

LA GAZETTE

DE L'ETAT

DE PONDICHERY
PUBLIEE PAR AUTORITE
EXTRAORDINAIRE

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GOVERNMENT OF PONDICHERY

Chief Secretariat

Home Department

No. F.21-6/67-Home

Pondicherry, the 9th January 1968.

NOTIFICATION

In exercise of the powers conferred by Sub-section (2) of section 46 of the Police Act, 1861 (Central Act 5 of 1861) read with section 2 and section 7 of the said Act, the Lieutenant-Governor, Pondicherry, hereby makes the following rules namely:

1. (1) These rules may be called the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968.

(2) They shall come into force on the date of their Publication in the official Gazette.

(3) In these rules unless the context otherwise requires "Service" shall mean the Pondicherry Police Subordinate Service or the Pondicherry Armed Police Subordinate Service as classified below:

(i) (a) Inspectors of Police, Reserve Inspector of Police, Adjutant and M.D.L.Cs.

(b) Sub-Inspectors of Police, Reserve Sub-Inspectors of Police and M.D.Ls.

(c) Assistant Sub-Inspectors of Police and Brigadier Chief.

(d) Head Constables of Police and Brigadiers.

(e) Constables of Police and A.I.Gs.

- (ii) (a) Subedars of P. A. P. Sergeant Chief and Sergeant 4th echelon.
- (b) Jamedars of P. A. P. and Sergeant 3rd echelon of Cipahi Company.
- (c) Havildar Majors of P. A. P. and Sergeant 1st and 2nd echelon.
- (d) Havildars of P. A. P. Caporals 4th echelon and Caporal Chef 1st and 2nd echelon.
- (e) Naiks of P. A. P. and Caporals 1st, 2nd and 3rd echelon.
- (f) L/Naiks of P. A. P. and Cipahis 1st and 2nd echelon of Cipahi Company.
- (g) Constables and Buglers of P. A. P.
2. The following penalties may, for good and sufficient reason and as hereinafter provided be imposed upon members of the service namely:
- (a) Black mark or Minor punishment of confinement to quarters for a period not exceeding 15 days with or without punishment drill or of extra drill, guard and fatigue duty.
- (b) Reprimand.
- (c) Censure.
- (d) Withholding of increment of promotion or good conduct pay or fine to any amount not exceeding one month's pay.
- (e) Reduction to a lower rank in the seniority list or to a lower grade, post or time-scale or to a lower stage in the same time-scale or removal from any office of distinction or special emolument.
- (f) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.
- (g) Suspension for a period not exceeding 15 days in the case of Sub-Inspectors, Reserve Sub-Inspectors, Jamedars and Constables if the penalty of reduction to a lower grade, post or time-scale or to a lower stage in the same time-scale cannot be imposed.
- (h) Compulsory retirement otherwise than under Article 465 or under Note 1 to Article 165 A of the Civil Service Regulations.
- (i) Removal from service which shall not be a disqualification for future employment under the Government.
- (j) Dismissal from service which shall ordinarily be a disqualification for employment under the Government.

Note:- (a) Black Mark:- The black mark system will be applicable only to Head-Constables and Constables of the General Police Force and Havildars. Naiks, Lance Naiks and Constables of the P. A. P. The following procedure shall be adopted to award Black marks.

(1) An offence shall not be punished by the award both of a specific punishment and of a Black mark.

(2) A Black mark should not be awarded for petty offences for which punishment drill, extra guard duty, extra work or fatigue duty might be sufficient.

(3) Not more than one Black mark shall be awarded for any one offence.

(4) Uninterrupted good conduct for a period of six months spent on duty, shall cancel one Black mark and each successive period of six months of uninterrupted good conduct shall cancel one Black mark. Uninterrupted good conduct for one year shall cancel all Black marks.

(5) Black mark shall take effect from the date of the offence unless otherwise stated.

(6) A Black mark should not be awarded on every occasion upon which it may be necessary to warn or reprimand an Officer.

(b) Reprimand:- Reprimand is a lesser penalty than censure and shall therefore be given when the offence is such as not to merit a censure.

(c) Censure:- A censure should be given only when the offence is such as seriously to affect the character of the Officer or his suitability for the Department.

(d) Deferred Punishments:- A punishment or an award or a Black mark, a Reprimand or a Censure can be held in abeyance when an Officer has a previous good record. It may be held in abeyance for a period ranging from 3 to 6 months at the end of which, the order of punishment will be cancelled if the offender's conduct is found to be good while on duty during the period of postponement. If the Offender's conduct is found to be unsatisfactory at any time during the period of postponement, the punishment may at once be confirmed. Such a Black mark, Reprimand or Censure subsequently confirmed will take effect from the date of offence to which it relates.

(e) Suspension:- Besides, the specific punishment of suspension mentioned in clause (g) or rule 2, a member of the service could be placed under suspension under the following categories also:-

(i) An enquiry into grave charges against him is contemplated, or is pending.

(ii) A complaint against him of any criminal offence is under investigation or trial and such suspension is necessary in the public interest; and

(iii) When a member of the service is detained in custody whether on a criminal charge or otherwise for a period longer than 48 hours, he should be deemed to have been suspended.

An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Explanation:- (i) The discharge of a person appointed on probation during the period of probation or a person engaged under contract in accordance with the terms of the contract does not amount to removal or dismissal within the meaning of the Discipline Rules.

(ii) The Penalty of recovery from pay of the whole or part of pecuniary loss caused to Government by negligence or breach of orders may be imposed in addition to any other penalty which may be inflicted in respect of the same negligence or breach of orders.

3. (a) In every case where it is proposed to impose on a member of the service, any of the penalties mentioned in clauses (a), (b), (c), (d), and (f) of rule 2, he shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) (i) In every case where it is proposed to impose on a member of the service, any of the penalties mentioned in clauses (e), (g), (i) and (j) of rule 2, the grounds on which it is proposed to take action shall, except where such action is proposed to be taken on facts which have led to his conviction in a criminal court, be reduced to the form of definite charges which shall be communicated to a person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time to put in a written statement of his defence and to state whether he desires an oral enquiry or only to be heard in person. An oral enquiry shall be held if such an enquiry is desired by the person charged or is directed by the authority concerned. At that enquiry, oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the Officer conducting the enquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. After the enquiry has been completed, the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If no oral enquiry is held and if he had desired to be heard in person, he shall be heard. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

(ii) After the enquiry referred to in clause (i) has been completed and after the authority competent to impose the penalty mentioned in that clause has arrived at provisional conclusion in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the enquiry authority and be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

(c) The requirements of sub-rules (a) and (b) shall not apply where the Officer concerned has absconded or where it is for other reasons not possible to communicate with him.

(d) All or any of the provisions of sub-rules (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of the sub-rule and those requirements can be waived without injustice to the person charged.

4. The authority which may impose any of the penalties prescribed in rule 2 on a member of the service specified in the column (1) of the Schedule to these rules shall be the authority specified in the corresponding entry in columns (2), (3), (4), (5), (6), (7), (8), (9) and 10 whichever is relevant or any higher authority.

Provided that where in any case a competent authority has imposed or declined to impose the penalty under this rule, a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case.

Provided further that no person be removed or dismissed from the service by any authority subordinate to that by which he was appointed:

Explanation:- (a) The fact that a lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this rule in respect of the same case.

(b) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.

(c) (i) Where, on promotion or transfer, a member of the Service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another Service, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the Service in the latter class, category, grade or service, as the case may be.

(ii) Where a person has been reverted or reduced from one service to another or from one class, category or grade of the service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such service class, category or grade, as the case may be.

5. A member of the service shall be entitled to appeal against an order imposing on him any of the penalties specified in rule 2-

(a) if such order was passed by an authority specified in the relevant column of the schedule, to the authority specified in the last column thereof.

(b) if such order was passed by an authority higher than that specified in the relevant column of the schedule, to the next higher authority to whom the former authority is administratively subordinate.

6. (i) In the case of an appeal against an order imposing any penalty specified in rule 2, the appellate authority shall consider-

(a) Whether the facts on which the order was based have been established.

(b) Whether the facts established afford sufficient ground for taking action, and.

(c) Whether the penalty is excessive, adequate or inadequate, and after such consideration shall pass such order as it thinks proper.

(ii) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers for reasons to be recorded in writing that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

7. An authority from whose order an appeal is preferred under rule 5 shall give effect to any order made by the appellate authority.

8. Every person preferring an appeal shall do so separately and in his own name.

9. (1) Every appeal preferred under rule 5 shall contain all material statements and arguments relied on by the appellant and no disrespectful or improper language shall be used. Every such appeal shall be submitted through the Head of the Office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

(2) No appeal shall be admitted by the appellate authority if it has not been preferred within one month from the date on which a copy of the order appealed against was communicated to the appellant:

Provided that, if the appellant satisfied the appellate authority that he had sufficient cause for not preferring the appeal within the said period, the appeal may be admitted by such authority if it is preferred within two months from the date on which a copy of the order appealed against was communicated to appellant:

Explanation:- Where the person concerned has absconded or where it is for any other reason impracticable to communicate with him, the period of one month referred to in his rule shall be counted from the date of the order appealed against.

10. An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if:-

(a) it does not comply with the provisions of rule 9; or

(b) it is a repetition of a previous appeal and is made to the same appellate authority.

by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it.

Provided further that an appeal withheld on account of the failure to comply with the provisions of sub-rule (1) of rule 9 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal and if resubmitted in a form which complies with those provisions shall not be withheld.

11. Every appeal which is not withheld under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.

12. A list of appeals withheld under rule 10 with the reasons for withholding them, shall be forwarded half-yearly by the withholding authorities to the appellate authority.

13. The appellate authority may call for an appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

14. No appeal shall lie against the withholding of an appeal by a competent authority.

15. The authority by whom an order imposing a penalty under rule 4 may be reversed or altered in cases in which no appeal is preferred shall be the appellate authority specified in rule 5 or any higher authority.

16. Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these rules come into force, shall be deemed to be an appeal under these rules, and rules 6 and 7 shall apply as if the appeal were against an order appealable under these rules.

17. (1) Absence without leave of any member of the force governed by this rule for 21 days will be considered to complete the offence of desertion, after which the Officer's name shall invariably be struck off from the duty roll of the officers.

(2) An application for reinstatement from an Officer who has been struck off as a deserter shall not be entertained unless it reaches the Inspector-General of Police within two months of the date of the commencement of the absence without leave. The Inspector-General of Police shall not reinstate a Deserter. (a) until the Deserter has attended in person which he should do not later than the date prescribed by the Officer dealing with the case and has given his explanation for his absence without leave; and (b) unless the Inspector-General of Police is satisfied after such enquiry as may be necessary that the case deserves reconsideration. At the end of the two months, if no application for reinstatement is received and if the whereabouts of the Deserter are not known, the Officer dealing with the case will record in writing the reasons for his being satisfied that it is not reasonably practicable to give the Deserter an opportunity of showing cause against his dismissal and then confirm the dismissal. In other cases, a charge should be framed and the procedure prescribed in rule 3 complied with before confirming the dismissal or reinstating the Deserter with or without punishment.

18. The discharge of a probationer during the period of his probation will not amount to removal or dismissal within the meaning of the disciplinary rules. But, a probationer is none the less a member of the Service concerned and in respect of disciplinary matters will be subject to the ordinary disciplinary rules in the same way as other members of such Service. The probation of a probationer may be terminated at the end or at any time before the expiry of the prescribed period of probation. Though termination of probation is not a penalty under these rules, it can be ordered for a specific offence. When a specific offence on the part of the probationer calls for disciplinary action, his suitability to continue on probation should specifically be considered and a finding recorded before any of the penalties prescribed under these rules is imposed on him. The delinquent should be apprised of the action proposed to be taken against him with the reasons therefore and allowed a reasonable opportunity to make any representation he might desire to make against such action.

19. (1) In the case of Officers on deputation from other States, the authority in respect of the post held by him during the time of deputation may, after consultation with the lending authority, impose any of the penalties in clauses (a), (b), (c), (d) and (f) of rule 2:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the officer on deputation shall be replaced at the disposal of the lending authority.

(2) The enquiry of the officer on deputation will be governed by the Discipline and Appeal rules of that State.

(3) If the authority, in respect of the post held by the officer on deputation, is of opinion that any of the penalties specified in clauses (e), (g), (i) and (g) of rule 2 is to be imposed on the said officer, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry and thereupon the lending authority may pass such orders thereon as it may deem necessary.

...9/-

LA GAZETTE DE L'ETAT DE PONDICHERRY
THE GAZETTE OF PONDICHERRY

PART -II

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GOVERNMENT OF PONDICHERRY

Home Department

(G.O.Ms.No.16, dated 7th March 1986)

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 46 of the Police Act, 1861 (Central Act 5 of 1861) read with section 2 and section 7 of the said Act, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968 issued in the Home Department's Notification No.F 21-6/67-Home, dated the 9th January 1968, and published in the Extraordinary Gazette No. 5, dated the 10th January 1968, namely:-

1. Short title and commencement:- (1) These rules may be called the Pondicherry Police Subordinate Services (Discipline and Appeal) (Amendment) Rules, 1986.
2. They shall come into force on the date of their publication in the official gazette.
3. Amendment of rule 4:- In the Pondicherry Police Subordinate Services (Discipline and Appeal) Rules, 1968 hereinafter called the said rules for the existing rule 4 the following rule shall be substituted, Namely:-

"4 (1) The appointing authority in respect of the members of the Police Service specified in column (2) of the Schedule annexed hereto shall be as indicated in column (3) thereof.

....13/-

	1	2	3	4	5	6	7	8	9	10
@.										
4. Havildar Major and Sergeant 1st and 2nd echelon.	-	Comman- dant	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	IGP. in respect of orders passed by Commandant, P.A.P., and Chief Secretary in respect of orders passed by I.G.P.	
5. Havildar, Corporal 4th echelon and Corporal chef 1st and 2nd echelon.	Comman- dant	-	-	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P. in respect of orders passed by Commandant, P.A.P., and Chief Secretary in respect of orders passed by I.G.P.	
6. Naiks and Corporal 1st 2nd and 3rd echelon.	Comman- dant	-	-	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	- do -	
7. P.Cs. including Lance Naiks and Cipahis.	Comman- dant	-	-	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	- do -	
8. Beglars	Comman- dant	-	-	I.G.P.	I.G.P.	I.G.P.	I.G.P.	I.G.P.	- do -	

Note:- No appeal lies against the award of Minor punishments.

(By order of the Lieutenant-Governor)

V. PALANI,
Under Secretary to Government

reduced except by an authority competent to impose the penalty upon a member of such service class, category or grade as the

SCHEDULE
PONDICHERRY POLICE SUBORDINATE SERVICE
Lowerst Authority which may impose the penalty

Class of Subordinates	Black Mark of Minor Punishment	Reprimand	Censure	Withholding of increments or promotion or good conduct pay or imposing of fine	Reduction to a lower rank or to a lower grade or to a lower scale or removal from special office	Recovery from the pay	Suspension	Compulsory retirement or removal or Dismissal	Appellate Authority
1	2	3	4	5	6	7	8	9	10

Regular Police:

1. Inspector of Police
Reserve Inspector of Police Adjutant and M.D.L.Cs. Inspector I.G.P. I.G.P. I.G.P. I.G.P. I.G.P. I.G.P. Chief Secretary, Pondicherry.

2. Sub-Inspector of Police & Reserve Sub-Inspector of Police and M.D.L.s. Superintendent of Police I.G.P. I.G.P. I.G.P. I.G.P. I.G.P. I.G.P. I.G.P. in respect of orders passed by Supdt. of Police and Chief Secretary in respect of orders passed by I.G.P.

(2) The authority which may impose any of the penalties prescribed in rule 2 on a member of the service specified in column (2) of the Schedule to these rules shall be the authority specified in the corresponding entry in columns (4) (5), (6), (7) (8), (9), (10) and (11) whichever is relevant or any higher authority.

Provided that where in any case, a competent authority has imposed or declined to impose the penalty under this rule, a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case:

Provided further that no person be removed or dismissed from service by any authority subordinate to that by which he was appointed:

Explanation: (a) The fact that a lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this rule in respect of the same case:

(b) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case;

(c) (i) Where on promotion or transfer, a member of the service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter class, category, grade or service, as the case may be;

(II) Where a person has been reverted or reduced from one service to another or from one class, category or grade of the service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such service class, category or grade, as the case may be."

3. Amendment of the Schedule:- In the said rules, for the existing Schedule, the following shall be substituted, namely:-

...14/-

SCHEDULE
(See rule 4)

Class of Subordinate
Officers

Sl.No.

Sl.No.		Class of Subordinate Officers	
1	Inspector of Police	IGP	(1)
2	Sub-Inspector of	IGP	(2)
		IGP	(3)
		IGP	(4)
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3. Assistant Sub-Inspector of Police and other equivalent ranks.	IGP	-	IGP	IGP	IGP	IGP	IGP	IGP	IGP	Chief Secretary to Government, Pondicherry.
4. Head Constable and other equivalent ranks.	SSP	SSP	SSP	SSP	SSP	SSP	SSP	SSP	SSP	IGP
		*	*							
5. Police Constable/ Bugler/ Water Carrier/ Follower/ Police Constable (Women) and other equivalent ranks.	SSP	SSP	SSP	SSP	SSP	SSP	SSP	SSP	SSP	- do -

(By order of the Lieutenant-Governor)

K.R. RAMALINGAM,
Under Secretary to Government

* For the time being incharge of the branch where the incumbent is working.

Vide M.G.O. 56. dt. 1.9.88 of Home Department.