

POLICE CIRCULAR ORDER NO. 251

There is a misconception that Police Officers and men being involved in criminal cases and on Court bail while under suspension or otherwise are not liable to disciplinary control of the Heads of the Police Establishment. They do not attend their roll calls regularly or present themselves, regularly at specified places as decided by the competent authorities. It is hereby clarified that Police Officers and men whether under suspension or Court bail or both continue to remain under disciplinary control of the competent authority. They are to attend regular roll calls and also to report their presence at specified places as intimated to them by competent authorities. If they fail to do so they are liable to disciplinary action. However, since no leave can be granted during the period of suspension, reasonable leave of absence may be granted to them on their request for attending court, contacting lawyers and also for urgent personal work. The Police officers and men can not unauthorisedly remain absent from specified Hdqrs. In this connection Home Department letter No. 21491/P2B-2/61 dated 4-9-1962 addressed to I.-G. of Police is re-produced below, for your information and guidance.

"With reference to your letter No. 144478-A dated the 1st July, 1961, on the subject noted above, I am directed to say that under Section 8 of the Police Act, 1861, as amended by Section 3 of the Police Amendment Act, 1895 a Police Officer shall not by reason of being suspended from Office cease to be a Police Officer. During the term of such suspension, the powers function and privileges vested in him as a Police Officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended. It is thus clear from the above provisions of the Act that when a Police Officer or a Police man has been placed under suspension even if it be in consequence of his arrest in a criminal case, the provisions of Section 8 of the Police Act apply and as stated in Political and Services Department Memo. No. 650 (9) dated the 17th January, 1962, his Hdqrs will be his last place of duty and he will continue subject to the same responsibilities, discipline and penalties as if he has not been suspended".

(IIW-2-83-Appeal)

N. SWAIN
Director General of Police and
Inspector-General of Police.