



CEYLON POLICE GAZETTE.

ISSUED ON TUESDAYS AND FRIDAYS.

Part I.—Departmental Orders.

- 1.—All Departmental Orders will in future be published in Part I. of the *Ceylon Police Gazette*, which should be filed separately from Part II., which will consist of the old "Hue and Cry."
 2.—The Inspector-General's Circular Guard File is abolished.

24.—Rules regarding Punishment of Members of the Force.

Order No. 17.

1. The following are the punishments which may be inflicted upon members of the Force :—
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| (1) Warning. | (7) Fines. |
| (2) Reprimand. | (8) Reduction. |
| (3) Extra Drill. | (9) Suspension. |
| (4) Extra Fatigue. | (10) Dismissal. |
| (5) Confinement to Barracks. | (11) Prosecution. |
| (6) Black Marks. | |
2. No officer under the rank of Assistant Superintendent of Police shall have power to inflict punishment upon any Sergeant or Constable.
3. The procedure with regard to extra drill, extra fatigue, warnings, reprimands, confinement to barracks, black marks, and fines will be as follows :—
- (i.) *In a Headquarter Station*, on receipt of a report against a Police Officer, the Senior Officer of the Station will make a brief inquiry, and, if he considers that the defaulter should be brought up at the Orderly Room, he will enter up the facts briefly in the Orderly Room Book (Police Form 24), initial the entry, and warn the defaulter to attend with his witnesses, if any, at the next Orderly Room. At Orderly Room the witnesses and the defaulter will be marched in, and the charge and evidence against him will be read over to the defaulter in a language which he understands, and he will be called upon to plead. If he pleads guilty, or if his plea is a practical admission of guilt, the Officer taking the Orderly Room may proceed to pass such orders as seem fit, entering the purport of the order briefly in his own hand. If the defaulter denies the charge, the witnesses against him will then be examined in his presence, and at the conclusion of their examination he will be allowed to cross-question them on relevant points. After the last witness has been cross-examined the defaulter will be allowed to make any statement he wishes, and if the Officer taking Orderly Room permit him to do so, may call witnesses, whom he shall have ready to be examined on his behalf. At the conclusion of the inquiry the Officer will record his finding and order in his own hand in the Orderly Room Book.
- (ii.) *In an Outstation*, on receipt of a complaint or information against any of his subordinates, the Officer in charge of the Station shall make a brief inquiry, and, if he considers that the matter should be reported, shall record a charge against the accused in the Outstation Default Form (Police Form 23). He shall then take down the evidence against the defaulter in his presence in the Form, allowing him to ask the witnesses such relevant questions as he wishes. He shall then give the defaulter a written copy of the charge, to which the defaulter shall forthwith append his explanation. If the defaulter produce any relevant witnesses, the Officer in charge of the Station shall examine them and attach their statements to the complaint form. The whole file, that is, the default form, the defaulter's explanation, and the statements of the defence witnesses (if any), shall then be forwarded to the Superintendent or Assistant Superintendent of Police for orders.
4. The rules regarding black marks are as follows :—
- (1) When the Superintendent or Assistant Superintendent of Police considers that extra drill or confinement to barracks is not a sufficient punishment, one black mark, and no more, may be awarded.
- (2) Uninterrupted good conduct for three months spent on duty cancels one black mark, and each successive period of uninterrupted good conduct for three months spent on duty cancels one black mark. One year's uninterrupted good conduct spent on duty cancels all black marks.
- (3) Five black marks entail reduction, or, in the case of a Third Class Constable, entail reversion to the inefficient list (on Rs. 15 per mensem). Ten black marks entail dismissal.

(4) A reduction in consequence of five black marks cancels the black marks obtained. In the case of a Third Class Constable the reduction will be to the inefficient list, from which he will regain his place after he has reduced the number of his black marks to less than five.

(5) An outstanding black mark is a bar to promotion.

(6) Black marks shall take effect from the date of the offence, unless otherwise specially ordered in the Orderly Room Book.

(7) When ordering a black mark, the Superintendent or the Assistant Superintendent of Police will be careful to warn the defaulter how many black marks he has outstanding against him, which can be readily ascertained from the Service Register, and a note to this effect "Warned Black Marks outstanding" entered in the Orderly Room Book, or Outstation Default Form.

(8) Care must be taken not to award a black mark on every occasion on which it would only be necessary to warn, reprimand, or inflict extra drill or confinement to barracks on an officer. A black mark should only be given when but for these rules it would be necessary to impose a fine.

(9) Extra drill or confinement to barracks may be awarded in conjunction with a black mark.

5. (i.) The practice of inflicting fines should not be resorted to except when no other adequate punishment can be inflicted. And this should rarely be so, for a reduction of five or six places in the Seniority List can be ordered, and this is a far more severe punishment. A careful working of the black mark rules will soon cause the determined shirker to come to the verge of dismissal, when he will either have to reform or go; whereas the infliction of a heavy fine upon scanty means necessarily drives men to dishonesty.

(ii.) Fines, however, may be inflicted for the offence of absence without leave, but the fine should not be heavier than the pay earned during the period of absence. In the case of determined shirkers, a black mark may be added to each fine.

(iii.) When a fine exceeds Rs. 10, it shall be recovered in successive instalments, and not more than Rs. 10 shall ever be deducted from one month's pay.

6. (i.) Suspension must not be resorted to as a specific punishment, but may be ordered pending inquiry or prosecution, and must be ordered in all cases where a charge is framed against a Police Officer in a Police Magistrate's, District Judge's, or the Supreme Court.

(ii.) When the result of the inquiry or prosecution is reported, the Superintendent or Assistant Superintendent of Police should report how the suspension is to be treated, that is, (1) whether it should be cancelled and the officer given full arrears of pay, (2) whether it should remain as "Period under suspension," (3) whether it should be converted into leave on half pay, or whether in cases of dismissal the dismissal should be dated from the date of his suspension. It must be remembered that suspension entails a break in service.

7. In cases where reduction or dismissal are imperative, the Superintendent or Assistant Superintendent of Police, after perusal of the Orderly Room Book, Default Form or Report, shall frame a charge and fix a date for inquiry, communicating at the same time to the defaulter (a written copy of) the charges made against him.

At the inquiry, the officer holding the inquiry shall read over the charge to the accused, and shall ask him whether he admits or denies the offence with which he is charged. In case he admits it, such evidence only as will show the nature and extent of the offence shall be taken, and the accused shall be permitted to make a statement. If the accused denies the charge, the officer holding the inquiry shall take evidence in respect to the charge, and the witnesses may be examined by the person who preferred the charge and cross-examined by the accused, and the accused may make a statement in his defence, and may call witnesses, whom he shall have ready, who may be examined by the accused and cross-examined by the person who preferred the charge; and the officer holding the inquiry may examine and re-examine any witness at any period of the inquiry. After the evidence has been taken, the officer holding the inquiry shall record his opinion of the case and forward the proceedings to the Inspector-General of Police, who shall decide on the finding and, if necessary, award a punishment. In cases of reduction of a Police Constable the papers need not be sent to the Inspector-General of Police, as Government Agents in charge of Police and Superintendents of Police have the power of reduction (*vide* paragraph 11).

8. No member of the Police Force must be prosecuted in court without the order of the Inspector-General of Police being first obtained, except in a case in which he has been arrested without warrant for a cognizable offence against the public, such as theft or grievous hurt, when his production before the Police Magistrate is, in the ordinary course, necessary. This order of Government refers to such offences as desertion, neglect of duty, misconduct towards the public, and others which, on complaint by a member of the public or on report by his own officer, may be generally best dealt with departmentally. For such offences as departmental defalcations, Government Circular No. 60 of the 5th June, 1896, which directs that the approval of Government to prosecute must be obtained, must be followed.

All cases of prosecution in court of members of the Police either by the Police or by a member of the public must be reported to Government through the Inspector-General of Police.

9. Superintendents and Assistant Superintendents of Police may warn and reprimand Inspectors, Sergeant-Majors, and Station House Officers, and may administer formal written reprimands to them, which should be entered up in the note book specified in paragraph 10. But where it is desired that the Inspector should be severely reprimanded or more severely dealt with, a full report upon the case with the documents bearing upon it should be submitted to the Inspector-General of Police for orders with the Superintendent's recommendation. Such reprimands by the Inspector-General will be entered in the Inspector's Defaulter's Book to be kept in the Inspector-General's Office.

10. Superintendents should keep a confidential note book of Inspectors, Sergeant-Majors, and Station House Officers, noting therein specific delinquencies for which they have formally reprimanded these officers, in order that they may, when an Inspector, Sergeant-Major or Station House Officer repeatedly neglects his work, be in a position to lay their hands readily upon the material on which to furnish a report against them. This book will be regularly inspected by the Inspector-General of Police at inspection.

11. The powers of punishment are as follows :—

	Inspectors.	Sergeant-Majors.	Station House Officers.	Sergeants.									Constables Grade.					
				1st Class : Grade.			2nd Class : Grade.			3rd Class : Grade.			1	2	3			
				1	2	3	1	2	3	1	2	3						
Dismissal ..	.. Govt.	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG
Reduction ..	.. Govt.	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	IG	SP	or	GA
Suspension ..	.. Govt.	IG	IG	Superintendent or Assistant Superintendent of Police.														
Fine ..	.. Govt.	IG	IG	Superintendent or Assistant Superintendent of Police or Additional Superintendent or Additional Assistant Superintendent up to Rs. 5.														
Black Mark ..	.. —	IG	SP	IG up to one month's pay. Superintendent or Assistant Superintendent of Police or Additional Officers.														
Confinement to barracks up to 14 days	—	—	—	Superintendent or Assistant Superintendent of Police or Additional Officers.														
Extra fatigue (up to 14 days, not more than 1 hour per day)	—	—	—	Superintendent or Assistant Superintendent of Police or Additional Officers.														
Extra drill (up to 14 days, not more than 1 hour per day) ..	—	—	—	Superintendent or Assistant Superintendent of Police or Additional Officers.														
Reprimand ..	.. SP	SP	SP	Superintendent or Assistant Superintendent of Police.														
Warn ..	.. SP	SP	SP	Superintendent or Assistant Superintendent of Police.														

12. The books and forms to be kept for the purpose of punishments are :—

- (1) The Orderly Room Book (Police Form 24).
- (2) The Outstation Default Form (Police Form 23).
- (3) The Service Register (Police Form 22).
- (4) The Constabulary Register (Police Form 72).
- (5) Conduct Book of Inspectors, Sergeant-Majors, and Station House Officers (Inspector-General's Office). Blank Book.
- (6) Conduct Book of Inspectors, Sergeant-Majors, and Station House Officers (Superintendent's Office). Blank Book.
- (7) Depot Slip Book (Police Form 79).
- (8) Quarterly Return of Departmental and Revenue Fines (General Form 48).

13. The uses of the Orderly Room Book are described in paragraph 3 (i.) *supra*; columns 1 to 6 are to be filled in by the senior Officer of the station or division to which the defaulter belongs, and columns 7 to 11 by the officer holding Orderly Room.

14. The uses of the Complaint Form are described in paragraph 3 (ii.) *supra*. Nothing is to be written by the Officer in charge of the Station on the back of the form: this is for the use of the Office.

Note.—It will be observed that the explanation of the Constable is by rule 3 (i.) to be written by himself and signed on a separate paper.

15. The following punishments only will be entered in the Service Register :—

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|-----------------|--|-----------------|
| (1) Black Marks | | (4) Suspension |
| (2) Fines | | (5) Dismissal |
| (3) Reduction | | (6) Prosecution |

The Orderly Room Clerk is the officer responsible for making these entries. They should be made from the Orderly Room Book or from the Complaint Forms, which will be returned for that purpose.

16. Whenever a man is punished the Superintendent should have his Service Register before him, from which he can easily calculate the number of black marks outstanding. Black marks wiped off under rule 4 (2) should be cancelled in red ink under the Superintendent's or Assistant Superintendent's initial.

17. Service Registers must be written up from the Orderly Room Books, which will be sent into the office for the purpose every day, and from complaint forms on the day after orders are passed. Every entry in the Service Register must be verified by the Head Clerk and bear his initials.

18. In order to preserve a record of punishments a copy of every entry made in the Service Register will be sent to the Inspector-General's Office in Depot Slip Form No. 79. Here it will be entered up in the Constabulary Register (Police Form 72) for the whole Island which will thus be exact copies of the Service Register.

19. The following statement shows the duties of the Orderly Room Clerk :—

The Orderly Room Book after Orderly Room, and the Complaint Form after orders are passed upon it, must be sent to the Orderly Room Clerk, who will—

- (1) Enter up the Service Registers of the Constables.
- (2) Enter up the slips for the Depot.
- (3) Hand over the slips to the Pay Clerk, who will note the deductions in a blank book and initial the slips. Slips entailing no deductions are not to be initialled. This will enable the Head Clerk to keep a ready check.
- (4) Produce Orderly Room Book or Default Forms, with Service Registers and Depot Slips before the Head Clerk, who will initial the entries after comparing them.
- (5) Hand over the slips and Service Registers to the Despatching Clerk to be sent to Depot and the Orderly Room Book or Default Form to the same Clerk to be sent back to the Inspector.
- (6) Prepare at the end of each quarter the quarterly return from the counterfoil of the Depot Slip.

20. The Constabulary Register Clerk in the Inspector-General's Office will—

- (1) Enter up the defaults in the Constabulary Register.
- (2) File the office slips by Provinces.
- (3) Call in all Service Registers by districts, and in Colombo by Stations, once a year for check. Such registers are not to be kept longer than a day.

N.B.—These rules will be brought into force as soon as the Constabulary Registers in the Inspector-General's Office are ready, which date will be notified later.

Inspector-General's Office,
Colombo, November 23, 1906.

C. C. LONGDEN,
Inspector-General of Police.