be a continuous process carried on in the course of work. All gazetted officers and upper subordinates are responsible that junior officers serving under them are given instruction and opportunities of acquiring experience of as many branches of police work as possible. Officers are required to communicate instruction received at the Police Training School[1] and elsewhere to other officers serving under them.

19.2. Training of recruits.—(1) Except in exceptional circumstances, which shall be reported to the Deputy Inspector-General of the range, recruits shall not be passed into the ranks until they have undergone six months' training and instruction.

(2) The following training and instruction shall be given to recruits—

(a) A course of drill and instruction on the lines laid down in Chapter I of the Police Drill Manual, Punjab, 1929. A separate programme and time-table shall be made out for each squad of recruits and shall be kept to through out the course.

(b) A course of Instruction in the headquarters lines school as laid down in Rule 19.10.

19.3. Examination of recruits.—(1) At the completion of the training laid down, recruits shall be examined on parade by a gazetted officer or reserve inspector in each of the subjects taught in the course mentioned in rule 19.2 (2) (a) and marks awarded.

1. For Punjab, the words "Police Training School or School" wherever occuring the words "Police Training College or Colleges" subs. by Notification No. G.S.R. 69/CA 7/61/Ss. And 12/Amd. (1)/81, dated 12.8.1981.

(2) An officer shall be appointed by the Superintendent of Police to examine recruits in each subject taught in the headquarters lines school.

The list of recruits examined according to this rule, together with the marks awarded, shall be forwarded to the Superintendent of Police who shall decide in the case of the first examination whether the men shall be passed, discharged under rule 12.21 or given further training. As regards the second examination he shall ordinarily discharge a recruit under rule 12.21, grant him a certificate of education of the 1st or 2nd class to be inserted in his character roll or remand him for a further period of instruction.

A certificate of education of the 1st class shall mean that the recruit is sufficiently educated to enable him to learn the duties of an assistant clerk of a police station. A certificate of education of the 2nd class shall mean that the recruit is liable (1) to read and write simple Urdu sentence; (2) to tell the time on a clock; (3) to read Roman figures and numerals and to do very simple sums of addition, subtraction and division. In cases in which recruits are illiterate or nearly so Superintendents of Police may pass them into the ranks without a certificate of education when they are above the average standard in other respects.

19.4. Training while in reserve.—On his passing into the ranks under rule 19.3 a recruit shall ordinarily be included in the first armed reserve in accordance with rule 17.9 (2). During the further six months he remains in the reserve the recruit will be required to continue his education in the headquarters lines school.

19.5. Further training of Constables.—(1) The fact that a recruit has been passed into the ranks under rule 19.3 shall not be taken to mean that he is a fully trained Constables. A Constable under three years' service is at any time liable to discharge under rule 12.21. During the whole of this period he shall be kept under close supervision and reported on at intervals of six months in Form 19.5 (1) by the Sub-Inspector or Inspector under whom he is working through his gazetted officer to the Superintendent of Police.

The orderly Head-Constable shall maintain a list of Constables under three years' service. He shall submit the name of each man a month before he is due for confirmation to the Superintendent together with his personal file which shall contain the Form 19.5 (1) referred to in this rule.

Gazetted officers are expected to make themselves acquainted as far as possible, with the characters and careers of all constables under three years' service and shall be responsible that the names of men unlikely to make efficient police officers are brought to the notice of the Superintendent.

(2) On being transferred from the lines after completion of his training in the first reserve, a Constable under three years' service shall be instructed in the practical duties of a constable by the Inspector or Sub-Inspector under whom he is serving. He shall be sent out on beat, patrol, traffic and other duties with a selected senior Constables who shall be made to feel his responsibility for the instruction of the younger man.

19.6. Annual training of Constables.—(1) Every Constable posted at a police station, or out post, shall be called into lines annually for one month's training in drill and instruction in the headquarters school. He shall be examined by a gazetted officer or reserve inspector before returning to his police station. Any Constable failing to satisfy the officer holding this examination shall be retained in lines for a further period of one month, his police station sending no Constable in his place.

(2) Constables transferred to lines for training under this rule shall not be employed on other duties except in emergencies.

(3) During this course particular attention shall be paid to the following matters—

(a) The general smartening up of each Constable by attention given to the manner he wears his uniform and a short course of physical training if he is not over 35 years of age.

(b) A short course of squad drill and musketry instruction.

(c) The Constable shall be put through the annual musketry course with the .410 musket laid down in the Police Training School manual.

(d) A refresher course of elementary law and procedure at the lines school.

19.7. Fatigues by recruits.—(1) Recruits shall not be employed on fatigue duties in the lines, except general fatigues on which all men off duty are employed, or in emergencies, when no other men are available. In this and other respects the greatest importance shall be attached to the recruits' training not being interfered with and to his getting reasonable hours for rest and recreation. But such fatigues shall in no case be permitted to interfere with the attendance of any recruit at the headquarters lines school or his appearance on parade.

(2) When necessary, recruits may be posted in turn as unarmed sentries on their barrack rooms.

(3) The employment of recruits for fatigue purposes at officers' bungalows or quarters, or as orderlies to officers, is strictly prohibited, and Deputy Inspector-General at their inspections shall insist on the strict observance of this rule.

19.8. The headquarters lines school.—In every district a headquarters school shall be established in the lines under the charge of a suitable Assistant Sub-Inspector. This Assistant Sub-Inspector shall be designated head instructor and shall ordinarily be posted to this duty for not less than one year. He shall be responsible under the general supervision of the Lines officer or reserve inspector that the school functions regularly according to the programmers and time-tables made out by the gazetted officer in charge of the lines or the reserve inspector.

19.9. Lines school classes.—The school shall be divided into two main portions for literate and illiterate Constables. If there is a large number of men under instruction these may be further sub-divided into classes according to the educational standards of the men. The highest class of all shall consist of recruits

who have studies up to the Entrance Examination of the Punjab University or any higher examination. These recruits shall be employed as assistant instructors and put in charge of classes of illiterate or semi-illiterate constables for the teaching of reading, writing and arithmetic. The time-tables shall be so arranged that those recruits acting as assistant instructors may receive instruction in professional subjects and general intelligence training. Good work done in the school by recruit assistant instructors may be rewarded according to the discretion of the Superintendent of Police.

19.10. Lines school syllabus.—The following subjects shall be taught in the headquarters school—

1. Illiterate Constables and recruits.—
   (a) Elementary reading, writing and arithmetic in Urdu;
   (b) Roman letters and numerals;
   (c) Elementary law and procedure as it affects the constable;
   (d) General duties of the Constable, especially as regards his specific duties on beat, patrol and traffic duty; his relations with the public; the serving of processes; the carrying out of searches; the proper method of describing a person; the various numbers and marks on motor and other vehicles and how to read the clock and distinguish colours;
   (e) Matters of departmental discipline;
   (f) Lessons in "observation" by means of practice in tracking and by methods employed by the Pelman Institute and the Boy Scout Association.
2. Literate constable and recruits—
   (a) Elementary law and procedure;
   (b) General duties of the Constable especially as regards his specific duties on beat, patrol and traffic duty, his relations with the public; the serving of processes; the carrying out of searches; the proper method of describing a person; the various numbers and marks on motor and other vehicles and how to read the clock and distinguish colours;
   (c) Police Rules;
   (d) Practical police work on the lines of lectures to the Lower School of the Poice Training School, but of a more elementary nature;
   (e) Lessons in "Observation" by means of practice in tracking and by methods employed by the Pelman Institute and the Boy Scout Association.

19.11. Participation of officers in instruction.—(1) As far as possible gazetted and non-gazetted officers at headquarters shall be employed to lecture and teach in the headquarters school. A programme shall be drawn up by the Superintendent of Police specifying the officers who shall lecture and the days and subjects allotted

to them. With the help of this programme the gazetted officer in charge of the lines shall make out programmes and time-tables for the various classes detailed in rule 19.10.

(2) In instructing at the headquarters schools officers shall bear the following principles in mind—

(a) All matters taught should be in strict relation to duties which have to be carried out by Constables and Head Constables.

(b) Recruits will learn most easily by practical illustration and demonstration.

(c) Until the most elementary matters are mastered it is useless going on to more advanced subjects.

19.12. Employment of teachers of the education department.—When circumstances permit teachers at primary schools may be employed in their spare time to teach illiterate Constables and recruits in the headquarters school. These teachers may be suitably remunerated from the grants of Superintendents for "Rewards to private persons".

19.13. Training of selected constables.—(1) With the object of selecting suitable constables for admission to list A (rule 13.6) constables with 1st Class certificates of education shall be given further training as follows, as soon as possible after passing their recruits course—

(a) They shall be posted to clerical duty at head-quarters under responsible supervision, i.e. they should be posted to either supernumerary or minor posts in the vernacular office, or to work under the orderly Head Constable or the reader, or to the office of a headquarter police station or to clerical duty in the lines. The object of this posting is to test the Constable's industry and intelligence and his capacity for the work of an office.

(b) While posted as above, they shall attend the headquarters school for the two hours daily, at times to be fixed so as not to interfere with the official office hours. At the school they shall be taught the rudiments of law and police rules and shall receive lectures from selected officers on varied subjects connected with the duties of a police Constable.

(2) The period of training prescribed above shall last from two to three months. At the end of that period the prosecuting Inspector, or other officer under whose supervision an educated Constable has been posted for part (a) above shall report in Form 19.5 (1) as to his progress and the estimate which has been formed of his industry intelligence and character. An examination shall be held by a gazetted officer or, if one is not available, an Inspector, to test the results of the course prescribed under (b) above. This examination shall be partly written and partly oral and shall be aimed at testing the intelligence of the examinees in applying what they have been taught to practical conditions. The officer conducting the examination shall add to the report, submitted on each Constable in respect of

part (a), his own estimate of the man's ability. These reports and the results of the examination shall then be submitted to the Superintendent for orders. In making his decision the Superintendent shall be guided by the consideration that the training which will automatically follow from the admission of a constable to list A has as its objects the production of a man fitted for the rank of Head Constable. No man should be held to have passed the tests prescribed in this rule unless, in addition to having given proof of education sufficient to enable him to take the lower school course at the Training School, he has performed the ordinary duties of a constable at a police station for at least six months, and is judged likely on general grounds to be fitted, after further training, to command, instruct and exercise responsibility as a head constable.

19.14. Preliminary training of candidates for the lower school at Phillaur.— The selection of Constables made under rule 13.7 shall be made at least three months before the men are due at the Police Training School. It shall be made after the men competing have been called into lines and put through a short "refresher" course of drill and instruction in the headquarters school, at the end of which they shall be examined in competition. After regard has been had to those candidates nearing the age limit, selection shall be made, as far as expedient, according to the result of this competition. The men selected shall be posted to police stations as Assistant to station clerks or on similar duty until they are due to be sent to the Police Training School.

SYNOPSIS

1. *Deputed for Lower School Course.*
2. *Provision for refresher course for constables before deputing them for Lower School Course.*
3. *Denial of the benefit of acquiring the lower school course-Legality of.*

1. Deputed for Lower School Course.—What is the requirment of the rule is that a candidate who has put in minimum five years service in the Police Force out of which he should have served in P.T.C. for two years before the commencement of the Course, is eligible for training. The petitioners 1 to 3 joined the Police Department in the year 1978/ 1979 and their date of joining the P.T.C. is 3.8.1988, 4.8.1988 and 17.9.1988 recpectively. The petitioners having completed five years service in police Department and having put in two years serving in P.T.C. were eligible for being sent for training. Since the petitioners were senior to private respondents No. 5 and 6, therefore, their claim for being sent on training was on better footing than the respondents. Hence, I find no justification on the part of the official respondents to ignore the petitioners claim. More so, there is nothing on the record to show that the petitioners were awarded any punishment at the time. *Rajinder Singh, Head Constable v. State of Haryana and others, 1991(2) S.L.R. 17.*

2. Provision for refresher course for constables before deputing them for Lower School Course.—This rule which treats all the Constables alike and enables them to show their merit cannot be declared as unreasonable simply because the result of the competition is not to the liking of those who fail to make the grade. Articles 14 and 16 of the Constitution require that the case of every eligible person should be considered on the basis of the same principles and no more. If the policy for consideration is laid down in a rule and is properly administered, the rule cannot be held violative of these Articles. It is no doubt

true that those constables who join the service rather late may have smaller number of chances of competing for entry to the Police Training College but on the ground alone it cannot be said that the service rules treat them differently. When selection has to be made out of a very large number of candidates, it is open to the executive authorities to lay down qualification of age apart from the other qualifications.

It cannot be justifiably argued on behalf of the petitioners that they have a right to join the Police Training College without undergoing the process of selection contained in rule 19.14. This rule aims at improving the efficiency of the service and has equal application to the cases of all enlisted Constables. It cannot be struck down as violative of Article 16 of the Constitution. *Harpal Singh, Constable v. Union Territory of Chandigarh and another, 1977(2) S.L.R. 734.*

3. Denial of the benefit of acquiring the lower school course-Legality of—Having regard to the fact that as on 01.01.2015, the petitioner had been exonerated therefore, question of currency of penalty or pendency of the departmental enquiry do not arise as on 01.01.2015. Subsequent events, i.e., suo moto action taken by the appellate authority to modify the disciplinary authority's order and imposing the penalty on 23.07.2015 would be prospective. Therefore, denying the benefit of acquiring the lower school course by the petitioner as on 01.01.2015 is highly arbitrary and illegal.

Thus, Annexure P5 dated 06.01.2016 is set aside. The respondents are directed to consider the grievance of the petitioner for the purpose of acquiring the qualification of lower school course as if he has been selected as on 01.01.2015 and to extend all service benefits on par with the juniors who have been sent for acquiring lower school course as on 01.01.2015. The above exercise shall be completed by the respondents within a period of 3 months' from today. *Ct. Bhupinder Singh v. State of Haryana, (2017) 2 SCT 633 (P&H).*

19.15. Cancelled.

19.16. Cancelled.

19.17. Training of trackers.—In order to maintain an adequate supply of skilled trackers in the force, efforts should be made to select police constables with an aptitude for the work and attach them to a police officer, who is a professional tracker, for practical instruction. Such of the elements of tracking as can be learnt from text books such as those used by the Boy Scout Association should be taught in headquarters school; arrangements should be made for practical instruction and tests under the guidance of a professional tracker or of an instructor who has qualified by the methods of the Boy Scout Association or other similar organization.

19.18. Instruction of recruits on first joining.—The chief drill instructor and Lines school master shall be responsible for instructing all recruits within the first month of their service in the purport of section 7 of the Police Act, under which they are appointed, the general and special obligations of their service and the penalties to which they are amenable under the Police Act and Police Rules. Especially in the case of uneducated recruits this instruction shall be given in general terms and in the simplest language, but it is essential that all newly appointed police officers should have received, prior to the preparation of their character rolls under rule 12.29, sufficient instruction to enable them to appreciate the purport of the agreement which they are then called upon to sign.

19.19. Staff of drill instructors.—In each district a competent staff of drill instructors shall be maintained. No Constable or Head Constable shall be employed as a drill instructor for a longer period than two years at a time with an interval of at least one year between. In districts where two drill and physical training instructors are sanctioned for lines there shall be at least four trained instructors in the district and in other districts this proportion shall be maintained.

19.20. Training of drill instruction.—(1) There shall be two courses each year for drill instructors at the Police Training School—

(1) From 1st April to 15th August.

(2) From 1st October to 15th March.

Superintendents shall personally select smart literate Head Constables and Constables of good moral character and physique, who posses an aptitude for drill, to attend this course. Constables selected shall be such as are considered by the Superintendent likely to become efficient Head Constables for general police duty purpose. Before deputing men for training in the drill instructors course they shall be tested and certified to have reached the following minimum standard of athletics:—

(a) 100 yards in 13–2/5 seconds.

(b) High Jump 4 feet.

(c) Long Jump 15 feet.

Should no men of the above standard be available in any district the Superintendent shall apply to the Deputy Inspector-General for a man to be transferred from another district either or after training.

(2) A refresher course for trained drill and physical training instructors is held at the Police Training School from January 3rd to February 16th and from May 1st to June 15th each year.

19.21. Physical training instructors.—The Principal of the Police Training School, in returning men of the drill instructors class to their districts, shall indicate in his report men whom he considers likely to make good physical training instructors. Such men may be returned to the Police Training School for the physical training course which shall be held from 1st November to 23rd December each year.

Should any district have no suitable candidates for this course the Superintendent shall apply to the Deputy Inspector General for a man to be transferred from another district either before or after training.

Rule 19.22 for Punjab

[1]**[19.22. Drill and Physical training at the Police Training School.**—(1) The Principal, Police Training College, may retain for service at the College any Head Constable or Constable deputed from districts for training under rule 19.20. Without

1. Substituted by Punjab Government Notification No. G.S.R. 69/CA 7/61/Ss. 7, dated 12.8.1981.

the approval of the Inspector-General no drill or physical training instructor may be retained for service at the College for more than three years at a time, there being an interval of at least one year before he is again so employed. The Principal, Police Training College, Phillaur, is empowered to admit Drill Instructors, Physical Training Instructors, Riding Instrutors [1][and Driving Instructors] posted at the Police Training College, Phillaur, Recruits Training Centre, Jahankhelan and Recruits Training Centre, Bahadurgarh directly into the lower school course, in the police Training College, Phillaur, after they have served for a minimum period of three years in any one or more of the aforementioned three Police Training Institutions, provided they are sufficiently educated and their service in these institutions has been satisfactory.

(2) All promotions of drill and physical training instructors made at the school shall be temporary and all such men shall revert to their substantive ranks on return to their districts. Drill Instructors returned from the Phillaur Drill Staff should not be employed, even temporarily, as Drill Instructors in districts without the sanction of Range Deputy Inspectors-General of Police.

(3) All lower subordinates employed as drill and physical training instructors at the Police Training School shall be shown on the promotion lists A, B or C of their district as "Seconded to the Police Training School". They shall be considered equally with other men of their districts for promotion. For this purpose the principal, Police Training School, will furnish an annual report in form 19.22(3) on all drill and physical training instructors to the Superintendents of the district concerned. In the case of upper subordinates confirmed as such, these reports shall be submitted to the Deputy Inspector General of the range from which the men were deputed to the Police Training School for inclusion in their personal files.

Rule 19.22 for Haryana

19.22. Drill and Physical training at the Police Training School.—(1) The Principal, Police Training School, may retain for service at the school Head Constables or Constables deputed from district for training under rules 19.20. Without the approval of the Inspector-General no drill physical training instructor may be retained for service at the school for more than three years at a time, there being an interval of at least one year before he is again so employed. The Principal, Police Training School, Phillaur, is empowered to enter Police Training School, Drill and Physical Training Instructors directly into the lower school course after their three years, period of deputation, provided that they are sufficiently educated and their service at the Police Training School has been satisfactory.

(2) All promotions of drill and physical training instructors made at the school shall be temporary and all such men shall revert to their substantive ranks on return to their districts. Drill and Physical Training Instructors returned from the Phillaur Drill Staff should not be employed, even temporarily, as Drill Instructors in districts without the sanction of Range Deputy Inspectors-General of Police.

1. See Punjab Government Notification No. G.S.R. 94/CA 7/61/Ss. 7 and 12/Amd. (14)/82, dated 14.7.1982.

(3) All lower subordinates employed as drill and physical training instructors at the Police Training School shall be shown on the promotion lists A, B or C of their districts as "Seconded to the Police Training School." They shall be considered equally with other men of their districts for promotion. For this purpose the Principal, Police Training school, will furnish an annual report in form 19.22 (3) on all drill and physical training instructors to the Superintendents of the districts concerned. In the case of upper subordinates confirmed as such, these reports shall be submitted to the Deputy Inspector-General of the range from which the men were deputed to the Police Training School for inclusion in their personal files.

SYNOPSIS

1. *Adminission to be strictly in accordance with the statutory rules.*
2. *Out of turn deputation.*
3. *Persons doing various jobs at the Police Training School.*

1. Admission to be strictly in accordance with the statutory rules.—The department will admit constables on the Lower School Course strictly in accordance with the statutory rules. The instructions contained in Memo No. DGP TPM No. 9875- 77/T2, dated September 19, 1987 cited by the respondent were only for a particular year and for a particular course. In view of the positive submission, those instructions will never be kept into consideration for any further admission to the Lower School Course. This judement should be circulated to the Home Secretary, Director General of Police and the Principal of Police Training College with a further direction that they will ensure that they will only comply with the statutory rules while sending Constables to the Course. *Om Parkash v. State of Haryana and others, 1991(2) S.L.R. 391.*

2. Out of turn deputation.—Cannot confer any benefit of inclusion in the promotion list or actual promotion out of turn. *Mohd. Yunus and another v. State of Haryana, 1992(2) RSJ 214.*

3. Person doing various jobs at the Police Training School.—There is no power under the Rule for deputing persons for the Intermediate School Course who are doing various jobs at the Police Training School. The Rule does not envisage alloting any seats for persons doing jobs at the Police Training School, for the purpose of deputing them for the Intermediate School Course. The learned counsel for the respondents could not show us any authority under any law under which any seats could be alloted for those persons who are doing various jobs at the Police Training School for being deputed out of turn for the Intermediate School Course. We consequently hold that the persons doing jobs at the Police Training School cannot be deputed for the Intermediate School Course except as per their seniority. In other words, they are too are to be deputed strictly in accordance with their seniority. *Ram Phool, Sub Inspector and others v. State of Haryana and others, 1992(5) S.L.R. 767.*

19.23. Selection of drill and physical training instructors for Police Training School.—Drill and physical training instructors trained at the Police Training School will, on passing their courses, be included in a list to be maintained by the Principal, Police Training School. This list will show their qualifications and remarks as to whether they are considered fit for employment as instructors at the school shall be added by the Principal.

On vacancies occurring on the staff in consequence of rule 19.22 above, these shall be filled by selection from successful students of the drill instructions class or from the list maintained under this rule.

19.24. Training of Buglers.—In districts where local arrangements with regiments cannot be made, Superintendents of Police may depute suitable recruits under the age of 19 to the Police Training School for training as buglers. Before sending such recruits for training, however, efforts shall be made to ascertain that they have the makings of a bugler.

Rule 19.25 for Punjab

19.25. Training of upper subordinates.—(1) Inspector, Sub-Inspectors and Assistant Sub-Inspectors, who are directly appointed, shall be deputed to the Police Training School to undergo the course of training laid down for such officers in the Police Training School Manual and are liable to discharge if they fail to pass the prescribed examinations or are badly reported on.

(2) On successfully completing the course at the school, upper subordinates will be posted to districts for practical training. The following programme of instruction shall be followed—

COURSE A.—Prosecuting Inspector's work—

(a) Maintaining registers.

(b) Checking challans.

(c) Making a police brief.

(d) Working as assistant prosecuting inspector.

(e) Working as assistant prosecuting inspector in the Sessions Court.

(f) Personally prosecuting cases.

COURSE B.—Police lines—

(a) Working as orderly head constable, keeping up files and registers and doing the actual work of the orderly head constable.

(b) Reserve inspector's and Line's Officer's duties, doing the actual work.

COURSE C.—Office of Superintendent—

(a) Working as assistant clerk in English office.

(b) Working as record keeper.

(c) Working as return writer.

(d) Working as assistant reader to Superintendent.

(e) Working as assistant accountant.

COURSE D.—Training at a Police Station—

(a) Working as station clerk for two months.

(b) Assisting in the investigation of cases and learning the duties of officer in charge of a police station under the immediate supervision of the officer in charge of such a station for a period of six months.

(c) Working as additional investigating officer in a police station for one year, in the case of an inspector, as additional district, city or reserve inspector.

Officers undergoing course A, B and C shall attend all parades in lines.

(3) Ordinarily course A shall last for 3 months, course B and C for 6 weeks each and course D for the remaining probationary period. Directly appointed upper subordinates will thus be under training for 3 years before they are confirmed.

(4) On the completion of each course the probationer shall be examined by the Superintendent, who shall satisfy himself that the officer has obtained efficiency before allowing him to commence another course, and a concise report regarding the progress made shall be submitted to the Deputy Inspector-General in Part IV of form 19.25 (5).

(5) On the termination of the prescribed period of probation the Superintendent shall submit, to the Deputy Inspector-General for final orders the full report required by Form 19.25 (5) on the probationer's working and general conduct, with a recommendation as to whether he should or should not be confirmed in his appointment. In the case of inspector such report shall be forwarded to the Inspector-General.

The progress and final reports shall be filed with the character rolls of the officers concerned.

Rule 19.25 for Haryana

19.25. Training of upper subordinates.—(1) Inspectors, Sub-Inspectors [1][***] who are directly appointed, shall be deputed to the Police Training School to undergo the course of training laid down for such officers in the Police Training School Manual and are liable to discharge if they fail to pass the prescribed examinations or are badly reported on.

(2) On successfully completing the course at the school, upper subordinates will be posted to districts for practical training. The following programme of instruction shall be followed—

COURSE A.—Prosecuting Inspector's work—

(a) Maintaining registers.

(b) Checking chalans.

(c) Making a police brief.

(d) Working as assistant prosecuting inspector.

(e) Working as assistant prosecuting inspector in the Sessions Court.

(f) Personally prosecuting cases.

1. Word "and Assistant Sub-Inspectors" omitted by Haryana Govt. Notification No. G.S.R. 32/Const./Art. 309/2001 dated 24.12.2001.

COURSE B.—Police lines—

(a) Working as orderly head constable, keeping up files and registers and doing the actual work of the orderly head constable.

(b) Reserve inspector's and Line's Officer's duties, doing the actual work.

COURSE C.—Office of Superintendent—

(a) Working as assistant clerk in English office.

(b) Working as record keeper.

(c) Working as return writer.

(d) Working as assistant reader to Superintendent.

(e) Working as assistant accountant.

COURSE D.—Training at a Police Station—

(a) Working as station clerk for two months.

(b) Assisting in the investigation of cases and learning the duties of officer in charge of a police station under the immediate supervision of the officer in charge of such a station for a period of six months.

(c) Working as additional investigating officer in a police station for one year, in the case of an inspector, as additional district, city or reserve inspector.

Officers undergoing course A, B and C shall attend all parades in lines.

(3) Ordinarily course A shall last for 3 months, course B and C for 6 weeks each and course D for the remaining probationary period. Directly appointed upper subordinates will thus the under training for 3 years before they are confirmed.

(4) On the completion of each course the probationer shall be examined by the Superintendent, who shall satisfy himself that the officer has obtained efficiency before allowing him to commence another course, and a concise report regarding the progress made shall be submitted to the Deputy Inspector-General in Part IV of form 19.25 (5).

(5) On the termination of the prescribed period of probation the Superintendent shall submit, to the Deputy Inspector-General for final orders the full report required by Form 19.25 (5) on the probationer's working and general conduct, with a recommendation as to whether he should or should not be confirmed in his appointment. In the case of inspector such report shall be forwarded to the Inspector-General.

The progress and final reports shall be filed with the character rolls of the officers concerned.

19.26. Training of Prosecuting Sub-Inspectors.—(1) (i) Directly appointed Prosecuting Sub-Inspectors shall be on probation for a period of three years. They shall normally be appointed in the end of February or the beginning of March

and shall be deputed to attend the 12 months Prosecuting Sub-Inspectors course at the Training School commencing from the 15th March each year.

(ii) Officiating Prosecuting Sub-Inspectors directly appointed against temporary or deputation vacancies will also be deputed to attend this Prosecuting Sub-Inspectors course at the Training School as soon as possible after appointment.

(iii) With the sanction of the Deputy Inspector-General of Police or Assistant Inspector-General, Government Railway Police, Assistant Sub-Inspectors and Sub-Inspectors with not more than six years' service in that rank and with a thoroughly good knowledge of English, which must be spoken and written fluently, may be permitted to attend the Prosecuting Sub-Inspectors' Course at the Training School along with the directly appointed Prosecuting Sub-Inspectors with a view to qualifying for employment as Prosecuting Sub-Inspectors.

No police officer shall be deputed to the Training School for undergoing the Prosecuting Sub-Inspectors' Course who, apart from possessing the necessary educational qualification, does not possess a thoroughly good reputation for honesty and general character, and who has not shown himself to be cop able investigating officer.

(2) Training at the School shall be given in—

COURSE OF TRAINING

(a) Drill (all subjects except Musketry).

(b) Equitation.

(c) Revolver firing.

(d) Delivery of an opening address.

(e) Local and Special Laws.

(f) Medical Jurisprudence.

(g) The Finger Print System.

(h) Police Rules.

(i) Scientific Aids to Investigation.

(j) Plan Drawing.

(k) Preparation of Memoranda, drafting of appeals and revisions, etc.

(l) Evidence Act.

(m) Indian Penal Code and Criminal Procedure Code.

(n) High Court Rules and Orders, Volume III.

Practical training of directly Prosecuting Sub-Inspectors.—(3) On successfully completing the course at the School, directly appointed Prosecuting Sub-Inspectors will be posted to rural Police stations for six months' practical training under experienced selected Sub-Inspector, after which they will work for 1½ years as Prosecuting Sub-Inspectors. On the conclusion of this period, provided they have

given satisfaction, they shall be confirmed in their appointments. Their confirmation shall, however, depend on the reports received from the Principal, Police Training School, and from the Superintendent of Police of the district to which they are posted. The Principal shall make a report on the capacity and character of each officer as evidenced by his conduct while under training at the School, and the Superintendent of Police shall submit half-yearly reports showing his progress in practical work.

(4) In the case of officers who are appointed officiating Prosecuting Sub-Inspectors against temporary or deputation vacancies and are subsequently absorbed in substantive vacancies the Inspector-General of Police may, by special order in each case, permit periods of officiating service as Prosecuting Sub-Inspector to count towards the period of probation provided the courses of training and the examinations prescribed in rule 19.28 have been undergone and passed.

SYNOPSIS

1. Completion of 3 year probationary period—Claim for automatic confirmation.

1. Competion of 3 year probationary period–Claim for automatic confirmation.— It is true that sub-rule (1) does not expressly provide for the extension of the period of probation. But then it does not lay down the maximum period of probation. There is no outside limit provided in the rule. It is by now well settled that after successfully completing the period of probation a person cannot claim automatic confirmation. The appellant, therefore, cannot be heard to say that either he should have been confirmed after the expiry of three years or should have been thrown out of service. It may be noticed that under sub-rule (3) it has been specifically provided that the confirmation will depend on satisfactory reports from the Principal Police Training School as well as from the Superintendent of Police of the District concerned. The appellant had no right to be confirmed the moment the probationary period was over. *Bansi Ram Sharma v. State of Himachal Pradesh and others, 1982(1) S.L.R. 378.*

19.27. Training of European Inspectors and sergeants.—(1) European and Anglo-Indian sergeants and Inspector appointed under rule 12.4 shall be on probation for three years. As soon as possible after appointment they shall be deputed for training in the upper school at the Police Training School and shall go through the six months' course prescribed in the Police Training School Manual. Any probationery Sergeant or Inspector failing to pass his examinations, or who may be adversely reported on by the Principal, shall ordinarily be discharged. Reports shall be submitted half-yearly in form 19.25 (5) by Superintendents of Police or the Assistant Inspector-General, Government Railway Police, on all such probationers serving under them, to the Inspector-General who will discharge any officer who proves to be unsatisfactory.

(2) There shall be a refresher course for three months from the 1st October at the Police Training School for senior sergeants seeking to qualify for the rank of Inspector. The course shall be a practical and specialist one and one the lines of the gazetted officers' course, the intention being to turn out good investigating and controlling officers, and shall include a sound grounding in the accounts chapter of the Police Rules.

Ordinarily all sergeants shall pass this course before admission to list F (rule 13.15).

Selections for this course will be made by the Inspector-General of Police about three months before the course is due to begin, to enable selected officers to read their law and rules before proceedings to Phillaur.

19.28. Prosecuting Sub-Inspectors Examination.—(1) The Prosecuting Sub-Inspector examination will be held annually at the Police Training School at the end of the normal school year, i.e. in February or March. Officers must satisfy the Principal that they have attained a sufficiently high standard in Drill, Equitation and Revolver Firing in addition to obtaining the requisite percentages in the tests detailed in paragraph (3) below.

(2) The examination will be conducted by the Board assembled for the examination of the Upper School.

(3) The tests prescribed for prosecuting Sub-Inspectors are given in the following table, which also shows the time allowed and the marks obtainable—

Sr. No.	Subject	Time allowed	Marks obtained
1.	(a) Reading a Police file and challan of a case and preparing notes for an "opening speech" followed by (b) An opening speech in English of not less than 10 minutes or more than ¼ hour's duration before the examining Board.	5 hours 10-15 minutes	100
2.	General Paper No.1 consisting of ten questions involving a detailed working knowledge of all Acis and Rules normally used in Police work (No books allowed)	3 hours	200
3.	General Paper No.2 similar to General Paper No.1 but including more intricate questions. (Books including, commentaries allowed)	3 hours	200
4.	Medial Jurisprudence (8 questions)	2½ hours	150
5.	Finger Print Bureau Manual, Parts I and II (including comparison of finger prints) (.10 questions)	3 hours	200
6.	Police Rules, Volume I and II (10 questions)	3 hours	200
7.	Police Rules, Volume III (10 questions)	3 hours	200
8.	Scientific Aids to Investigation (5 questions and Practical test)	3 hours	160
9.	Plan Drawing	3 hours	100
10.	Preparation of Memoranda, Drafting of appeals and revision etc.	Tests during training	200

Tests, 1, 2, 3, 6 and 7 will be held by the Board of Examiners. The remaining tests will be held by the Principal.

(4) Candidates who obtain 50 per cent marks in each subject and 60 per cent in the total aggregate shall be held to be qualified for employment as Prosecuting

Sub-Inspectors. Those who obtain 60 per cent in each subject and 70 per cent in the total aggregate shall be considered to have passed with credit. A Prosecuting Sub-Inspector may not be promoted to the rank of Prosecuting Inspector unless and until he is certified to have passed the Prosecuting Sub-Inspectors' Examination with credit. It he fails to achieve this standard in the first instance, he may thereafter be given two further opportunities of doing so.

(5) The examination papers will be set by selected officers of the department to be nominated by the Inspector-General of Police. These officers will forward their papers in sealed covers to the Principal of the Police Training School at least a fortnight before the date fixed for the examination. The Board shall hear and award marks for the opening speech; The answers of the candidates in other subjects shall be marked under the supervision of the Board of Examiners. The result of the examination shall be forwarded to the Inspector-General of Police, who will himself decide whether candidates shall be passed or rejected.

19.29. Cancelled.

19.30. Musketry-Method of instruction.—The method of instruction in musketry shall be as laid down in the Police Drill Manual Apparatus required such as tripods, aim correctors, black-boards, etc., shall be indented for from arsenals on the scale laid down in Equipment Tables for Police and Jails.

19.31. Musketry ranges.—In each district there shall be a musketry range for the 410 musket, constructed according to the instructions contained in the Police Training School Manual.

19.32. Targets.—The targets used in the musketry courses prescribed in rule 19.33 are described in detail in the Police Training School Manual.

19.33. Musketry course.—There shall be two musketry courses fired yearly in districts as follows—

> Course (A) shall be fired by all recruits during their training and annually by the Mounted Police and the two armed reserves formed in accordance with Rule 17.9, and double the strength of the Government Railway Police emergency reserve. No men will be required to fire the course if they have already fired it within the past 12 months as recruits.
>
> Course (B) shall be fired annually by not less than 75 per cent of lower subordinates in each district excluding the Mounted Police and the two armed reserves and in the Railway Police double the strength of the emergency reserve. Recruits shall only pass the elementary posts of this course as laid down in the Revised Rules regarding musketry and Revolver Practice of the Police Training School Manual.

19.34. Annual course with the .410 musket.—(1) The annual course (B) shall be conducted throughout the year, so that it may be completed by the end of December. It shall be conducted at the headquarters of districts and of the Government Railway Police and shall be superintended by a gazetted officer

whenever possible, otherwise by the reserve inspector or other competent upper subordinate selected by the Superintendent of Police or, in the case of the Railway Police, by the Assistant Inspector- General, Government Railway Police.

(2) The details of this course, the method of scoring, precautions to be taken against accidents, the duties of supervising officers and the registers of range practices are all contained in the Police Training School Manual. All instructions contained therein shall be carefully noted and complied with. Gazetted officers, reserve inspectors and Lines Officers shall make themselves thoroughly acquainted with these instructions.

19.35. Musketry Returns.—(1) Each Superintendent shall submit in annual target practice return on the 15th January, in Form 19.35(1), to the Deputy Inspector General. The Assistant Inspector- General, Government Railway Police, shall prepare a similar return. The target practice of trained police officers and recruits shall be exhibited separately on such returns. In column 5 of the return shall be entered the "Figure of Merit" of trained men and recruits, separately. The figure of merit shall be calculated according to the following formula—

$$\text{Figure of Merit} \quad \frac{\text{Number of points obtained} \times 100}{\text{Highest possible score per men} \times \text{number of men firing.}}$$

Example.— Number of points obtained ... 3,150

Highest possible score per man ... 36

Number of men firing ... 150

$$\text{Figure of Merit equal to } \frac{3{,}150 \times 100}{36 \times 150} = 58.33$$

Note.—*In determining the district figure of merit in the case of police officer firing the course more than once their first scores only shall count.*

(2) Deputy Inspectors-General, after communicating to Superintendents such instructions in regard to these returns as may seem to them to be necessary, shall record them in their own offices.

(3) On receipt of all such returns for the range, the Deputy Inspector-General shall forward an abstract, showing the figure of merit for each district in the range, to the Inspector-General for information and for publication in the Police Gazette. The Assistant Inspector-General, Government Railway Police, shall submit a similar abstract to the Inspector-General. No district, in which the number of men exercised during the year is less than 75 per cent of the sanctioned strength, shall be entitled to show a figure of merit.

19.36. Cancelled.

19.37. Annual course with .303 Rifle.—The detail of annual musketry course (A) and the method of scoring are given in the Police Training School Manual.

Note.—A course for recruits with the 22 miniature rifle with instructions as to the miniature range and targets is prescribed in the Police Training School Manual. Whenever possible recruits should be put through the miniature course before being taken on the long range.

19.38. Rewards for shooting.—In districts and the Government Railway Police, rewards to aggregate value of Rs.25 may be given to the three best shots in the district. Such prize shall be of the following values and may be charged in the General Contingent bill under "Rewards".—

	Rs.
1st Prize	12
2nd Prize	8
3rd Prize	5

19.39. Marksman's badges.—All police officers qualifying as marksmen shall be awarded a marksman's badge. For the course with the smooth-bore musket the badge shall be a badge of crossed rifles; for the course with the H.V. Rifle the badge shall be a badge of crossed rifles and star. The senior badge alone shall be worn by any police officer who may have earned both. All musketry badges will be worn on the left arm.

The award of such badges shall be entered in character rolls, the year of award being shown.

Any officer in possession of a badge who fails at the next annual course to maintain his standard of shooting shall forfeit his badge.

19.40. Classification of Shooting.—The classification of shooting shall be as follows—

Course	Marksman	1st class shot	2nd class shot
303 H.V. Rifle	68	54	40
410 Muske	70	66	55

19.41. Training in firing on mobs.—At the conclusion of the annual musketry course (B) each lower subordinate shall be put through the drill prescribed in Chapter VIII of the Drill Manual and shall fire 20 rounds of blank and 5 rounds of ball in accordance with Chapter VIII of the Drill Manual. All upper subordinates and officers present at headquarters shall be given practice in using the words of command prescribed for this drill.

19.42. Revolver practice.—(1) All gazetted officers and upper subordinates shall be taught to become efficient in the use of their revolvers. Instruction shall be in accordance with the orders contained in Chapter VI, Police Drill Manual, 1929.

(2) The annual target practice, which shall be under the personal supervision of a gazetted officer, shall take place at the same time as the meetings of non-gazetted officers prescribed in rule 20.19.

(3) The course to be fired and the method of scoring are contained in the Police Training School Manual.

19.43. Training of Probationary Assistant Superintendent of Police.—The training of probationary Assistant Superintendent of Police shall extend over two years, divided into the following four periods.

First period (1st November to 31st May)

This period of seven months will be spent at the Police Training School, Phillaur, where probationary gazetted officers will be trained in accordance with the instructions contained in the Police Training School Manual.

Probationary gazetted officers recruited in England will join the School for this course as soon as they arrive in the Punjab from England. Probationary gazetted officers recruited in India will ordinarily be posted to the School immediately on their appointment to the service.

Note.—*Between the date of their appointment and the commencement of this School Course, probationary gazetted officers recruited in India will be posted to selected districts for practical training on the lines laid down below for the fourth period.*

Second period (1st June to 30th September)

For this period of four months probationary gazetted officers will be posted to selected districts where they will continue systematically their study of Urdu, Criminal Law, Department Rules, Police Accounts and Medical Jurisprudence, under the supervision of the Superintendent of the District and the Deputy Inspector-General of the range. During this period, the Superintendent of Police will also arrange for these officers to study closely the whole working of a police station, two police stations at least being thoroughly inspected under his guidance with detailed reference to Chapters XIX to XXVIII inclusive of the Police Rules. Facilities will also be arranged during these months for a practical study of the rules and regulations relating to district police accounts.

Third period (1st October to about the middle of December)

This period will be spent at the Police Training School, Phillaur, where they will go through the courses laid down in the Police Training School Manual.

Fourth period (December to the 1st November of the following year)

For this period, officers will be posted to selected districts for practical instruction. In addition to the practical study of all branches of the working of the district police, probationary gazetted officers shall devote at least two hours daily to the study of Punjabi (or Pushtu, if posted to the North-West Frontier Province) under the guidance of a competent instructor, until they have qualified in this language.

For the guidance of Superintendent to whom the training of probationary gazetted officers has been entrusted, the following specimen courses of training are given. It is not intended that these courses shall be strictly adhered to but

that Superintendents make out similar courses suited to the individual officers concerned, the circumstances of the district and the stage of training already reached by the probationers.

For the first 4 months of his training.

A. (1) He should attend morning parade at least 3 time a week and recruits parades at any time during the day at least twice during each week.

(2) He should also supervise the work of the head-quarters school and visit the latter during school hours at least twice during the week.

(3) He should visit all guards at headquarters once by night and once by day during each week.

(4) He should personally distribute the pay of the headquarters at least once.

(5) Once personally check all arms, ammunition and stores with the registers concerned under the direction of the Superintendent of Police.

(6) Attend throughout at the hearing of at least two Session cases of importance and submit a daily report to the Superintendent of Police of the proceedings of the Court.

(7) Check the cash book referring to Chapter X of these rules.

For the Second 4 months of his training.

B. (1) Attend for one week while the Superintendent is dealing with his morning post, noting the action taken on each letter and referring to Police Rules where necessary.

(2) He will once inspect, under the supervision of the Superintendent of Police and referring to police rules, the English and Vernacular offices and will submit a report.

(3) He will check, under the supervision of the head of the prosecuting agency, four challans in important cases and take them to the Superintendent of Police for criticism.

(4) He will accompany a selected inspector or sub-inspector during the investigation of at least three cognizable cases, and should prepare, in English, diaries and forms in the cases, not for use in the cases, but to be submitted to the Superintendent of Police and to be commented on by him.

For the third 4 months of his training

He should be put in charge of four contiguous police stations of the district. At his first inspection of each of these police stations the Superintendent of Police shall be present and shall tour with him, visiting villages and instructing him in the duties of a gazetted officer on tour, as detailed in rule 20.7.

During this period, when at headquarters, he will interest himself in the work of the Central Investigation Agency.

Superintendent of Police to whom the training of probationary gazetted officers is entrusted will be held personally responsible for so controlling and directing their training that the text-book and theoretical training received at the Training School shall be adjusted and applied to the practical work of a gazetted officer.

It is further the personal duty of the Superintendent to give to probationers serving under him that help and guidance in matters of personal conduct, behaviour towards superiors and subordinates and the acquisition of sound judgment and tact, without which few young officers can fully develop their powers to the best advantage of the service.

19.44. Course of training and examination for Deputy Superintendent.— Probationary Deputy Superintendents of Police who have recieved direct appointments will undergo the same course of training and be required to pass the same examination as probationary Assistant Superintendents.

19.45. Languages examinations for Probationary Assistant Superintendent of Police.—(1) Each probationary Assistant Superintendent of Police is required to pass, within two years of his appointment, the same examination in Urdu, and, within 3 years of his appointment, the same examination in Punjabi (including the written test) as that prescribed for Assistant Commissioners. The dates and times of these examinations, which are held twice annually in Lahore, will be notified in advance in the Punjab Gazette.

Assistants posted to the North-West Frontier Province shall pass in Pashtu (by the Higher Standard) within—

(a) three years of their appointment, if posted to the North-West Frontier Province, during the first 2 years of their service.

(b) one year of their being posted to the North-West Frontier Province, should such posting take place, when they have completed more than 2 years' service.

It shall not be compulsory for any Assistant Superintendent of Police while posted to the North-West Frontier Province to qualify in Punjabi.

(2) No Assistant Superintendent of Police will be allowed to draw his second increment of pay until he has passed his departmental examinations in Law, Police Rules, the Finger Print System, drill, musketry, revolver practice, equitation and First Aid to the injured, and the prescribed examination in Urdu. No Assistant Superintendent of Police will be allowed to draw his third increment of pay until he has passed these examinations and, in addition, the prescribed examination in Punjabi, or, should be have been posted to the North-West Frontier Province within two years of his first appointment, the prescribed examination in Pashtu. But this rule may be suspended by the local Government in any special circumstances. Increments of pay in the above-mentioned cases shall be granted with effect from the date following that on which the examination ends.

(3) An Assistant Superintendent of posted Police to the North-West Frontier Province when he has more than 2 years' service will be entitled to draw his next

increment of pay, provided that he is not under stoppage under sub-rule (2) above, when it becomes due to him. The drawl of further increments will thereafter be dependent on his having qualified in Pashtu. An Assistant Superintendent of Police who has not qualified in Punjabi reverting for any reason to the Punjab, will be required to qualify in that language.

19.46. Other examinations in oriental languages.—(1) He shall take the second examination in Punjabi held after his return. Should he fail to qualify he shall be allowed two further chances, but on failing in the fourth examination after his reversion he will cease to draw further increments of pay until he qualifies.

(2) With the special permission of the Punjab Government, a limited number of officers of the Punjab Police who are either quartered in the Dera Ghazi Khan, Mianwali and Attock Districts or likely to be so quartered, may appear at the examination by the higher standard in Pashtu. Such officers will, on passing the examination, be entitled to a reward of Rs.500. The examinations are held at Peshawar, Dera Ismail Khan and Lahore in the first Monday in April and the last Monday in October and following days. Applications to appear shall be forwarded to the Inspector-General not later than the 1st March and 1st October.

Other officers, including European and Anglo-Indian Deputy Superintendents of Police, may appear for the examination with the sanction of the Inspector-General, but will not draw any reward on passing. Any officer who has passed the examination will, on appointment to the North-West Frontier Province, be entitled to draw language pay at the rate of Rs.100 per mensem, except when serving in the Hazara District; provided that an officer who has already received a cash reward for passing the examination will not be allowed to draw language pay until he has refunded the whole amount of such reward.

Note.—*Detailed instructions regarding examination in Pashtu are contained in Government of India, Foreign and Political Department, notification No. 2321-Est. B of 23rd October, 1918.*

(3) Officers of the Imperial branch of the Indian Police are eligible to appear at and receive the honoraria authorized for passing any of the following examinations in oriental languages—

1	2	3
Standard	Languages	Donations
		Rs.
1. Preliminary	Persian and Arabic	300
2. Higher Standard	Sanskrit	500
3. Interpretership, 2nd Class	Punjabi	750
	Urdu	750
	Persian and Arabic	900
4. Interpretership, 1st Class	Punjabi	1,500
	Urdu	1,500
	Persian and Arabic	1,800

1	2	3
5. Degree of Honours	Urdu	3,000
	Sanskrit	5,000
	Persian and Arabic	5,000

Officers who are natives of India are not eligible for reward for passing in the vernacular of the district in which they were born or educated. The local Government shall determine in each case what languages come within this definition. No officer will be permitted to earn a reward for passing an examination by the higher standard or the proficiency standard after the completion of fifteen years' service. In the case of an examination for the degree of honour standard, there shall be no limit of time, and an officer will be permitted to earn a reward by passing this examination at any time within the period of his service.

Examinations are held in Lahore, Lucknow and Calcutta twice annually in March and September or October, except in the case of the proficiency standard in Punjabi for which the examination is arranged by the Director of Public Instruction, Punjab in Lahore only twice yearly in the last week of April and first week of November. Dates and particulars can be ascertained on application to the Secretary to the Board of Examiners, Calcutta. The full regulations governing these examinations are contained in notification No. 36440, dated 19th December, 1934, published in Punjab Government Gazette of 21st December, 1934.

19.47. Oriental language test for European and Anglo-Indian subordinates.— European and Anglo-Indian subordinates are required to pass, as part of their final examination at the Training School, an examination in Urdu of a standard, which will ensure that they can converse with reasonable fluency and grammatical correctness, and can understand reports read to them in vernacular. Such officers will receive instruction in Urdu from members of the school staff, under the directions of the Principal.

FORM No. 19.5 (1)

SIX-MONTHLY REPORT ON TRAINING OF CONSTABLES.

Report on the working of Constable No._____ (Name)_____

1. On what duties employed during the period under report? _____
2. Has he acquired a working knowledge of those portions of the law and police rules required of constables _____
3. Is he always alert on duty? _____
4. Mention any occasions on which he has had to be admonished by officers under whom he has been working. _____
5. Is he of good moral character? _____
6. Has he made serious efforts to assimilate instruction given him? _____

7. Is he keen and smart in appearance? _____

8. How does he conduct himself with the public; *i.e.*, is he polite with them, and helpful; or impolite, over-bearing and unhelpful. _____

9. Defects, if any _____

10. Remarks _____

Signature.

Rank.

FORM No. 19.20. (2)

POLICE TRAINING SCHOOL, PHILLAUR

CERTIFICATE OF PROFICIENCY IN DRILL AND PHYSICAL TRAINING.

Term ending _____19.

PART I

Certified that _____ has undergone the prescribed course of instruction and is qualified for the post of a Drill Instructor and P.T. Instructor.

_____ Class.

Note .—*This Certificate qualifies the holder to be employed as a Drill Instructor and P.T. Instructor for three years only from the date of issues, unless the holders passes a refresher course, the passing of which will re-validate this certificate for a further period of three years.*

Phillaur.

The_____19.

Principal,

Police Training School, Phillaur.

PART—II

Subject	*2nd class*	*1st class*	*Special*
Drill			
Physical Training			
Musketry			
Lathi fighting			
Physical Efficiency			

Remarks—

PART III

REFRESHER COURSE

Date	*From*	*From*	*From*
	To	*To*	*To*
Classification			
Physical Efficiency			
Physical Training			
Drill			
Remarks—			
Principal	Principal	Principal	
P.T.S.	P.T.S.	P.T.S.	
Date_____	Date_____	Date_____	

FORM No. 19.22 (3)

ANNUAL REPORT ON DRILL AND PHYSICAL TRAINING INSTRUCTORS

Annual Report on* _____No. _____ (name)_____ of the_____district, forwarded under police rule 19.22 (3) for information.

The above*_____ has been seconded for service a $\frac{\textit{drill}}{\textit{Physical training}}$ instructor in the Police Training School, since _____.

He is $\frac{\textit{Fit}}{\textit{Not fit}}$ for promotion for the reasons given below-

*(Rank).

Principal, Police Training School, Phillaur.

FORM No. 19.25(5)

PROGRESS REPORT OF A PROBATIONARY ASSISTANT SUB-INSPECTOR, SUB-INSPECTOR OR INSPECTIOR OF POLICE

PART I

1. Name and Provincial/Range No._____
2. Father's name and profession _____
3. Religion and caste _____
4. Residence Village_____ Police Station_____ District_____
5. Date of birth_____
6. Height and chest measurement_____
7. Where educated, with name of school or schools, statement of educational qualifications and examinations passed_____
8. Other qualifications. (Mention Territorial Force of Boy Scout qualifications, athletic distinctions, ability to ride and any other special attainments)_____
9. Names and degree of relationship of, and appointments held by, relatives in Government or other employ_____
10. Home of family_____

11. Full particulars of family, including a brief statement of claims, if any_____

Deputy Inspector-General of Police.

Dated the_____19 _____Range.

FORWARDED to the Principal of the Police Training School, Phillaur, together with the Character Roll, Service-Book and Certificate of Appointment of the Probationer.

It is requested that the Principal will complete the Character Roll and Service-Book by entering a personal description of the Probationer, his next-of-kin, etc., and by obtaining his finger impressions wherever required.

A Health Certificate will be produced by the Probationer on his joining at Phillaur. An attested copy of this certificate should be attached to the Character Roll.

PART II

1. Appointed as Probationary Inspector/Sub-Inspector/Assistant Sub-Inspector of Police with effect from _____, vide Order Book No._____, dated_____.

2. Half-yearly progress report by the Principal of the School—

(a) First half-year—

Dated the _____*19* *Principal*

(b) Second half-year—

Final Report—

Result of training_____

Order of passing_____

General remarks as to character, qualifications, etc.—

Dated the _____*19* *Principal*

FORWARDED to the Deputy Inspector-General of Police,_____ Range, together with the Character Roll and service book.

Dated the _____*19* *Principal*

PART III

1. _____is transferred for further training to the _____ district with effect from_____.

2. _____is discharged form the Police force with effect from _____on the ground of_____.

Note.—Whichever of the above entries is in applicable should be erased.

3. Special instructions, if any_____.

Deputy Inspector-General of Police

Dated the_____19_____ *Range*

FORWARD to the Superintendent of Police_____ District, together with the Character Roll and the Service-Book of the Probationer.

Deputy Inspector-General of Police

*Dated the*_____*19*_____ *Range*

PART IV

FORWARDED together with the Character Roll and the Service-Book, to the Deputy Inspector-General of Police,_____ Range [vide Police Rule 19.25 (5)].

Course "A"

Report by the Superintendent of Police.

Orders by the Deputy Inspector-General,

_____Range

Superintendent of Police,

_____*District.*

Dated_____19,

Deputy Inspector-General of Police,

_____*Range.*

Dated_____19.

Course "B"

Report by the Superintendent of Police.

Orders by the Deputy Inspector-General,

_____Range

Superintendent of Police,

_____District.

Dated_____19

Deputy Inspector-General of Police,

_____*Range.*

Dated_____19.

Course "C"

Report by the Superintendent of Police.

Orders by the Deputy Inspector-General,

_____Range

Superintendent of Police,

_____*District.*

Dated_____19

Deputy Inspector-General of Police,

_____Range.

Dated_____19.

Course "D"

Report by the Superintendent of Police.

Orders by the Deputy Inspector-General,

_____Range

Superintendent of Police,

_____*District.*

*Dated*_____*19*

Deputy Inspector-General of Police,

_____*Range.*

*Dated*_____*19.*

Full report by the Superintendent of Police_____District, on termination of the prescribed period of probation [vide Police Rule 19.25 (4)].

Superintendent of Police,

*Dated*_____ 19

_____*District.*

Final orders of the Inspector-General of Police in the case of Inspectors, and of the Deputy Inspector-General of Police, in the case of Sub-Inspectors and Assistant Sub-Inspectors as to confirmation in his appointment or otherwise, of the Probationer [vide Police Rule 19.25 (5)].

Deputy Inspector-General of Police,

*Dated*_____19

_____*Range.*

*Dated*_____19

Inspector-General of Police, Punjab.

Returned, together with the Character Roll and Service Book, to the Superintendent of Police,_____District (through the Deputy Inspector General of Police, in the case of Inspectors).

Notes.—1. The Character Roll and Service Book and the Certificate of Appointment under the Police Act will be prepared in the office of the Deputy Inspector-General by whom all entries in Part I of this form will be made (The form of application and other original papers regarding the probationer's appointment will remain in the Deputy Inspector-General's Office).

2. The entries in Part II will be made by the Principal of the School, (The date of the probationer's appointment will be the date on which he reports his arrival at the School, after the commencement of the term; and this date will be entered in the Certificate of Appointment before delivery to the probationer).

3. The entries in No.2 (a) Part II will consist of brief remarks concerning the probationer's progress generally, and will be made at the end of the first half-year (b) will be filled up after the final examination.

4. Part III will be filled up in the office of the Deputy Inspector-General.

5. In Part IV, the Superintendent of Police, when recording his remarks about the probationer, should give references to any reports or correspondence concerning him which may have taken place during the period of training.

6. This form will remain permanently attached to the Character Roll of the officer concerned. In the case of men rejected all papers will be returned to the Deputy Inspector-General for record in his office.

FORM No. 19.35(1)

POLICE DEPARTMENT _____DISTRICT

MUSKETRY RETURN YEAR ENDING DECEMBER 31ST, 19

1	2			3					4	5	6
				NUMBER OF MEN COMPLETING FULL COURSE							
Total actual strength on 31st December, excluding the Mounted Police and reserves who fire the 303 course	No.	Number of men firing	Percentage of column 2 on column 1	Marksmen	1st class shots	2nd class shots	Efficients	Total	Total number of points obtained by men in column 2	Figure of merits	REMARKS
Trained Lower Sub-ordinates											
Head Constables											
Constables Recruits											

(Standard Form)

N.B.H.Ps. for trained men .. 65

H.Ps. for recruits .. 85

Dated_____

_____

_____

Superintendent of Police

□□□

CHAPTER 20

INSPECTION AND SUPERVISION

20.1. Cold whether inspection by Deputy Inspectors-General.—Deputy Inspectors-General shall carry out formal and informal inspections in alternate years of each district in their Jurisdiction. For the formal inspection Form 20.1 should be taken as a guide. The informal inspections should comprise a stay of few days at the headquarters of the district and should include an examination of the action taken on orders passed in the last formal inspection report, and of any matters of interest which have arisen since the last visit to the district by the Deputy Inspector-General. Reports of both formal and informal inspections should be submitted to the Inspector-General without delay.

20.2. Cancelled.

20.3. Stay of Deputy Inspectors-General at hill stations.—(1) In the hot whether, i.e., the period between the 15th April and the 15 October, Deputy Inspectors-General are permitted to spend 3½ Months at a hill station within their ranges, on the understanding that the remaining 2½ months must be spent at their headquarters or on tour in the plains. The period prescribed should not be extended on any account, and if between the 15th April and the 15th October officers are in the hills away from their headquarters in broken periods, such absences (being other than absences on leave duly sanctioned by Government under the Fundamental Rules) should be added together in computing the whole period during which a stay in the hills is permissible.

(2) A Deputy Inspector-General may choose his own date of arrival at, and departure from, the hill station; but if he leaves for the hills earlier than the 15th May, or stays in the hills later than the 15th October, he should report the reasons for this arrangement to the Inspector-General for the information of Government. He should keep the Inspector-General and the Commissioner informed of his movements.

20.4. Routine at headquarters.—(1) In districts where a gazetted officer is posted in charge of Lines he shall ordinarily attend all morning parades and shall visit the parade ground frequently at hours when recruits' parades should take place according to programme. In districts where there are only two gazetted officers the one at headquarters shall ordinarily attend morning parade in Lines at least twice every week.

(2) Kit inspections by a gazetted officer shall be held once a month in Lines and at all police stations, standing guards, and posts in headquarters.

On these occasions a careful inspection shall be made of all arms in the possession of the police.

(3) Officers are expected to pay frequent visits to the police lines with a view to supervising (a) the work going on in the headquarters lines school, (b) the training of recruits, (c) the welfare of sick men in hospital, (d) the training of the 1st Reserve and other men in musketry, etc., (e) the organization of games and sports, and (f) also for holding orderly room and checking work of the lines staff and Government stores. They are also responsible that the lines present a generally smart and well-ordered appearance.

(4) In the districts of Lahore, Amritsar, Rawalpindi, Multan and Ambala a Lines Daily Report Register shall be maintained by the reserve inspector in Form 20.4 (4). This register will be submitted to the Superintendent of Police or gazetted officer in charge of lines for his perusal, signature and any orders he may wish to pass regarding the routine or discipline of the lines.

The report will show, as far as possible, the duties performed by officers and men in police lines the day before and the number of officers and men present in lines. It should act as a check on the wastage of man-power.

20.5. Inspection of police station.—(1) Every police station and post in a district shall be thoroughly inspected by a gazetted officer twice in each year.

At least one such inspection shall be carried out by the Superintendent.

At such inspections of police stations a return for each quarter's working since the last inspection shall be made out and submitted with an inspection report in Form 20.5 (1) to the Deputy Inspector-General, attached to the weekly diary of the Superintendent.

In discussing crime, offences against the person and against property shall be commented on separately, and theft of, and illicit traffic in, cattle and other animals, shall be dealt with separately from offences against other classes of property. Attention shall be paid to the technical efficiency of the investigating staff and co-operation with neighbouring police stations and the district Central Investigating Agency. In commenting on the working of police officers in such inspection reports care shall be exercised to avoid basing an opinion merely upon statistical results, percentages of convictions and similar data which are apt to be misleading.

Reports of inspecting officers should be written with a view to conveying instructions and guidance for the future to the officer, whose work has been inspected. Such reports should invariably be shown to the officers inspected, either at once or on their return from higher authority, and should be translated into the vernacular if the officer inspected is unable to understand English. It is especially important that inspection reports on police stations and notes in the gazetted officers' Minute Book should be helpful and constructive and that these reports and notes should be carefully studied and acted upon by the officer in charge of the police station.

Two results of an inspection should be.—(1) that the inspecting officer should have come to a definite conclusion as to the state of crime (satisfactory or unsatisfactory) and the chief causes of such crime; (2) that the officer in charge of the police station should have received active assistance, facilities and suggestions from the inspecting officer towards the improvement of the state of crime.

(2) Informal inspections of police stations and posts shall be made as frequently as the Superintendent may consider necessary and desirable, having regard to the circumstances of each particular police station and post. At such inspections, officers shall not spend more time than is necessary in examining registers, but shall try to make themselves acquainted with the personnel of the police station or post as the case may be and shall enquire into and discuss matter concerning current crime, cases and procedure with the officers in charge.

The shall assist such officer with advice, direction, encouragement or warning as may be required, and shall listen to and deal with any requests he or his subordinates may have to make.

(3) Except for purposes of investigation or other special reason, a police station or post shall not ordinarily be visited by a gazetted officer more than once in the same month.

(4) At the end of every quarter each Superintendent shall submit, through the District Magistrate, to the Deputy Inspector General, an inspection return in Form 20.6(4) showing the inspection duty performed during the quarter by the gazetted officers in the district.

20.6. Check list of inspections.—A check list of inspections in Form 20.6 shall be complied and maintained in the office of the Deputy Inspector-General from such quarterly returns.

20.7. Cold weather touring.—(1) In a district where thee are two or more gazetted officers one such officer shall ordinarily be away from headquarters on tour between 15th October and 15th April. In a district where there is only one gazetted officer he shall ordinarily spend 100 days on tour between these dates.

Great value is attached by Government to the touring of gazetted officers and, in districts where conditions allow, Superintendent of Police shall make out tour programmes for themselves and their gazetted officers. These programmes shall cater for tours of about six weeks duration and shall provide for halts of two or three days at places not necessarily the headquarters of police stations. They shall be so arranged that as many villages as possible in the district will be visited by a gazetted officer during the course of the year. Shout it be necessary for a gazetted officer on tour to return to headquarters for any reason, this must be regarded as only a temporary break in the tour and the programme shall be resumed as soon as possible.

(2) The work of a gazetted police officers on tour in addition to the inspection of police stations shall include—

(a) The acquiring of a knowledge of the people, their factions, criminals, villages and geography so as to be able to check the work of subordinates.

(b) The encouragement of the local people to take advantage of his accessibility and give him information.

(c) The enquiring in the presence of headmen into the character of persons under surveillance and of persons whose history sheets are maintained by the Police.

(d) The checking of investigations made by the police by occasionally visiting the scenes of old cases, interviewing complainants and witnesses and referring to case diaries.

(e) The enquiring into rumours or complaints of police malpractices or corruption.

(f) The bringing up to date of confidential note books.

(g) The checking of the Criminal Tribes Registers and the interviewing of members of criminal tribes.

(h) The inspection of additional police posts and the checking of patrolling done from them. Also enquiring into the desirability of the establishment of such posts in disturbed and abnormally criminal areas.

(i) The checking of "tikri pahra" where this is in force and its institution where desirable.

(j) The inspection of premises licensed under the Arms Act.

20.8. City and Cantonments Inspectors-Duties of.—(1) City and cantonment inspectors are not only supervising and inspecting officers, but have the same responsibilities as officers in charge of police stations and are bound by the orders laid down in rule 22.1.

(2) In addition to the duties, etc., defined in the rule quoted, they shall inspect once in every quarter, or as frequently as prescribed by law or special order of the Superintendent, the shops, premises and stocks of all licence-holders carrying on business within their jurisdictions under the Arms, Explosives, Petroleum and Poisons Acts and shall report such inspections to the Superintendent.

20.9. City and Cantonment Inspectors-Records to be maintained by.—They shall maintain and keep in their personal custody the following books in English—

(a) Daily Diary, in which shall be entered their movements and proceedings. The entries of each day shall bear a serial number.

(b) Permanent Note Book in which shall be entered matters which are of use to themselves or their successors, particulars regarding noted bad characters, any special class of crime prevalent, special preventive measures adopted and political and seditious movements. A separate page or pages shall be given to each subject, and an index to the contents shall be given on the first page.

The permanent note book shall contain matters of more than passing interest and form a more or less permanent record of information as well as a history of local conditions.

20.10. District Inspectors.—(1) District inspectors are allotted to districts in order, firstly, to assist the Superintendent in the Control of preventive and detective operations, secondly to learn, and be tested in the duties and responsibilities of supervising officers, in view of the fact that the rank of inspector forms the chief field of recruitment to the gazetted ranks.

(2) District Inspectors shall be employed to supervise, under the direct control of the Superintendent, the work of the police in particular areas or, if local conditions at any time make it desirable, in connection with specially prevalent classes of crime. Normally a district Inspector should be placed in charge of a selected group of police stations, and his responsibility for exercising control in this area should be the same as that of a Deputy Superintendent attached to a district.

(3) While the control of crime is the first duty of a district inspector, it is essential that his professional efficiency should be general and should approach the standards required of a gazetted officer. He must, therefore, attend parades whenever possible and render himself efficient in drill and musketry, and in imparting instruction on those subjects to his subordinates. He is also required to familiarise himself with the work of the different branches of the office of the Superintendent and to assist, when at headquarters, in supervising the work of the accountant and orderly head constable.

20.11. Special duties of District Inspectors.—(1) A district inspector will read and pass orders on all first information and final reports, case diaries, daily diaries and other papers connected with the control of the crime in the police stations in his charge. He shall forward to the Superintendent such of these papers as that Officer may be general or special order require, and shall keep a running note book of offences as prescribed for gazetted officers in rule 25.17 (3).

(2) The following matters shall receive the inspector's special attention—

(a) The collection of material for proceedings against bad characters, and the preparation and check of history sheets.

(b) The comprehensive survey and classification of crime throughout the area in his charge, and the comparison of such crime with crime in adjacent areas including the jurisdiction of the railway police, with a view to bringing to light the operations of gangs and mobile criminals.

(c) The supervision of important investigations and, where necessary, the taking over from the local sub-inspector of the investigation of special cases.

(d) The direction of energetic action against absconders and proclaimed offenders.

(e) The detailed scrutiny of all challans, including those in cases of preventive security, from the area in his charge, and close co-operation with the prosecuting branch to ensure the best possible presentation of police cases.

(f) The collection of material for applications for the location of additional police posts, and the organization and control of all such posts located in the area in his charge.

(g) Reporting and enquiring into complaints of corruption, high-handedness and other malpractices by police officers subordinate to him, and conducting, according to the prescribed procedure, such departmental enquiries as may be entrusted to him by the Superintendent.

(h) Inspection of licenses or licensees' premises as required by law and as ordered by the Superintendent. Premises licensed under the Excise, Opium and Dangerous Drugs Acts should not be inspected by police officers, the Excise Staff being responsible for such inspections.

(i) Reporting on the state of public feeling and on political and confidential matters.

(3) District inspectors shall frequently visit the police stations in their charge and tour in the jurisdictions of those police stations. They shall submit reports, as a result of these tours, on the general condition of crime in the police stations, but shall not prepare statistical returns or formal inspection reports. Formal inspections of such police stations shall be made by the Superintendent, who may use the inspector to assist him by making a detailed check of the less important registers. It shall be the duty of inspectors to ensure that all orders given by the Superintendent in the course of his inspections are understood and promptly carried out.

20.12. District Inspectors-Limitation of powers of.—(1) The Superintendent of Police shall not delegate as much power to a District Inspector as to a gazetted officer but on the other hand shall exercise a much closer supervision over police stations in charge of an officer of this rank, who shall ordinarily work directly under the Superintendent rather than under a junior gazetted officer.

(2) Correspondence concerning the internal administration of the police force and petitions on personal matters will not ordinarily pass through the district inspector, but the Superintendent may require that officer to enquire and report on any such matters. As a general principle it should be understood that correspondence on the subjects dealt with in Volumes I and II of these rules will not be sent to the inspector either by the Superintendent or by sub-inspectors unless his comments on a specific reference are specially required. He will ordinarily deal direct with correspondent on subjects included in Volume III, forwarding to the Superintendent all cases which it is beyond his power to decide.

(3) The orders in the above sub-rule do not relieve the inspector of responsibility for insisting on the efficiency, discipline and smartness of the police subordinate to him in all branches of their work. While it is not desirable to detract in any way from the direct control of the Superintendent in matters of administration and discipline, full support must be given to the inspector in maintaining his authority with his subordinates.

20.13. Records to be kept by District Inspectors.—The district inspector shall submit a weekly diary to the Superintendent on plain paper of foolscap size; in it the inspector's daily movements and activities, with brief reference to important work done in respect of the control of crime, together with notes on matters of a political or confidential nature other than those relating to crime, shall be entered. The diary shall be duplicated with carbon paper, the duplicate copy being retained by the inspector in an annual file, to be destroyed one year after the last entry. Each district inspector shall also make entries, as circumstances may require, in the confidential note-books which shall be maintained at the headquarters of each district or sub-division separately for each police station. Such note-books shall be permanent records, kept by the gazetted officer or inspector in supervisory charge of the police station concerned for the time being, and containing matter of the kind which is required by Rule 21.8 to find a place in the confidential notebook maintained by the Superintendent for the district as a whole.

20.14. Inspection of licensed premises under the Arms Act.—(1) Under Rule V of Rules made by the local Government under the Indian Arms Act 1878, the shops, premises and socks of all licensed manufacturers and dealers shall be inspected once in every quarter by a police officer not below the rank of Deputy Superintendent. All least one inspection in each year shall be performed by the Superintendent of Police.

In a district in which there is no Assistant or Deputy Superintendent of Police quarterly inspections may be carried out by an inspector.

The full rules under the Arms Act are printed as Appendix 20.14 of this Chapter.

(2) Under these rules registers in Forms E, F, G, H, and I are required to be kept up in the office of Superintendents of Police and information from these registers supplied to police stations for inclusion in register No.17 (rule 22.68).

20.15. Proposal for the improvement of police organization.—It is duty of Deputy Inspectors-General to initiate proposals for the improvement of the police organization in their ranges and to co-ordinate such proposals so that, as founds become available, they may be distributed to the best advantage and in accordance with the relative urgency of requirements. Deputy Inspectors-General should furnish the Inspector-General, in advance of the season for the preparation of budgets and supplementary demands, with proposals affecting establishments; buildings and land, clothing and equipment or the provision of technical aids to the police, and funds for rewards and similar expenditure in combating crime. The Inspector-General will decide whether to accept and recommend such

proposals, but it is for Deputy Inspectors-General to put them forward. Each separate proposal should be submitted to the Inspector- General in a self-contained form, after all necessary details have been worked out and the opinions of those concerned obtained. To save unnecessary labour on cases which have little chance of obtaining early sanction, it is usually desirable that an outline of proposals, which are important but not of extreme urgency, should be put before the Inspector-General unofficially in the first instance. The Inspector-General can then, if he approves of the proposal on its merits, indicate whether, in view of the requirements of the province as a whole and of the financial position, it should be put forward officially or held in abeyance.

20.16. Provincial Police Conference.—Ordinarily a provincial conference of police officers will be held in alternate years during the cold weather. The Inspector-General will preside at such conferences and such subjects will be discussed as he may decide.

Gazetted officers who may be particularly interested in particular subjects or branches of police work may volunteer or be invited to prepare papers which will form the bases of discussions at the conference. Such papers and the result of discussions will be punished in the Punjab Criminal Intelligence Gazette for the information of all police officers.

20.17. Range Conferences.—Deputy Inspectors-General may arrange from time to time to hold conferences of gazetted officers within their ranges and may also arrange with other Deputy Inspectors-General for inter-range conferences. Such conferences, however, shall be held only in order to discuss definite matters of common concern, where a definite improvement in co-operation or methods of prevention and detection of crime can be anticipated as an outcome.

20.18. Meeting of gazetted officers.—Superintendents of adjoining districts shall meet to discuss measures of co-operation as often as may be necessary in the interest of efficient working.

The proceedings of such meetings shall be briefly recorded in a minute book to be maintained for the purpose in each district, and a copy shall be attached to the weekly diary of the Superintendents concerned. At the reverse end of the minute book a record meetings between inspectors and officers in charge of police stations shall be maintained in Form 20.18.

20.19. Meetings of non-gazetted officers.—Superintendents shall also arrange for half-yearly meetings at headquarters of all officers in charge of police stations. At these meetings officers will be examined in riding and revolver shooting and all new rules and orders will be discussed and explained to them.

APPENDIX NO. 20.14

Notification No.8408 Home/General, dated the 15th March, 1929.—The following revised rules which have been made by the Governor in Council under the Indian Arms Act, 1878 (Act XI of 1878) are hereby published for general information, in supersession of the rules published with Punjab Government notification No. 943, dated the 10th July, 1907, No. 15486, dated 10th May, 1922 and No. 23576, dated the 9th October, 1923:—

RULES

Powers

I. The Governor in Council is pleased to empower all Magistrates and all police officers not below the rank of officer in charge of a station to detain arms, ammunition or military stores under section 6.

II. The Governor in Council is pleased to empower all police officers not below the rank of officer in charge of a station to conduct searches under section 25.

III. All police officers of rank not below that of officer in charge of a station are appointed, in virtue of their office, to conduct searches under section 30.

Stock and account books to be kept by licensed manufacturers and dealers.

IV. All persons holding licenses to manufacture, convert, sell or keep for sale arms, ammunition or military stores shall maintain stock books and accounts of receipts and issues in Forms A and B of the Appendix to these rules and all persons holding licenses to sell or keep for sale arms, ammunition or military stores shall maintain stock and account books in Forms C and D.

The pages of these books shall be numbered and before any entries are made the books shall be exhibited, together with the manufacturer's or dealer's licence, to the District Magistrate or to a subordinate Magistrate.

Such Magistrate will sign the first and last pages of each book and seal them with his official seal.

V. The shops, premises and stocks of all, all licensed manufacturers and dealers shall be inspected once in every quarter by a Police Officer not below the rank of Deputy Superintendent. In a district in which there is no Assistant or Deputy Superintendent of Police quarterly inspections may be carried out by an Inspector. At least one inspection in each year shall be performed by the Superintendent of Police.

A the time of inspection the books shall be initiated by the inspecting officer.

Any irregularity or breach of the rules which may be noticed shall be at once reported to the District Magistrate.

VI. (1) Whenever a licensee makes a sale of arms, ammunition, or military stores he shall within 48 hours make a report thereof to the Superintendent of Police of the District in which the licensee has his place of business, factory or shop and shall in such report state—

(a) the name, description and residence of the persons who takes delivery of the article sold;

(b) the matter and quantity of the articles sold;

(c) the date of sale;

and such report shall be singed by the licensee.

(2) Similar details of purchase of arms made by Indian Chiefs and Notables of Indian States shall be communicated by the Arms Dealer immediately after the transaction direct to the political officer in charge of the State to which the purchaser belongs. Copies of the list of Independent and Native States showing the designation and address of the political officers in charge of them are supplied to the District Magistrate and each vendor of arms should be provided with a copy.

VII. Under Proviso (a) to sub-rule (3) of the 42 of the Indian Arms Rules, 1924, the Governor in Council is pleased to direct that licences in Form XI and Form XII of schedule VII of the said rules, may be renewed by the Commissioner of the division in which the licensee resides or carries on business.

VIII. On receiving notice of sale under clause 2, section 5, by a person lawfully possessing arms to any person not prohibited from possessing the same, the Magistrate, or police officer may make inquiries as to the correctness of the purchaser's name and address, and if necessary obtain a report from the Superintendent of Police of the district in which the purchaser lives.

Deposit of Arms

IX. When any arms, ammunition or military stores have been deposited at a police station under Section 16 of the Act, the officer in charge of the station shall affix to each weapon or article a ticket showing the name of depositor and the date of deposit, and shall give the depositor a duplicate or copy of the same.

After seven days if the owner has not obtained a license authorization him to possess them, the arms, ammunition or military stores shall be forwarded to the headquarters of the district and kept in the malkhana of the District Magistrate or in the Police Magazine.

The sheriff or other ministerial officer to whom they are entrusted shall keep a register in which the articles so deposited shall be described and entered under serial numbers, and fresh tickets shall be affixed showing the owner's name and the corresponding number of the register.

X. (i) Arms and ammunition, the possession of which has become unlawful, may be deposited with such licensed dealers only as possess a supplementary licence from the local Government in Form M attached to these rules.

(ii) Such licenses may be granted by the District Magistrate of the district in which the applicant resides to the holder of a licence in Forms IX, X, XI. or XII in schedule VII attached to the Indian Arms Rules, 1924.

XI. The depositor shall, within a week of deposit, deliver to the District Magistrate of the district in which he resides a receipt obtained from the licensed dealer for the articles deposited.

XII. (1) Arms, ammunition or military stores deposited under section 16 (1) of the Indian Arms Act, 1878, with an officer in charge of a Police Station shall be forfeited to His Majesty on the termination of one year from the date of receipt.

(2) Arms, ammunition or military stores deposited under section 16 (1) of the Indian Arms Act, 1878 with a licensed dealer shall be forfeited to His Majesty on the termination of three years from the date of deposit:

Provided that the District Magistrate of the district in which articles are deposited may for special reasons extend the periods mentioned in subrule (1) or sub-rule (2) by not more than six months, or, where the articles are deposited in consequence of the decease of the owner and the articles are inherited by a minor, until the termination of the latter's minority.

Arms and Military stores seized.

XIII. Arms, ammunition or military stores seized under sections 11, 25 or 26 shall be dealt with according to the procedure laid down in rule IX.

Disposal of Confiscated Arms

XIV. Arms, ammunition or military stores that have become forfeited to His Majesty under rule XII or that have been confiscated under Section 24, shall be disposed of as follows—

(1) Arms, ammunition and stores which can be utilized by the police or by any department under Government may be retained and brought into use with the sanction of the local Government. Arms, ammunition and stores not so retained may be sold to licensed dealers or other persons entitled to possess them.

(2) Any rifled firearms or rifle barrels not so disposed of shall be sent to the nearest ordnance officer to be broken up. Other arms shall be broken up locally and the materials sold.

(3) Any ammunition or stores not disposed of under the provisions of subrule (1) shall be destroyed.

Rewards to Informers

XV. When any arms or other articles are confiscated under section 24, the convicting Magistrate shall, immediately upon conviction, pay a reward of not less than half the value of the confiscated articles to the person or persons who may have given information which led to the detection of the offence, or who may have assisted in the arrest of the offenders and seizure of the arms or other articles.

Magistrate should arrange for such payments by recommendation to the Police Department, at whose disposal there is a provision for such rewards under head 20-B-Police.

XVI. Any Magistrate convicting an offender of any offence under the Act may at his discretion, grant a reward not exceeding the amount of fine imposed, in such proportions as he may think fit, to any person or persons who have contributed to the arrest of the offenders or the seizure of the arms or other articles. Arrangements for payment should be made as in rule XV.

Registers of Licenses.

XVII. Every District Magistrate shall keep up in Form E of the Appendix to these rules a register of all licences to manufacturer, convert, sell or keep for sale any arms, ammunition or military stores granted by him or by the local Government under rule 38 of the Indian Arms Rules, 1924, and shall keep up in Form F a register of all licenses to sell or keep for sale granted by him or by the local Government under the same rule.

All Superintendents of Police shall keep up similar registers in English. Magistrates of districts will supply to their Superintendents of Police copies of all such licenses issued by them or by the local Government.

The Superintendents of Police will furnish to each officer in charge of a police station copies of extracts, column Nos. (1) to (6), giving the names, etc., of persons licensed within his jurisdiction.

XVIII. All inspections of the shops, premises and stocks of licensed manufacturers and vendors by Inspectors of Police or superior officers shall be reported to the District Magistrate, and shall be entered in the registers.

XIX. Registers of licences granted by the District Magistrate or by any Sub- Divisional Magistrate specially empowered by the local Government in that behalf, under rules 31, 33 and 35 and 36 of the Indian Arms Rules, 1924, shall be kept up by him in Forms G, H and I, respectively.

Similar registers will be kept up in English, by the Superintendent of Police, to whom the District Magistrate or the Sub-Divisional Magistrate specially empowered by local Government will furnish copies of all such licenses granted by him.

The Superintendent of Police will supply each officer in charge of a station with an extract giving the parts of each register which concern his jurisdiction.

XX. Licensing authorities who receive reports of permanent changes in the address of license-holders, under condition 11 of the conditions attaching to a license in Form XVI of Schedule VII of the Indian Arms Rules, 1924, shall cancel the relevant entry in the registers prescribed by rule XIX above, and inform the licensing authority of the district to which the licence-holder changes his residence accordingly. The latter shall register the license in the manner shown below—

"Transferred from the district".

If subsequent changes of permanent address are intimated to the issuing authority, he shall transmit the report to the authority with whom he arranged the transfer of the licence.

XXI. All persons enjoying exemption under schedule 1 of the Indian Arms Rules, 1924, shall furnish to the District Magistrate of the district in which they reside, within three months from the date of order of exemption, a list showing the number and description of arms in their possession, and shall thereafter inform the district Magistrate in writing of any increase or decrease in such number within one month from the date on which such increase or decrease takes place. Failure on the part of an exemptee to comply with this rule will render him liable to the cancellation of his exemption. No fee shall be payable in respect of any communication made by an exemptee in accordance with the provisions of this rule.

Every District Magistrate shall maintain a register of such arms in the possession of exemptees.

XXII. With reference to sub-rule (3) of rule 33 of the Indian Arms Rules, 1924, the Governor in Council is pleased to direct that holders of licenses in Form XVI, granted in other provinces, and having effect in the Punjab, shall, upon entering any district in the Punjab, send their licenses to be endorsed by the District Magistrate, and shall inform him of the probable period of their stay in his district; provided that when the period spent in any district does not exceed fourteen days, no endorsement shall be necessary. No fee shall be paid in respect of any endorsement made in accordance with this order.

XXIII. Returns in Forms K and L shall be prepared for each calendar year and submitted by District Magistrates through Commissioners to the Inspector-General of Police.

HOME DEPARTMENT

FORM A-1.

STOCK BOOK FOR ARMS ONLY OF_____SON OF_____ CASTE____ RESIDENT OF_____ LICENSED TO MANUFACTURE, CONVERT, SELL OR KEEP FOR SALE, ARMS, AMMUNITION AND MILITARY STORES.

		FIRE ARMS															
Date	Name and designation	*Prohibited bore weapons* of purchaser			*Other Breach Loading weapons*						*Muzzle-Loading weapons*						
		Rev-olv ers	Pis-tols	Rif-les	S.B. Gu-ns	D.B Gu-ns	S.B. Rif-les	D.B Rif-les	Rev-olv-ers	Pis-tols ns	S.B. Gu-ns	D.B Gu-les	S.B. Rif-les	D.B Rif-les	Rev-olv ers	Pis-tols	Any othe type of fire arm
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1.1.1932	In Stock .. Received .. Manu-factured Disposed of ..																
2.1.1932	In Stock .. Received .. Manu-factured Disposed of ..																

AIR WEAPON							OTHER WEAPONS				
Air Guns	Air Rifles	Air Pistols	Swords	Sword Stick	Bayo-nets	Daggers	Kukris	Hun-ting knives	Any other weapons other than fire-arms	Initials of the licence-holder of his Agent or Manager	RE-MARKS
19	20	21	22	23	24	25	26	27	28	29	30

FORM A-2.

STOCK BOOK FOR AMMUNITION AND MILITARY STORES ONLY OF_____ SON OF_____ CASTE_____ RESIDENT OF_____ LICENSED TO MANUFACTURE, CONVERT, SELL, OR KEEP FOR SALE, ARMS, AMMUNITION AND MILITARY STORES.

Date		PROHIBITED BORE CARTRIDGES FOR		Shot gun cartrdges of larger than No. I pellet	LOADED CARTRIDGES FOR			EMPTY CASE FOR		
		Revol-vers and pistols	Rifles		Shot guns	Rifles	Revol-vers and pistols	Shot guns	Rifles	Revolvers and pistols
1	2	3	4	5	6	7	8	9	10	11
1.1.1932	In Stock .. Received .. Manu-factured Disposed of..									
2.1.1932	In Stock .. Received .. Manu-factured Disposed of..									

Gun pow-der (Ibs.)	Shot (Ibs.)	Per-cussions caps	Bullets	Wade	Fuses	Slugs	Sulphur	Lead	Other types of ammunit ion or military stores	Initials of the licence-holder of his Agent or Manager	RE-MARKS
12	13	14	15	16	17	18	19	20	21	22	23

FORM B

DAILY SALE BOOK OF _____ SON OF_____ CASTE_____ RESIDENT OF _____ LICENSED TO MANUFACTURE, CONVERT, SELL OR KEEP FOR SALE, ARMS, AMMUNITION AND MILITARY STORES.

	GUN POWDER Nitro		Black			REVOLVER AND PISTOL CARTRIDGES		SHOT GUN CARTRIDGES				RIFLE CARTRIDGES		
Date	Lbs.	Oz.	Lbs.	Oz.	Gun Caps.	410 to .455	Others	Loaded	Empty	.303	M.H.	Other .450	Loaded	Empty

	LEAD SHOT AND BULLETS													
Rifle and Lethal bullets	Bags off 28 lbs.	Lbs.	Oz.	B.L. Guns	M.L. Guns	Revolvers	Pistols	Rifles	Air Refles	Swords	Bayonets	Spears	Dagger and other weapons	REMARKS

FORM C

Is the same as Form A, except that in heading for the words licenced to manufacture," etc., read "licenced to sell, or keep for sale," etc., and in column 2 omit the word "manufacture."

FORM D

Is the same as Form B, except that in heading for the words "licenced to manufacture," etc., read "licenced to sell or keep for sale," etc.

FORM E

REGISTER OF LICENCES TO MANUFACTURE, CONVERT, SELL OR KEEP FOR SALE ARMS, AMMUNITION OR MILITARY STORE IN DISTRICT_____

1	2	3	4	5	6	7				8	9
Tehsil	No.	Name of license	Father's name and caste and residences	Place of business	Date	INSPECTIONS BY *Assistant or Deputy Superintendent or Inspector of Police*				By Magistrate of district or Superintendent of Police	REMARKS
						1st	2nd	3rd	4th		

FORM F

Is the same as Form E, except that in heading for "licences to manufacture." etc. read "licences to sell or keep for sale," etc.

FORM G

REGISTER OF LICENCES TO POSSESS ARMS, AMMUNITION OR MILITARY STORES GRANTED UNDER RULE 31.

DISTRICT_____

---	8	9	10
The first seven columns as in Form H	Place where arms are to be kept	Terms for which licence is valid	REMARKS

FORM H

REGISTER OF LICENSES GRANTED UNDER RULE 33 TO POSSESS ARMS OR AMMUNITION, AND TO GO ARMED FOR THE PURPOSE OF SPORT, PROTECTION OR DISPLAY IN_____ DISTRICT.

1	2	3	4	5	6	7	8
Tehsil	No.	Date	Name of License holder	Father's name caste, etc.	Residence	Number and description of weapons	REMARKS

FORM I

REGISTER OF LICENSES GRANTED UNDER RULES 35 AND 36 TO POSSESS ARMS AND AMMUNITION AND TO GO ARMED FOR THE PURPOSE OF DESTROYING WILD ANIMALS WHICH DO INJURY TO HUMAN BEING CATTLE OR CROPS IN_____ DISTRICT.

1	2	3	4	5	6	7	8	9
Tehsil	Form & No.	Date	Name of Licence	Father's name and caste holder	Residence	Place for which licence is valid	Weapon	REMARKS

10 INSPECTION BY MAGISTRATE OF WEAPON AND LICENSE					11
1st year	2nd year	3rd year	4th year	5th year	REMARKS

FORM K

RETURN OF LICENCES GRANTED UNDER ACT XI OF 1878 IN THE DISTRICT OF_____ FOR THE YEAR_____.

1	2	3	4	5	6	7	8
DETAIL OF LICENCES	Number of licences in force last	OPERATIONS OF THE YEAR			Number in force at end of present year	Remarks by Deputy Commissioner	Remarks by Commissioner
		New licences year	Renewed licences	Revoked or suspended			
1. In Form VII to transport arms, ammunition or military stores.							
2. In Form IX to manufacture, convert, sell or keep							
3. In Form X to keep and sell							
4. In Form XIV for the possession of arms							
5. In Form XV for the possession and use for target practice							
6. In Form XVI to possess arms or ammunition and to go armed for purposes of sport protection or display.							
7. In Form XVIII for the destruction of wild animals which do injury to human beings and cattle.							
8. In Form XIX for the destruction of wild animals doing injury to crops and cattles.							
9. In Form XX for going armed on a journey in or through any Province							

FORM L

ANNUAL STATEMENT OF THE OPERATION OF THE ARMS ACT, XI OF 1878, IN THE DISTRICT OF_____ FOR THE YEAR_____.

1	2	3	4	5	6	7	8	9	10	11	12	13
NUMBER OF PERSONS PUNISHED UNDER												
Section 19 for offence under												
Clause *a.*	Clause *b.*	Clause *c.*	Clause *d.*	Clause *e.*	Clause *f.*	Clause *g.*	Clause *h.*	Clause *i.*	Section 20, for secret breaches	Section 21, for breach of licence.	Section 22, for knowingly purchasing from an unlicensed person or delivering to person not authorized to possess	Section 28, for failure to give information as required in section 28.

14	15	16	17	18	19	20	21	22	23	24	25
NUMBER AND DESCRIPTION OF WEAPONS CONFISCATED											
Total punished (column 1 to 13).	Rifles	Smooth bore guns	Pistols	Swords	Bayonets.	Daggers or knives	Spears	Others	Value of fines imposed and realized	Amount paid as rewards to informers, etc.	REMARKS

This return will be submitted yearly though Commissioners to the Inspector- General of Police.

Deputy Commissioner.

FORM M

[See rule (X)]

FREE OF ALL FEE

LICENCE FOR THE POSSESSION BY LICENCED DEALERS OF ARMS OR AMMUNITION DEPOSITED BY THEIR OWNERS UNDER SECTION 16 OF THE INDIAN ARMS, ACT, 1878, AS AMENDED BY ACT XX OF 1919.

Name, description and residence of licensee	Description of arms or ammunition	Place (with description), where articles are to be kept	Period for which the licence is valid.
1	2	3	4

(Signature)

The_____of_____19.

District Magistrate of the District.

CONDITIONS

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1924.
2. It covers arms of the description given in column 2 only so long as they are kept, in the place described in column 3, but does not authorize the licence—
   (i) to go armed.
   (ii) to keep arms or ammunition which are the property of Government.
3. The licensee shall maintain a register of all arms of ammunitions in his possession under this licencee showing the name, description and residence of the licensee, the description of the arms or ammunition, and the date of deposit.
4. To every depositor the licensee shall give a receipt in duplicate containing the particulars mentioned in condition 3, and shall himself send a copy of the entry in his register to the officer in charge of the nearest police station.
5. He shall exhibit such arms and his register on the demand of any Magistrate or any police officer of a rank not below that of Inspector.
6. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms covered by the licence.
7. On the termination of one year from the date of deposit, if the arms or ammunition have neither been returned nor disposed of under section 16(2) of the Indian Arms Act, 1878, the licensee shall inform the District Magistrate of that fact, and shall deal with the arms or ammunition according to his order.

FORM OF CHAPTER XX.

FORM No. 20.1

Opening sheet for Deputy Inspector-General's Inspection Report.

Inspection report by_____

District _____ Date of inspection_____19.

No. of Police Stations_____

Sanctioned strength—

Inspectors_____ { Mounted_____

Head Constable .. {

Sergeants_____ { Foot_____

Sub-Inspectors_____ { Mounted_____

Constables {

Assistant Sub-Inspectors_____ { Foot_____

1. Notes should follow, on half-margin foolscap, on the following matters—

(1) Accounts, (2) Condition and unkeep of clothing and equipment funds. (3) Chanda fund (4) English office and registers. (5) Character rolls; standard and classes of recruits. (6) Departmental punishments; postings, transfers and leave. (7) Seniority and promotion lists. (8) Training and probationary officers. (9) Crime and police working, with a statement showing fluctuations in the total and main classes of crime in the past ten years. (10) Proclaimed offenders and absconders. (11) Surveillance and preventive measures. (12) Additional police and their management. (13) Prosecuting Inspector's office and *Malkhana;* working of the Prosecuting branch. (14) Distribution of work among Gazetted Officers and Inspectors; control exercised by and touring done by those officers. (15) Opinion of the District Magistrate on the working of the police. (16) Confidential office of the Superintendent—(a) condition of records, (b) possession of cipher code and observation of rules, (c) whether riot, alarm and internal security schemes are correct and up to date (17) Miscellaneous remarks.

II. Separate reports on (a) Headquarter Lines, including school and headquarter guards, (b) Police Hospital, (c) each Police Station inspected by the Deputy Inspector-General, should be attached to the main report.

FORM No. 20.4 (4)

LINES DAILY REPORT REGISTER

		NUMBER OF PARADES						
	Number present in lines	1st	2nd	3rd	4th	Number employed on fatigues and nature of fatigue	Number on duty with reasons	Sick and on leave
I. Recruits						Number on escort duty	Number on special duty with nature of duties	
II. Constables on General duty								
III. Head Constables on general duty								

IV. Upper Subordinates on general duty	Name of Officer	Nature of duties on which employed	

V. Patrolling performed with time and guards visited	Reserve Inspector	Lines Officer	Other officer

VI. Headquarters Lines School	Number of recruits present	Number of men from thanas present	Number of men on general duty	Names of officers who lectured

VII. Escorts arriving from other districts. VIII. Names of officer and men under suspension. IX. Duties performed by mounted police X. Any special matter such as shortage of men, transfers ordered but not carried out, etc.			

Signature of Reserve Officer
Lines Officer

FORM No. 20.5 (1)

POLICE DEPARTMENT _____DISTRICT

INSPECTION REPORT.

Inspection report on the_____Police Station.

Statement of Crime for quarter ending_____

1	2	3	4	5	6	7	8
		CASES					
Section of Code	Offence	Reported	Admitted	Not investi-gated	Sent for trial	Convicted	Pending in Court
	Total of corres-ponding quarter of previous year.						

9	10	11	12	13	14	15
PERSONS				PROPERTY		
				Value		
Arrested	Convicted	Discharged	Pending	Stolen	Recovered	REMARKS

When and by whom last inspected_____ Dates of present inspection and name of Inspecting Officer_____

Remarks below on the following matters quoting the corresponding serial No.—

(1) State of crime generally and working of Police.

(2) Preventive measure under security sections and Habitual Offenders' Act.

(3) General Headings known or suspected Criminals Sub-heading,—

(a) Surveillance of bad characters and bad character Rolls;

(b) History Sheets;

(c) Bad Character Rolls and Information Sheets;

(d) Proclaimed offenders and absconders;

(e) Registered Criminal Tribes.

(4) Village Crime Register.

(5) Office books.

(6) Condition of buildings.

(7) Arms and Ammunition.

(8) Clothing.

(9) Equipment.

(10) Horses and bicycles.

(11) Other Government Property.

(12) Drill and Discipline.

(13) Name of officer in charge, with date of assuming charge.

(14) Persons in receipt of aid from Police Charities.

(15) General Remarks.

Serial No.	Subject	REMARKS

FORM No. 20.5(4)

POLICE DEPARTMENT _____DISTRICT

Inspection duty performed during the_____quarter of 19

Police Stations in the district, Out posts	Number	Stations	Out-posts	Road and other posts	Villages	Number of days spent in the interior	Number of Miltes travelled	Number of cases personally investigated by officers in column I. See Note of page	Explanation of Superintendent of any insufficient inspection with names of any Police Stations not inspected with in past six months.	Remarks marks Deputy Commissioner	Remarks by Deputy Inspector General
Rank of Office	Name Date of District										
S. Police.											
A.S. Police											
A.S. Police											
Dy Supdt. of Police											
Total											

Note.—In columns 2 to 8 opposite name of each officer and total just above the figures relating to the quarter, the totals from 1st January in each year shall be entered in red ink.

Note.—Only those cases will be entered in column 8 in which the officer referred to in column 1 has visited the locality reported the enquiries made by him in his weekly Diary No.1 and given orders for the guidance of the officer in direct charge of the investigation.

Names of places inspected and visited by Police Officers during the quarter as shown in column 2 and 4 of obverse.

1	2	3	4	5	6	7	8	9	10	11	12
BY SUPERINTENDENT			BY ASSISTANT SUPERINTENDENT			BY ASSISTANT SUPERINTENDENT			BY DEPUTY SUPERINTENDENT		
Sta-tions	Out-posts	Road and other posts	Sta-tions	Out-posts	Road and other posts	Sta-tions	Out-posts	Road and other posts	Sta-tions	Out-posts	Road and other posts

Date_____

Superintendent of Police

The_____19

FORM No. 20.6

DISTRICT **RANGE**

CHECK LIST OF INSPECTION DUTY FOR THE YEAR 19.

(To be prepared by hand).

1	2	3	4	5	6	7	8
			Quarters Ending 31st March	Quarters Ending 30th June	Quarters Ending 30th September	Quarters Ending 31st December	
Classi-fications	Sr. No.	Names of stations Outposts and posts	* Name of Inspec-ting officer	* Name of Inspec-ting officer	* Name of Inspec-ting officer	* Name of Inspec-ting officer	Rem arks
Police Stations							
Out-posts							
Posts							

*To be filled in from quarterly inspection returns, Form No. 20.5 (4).

Note.—Place not inspected should be marked off with a dash (—).

FORM No. 20.18

RECORD OF MEETINGS BETWEEN NON-GAZETTED OFFICERS.

1	2	3	4
Date	Place of meeting	Officers present at the meeting	Report received.

□□□