

GOVERNMENT OF GUJARAT

The Bombay Police (Punishments
and Appeals) Rules, 1958



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1962

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HOME DEPARTMENT

Sachivalaya, Bombay, 27th April 1956.

BOMBAY POLICE ACT, 1951.

No. 9087 / 5-II-D.— In exercise of the powers conferred by clause (c) of sub-section (2) of section 25 read with section 5 (b) of the Bombay Police Act, 1951 (Bom. XXII of 1951), the Government of Bombay is pleased to make the following rules, regulating punishments of Police Officers of and below the rank of Inspector of Police in the State of Bombay, and appeals therefrom, namely:—

1. (1) These rules may be called the Bombay Police (Punishments and Appeals) Rules, 1956.

(1-A) They shall extend to the whole State of Bombay.

(2) They shall apply to all Police Officers of and below the rank of Inspector in the State of Bombay (hereinafter referred to as the Police Officers).

2. No Police Officer to whom these rules apply shall be departmentally punished otherwise than in accordance with the provisions of these rules.

3. (1) Without prejudice to the provisions of any law for the time being in force, the following punishments may be imposed upon any Police Officer, namely :—

(a-1) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of order ;

✓ (a-2) Suspension ;

(i) Reduction in rank, grade or pay or removal from any office of distinction or withdrawal of any special emoluments ;

(i-a) Compulsory Retirement ;

(ii) Removal from service which does not disqualify from future employment in any department other than the Police Department ;

(iii) Dismissal which disqualifies from future employment in Government Service.

{ (1-A) (i) The appointing authority or any authority to which it is subordinate or any other authority empowered by the State Government in this behalf may place a Police Officer under suspension where:— }

(a) an inquiry into his conduct is contemplated or is pending , or

(b) a complaint against him of any criminal offence is under investigation or trial :

{ Provided that where the order of suspension is made by an authority lower in rank than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order of suspension was made. }

(Bk) K-2—1 (Mono)

Explanation.—The suspension of a Police Officer under this sub-rule shall not be deemed to be a punishment specified in clause (a-2) of sub-rule (1).

(ii) A Police Officer who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended by the appointing authority under this rule.

(iii) An order of suspension under sub-rule (1) may be revoked at any time by the authority making the order or by any authority to which it is subordinate.

(2) The following punishments may also be imposed upon any Police Officer if he is guilty of any breach of discipline or misconduct or of any act rendering him unfit for the discharge of his duty which does not require his suspension or dismissal or removal :—

- (i) Caution.
- (ii) A reprimand (to be entered in the service book).
- (iii) Extra drill.
- (iv) Fine not exceeding one month's pay.
- (v) Stoppage of increments :

Provided that —

(a) the punishment specified in clause (iii) shall not be imposed upon any officer above the rank of Constable ;

(b) the punishment referred to in clause (iv) shall not be imposed upon an Inspector.

Explanation.— For the purposes of this rule —

(1) A Police Officer, officiating in a higher rank at the time of the commission of the default for which he is to be punished, shall be treated as belonging to that higher rank ;

(2) The reversion of a Police Officer from a higher post held by him in an officiating capacity to his substantive post does not amount to reduction ;

(3) The discharge of a probationer whether during or at the end of the period of probation on account of his unsuitability for the service, amounts to removal.

4. No punishment specified in clauses (a1), (a2), (ia), (ii) and (iii) of sub-rule (1) of rule 3 shall be imposed on any Police Officer unless a departmental inquiry into his conduct is held and a note of the inquiry with the reasons for passing an order imposing the said punishment is made in writing under his signature.

5. The officers specified in column 1 of schedule I to these rules shall have power to inflict punishments of the kind specified in column 3 thereof on the officers specified in column 2 thereof, subject to the restrictions laid down in column 4 thereof.

6. Every Police Officer on whom any of the punishments specified in clauses (a-1), (a-2), (1), (ia), (ii) and (iii) of sub-rule (1) and in clauses (vii) and (viii) of sub-rule (2) of rule 3 is inflicted shall have a right to appeal to the authority specified under rule 9 against an order of the punishment:

Provided that no second appeal shall lie under this rule.

7. No appeal shall lie against an order inflicting any of the punishments specified in clauses (i) to (iii) of sub-rule (2) of rule 3.

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

9. (1) The authorities specified in column 2 of schedule II to these rules shall be the authorities to which appeals against the orders made by the officers respectively specified against them in column 1 of the said schedule shall lie.

(2) Where the appellate authority is a Board of Appeal appointed by the Commissioner of Police, consisting of two Deputy Commissioners of Police or two Assistant Commissioners of Police or a Deputy Commissioner of Police and an Assistant Commissioner of Police, and if the members of the Board do not agree as to the decision to be given in any such case, they shall record their opinion in writing and submit the case to the Commissioner of Police, who shall thereupon either decide the case himself or refer it for decision —

(i) if the Board consisted of two Deputy Commissioners of Police, then to another Deputy Commissioner of Police specially empowered by the Commissioner of Police in this behalf under sub-section (2) of section 10 of the Act and who has not in any manner dealt with the case;

(ii) if the Board consisted of one Deputy Commissioner of Police and one Assistant Commissioner of Police, then, to another Deputy Commissioner of Police specially empowered by the Commissioner of Police in this behalf under sub-section (2) of section 10 of the Act and who has not in any manner dealt with the case;

(iii) if the Board consisted of two Assistant Commissioners of Police, then to another Assistant Commissioner of Police or a Deputy Commissioner of Police specially empowered by the Commissioner of Police in this behalf under sub-section (2) of section 10 of the Act and who has not in any manner dealt with the case.

(3) Notwithstanding anything contained in this rule, where an appeal is made to any appellate authority other than the State Government or the Inspector-General, the Inspector-General may, for promoting the ends of justice or tending to the general convenience of the appellant or witnesses or officers concerned, of his own motion or otherwise, transfer such appeal for disposal to any other appellate authority competent to entertain the same.

10. Every appeal preferred under these rules shall contain all the material statements and arguments relied on by the appellant and shall contain no disrespectful or improper language and shall be complete in

itself. It shall be accompanied by a copy of the order appealed against and shall be submitted through the Head of the Office under whom the appellants serve or served.

11. Every appeal shall be made within two months of the date on which the appellants were informed of the orders appealed against :

Provided that the appellate authority may, at its discretion for good reasons shown, extend the period up to six months.

12. An appeal may be dismissed if the punishment is a non-appellable one or withheld where it does not comply with any of the requirements hereinbefore mentioned.

13. In every case in which an appeal is withheld, the appellants shall be informed of the fact and the reasons therefor.

14. No appeal shall lie against the withholding of an appeal by an appellate authority :

Provided that where an appeal is withheld on account of failure to comply with the provisions of rule 10, it may be re-submitted in a form which complies with that rule within one month of the date on which the order of withholding was communicated to the appellants.

15. 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 inflicting punishment ;

(c) whether the penalty is excessive, adequate or inadequate ;

and if it thinks necessary may require the authority passing the order to make further inquiry on any point or points specified and shall then pass such orders as it thinks just and proper, including the enhancement of any punishment given, or the awarding of a more severe punishment :

Provided that a punishment shall not be enhanced, or a more severe punishment awarded, in appeal, unless notice to show cause against such enhancement, or as the case may be, more severe punishment, has been given, and any cause shown thereon considered.

16. The authority from whose order an appeal is made under these rules shall give effect to any order made by the appellate authority.

16-A. The Inspector-General of Police may, for good and sufficient reasons to be recorded in writing, order the transfer of proceedings pending against a Police Officer under these rules from one Enquiry Officer to another. The Enquiry Officer to whom the enquiry is transferred shall hold the proceedings *de novo*.

17. (1) The Inspector-General of Police may, of his own motion or otherwise, call for and examine the record of any case in which an order has been made by an authority subordinate to him in the exercise of any power conferred on such authority by these rules and in which an appeal lies or any case arising under these rules in which an order of acquittal (whether an original order, order in appeal or order in revision) has been made by such authority and may —

- (a) confirm, modify or reverse the order, or
- (b) direct that further enquiry be held in the case, or
- (c) reduce or enhance the punishment inflicted by the order, or
- (d) make such other order in the case as he may deem fit :

Provided that where it is proposed to enhance the punishment inflicted by any such order or to impose punishment by setting aside the order of acquittal, the Police Officer concerned shall be given a reasonable opportunity of showing cause against the proposed enhancement or punishment.

(2) Every application for revision shall be made within two months of the date on which the applicant was informed of the order complained against. The Inspector-General may, in his discretion, for good cause shown, relax that period.

18. Notwithstanding anything containing in rule 17, the State Government may, of its own motion or otherwise, call for and examine the record of any case in which an order including an order of acquittal (whether an original order, order in appeal or order in revision) has been made by an authority subordinate to it in the exercise of any power conferred on such authority by these rules and may —

- (a) confirm, modify or reverse the order, or
- (b) direct that further inquiry be held in the case, or
- (c) reduce or enhance the punishment inflicted by the order, or
- (d) make such other order in the case as it may deem fit :

Provided that where it is proposed to enhance the punishment inflicted by such order or to impose punishment by setting aside the order of acquittal, the Police Officer concerned shall be given a reasonable opportunity of showing cause against the proposed enhancement or punishment.

19. (1) Where no appeal lies against any punishment inflicted by an authority competent to do so, his immediate superior officer may, of his own motion or otherwise, call for the record of any case in which an order has been made by such authority and may —

- (a) confirm, modify or revise the order, or
- (b) direct that further enquiry be held in the case, or
- (c) reduce or enhance the punishment imposed by the order, or
- (d) make such other order in the case as he may deem fit :

Provided that where it is proposed to enhance the punishment imposed by any such order, the Police Officer concerned shall be given an opportunity of showing cause against the proposed enhancement.

(2) Every application for revision shall be made within two months of the date on which the applicant was informed of the orders complained against. The revising officer may, in his discretion, for good cause shown, relax that period. ~~X~~

20. (1) Any rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of the rules.

(2) On the commencement of these rules in the Hyderabad, Vidarbha, Saurashtra and Kutch areas of the State, the following rules, in so far as they apply to Police Officers of and below the rank of Inspectors or to officers of corresponding rank, that is to say,

(1) the Hyderabad Civil Services (Classification, Control and Appeal) Rules 1955, as in force in the Hyderabad area of the State,

(2) the Central Provinces and Berar Police Regulations as in force in the Vidarbha area of the State,

(3) the rules regarding departmental punishment of officers and members of the Police Force, published in the former Government of Saurashtra, Home Department, Notification No. H/13-6, dated 19th August 1954, and

(4) the rules made by the Chief Commissioner of the State of Kutch and published in the Chief Commissioner of Kutch Notification No. S-180/52, dated the 5th November 1954,

shall stand repealed :

Provided that anything done or any action taken under any of the provisions of the rules so repealed shall in so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

SCHEDULE I

(See rule 5)

Designation of the officer having authority to punish	Rank of the officer who can be punished	Kind of punishment which may be imposed	Restrictions subject to which officer specified in column 1 is authorised to punish
1	2	3	4
I. DISTRICTS.			
✓ 1. Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restriction specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2) Inspectors All punishments specified in rule 3 except the following :— Extra drill, Fine.
✓ 2. Deputy Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. In cases where Sub-Inspectors have been appointed by the Inspector-General of Police, the Deputy Inspector-General of Police shall not inflict punishments of compulsory retirement, removal or dismissal.
	(2) Inspectors Caution and reprimand
✓ 3. District Superintendent of Police.	(1) Head Constables and Constables.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2) Sub-Inspectors All punishments specified in rule 3 except the following :— Extra drill, compulsory retirement, removal, dismissal.	

Home Dept
Encl. Branch.

SCHEDULE I—contd.

Designation of the officer having authority to punish	Rank of the officer who can be punished	Kind of punishment which may be imposed	Restrictions subject to which officer specified in column 1 is authorised to punish	
1	2	3	4	
I. DISTRICTS—concl'd.				
4. Assistant Superintendent of Police	Superintendent of Police	Head Constables	Caution, reprimand, fine, stoppage of increment and reduction in rank.	Punishment of fine, stoppage of increment and reduction in rank should not result in a monetary loss of more than Rs. 10.
Deputy Superintendent of Police.	Constables	Caution, reprimand, extra drill, fine, stoppage of increment and reduction in rank.	Punishment of fine, stoppage of increment and reduction in ranks should not result in a monetary loss of more than Rs. 10.
II. AREA FOR WHICH A COMMISSIONER OF POLICE HAS BEEN APPOINTED UNDER SECTION 7 OF THE BOMBAY POLICE ACT, 1951				
1. Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishments of extra drill shall be inflicted only on Constables.	
	(2) Inspectors All punishments specified in rule 3 except the following :— Extra drill, Fine.	..	
2. Commissioner of Police	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. In cases where Sub-Inspector have been appointed by the Inspector-General of Police, the Commissioner of Police shall not inflict the punishments of compulsory retirement, removal or dismissal.	
	(2) Inspectors All punishments specified in rule 3 except the following :— Extra drill, fine.		

(Bk) K-2-2 (Mono)

3. Deputy Commissioner of Police or Assistant Commissioner of Police.	(1)	All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.		All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. Punishments of recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, suspension, compulsory retirement, reduction, removal, dismissal or fine shall be inflicted only under the orders of the Commissioner of Police. In cases where defaulters were appointed by the Commissioner of Police or the Inspector-General of Police, the Deputy Commissioner of Police or the Assistant Commissioner of Police shall not inflict punishments of compulsory retirement, removal or dismissal.
	(2)	Inspectors	..	Caution and reprimand.	
4. Superintendent of Police.	(1)	Head Constables	..	The punishment specified in clauses (i) and (i) of sub-rule (2) of rule 3.	
	(2)	Constables	..		

III. POLICE TRAINING SCHOOL, NASIK

1. Inspector-General of Police.	(1)	All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.		All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2)	Inspectors	..	All punishments specified in rule 3 except the following:— Extra drill, fine.	
2. Deputy Inspector-General of Police.	(1)	All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspector.		All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. In case where Sub-Inspectors have been appointed by the Inspector-General of Police, the Deputy Inspector-General of Police shall not inflict punishments of compulsory retirement, removal or dismissal.
	(2)	Inspectors	..	Caution, reprimand and reduction.	

Done
E. J. Bhargava

SCHEDULE 1—contd.

Designation of the officer having authority to punish	Rank of the officer who can be punished	Kind of punishment which may be imposed	Restrictions subject to which officer specified in column 1 is authorised to punish
1	2	3	4

POLICE TRAINING SCHOOL, NASIK—contd.

3. Principal of the Central Police Training School, Nasik.	(1) Head Constables and Constables.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2) Sub-Inspectors	— All punishments specified in rule 3 except the following:— Extra drill, compulsory retirement, removal, dismissal.	—

IV. POLICE MOTOR TRANSPORT SYSTEM

A. Districts

1. Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2) Inspectors	— All punishments specified in rule 3, except the following:— Extra drill, fine.	..
2. Deputy Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. In cases where Sub-Inspectors have been appointed by Inspector-General of Police, the Deputy Inspector-General of Police shall not inflict punishments of compulsory retirement, removal or dismissal.
	(2) Inspectors	— Caution, reprimand and reduction.	..

SCHEDULE 1—concl'd.

Designation of the officer having authority to punish	Rank of the officer who can be punished	Kind of punishment which may be imposed	Restrictions subject to which officer specified in column 1 is authorised to punish
1	2	3	4
V. POLICE WIRELESS SYSTEM			
<i>A. Districts.</i>			
1. Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable, except Inspectors.	All punishments specified in rule 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables.
	(2) Inspectors — —	All punishments specified in rule 3 except the following:— Extra drill, fine.	—
2. Deputy Inspector-General of Police.	(1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable, except Inspectors.	All punishments specified in column 3 subject to restrictions specified in column 4.	Punishment of extra drill shall be inflicted only on Constables. In cases where Sub-Inspector have been appointed by the Inspector-General of Police, the Deputy Inspector-General of Police shall not inflict punishments of compulsory retirement, removal or dismissal.
	(2) Inspectors — —	Caution, reprimand and reduction.	..
3. Superintendent of Police, Wireless, Poona, or the District Superintendent of Police.	(1) Sub-Inspectors — —	All punishments specified in rule 3 except the following:— Extra drill, compulsory retirement, removal, dismissal.	..
	(2) Head Constables — —	All punishments specified in rule 3 except extra drill.	—
	(3) Constables	All punishments specified in rule 3.	..

*B. Area for which a Commissioner of Police has been appointed
under section 7 of the Bombay Police Act, 1951.*

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|---|---|---|--|
| 1. Inspector-General of Police. | (1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors. | All punishments specified in rule 3 subject to restrictions specified in column 4. | Punishment of extra drill shall be inflicted only on Constables. |
| | (2) Inspectors | -- All punishments specified in rule 3 except the following:—
Extra drill, fine. | -- |
| 2. Commissioner of Police, Bombay. | (1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors. | All punishments specified in rule 3 subject to restrictions specified in column 4. | Punishment of extra drill shall be inflicted only on Constables. In cases where Sub-Inspectors have been appointed by the Inspector-General of Police, the Commissioner of Police shall not inflict the punishment of compulsory retirement, removal or dismissal. |
| | (2) Inspectors | .. All punishments specified in rule 3 except the following:—
Extra drill, fine. | -- |
| 3. Deputy Commissioner of Police or Assistant Commissioner of Police, Bombay. | (1) All officers to whom the Bombay Police (Punishments and Appeals) Rules, 1956, are applicable except Inspectors. | All punishments specified in rule 3 subject to restrictions specified in column 4. | Punishment of extra drill shall be inflicted only on Constables. In cases where the defaulters have been appointed by the Inspector-General of Police, the Commissioner of Police, Bombay, the Deputy Inspector-General of Police, the Deputy Commissioner of Police, or Assistant Commissioner of Police shall not inflict punishment of compulsory retirement, removal or dismissal. |
| | (2) Inspectors | -- | -- Caution and reprimand. |
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SCHEDULE II

(See rule 9)

Authority inflicting punishment

Appellate Authority

I. DISTRICT

Inspector-General of Police.	The State Government.
Deputy Inspector-General of Police.	Inspector-General.
District Superintendent of Police.	Deputy Inspector-General of Police.
Assistant Superintendent of Police or Deputy Superintendent of Police.	Superintendent of Police.

II. AREA FOR WHICH A COMMISSIONER OF POLICE HAS BEEN APPOINTED
UNDER SECTION 7 OF THE BOMBAY POLICE ACT, 1951

Inspector-General of Police	The State Government.
Commissioner of Police	The State Government.
Deputy Commissioner of Police	Appellate Board consisting of two Deputy Commissioners of Police.
Assistant Commissioner of Police.	Appellate Board consisting of two Deputy Commissioners of Police or one Deputy Commissioner of Police and one Assistant Com- missioner of Police or two Assistant Commissioners of Police.

III. POLICE TRAINING SCHOOL, NASIK

Inspector-General of Police	The State Government.
Deputy Inspector-General of Police.	Inspector-General of Police.
Principal, Central Police Training School.	Deputy Inspector-General of Police.

IV. POLICE MOTOR TRANSPORT SYSTEM

Inspector-General of Police.	The State Government.
Deputy Inspector-General of Police.	Inspector-General of Police.
Superintendent of Police, Motor Transport or Superintendent of Police of the District.	Deputy Inspector-General of Police.

V. POLICE WIRELESS SYSTEM

Authority inflicting
punishment

Inspector-General of Police.
Deputy Inspector-General of Police.
Superintendent of Police, Wireless
or Superintendent of Police of
the District.

Appellate Authority

The State Government.
Inspector-General of Police.
Deputy Inspector-General of
Police.

By order and in the name of the
Governor of Bombay,

D. S. JOSHI,
Secretary to Government.

By order and in the name of the
Governor of Bombay,

A. L. DIAS,
Secretary to Government.

