

## **STANDING ORDER NO. A - 19**

**(Previous Standing Order No. 123/2008)**

### **SUSPENSION**

#### **INTRODUCTION**

1. By reason of suspension, the person suspended does not lose his post nor does he suffer any degradation. He ceases to exercise the power and to discharge the duties of the office for the period the order of suspension remains in force. His powers, functions and privileges remain in abeyance but he continues to be subject to the same discipline and penalties and to the same authorities. The object and purpose of placing a police officer under suspension is to keep him away from a position where he can interfere with the conduct of enquiry in any manner, or where, having regard to the nature of the charges against him, it is felt that it would be unsafe to continue to vest in him the power of his post. Suspension not being the rule but only an exception, the power to suspend should be very sparingly exercised. Public interest should be the guiding factor in deciding to place a Police Officer under suspension and the discretion vested in the competent authority in this regard should, therefore, be exercised with care and caution after taking all factors into account. It should also be specifically examined whether the desired object can be served by transferring the Police Officer to some other Unit or Office or the Lines.

#### 2. **WHEN A POLICE OFFICER MAY BE SUSPENDED**

A Police Officer may be placed under suspension in the following circumstances:

- (i) Where the continuance in office of the Police officer is likely to prejudice investigation, trial or any enquiry (e.g. apprehended tampering with witnesses or documents).
- (ii) Where the continuance in office of the Police Officer is likely to seriously subvert discipline in the office in which he is working.
- (iii) Where the continuance in office of the Police Officer will be against the wider public interest.
- (iv) Where a preliminary enquiry into the allegations made has revealed a prima-facie case justifying criminal or departmental proceedings which are likely to lead to his conviction or to end in the award of one of the major punishments to the Police Officer.
- (v) Where the Police Officer is suspected to have engaged himself in activities prejudicial to the interest of the security of the state.



Even in the above circumstances, an official may be placed under suspension only in respect of misdemeanors of the following type:

- (a) Any offence or conduct involving moral turpitude.
- (b) Corruption, embezzlement or misappropriation of Government money, possession of due to disproportionate assets, misuse of official power for personal gain.
- (c) Serious negligence, indiscipline and dereliction of duty resulting in considerable loss to Government.
- (d) Dereliction of duty.
- (e) Refusal or deliberate failure to carry out written orders of superior officers.
- (f) Involved in cases of dowry deaths.
- (g) Escape of prisoners from police custody.

### **3. DEEMED SUSPENSION**

A Police Officer shall be deemed to have been placed under suspension by an order of the competent authority:

- (i) With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours.
- (ii) With effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction. For this purpose the period of 48 hours shall be computed from the commencement of the imprisonment after the conviction and intermittent periods of imprisonment, if any, shall be taken into account.
- (iii) Where a penalty of dismissal or removal from service awarded to a Police Officer under suspension is set aside in appeal or on review under the rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (iv) Where a penalty of removal from service imposed upon a Police Officer is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty



of dismissal or removal was originally imposed, the Police Officer shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

#### **4. DURATION OF ORDER OF SUSPENSION**

- (a) An order of suspension made or deemed to have been made under the rules shall continue to remain in force until it is modified or revoked by the authority Competent to do so.
- (b) Where a police officer is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of the suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing direct that the police officer shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under the rules 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.

#### **5. SPEEDY FOLLOW-UP ACTION IN SUSPENSION CASES & TIME-LIMITS PRESCRIBED**

In order to keep the number of officials under suspension to the minimum possible and also reduce this period to the barest minimum, the following instructions on the subject are being reiterated for guidance and strict compliance:

- (i) The suspension of lower and upper subordinates shall be immediately reported to the Joint/Additional Commissioner of Police through the respective Distt./Unit DCsP.
- (ii) All Distt./Unit DCsP will ensure that suspension registers are sent to the Addl. CsP/Joint CsP concerned for his information in the first week of every month. The Distt./Unit DCsP must ensure that the departmental enquiries against suspended police officers and men are not allowed to linger on unnecessarily. The disciplinary proceedings against suspended Police Officer should be taken up expeditiously with a view to completing them within three months from the date of suspension. The DCsP ordering suspension must keep a vigilant watch over the progress of each case. Each DCP should



maintain a register in which the progress of each case of suspension is to be recorded. These registers should be sent to the Joint/ Addl. Commissioner of Police concerned for his information in the first week of every month. All factors delaying the enquiry must be examined with care with a view to completing the proceedings within this time limit. DCP/DE Cell will send to the Distt./Unit DCsP concerned a report on 15<sup>th</sup> of every month showing progress of departmental enquiries pending in D.E. Cell against suspended police officers/men.

Police investigation in cases in which a Police Officer is involved and has been suspended should be completed with the utmost speed and every effort must be made to complete the investigation within a period of three months from the date of suspension. However, in cases in which it may not be possible to do so, the Distt./Unit DCsP should report the matter to their Addl. CsP/Joint CsP explaining the reason for the delay.

In departmental cases, the total period of suspension, i.e. both in respect of investigation and disciplinary proceedings, should not ordinarily exceed six months.

All the Distt./Unit DCsP should scrupulously observe the time-limit laid down in the preceding paragraph and review the cases of suspension to see whether continued suspension in all cases is really necessary. The authorities superior to the disciplinary authorities should also give appropriate directions to the disciplinary authorities keeping in view the provisions contained above.

- (iii) In each case where suspension has to be continued beyond a period of six months, the concerned Dy. Commissioner of Police shall obtain prior approval of the Joint/ Addl. Commissioner of Police for continuing the suspension in such cases. Ordinarily such extension of time will not be granted for more than a further period of three months. This permission will, however, have to be obtained before the period of six months from the date of suspension expired.

During the term of such suspension the powers, functions and privileges vested in him as a Police Officer shall remain kept in abeyance, but he shall continue to be subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been suspended.

## **6. STATUS AND TREATMENT OF OFFICERS UNDER SUSPENSION**

A Police Officer under suspension shall be transferred to the Lines, if not already posted there. He shall attend all roll calls and shall be required to perform such duties and to attend such parades as the Dy. Commissioner of Police may direct, provided that he shall



not perform guard duty or any other duty entailing the exercise of the powers or functions of a Police Officer. He shall not be placed on any duty involving the exercise of responsibility and shall not be issued with ammunition. Police Officer under suspension shall ordinarily be confined to Lines when off duty, but shall be allowed reasonable facilities for the preparation of his defence.

**7. REPORT OF ARREST TO SUPERIORS BY POLICE OFFICER**

It shall be the duty of a Police Officer who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected therewith to his official superior promptly, even though he might have subsequently been released on bail. On receipt of the information from the person concerned or from any other source the departmental authorities should decide whether the fact and circumstances leading to the arrest of the person call for his suspension. Failure on the part of any Police Officer to inform his official superiors will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for due to outcome of the police case against him.

**8. DATE OF EFFECT OF ORDER OF SUSPENSION**

Suspension shall take effect only from the date on which it is made except in cases in which a Police Officer is deemed to have been placed under suspension in the circumstances described in paragraph 3 above. No order of suspension should be made with retrospective effect except in the case of deemed suspension. A retrospective effect except in the case of deemed suspension.

**9. PAYMENT OF SUBSISTENCE ALLOWANCE**

A Police Officer under suspension is entitled to subsistence and other allowances from the date and during the period of suspension under the statutory provisions of F.R. 53. The subsistence allowance shall not be denied on any ground unless a Police Officer is unable to/ does not furnish a certificate that he is not engaged in any other employment, business, profession or vocation, during the period of suspension. Review of the rate of subsistence allowance after a continuous suspension of more than 90 days as required under F.R. 53 is for strict compliance.

10. The power to dispense with the suspension in the cases where a criminal charge is pending vests in the Addl. Commissioner of Police/Joint Commissioner of Police/Commissioner of Police. In special circumstances, when a Police Officer is charged with a criminal



offence and the concerned DCP is of the view that he should not be placed under suspension, this case should be referred to the Joint CP/Addl. CP with reasons showing why suspension is considered undesirable.

11. The misconduct of a Police Officer should be judged in relation to the position he was occupying at the time when such misconduct is alleged to have taken place. An officer officiating in higher rank shall be treated as belonging to that rank for the purpose of punishment.

These are only a few of the points. It is absolutely necessary that the provisions as laid down in the Delhi Police (Punishment and Appeal) Rules, 1980 F.R.S.R. (FR-13, FR-53, FR-54, FR-54A and FR-54B, and FR-55 and FR-56) and the various instructions/circulars issued there under are carefully read and followed by all officers dealing with suspension..

This supersedes previous standing orders No. 123 issued vide No. 5602-30/CR dated 20.5.64 and 2324-2400/R-DCP: DE Cell: Vigilance dated 31.3.1989.



**(Yudhbir Singh Dadwal)**  
**Commissioner of Police**  
**Delhi**

**O.B. No 138 /Record Branch/PHQ dated 30-11-2009**

No. 21801-900 /Record Branch/PHQ Dated Delhi, the 30-11-2009



**Asstt. Commissioner of Police**  
**Rashtrapati Bhawan, New Delhi**