

POLICE ORDER No. 235

SUBJECT—Memorials and petitions, appeals and representations, etc., to the Inspector-General of Police by Police Officers.

In recent times, the habit of submitting petitions of varieties to the Inspector-General of Police appears to be on the increase. While it is true that the Orissa Police is a legally constituted Force in which it is one of the fundamental duties of Superior Police Officers to look after the welfare of those who are under their command, the absence or lack of a proper method would result only in confusion and indiscipline. Properly understood the scheme laid down in Orissa Police Manual and operated over several years is both clear and logical. The present slackness in its application appears to have been caused by a few misunderstood precedent cases which have been given general validity and by a narrow interpretation of particular provisions without understanding the true meaning which only the context and the spirit of the entire scheme would supply.

All officers must re-read P. M. Rules 700, 701, 701-A as well as P. M. Rules 851, 852 and 853 for this purpose.

It will be noted with care that the first 3 P. M. Rules are in the chapter headed DISCIPLINE. The second set of P. M. Rules are in a separate chapter headed PUNISHMENTS. Thus, while the P. M. Rules 700, 701, 701-A are meant to enable discipline to be maintained within the force by attention to grievances, the other P. M. Rules 851, 852 and 853 are meant to deal with cases in which specific punishments have been awarded after observing appropriate procedure.

The discipline rules mention the words memorial and petitions. In the context of punishments the words used are petitions of appeal and petition for revision of orders. In P. M. Rules 701 the word representation has been used, but its meaning has been clarified by saying that it does not include petitions of appeal. As it comes after P. M. Rules 700, it is obvious that representations refer to general petitions as conceived in P. M. Rule 700. The subject-matter of such representations has also been laid down as "relating to their personal services". In other words, representations mean petitions relating only to the conditions of service.

It is thus very clear that whenever a petition of any sort is received by a superior Police Officer, he should first categorise it. Normally officers of the rank of S.-Is. and upwards can be expected to understand this but granting that technically there is no such classification by the petitioner himself, it would certainly be in the interests of general welfare that S. D. P.Os. and others who receive the papers must study them and classify them.

The classification would firstly be into the two following classes—

- (a) Relating to a service condition
- (b) Relating to a punishment

The difference is clear because while in category—

- (a) The petitioner may not himself be responsible, in category.
- (b) Namely punishment, the petitioners' action gives rise to it and he himself is responsible for what has followed.

The general scheme envisages a certain amount of latitude in terms of time. Whereas in category (b) above, the timing is fixed at 6 months extendable to 12 months in reasonable cases the general convention has been to follow roughly the same timing even for category (a) cases.

Once the petition is thus classified the procedure becomes very clear.

The word "memorial" used in P. M. Rule 700 (a) relates only to matters which goes to Government's notice. Thus strictly speaking there is no memorial which the Inspector-General can dispose of. All though the words memorial to Inspector-General are being popularly used by the subordinate ranks, they would have to be classified into—

- (a) Representations, (b) Petition of appeal, (c) Petition for revision of orders as the case may be.

P. M. Rule 853 whose interpretation has caused some confusion, is merely a rule under the Police Act vesting revisionary powers in certain authorities, when orders are passed in revision they become the original orders of the authority concerned.

The above system which merely clarifies matters should be adopted forthwith. The use of correct language in classifying the petitions should be adopted in all District Offices, Range Offices and at the State Police Headquarters.

At all the above three offices, Registers should be maintained for supervisory and statistical assistance. These may commence from 1st January, 1969. All cases handled from that date must find entry in these registers although the origins may be in earlier years.