

## **DELHI POLICE (PUNISHMENT AND APPEAL) RULES, 1980**

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## **DELHI POLICE (PUNISHMENT AND APPEAL) RULES, 1980**

In exercise of the powers conferred by Section 147 (1) and (2) of the Delhi Police Act, 1978 [Act No. 34 of 1978], the Administrator of Delhi is pleased to make the following Rules, namely.

**1. Short title :-**

These rules shall be called "The Delhi Police (Punishment and Appeal) Rules, 1980".

**2. Commencement :-**

They shall come into force with effect from the date of their publication in the Delhi Gazette.

**3. Applicability :-**

(i) These rules shall be applicable to :

(a) All Officers and men of subordinate ranks i.e., Constable to Inspector.

(ii) All civilian and Class IV employees as well as all civilian officers on deputation to the Delhi Police e.g., teachers, internal auditors, Financial Advisor, Senior Psychologist, Education Adviser and other similar employees shall be governed by the C.C.S. (CCA) Rules, 1965 or the rules applicable in their parent departments. However, all non-gazetted Police officers on deputation to Delhi Police from Central/State police organisations shall be governed by the Delhi Police Act, 1978 and these rules.

**4. Definitions :-**

(i) Authorised Punishment shall mean punishment or penalties as prescribed in Section 21 of the Delhi Police Act, 1978.

(ii) Civilian Employee means a non-gazetted employee

.

(iii) Court witness means and includes person(s) not examined as prosecution or defence witnesses, whose testimony the enquiring officer considers necessary to find out truth of a matter for which a departmental enquiry is held against an officer of subordinate rank of Delhi Police, not enrolled under the Delhi Police Act.

(iv) Disciplinary Authority means the authority competent to award punishment as prescribed in the Delhi Police Act, 1978.

**5. Authorised punishments :-**

The Delhi Police Act, 1978 prescribed the following penalties : (i)

Dismissal, (ii) Removal from service, (iii) Reduction in rank <sup>1</sup> [for a specified period], (iv) Forfeiture of approved service, (v) Reduction in pay, (vi) Withholding of increments, (vii) Fine not exceeding one month's pay, (viii) Censure, (ix) Punishment drill not exceeding 15 days or fatigue duty or any other punishment duty to Constable only.

1. Added vide Notification No. F 5/20/84 Home(P) Estt. dated 4.9.86.

## **6. Classification of punishments and authorities competent to award them :-**

(i) Punishments mentioned at Serial Nos. (i) to (vii) above shall be deemed 'major punishment' <sup>1</sup> [and may be awarded by an officer not below the rank of the appointing authority or above] after a regular departmental enquiry.

(ii) Punishment mentioned at Serial No. (viii) shall be called 'minor punishment' and may be awarded by the authorities specified in sub-section (i) of Section 21 of the Delhi Police Act, 1978 after serving a show cause notice giving reasonable time to the defaulter and considering his written reply as well as oral deposition, if any, for which opportunity shall be afforded on request.

<b>Authority competent to award</b>	<b>Rank to whom it can be awarded</b>
(i) Deputy Commissioner of Police and above	Inspector and below.
(ii) Assistant Commissioner of Police	Constable to Sub-Inspector

(iii) The punishment mentioned at Serial No. (ix) above may be called Orderly Room punishment and shall be awarded after the defaulter has been marched and heard in Orderly Room by the Officer of and above the rank of Inspector as laid down in Section 21 (3) (c) of the Delhi Police Act, 1978.

1. Replaced vide Notification No. F 5/4/85 Home (P) Estt. dated 15th March 1985.

## **7. Inflections not amounting to punishment based on rule of CCS (CCA) Rules, 1965 :-**

The following shall not amount to a penalty within the meaning of this rule, namely-

(i) Stoppage at the efficiency bar in the time-scale on grounds of unfitness.

- (ii) Reversion to a lower rank, grade or post of an officer officiating in a higher rank, grade or post on grounds of general unsuitability for holding such higher rank, grade or post.
- (iii) Reversion to permanent rank, grade or post of an officer appointed on probation to a higher rank, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or as the rules and orders governing such probation.
- (iv) Compulsory retirement of a subordinate Police Officer civilian or Class IV employees in accordance with the Rules relating to his superannuation or retirement.
- (v) Termination of services of an officer of subordinate rank civilian appointed on probation during or at the end of the period of probation, in accordance with the terms
- (vi) Termination of appointment of an officer of subordinate rank civilian employed under an agreement, in accordance with their terms and conditions of such agreement.
- (vii) Suspension pending enquiry into conduct
- .

## **8. Principles for inflicting penalties :-**

- (a) Dismissal/Removal. The punishment of dismissal or removal from service shall be awarded for the act of grave misconduct rendering him unfit for police service.
- (b) Reduction No officer shall be reduced to a rank lower than that in which he was initially appointed.
- (c) Withholding of increment.
  - (1) The increment of a police officer may be withheld as a punishment. The order must state definitely the period for which the increment is withheld, and whether the withholding shall have the effect of postponing future increments.
  - (2) 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, Sub-Inspectors and Assistant Sub-Inspectors published in the Police Gazette. When an efficiency bar is placed at any stage or stages 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.

(d) Forfeiture of approved service. Approved service may be forfeited permanently or temporarily for a specified period as under :

(i) For purposes of promotion or seniority (Permanent only),

(ii) Entailing reduction in pay or deferment of an increment or increments (permanently or temporarily).

(e) Fine not exceeding one month's pay. When any Police Officer of a subordinate rank has been found negligent in the discharge of his duties resulting in pecuniary loss to the Government, the punishment of the fine not exceeding one month's pay may be imposed on him after a regular departmental enquiry.

(f) Censure. The punishment of censure shall be supported by a formal order in the order book and shall not be awarded unless the officer concerned has been given an opportunity to explain his conduct in the manner prescribed in Rule 6 (ii) above.

(g) Punishment drill.-

(1) Punishment drill shall consist of drill with a musket or rifle 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 the drill is actually carried out.

(2) The officer awarding the punishment drill may direct that constable so punished shall not leave the place of his posting or Police Lines, except on duty during the days on which such punishment is to be carried out.

#### **9. Punishment of officers officiating in higher rank :-**

The misconduct of a police officer may be judged in relation to the position he was occupying at the time when such misconduct was committed. In case the officer to be punished was holding a higher rank at the time when he committed the misconduct, the disciplinary authority shall be an officer empowered to punish a Police Officer of that higher rank.

#### **10. Maintenance of discipline :-**

The previous record of an officer, against whom charges have been

proved, if shows continued misconduct indicating incorrigibility and complete unfitness for police service, the punishment awarded shall ordinarily be dismissal from service. When complete unfitness for police service is not established, but unfitness for a particular rank is proved, the punishment shall normally be reduction in rank.

### **11. Punishment on judicial conviction :-**

(1) When a report is received from an official source, e.g., a court or the prosecution agency, that a subordinate rank has been convicted in a criminal court of an offence, involving moral turpitude or on charge of disorderly conduct in a state of drunkenness or in any criminal case, the disciplinary authority shall consider the nature and gravity of the offence and if in its opinion that the offence is such as would render further retention of the convicted police officer in service, prima facie undesirable, it may forthwith make an order dismissing or removing him from service without calling upon him to show cause against the proposed action provided that no such order shall be passed till such time the result of the first appeal that may have been filed by such police officer is known.

(2) If such police officer is acquitted on second appeal or revision, he shall be reinstated in service from the date of dismissal or removal and may be proceeded against departmentally.

(3) In cases where the dismissal or removal from service of the convicted police officer is not considered necessary, the disciplinary authority may examine the judgment and take such departmental action as it may deem proper.

(4) When a police officer is convicted judicially and consequently dismissed or removed from service, and it is desired to ensure that the officer dismissed or removed shall not be re-employed elsewhere, a full descriptive roll with particulars of punishments, shall be sent for publication in the Delhi Police Gazette.

### **12. Action following judicial acquittal :-**

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 on the Deputy Commissioner 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 for departmental proceedings is available.

### **13. Strictures by court :-**

1. In cases in which strictures are made on the conduct of a police officer by a Sessions Court or by a Metropolitan Magistrate's court but no specific recommendation is made by the court making such strictures that an enquiry should be made, the Deputy Commissioner of Police will decide whether an investigation into the matter is necessary. If he decides that investigation shall be made, the procedure for investigation shall be as laid down in Rule 16 below.

2. When strictures on the conduct of a police officer are made by the High Court and are communicated to the Delhi Administration, the appointing authority shall proceed to take action in accordance with the instructions of the Delhi Administration.

3. In cases where serious charges arise from strictures made by criminal courts, the concerned Deputy Commissioner of Police shall initiate necessary disciplinary action against the police officer against whom strictures have been made. In case such proceedings are initiated against an Inspector of Police, information shall be sent to the Additional Commissioner of Police concerned.

### **14. Award of Punishments :-**

(1) Orderly room punishment.

(i) The punishment mentioned at S1.No. (ix) of Rule 5 above, namely punishment drill not exceeding 15 days, is the only punishment that can be awarded to constables in orderly room. Whenever it is intended to dispose of minor defaults of constables by awarding such a punishment, the defaulter concerned shall be marched in proper uniform in orderly room by an orderly officer with details of misconduct/derelection of duty or indisciplined

behaviour for which he is to be punished. These details shall be mentioned in a register to be maintained at each Police Station/Police Lines and offices of Deputy Commissioner of Police/Assistant Commissioners of Police/Inspectors in the sub-joined proforma:-

<b>ORDERLY ROOM REGISTER</b>			
SI. No.	Date, Name & No. of the defaulter	Brief of misconduct & documents in support thereof	Orders by the competent authority

(ii) The gist of misconduct shall be read over to the defaulter and explained to him in the language he understands and he shall be called upon to state whatever he was to say orally. His version of facts shall be given due consideration with reference to documents or record and appropriate orders passed and announced. These orders shall then be entered in the order book and executed. A copy of the order shall be placed on the miscellaneous personal file of the constable concerned and an entry in red ink shall be made in its index.

(iii) Punishment drill exceeding 10 days shall also be mentioned in the character roll of the constable under the head 'Punishments'.

(2) Punishment. The punishment of censure shall be awarded by the authorities competent in the manner specified in Rule 6 (ii) above. Punishments mentioned at S1. No. (i) to (vii) in Rule 5 supra shall be awarded by appointing authorities only after a regular departmental enquiry. All Deputy Commissioners of Police, Additional Commissioners of Police shall exercise this authority over all officers of the subordinate ranks civilian irrespective of the fact whether such an officer has actually appointed the concerned subordinate police officer and whether or not he was actually working under him. The procedure for holding departmental enquiries is explained in Rule 16 below.

(3) The disciplinary action shall be initiated by the competent authority under whose disciplinary control the police officer concerned is working at the time it is decided to initiate disciplinary action.

### **15. Preliminary enquiries :-**

(1) A preliminary enquiry is a fact finding enquiry. Its purpose is (i)



to establish the nature of default and identity of defaulter(s), (ii) to collect prosecution evidence, (iii) to judge quantum of default and (iv) to bring relevant documents on record to facilitate a regular departmental enquiry. In cases where specific information covering the above-mentioned points exists a Preliminary Enquiry need not be held and Departmental enquiry may be ordered by the disciplinary authority straightaway. In all other cases, a preliminary enquiry shall normally proceed a departmental enquiry.

(2) In cases in which a preliminary enquiry discloses the commission of a cognizable offence by a police officer of subordinate rank in his official relations with the public, departmental enquiry shall be ordered after obtaining prior approval of the Additional Commissioner of Police concerned as to whether a criminal case should be registered and investigated or a departmental enquiry should be held.

(3) The suspected police officer may or may not be present at a preliminary enquiry but when present he shall not cross-examine the witness. The file of preliminary enquiry shall not form part of the formal departmental record, but statements therefrom may be brought on record of the departmental proceedings when the witnesses are no longer available. There shall be no bar to the Enquiry Officer bringing on record any other documents from the file of the preliminary enquiry, if he considers it necessary after supplying copies to the accused officer. All statements recorded during the preliminary enquiry shall be signed by the person making them and attested by enquiry officer.

#### **16. Procedure in departmental enquiries :-**

The following procedure shall be observed in all departmental enquiries against police officers of subordinate rank where prima facie the misconduct is such that, if proved, it is likely to result in a major punishment being awarded to the accused officer :

(i) A police officer accused of misconduct shall be required to appear before the disciplinary authority, or such Enquiry Officer as may be appointed by the disciplinary authority. The Enquiry Officer shall prepare a statement summarising the misconduct alleged against the accused officer in such a manner as to give full notice to him of the circumstances in regard to which evidence is to be regarded. Lists of prosecution witnesses together with brief details of the evidence to be led by them and the documents to be relied upon for prosecution shall be attached to the summary of

misconduct. A copy of the summary of misconduct and the lists of prosecution witnesses together with brief details of the evidence to be led by them and the documents to be relied upon for prosecution will be given to the defaulter free of charge. The contents of the summary and other documents shall be explained to him. He shall be required to submit to the enquiry officer a written report within 7 days indicating whether he admits the allegations and if not, whether he wants to produce defence evidence to refute the allegations against him.

(ii) If the accused police officer after receiving the summary of allegations, admits the misconduct alleged against him, the enquiry officer may proceed forthwith to frame charge, record the accused officer's pleas and any statement he may wish to make and then pass a final order after observing the procedure laid down in Rule 15 (xii) below if it is within his power to do so. Alternatively the finding in duplicate shall be forwarded to the officer empowered to decide the case.

(iii) If the accused police officer does not admit the misconduct, the Enquiry Officer shall proceed to record evidence in support of the accusation, as is available and necessary to support the charge. As far as possible, the 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 Enquiry Officer is empowered, however, to bring on record the earlier statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay, inconvenience or expense if he considers such statement necessary 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 either signed by the person making it or has been recorded by such officer during an investigation or a judicial enquiry or trial. The statements and documents so brought on record in the departmental proceedings shall also be read out to the accused officer and he shall be given an opportunity to take notes. Unsigned statements shall be brought on record only through recording the statements of the officer or Magistrate who had recorded the statement of the witness concerned. The accused shall be bound to answer any questions which the enquiry officer may deem fit to put to him with a view to elucidating the facts referred to in the statements of documents thus brought on record.

(iv) When the evidence in support of the allegations has been recorded, the Enquiry 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 Deputy Commissioner of Police 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, not exceeding two working days, to prepare a list of such witnesses together with a summary of the facts they will testify and to produce them at his expense in 10 days. The enquiry officer is empowered to refuse to hear any witness whose evidence he considers to be irrelevant or unnecessary in regard to the specific charge. He shall record the statements of those witnesses whom he decides to admit in the presence of the accused officer who shall be allowed to address questions to them, the answers to which, shall be recorded; provided that the enquiry officer may cause to be recorded by any other Police Officer superior in rank to the accused officer the statements of a witness whose presence cannot be secured without delay, expenses or inconvenience and may bring such statements on record. When such a procedure is adopted, the accused officer may be allowed to draw up a list of questions he wishes to be answered by such witnesses. The enquiry officer shall also frame questions which he may wish to put to the witnesses to clear ambiguities or to test their veracity. Such statements shall also be read over to the accused officer and he will be allowed to take notes.

(vi) The accused officer shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official documents as he may specify, provided that such permission may be refused for reasons to be recorded in writing, if in the opinion of the enquiry officer such records are not relevant for the purpose or against the public interest to allow him access thereto. The latest orders of the Government shall be applicable with regard to the charging of copying fees, etc.

(vii) At the end of the defence evidence or if the Enquiry Officer so directs, at an earlier stage after the framing of charge, the accused

officer shall be required to submit his own version of facts. He may file a written statement for which he may be given a week's time, but he shall be bound to answer orally all questions arising out of the charge, the recorded evidence, his own written statement or any other relevant matter, which the enquiry officer may deem fit to ask.

(viii) After the defence evidence has been recorded and after the accused officer has submitted his final statement, the Enquiry Officer may examine any other witness to be called "Court witness" whose testimony he considers necessary for clarifying certain facts not already covered by the evidence brought on record in the presence of the accused officer who shall be permitted to cross-examine all such witnesses and then to make supplementary final defence statement, if any, in case he so desires.

(ix) The Enquiry Officer shall then proceed to record the findings. He shall pass orders of acquittal or punishment if himself empowered to do so, on the basis of evaluation of evidence. If he proposes to punish the defaulter, he shall follow the procedure as laid down in Rule 16 (xii). If not so empowered, he shall forward the case with his findings (in duplicate) on each of the charges together with the reasons therefor, to the officer having the necessary powers. If the enquiry establishes charges different from those originally framed, he may record finding on such charges, provided that findings on such charges shall be recorded only if the accused officer has admitted the facts constituting them or has had an opportunity of defending himself, against them.

(x) On receipt of the Enquiry Officer's report, the disciplinary authority shall consider the record of the inquiry and pass his orders on the inquiry on each charge. If in the opinion of the disciplinary authority, some important evidence having a bearing on the charge has not been recorded or brought on the file, he may record the evidence himself or sent back the enquiry to the same or some other enquiry officer, according to the circumstance of the case for such evidence to be duly recorded. In such an event, at the end of such supplementary enquiry, the accused officer shall again be given an opportunity to lead further defence, if he so desires, and to submit a supplementary statement, which he may wish to make.

(xi) If it is considered necessary to award a severe punishment to the defaulting officer by taking into consideration his previous bad

record, in which case the previous bad record shall form the basis of a definite charge against him and he shall be given, an opportunity to defend himself as required by rules.

(xii) If the disciplinary authority, having regard to his findings on the charges, is of the opinion that a major punishment is to be awarded, he shall:

(a) furnish to the accused officer free of charge a copy of the report of the Enquiry Officer, together with brief reasons for disagreement, if any, with the finding of the Enquiry Officer.

(b) Where the disciplinary authority is himself the Enquiry Officer, a statement of his own findings, and

(c) If the disciplinary authority, having regard to its finding on all or any of the charges an'd on the basis of the evidence adduced during the enquiry is of the opinion that any of the penalties specified in rule 5 (i to vii) should be imposed on the Police Officer, it shall make an order imposing such penalty and it shall not be necessary to give the Police Officer any opportunity of making representation on the penalty proposed to be imposed.

## **17. Final order :-**

(1)<sup>1</sup>[On receipt of the finding from the enquiry officer, the disciplinary authority shall pass an order imposing any penalty on the Police officer as specified in rule 5 of the Delhi Police (Punishment and Appeal) Rules, 1980. The order passed by the disciplinary authority shall be communicated to the accused officer. He also be supplied with a copy of the finding of the enquiry officer free of cost with direction to file an appeal within 30 days from the date of receipt of order, if he so desires.] <sup>2</sup>[(2)\*\*\*\*]

<sup>3</sup> [(2)] The above procedure shall not apply in cases in which :

(a) a punishment is imposed on a police officer on grounds of conduct which had led to his conviction on a criminal charge; or

(b) where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said. Rules. In all such cases, the disciplinary authority may consider the circumstances and pass such order thereon as it deems fit.

Explanation The procedure laid down with regard to the conduct of

departmental enquiries may be dispensed with:

(a) If a police officer has been convicted by a court of law of criminal offence involving moral turpitude; or

(b) if a police officer charged with misconduct refuses or fails to attend an enquiry without reasonable excuse or has absconded or has deserted or cannot be found without inordinate delay.

1. Substituted vide Notification No. F 5/81/85 Home (P) Estt. 4-9-86.

2. Sub-rule 2 deleted Notification No. F 5/81/85 Home (P) Estt. 4-9-86.

3. Sub-rule 3 shall be renumbered as rule 2, *ibid*.

**17A. . :-**

Notwithstanding anything contained in Rules 13 and 16, if the administrative exigencies so require, the administrator may entrust the enquiry under any of the provisions of these Rules to an officer other than a Police Officer for conducting enquiries into the charge or charges of misconduct, dereliction of duty or corruption, as the case may be, and in the event of such an appointment having been made, the enquiry shall be conducted in accordance with the procedure laid down under these Rules, and where officers of different grades are involved in a joint enquiry to whom different disciplinary Rules are applicable, the enquiry shall be conducted in accordance with the procedure laid down under the Central Civil Services (Classification Control and Appeal) Rules, 1955. In the event of such an enquiry being held under the CCS (CCA) Rules, 1966. The rest of the provisions, Rules in relation to appeal, review etc, shall also apply to all consequential matters connected with such an enquiry.

**18. Ex parte department proceedings :-**

(1) Notwithstanding anything contained in these rules, the Enquiry Officer may, with the prior approval of disciplinary authority, institute 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 evading service or refusing to attend without due cause.

(2) The procedure in such ex-parte proceeding shall, as far as possible, conform to the procedure laid down in Rule 16 above provided that the defaulter shall be deemed:

(a) not to have admitted the misconduct contained in the summary of allegations, and

(b) to have entered a plea of not guilty to the charges framed against him :

Provided further that if the accused officer subsequently appears or wants to take part in the disciplinary proceedings at any stage during the course of proceedings, he shall be permitted to do so. He shall, however, not be entitled to claim de novo proceedings or to recall for cross-examination any witness, whose evidence has already been recorded. He shall be entitled to the inspection of the departmental file and to take notes of the proceedings, which have taken place in his absence.

**19. Record in departmental enquiries :-**

(1) In all departmental enquiries in which the alleged misconduct is such as to merit a major punishment, if proved, the following records shall be kept :

(a) Order Sheet.

(b) A statement summarising the alleged misconduct i.e., the summary of allegations including the list of prosecution witnesses/documents.

(c) Statements of P.Ws., if any.

(d) Charge.

(e) Statements of P.Ws., and court witnesses, if any.

(f) Statements of the accused police officer.

(g) A list of exhibit.

(h) Findings of the Enquiry Officer.

<sup>1</sup> [(i) Show Cause Notice for punishment issued to the accused police officer.

(j) Final order of the disciplinary authority.]

(2) The records may be maintained in Hindi or in English and shall be paged like an ordinary file. An index shall be attached to the first page.

(3) A character sheet indicating name and rank of the accused, his

date of appointment, confirmation and particulars of punishments/rewards given to him shall also be added after the index.

(4) The records, together with the orders passed, in appeal, shall after necessary entry has been made in the character roll/serv-ice book, be filed with the personal file (Fauji Missal) 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 personal file (Fauji Missal) of each officer concerned. A reference to the original file shall also be given on such copy.

(5) Every punishment order shall be entered in the order book, and shall bear the annual serial number of the entry in the punishment register relating to the case. A reference to this number shall be made in the remarks column of the long roll.

1. Added vide Notification No. F-5/132/81-Home(P) Estt. dated 22nd July, 1988.

## **20. Standard of evidence in departmental enquiries :-**

(1) Officers conducting departmental enquiries are not bound to follow the provision of the Code of Criminal Procedure or Indian Evidence Act. They may admit any evidence which they consider relevant and should exclude evidence which is irrelevant to the charge specified under the enquiry or which is introduced merely to prejudice the opposite party or to cloud the issues.

## **21. Maintenance of discipline in departmental enquiries :-**

Discipline must be maintained during the proceedings of departmental enquiries. Refusal of an accused police officer to answer questions, inordinate delay in producing his defence, insubordinate behaviour before the Enquiry Officer or intemperate or impertinent questioning of superior officers by an accused officer, are, in addition to being contrary to the spirit of the rules for the conduct of departmental enquiries, entirely contrary to the requirement of discipline and shall be treated accordingly.

## **22. Payment to prosecution witness :-**

Prosecution witness summoned in departmental enquiries shall be entitled to journey expenses, and if detained for more than twelve hours, to suitable daily allowance. Such expenditure, in the case of witnesses who are net government servants, shall be paid out of the allotment "Rewards to private persons" at rates equivalent to



judicial scales prevalent in Delhi Judicial Courts.

### **23. Appeals :-**

(1) Appeals shall lie against orders of dismissal or removal from service, reduction in rank or pay, forfeiture of service, fine not exceeding one month's pay, withholding of increment and censure.

(2) There shall be only appeal 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 person wishing to make an appeal under sub-rule (1) may apply to the disciplinary authority for a copy of the complete record, or any portion thereof, for the purpose of filing an appeal. Copies of the record of preliminary enquiry shall not be given to the accused officer for the purpose of appeal except where the record of preliminary enquiry also forms part of the departmental proceedings. Such application shall bear a non-judicial stamp of the value of 75 paise unless the applicant is in jail and shall be accompanied by a deposit of the copying fee chargeable under the Rules.

(5) The copy of such record shall be given with as little delay as possible, and gazetted officer shall certify its correctness and the date on which it was given to the applicant.

(6) The appellate authorities in cases in which appeal is admissible as laid in Section 23 of the Delhi Police Act are indicated in the following table :

Officer by whom original order of Punishment is passed	Appellate authority
(1) Deputy Commissioner of Police,  Additional Deputy Commissioner Of Police, Principal, Police Training School or College, Assistant Commissioner of Police or any	Additional Commissioner  of Police

other  Officer of equivalent rank.	
(2) Additional Commissioner of Police	Commissioner of Police
(3) Commissioner of Police	Administrator, Delhi.

#### **24. Rules regarding appeals :-**

(1) Appeals against punishments shall be made through the Deputy Commissioner of Police of the District or unit in which the appellant is/ was serving.

(2) Every appeal shall set forth the grounds and shall be accompanied by a copy of order of the disciplinary authority.

(3) An appeal which is not filed within 30 days of the date of receipt of the original order, exclusive of the time taken to obtain the copy of the record, shall be barred by limitation. The appellant authority may, however, accept an appeal which is barred by limitation, if in his opinion the delay occurred due to circumstances beyond the control of the appellant. If there are reasons to believe that an officer is evading receipt of an order, the period of one month shall be counted from the date of despatch of the order by the registered post acknowledgment due.

#### **25. Orders on appeal :-**

(1) On appeal, the appellate authority may,

(a) confirm the impugned order, or

(b) accept the appeal and set aside punishment order, or

(c) reduce the punishment, or

(d) disagree with the disciplinary authority and enhance the punishment after issue of a fresh show cause notice to the appellant and affording him a reasonable opportunity (including personal hearing, if asked for) against the proposed enhancement.

(e) 1 remit the case to the authority which made the order or to any other authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(f) pass such other orders as it may deem fit.

(2) Every order passed on appeal shall contain the reasons

therefor. A copy of every appellate order shall be given free of cost to the appellant.

**25A. Revision :-**

A Government servant whose appeal has been rejected will not be entitled to file a second appeal. Such Government servant may, however, file a revision within a month of receipt of appellate orders by him to the authority superior to the appellate authority on grounds of material irregularity or illegality in the proceedings provided that no application for revision of an order of the Lt. Governor shall lie. The revisioner authority thereupon :

- (i) Confirm or modify the impugned order; or
- (ii) accept the revision petition and set aside the order of the appellate authority; or
- (iii) reduce the punishment; or
- (iv) impose any penalty where no penalty has been imposed; or
- (v) disagree with the disciplinary/appellate authority, and enhance the punishment; or
- (vi) remit the case to the authority which made the order or any other authority to make such further enquiry as it may consider proper in the circumstances of the case; or
- (vii) pass such other orders as it may deem fit.

Provided that no orders imposing or enhancing any penalty shall be made by any revising authority unless the Govt. servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or against the enhancement of the penalty imposed by the order sought to be revised and if no enquiry under Rule 16 has already been held in the case then no penalty, as prescribed in clauses (i) to (vii) under Rule 5 shall be imposed except after an enquiry in the manner laid down in Rule 16 :

Provided further that no power of revision shall be exercised unless :

- (i) The authority which made the order in appeal; or
- (ii) the authority to which an appeal would lie where no appeal has been preferred is subordinate to him; or

(iii) no proceedings for revision shall be commenced until after :

(a) the expiry of period of limitation for an appeal ; or

(b) the disposal of the appeal where any such appeal has been preferred,

(iv) an application for revision shall be dealt with in the same manner as if it were an appeal under these rules,

(v) every order passed on revision shall contain the reasons therefor. A copy of every revision order shall be given to the Government servant concerned free of cost.

**25B. Review :-**

The Commissioner of Police, an Addl. Commissioner of Police; Dy. Commissioners of Police and Addl. Dy. Commissioners of Police; Principal, Police Training School or College or any other officer of equivalent rank may at any time call for the records of awards made by any of his subordinate either on his own motion or otherwise and confirm, enhance, modify or annul the same or make further investigation or direct such to be made before passing orders :

Provided that no action under this sub-rule shall be initiated more than 6 months after the date of the order sought to be reviewed except with the prior approval of the Lt. Governor, Delhi.

(ii) If an award of dismissal or removal from service is annulled, the officer annulling it shall state whether it is to be recorded as suspension followed by re-instatement or not. The order shall also state whether service previous to dismissal or removal shall count for pension or not.

(iii) In all cases in which an officer proposes to enhance punishment he shall, before passing final orders give the defaulter concerned an opportunity of showing cases, in writing, including personal hearing, if asked for, why his punishment should be enhanced.

**25C. . :-**

The Lt. Governor may at any time on his own motion or otherwise call for the records of any case decided by the Commissioner of Police and confirm, modify, or annul the order forced in it.]

**26. Suspension :-**

(1) Officers of the rank of an Assistant Commissioner of Police and

above are authorised to suspend all police officers of subordinate rank. Inspectors of police can suspend any police officer below the rank of Sub-Inspector. The suspension of an upper subordinate shall be immediately reported to the Deputy/Additional Commissioner of Police.

(2) An officer shall be released from suspension only by the gazetted officer empowered to punish/appoint him.

**1**

(3)

(i) 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 to be subject to the same responsibilities discipline and penalties and to the same authorities, as if he had not been suspended.

(ii) 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 Deputy Commissioner of Police 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 of with ammunition. A Police officer under suspension shall ordinarily be confirmed to lines, when off duty, but shall be allowed responsible facilities for the preparation of his defence when transferred to the line, lower or upper subordinate shall deposit their kits in the line and shall not wear any article of uniform till they are reinstated or specifically permitted by the Commissioner of Police as contained in sub-rule (iii) of Rule 15 of the Delhi Police (General Conditions of Service) Rules, 1980.

1. Added vide Notification No. F-5/132/81-Home(P) Estt. dated 22nd July, 1988.

## **27. Suspension in departmental cases :-**

A police officer whose conduct is under departmental enquiry shall ordinarily be placed under suspension only :

(a) When it appears likely that the charge framed will, if proved, render him liable to dismissal or removal from service, or

(b) When the nature of accusation against him is such that his

remaining on duty is prejudicial to the public interest or detrimental to investigation into the accusations. A report of all suspensions and re-instatements shall be submitted to the Additional Commissioner of Police and others concerned.

(c) When a punishment of dismissal or removal from service awarded to a police officer under suspension is set aside, in appeal under these Rules and the case is remained for further enquiry or action, or with any other directions, the order of his suspension shall be deemed to have been revoked,

(d) When a police officer of subordinate rank, is kept under suspension for more than 6 months in connection with a departmental enquiry, the concerned Deputy Commissioner of Police shall obtain prior approval of the Additional Commissioner of Police for his continued suspension and shall simultaneously take step to review the subsistence allowance as provided in the relevant rules.

(e) Unnecessary suspension shall be avoided as they increase the number of non-affective personnel and also cause hardship to such employee.

## **28. Suspension in judicial cases :-**

The cases of suspension during pendency of criminal proceedings or proceedings for arrest, for debt or during detention under a law providing for preventive detention shall be dealt with in the following manner :

(a) A police officer of subordinate rank who is detained in custody under any law providing for preventive detention or as a result of a proceeding on a criminal charge shall, if the period of detention exceeds 48 hours and unless he is already under suspension from the date of detention, be deemed to be under suspension from the date of detention until further orders. A police officer of subordinate rank who is undergoing a sentence of imprisonment, shall be dealt with in the same manner pending decision on the disciplinary action to be taken against him.

(b) A police officer of subordinate rank against whom a proceeding has been taken on a criminal charge but who is not actually detained in custody (e.g, a person released on bail) may be placed under suspension by an order of appointing authority. If the charge is connected with the official position of the Government servant or involves any moral turpitude on his part, suspension shall be

ordered under this rule unless there are exceptional reasons for not adopting this course. In the latter case, permission of the next higher authority for not suspending the individual concerned shall be obtained.

(c) A police officer of subordinate rank against whom a proceeding has been taken for arrest for debt but who is not actually detained in custody may be placed under suspension by an order of appointing authority only if a disciplinary proceeding against him is contemplated.

(d) When a police officer of subordinate rank who is deemed to be under suspension in the circumstances mentioned in clause (a) or who is suspended in circumstances mentioned in clause (b), is reinstated without taking disciplinary proceedings against him his pay and allowances for the period of suspension will be regulated under the relevant Rules.

## **29. Suspension in cases of escape of prisoners from police custody :-**

(1) If a prisoner escapes or is rescued from police custody, the police officer immediately responsible, shall forthwith be suspended from duty. A searching departmental enquiry shall at once be held by or under the orders of the Deputy Commissioner of Police. The object of this enquiry shall be the elucidation of all circumstances connected with the escape or rescue and the determination of issue whether the escape or rescue could have been prevented by the exercise of such vigilance and courage on the part of the 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 police officer.

(2) On the conclusion of enquiry, if the Deputy Commissioner of Police finds that no misconduct is attached to the Police officers or officer suspended, he shall reinstate them.

(3) If the enquiry establishes negligence or connivance in an escape, thereby creating a presumption that an offence under Section 221, 222 or 223 I.P.C. has been committed, the police officer concerned shall be prosecuted in a criminal court, unless the Additional Commissioner of Police on a reference by the Deputy Commissioner of Police decides, for reasons to be recorded in

writing 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 I.P.C. 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 Additional Commissioner of Police. Dismissal or removal from service shall normally follow a judicial conviction, for finding of guilt in a departmental enquiry for negligence resulting in the escape of a prisoner.

### **30. Subsistence grants :-**

(1) A Police officer under suspension shall be given a subsistence grant in accordance with rules and orders issued by the Government of India from time to time. If a police officer is reinstated on enquiry or trial or an appeal, the grant of pay and allowances including subsistence grant shall also be made in accordance with such rules and orders on the subject.

(2) The officers of and above the rank of Deputy Commissioner of Police shall be the competent authority for granting subsistence grants to enrolled police officers under suspension.

### **31. Discharge certificate :-**

Every police officer of subordinate rank on leaving service in the Delhi Police whether as a measure of penalty or on acceptance of resignation shall be given by the appointing authority a discharge certificate in the form at Annexure 'A' as laid down in Section 25(8) of the Delhi Police Act, 1978.

### **32. Interpretation clause :-**

Should any dispute arise over the interpretation of any of the provisions of these Rules, the decision of the Administrator, Delhi, shall be final.

### **33. . :-**

With the coming into force of these rules, the corresponding provisions contained in Punjab Police Rules, relating to status and treatment of officer under suspension shall stand suspended and these rules shall operate and be in force subject to the provisions as contained in the provisions to sub-sections (1) and (2) of section 149 of the Delhi Police Act, 1978.