

Chapter 7

Conduct and Discipline

1. Introduction

An organisation like the police and its personnel must, at all times, exhibit high standard of official and personnel conduct and must maintain prescribed norms of discipline under all circumstances. Members of the Indian Police Service are governed by the All India Services (conduct) Rules, 1968. State police officers are governed by the Sikkim Government Servants' Conduct Rules, 1981.

2. Conduct Rules

- 1) Members of the Indian Police Service are governed by All India Services (Conduct) Rules, 1968 which may be referred to for details and executive instructions issued under these by Government of India.
- 2) Officers of the State Police are governed by the Sikkim Government Servants' Conduct Rules, 1981. For details the relevant rules and government orders issued in this regard may be referred to.
- 3) The rules in brief and norms of personnel and official behaviour to be observed by police officers of all ranks while on or off duty are enumerated below. The performance of every officer whether for recognition or for disciplinary action shall be judged on the basis of these principles:
 - (1) Conduct Prohibited for Police Officers:
 - 1) No Police Officer shall withdraw himself from duties of his office unless expressly allowed to do by the competent authority.
 - 2) No Police officer shall resign his office unless he has given notice in writing to his superior officer or not less than one month, and it has been accepted as per the rules prescribed by the State Government for its employees.

3) No Police Officer shall engage in activity of any other office unless expressly permitted to do so in writing by the Director General of Police or an officer authorized by him.

(Ref: Section 64 of the Sikkim Police Act, 2008)

(2) Police Officer not to abdicate duty without proper authorization:

No Police Officer shall abdicate his duties or withdraw himself from his place of posting or deployment without proper authorization.

Explanation: An officer who, being absent on authorized leave fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed within the meaning of this section to withdraw himself from the duties of his office.

(Ref: Section 129 of the Sikkim Police Act, 2008)

(3) Police Officer not to engage in employment or office of profit:

No Police Officer shall engage in any employment or office of profit whatsoever, other than his duties under this Act unless expressly permitted to do so in writing by the Central or State Government in case of Indian Police Service and State Police Service officers respectively, and the Director General of Police in every other case. Participation in sports activities, undertaking of honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character or any examinership offered by the Union and State Public Service Commissions etc. will not violate the provisions of the said restrictions.

(Ref: Section 130 of the Sikkim Police Act, 2008)

(4) Prohibition of certain practices:

No Police officer shall join or be a member of any association or participate in the activities of such association which has an objective of, or which aims at collective negotiation, on matters relating to the Police service.

(Ref: Section 122 of the Sikkim Police Act, 2008)

(5) Conduct in performance of duties:

- 1) Every Police Officer shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a police officer.
- 2) No police officer shall in the performance of his duties or in exercise of the powers conferred on him:-
 - a) act otherwise than in his best judgment except when he is acting under the direction of his official superior, and shall obtain such direction in writing wherever practicable, and where it is not practicable, shall obtain written confirmation as soon thereafter as possible.
 - b) evade the responsibility devolving legitimately on him and seek instruction from, or approval of a superior authority when such instruction or approval is not necessary in the scheme of distribution of powers and responsibilities.

(6) No police officer shall while on duty be under the influence of intoxicating drinks or drugs or habitually use intoxicating drinks or drugs or consume intoxicating drinks or drugs in public place except on occasions such as social functions and festivities.

(7) Politics and election:

No police officer shall take part in any movement or activity tending directly or indirectly to excite dissatisfaction against or to embarrass the government as by law established or to promote feelings of hatred or enmity between different classes of subjects of the Indian Union or to disturb the public peace.

(8) (A) Joining of association by Government Servants:

No Police Officer shall join, or continue to be a member of, an Association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

(B) Association of police officers in trade union movement: No police officer should –

- a) pay or contribute towards the expenses of any trade union.
- b) be a member of or be associated in anyway with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations.
- c) be a member of, or be associated in anyway with, any other society, institution, association or organisation that is not recognised as part of the Force of which he is a member or is not of a purely social or recreational or religious nature.
- d) shall participate in or address any meeting or take part in any demonstration organised by any body of persons for any political or other purpose.

(9) Police officers not to participate in strike: No police officer should engage in any strike or similar activities which include commission or omission involving a deliberate intention to compel his superior officers or Government to do something and shall include any demonstrative fast usually called "Hunger Strike" for similar purposes.

(10) (A) Criticism of Government: No Police Officer shall in an any TV/Radio broadcast or in any document published in his own name or anonymously or pseudonymously, or in the name of any other person or in any communication to the press or in any public utterance make any statement of fact or opinion which has effect of any adverse criticism of any current or recent policy or action of the State or Central Government. However, this shall not be applicable to the statements made or view express by a police officer in his official capacity or in the due performance of the duties assigned to him.

(B) Connection with the press, Radio or television: Police officers should not engage themselves in the activities of broadcasting on radio, telecasting on a TV or contributing articles to the press, except the purely literary, artistic or scientific character. A Police officer who is invited or who wishes to deliver a broadcast or televised talk should intimate the Director General of Police through proper channel, the subject on which he proposes to talk and if it is on the subject directly or indirectly connected with his official duties, or if so required, shall submit the full text of the talk for his approval before it is delivered. All police officers, specifically authorized to do so, shall extend cooperation to members of the news media, consistent with the department's policy, instructions and guidelines, provided the investigation or prosecution of any case or matter under enquiry/investigation is not jeopardized.

(C) Publication of books: A police officer is not required to obtain the sanction of the competent authority for publishing a book etc., on a purely literary, artistic or scientific subject. However, he has to obtain the sanction of the prescribed authority for accepting any remuneration for the work from a source other than the consolidated fund. The competent authority may also decide whether any portion of such remuneration received by a police officer should be credited to the government.

(D) Advertisements: Except with the prior sanction of the government officers shall not endorse or subscribe to any testimonial or advertisement or any commodity or commercial enterprise, nor shall they permit their name or photograph to be used for advertising purposes, if such endorsement, testimonial or advertising implies that they are acting as an official representative of the Department. In no case shall any testimonial or endorsement have the photograph of the officer while the officer is wearing any part of his official uniform or while the officer is on duty.

(E) Association of police officers' name with public institutions: The association of the names of serving police officers with public institutions or works, such as libraries, hospitals, schools, roads, buildings, etc., is prohibited.

Similarly, police officers are prohibited from associating their names with such objects as shields, trophies, prizes, medals and cups. In exceptional circumstances and in the case of retired police officers the prior sanction of government should be obtained.

(11) Unauthorised communication of information: No Police Officer shall, except in accordance with the general order of the Government or in the performance of the duties assigned to him, communicate, directly or indirectly to any person, or the media, contents of any official document or any other information which has come into his possession in the course of his public duties.

(12) Subscriptions: No Police Officer shall, except with the previous sanction of the government ask for, or accept, or otherwise associate himself with the raising of any funds or other collections in cash or kind in pursuance of any object except their own subscriptions for welfare, or sports etc.

(13) (A) Receiving gifts: Save as otherwise provided in the rule, no police officer shall, except with the previous sanction of the Government, accept or permit any member of his family or any other person on his behalf to accept any gift.

(B) Receipt of rewards from public: Police officers are forbidden from receiving any kind of "bhakshis", rewards or gratification from members of the public, including for services rendered in the line of duty except such payments as are authorized by law.

(14) Public functions in honour of police officers: No police officer shall, except with the previous sanction of the Government, attend any public function in his honour except at the time of retirement from active service, designed as an acknowledgement of acts done by him while in the service of Government.

(15) Private trade or employment: No police officer shall, except with the previous sanction of the Government, engage, directly or indirectly, in any trade or business or use his position to help such trade or business. However, police officer may take work of honorary or occasional work of literary, artistic or scientific character subject to his official duties not suffering thereby. The appointing authority may at its discretion forbid the police officer to undertake such works if it is of the opinion that it is undesirable or is interfering with the police officer duties.

(16) Lending and borrowing: If a police officer wants to take a loan from any society or other source, other than a registered bank, he must inform State Govt. in case of gazetted officers and the Director General in respect of other police officers. The prohibition as regards the lending and borrowing of money prescribed in the respective Rules applies to all loans, credits, advances, supply of articles or accommodation at unduly low rates, or for insufficient consideration and to sales of property for exorbitant prices. The fact that a police officer lending money is acting as an executor, administrator, or as a trustee without profit or advantage to himself, in no way affects the prohibition.

(17) Insolvency and habitual indebtedness: If a police officer is adjudged or declared insolvent or has incurred debt aggregating to a sum which in ordinary circumstances he could not repay within a reasonable period or if a part of his salary is frequently attached for debt or has been continuously so attached for a long period or is attached for a sum which, in ordinary circumstances, he could not repay within a reasonable period, he may, unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, be presumed to have contravened the provisions of conduct rules.

(18) A. Movable, immovable and valuable property: The restrictions imposed by the conduct rules on the acquisition of immovable property by purchasing or taking it as a gift, apply equally to all the circumstances, the prices offered or demanded and in the case of disposal by sale or otherwise the method of disposal etc., should be furnished while seeking sanction contemplated in the rules.

B. Financial transactions: When a police officer purchases any moveable or immovable property exceeding the amounts specified by the appropriate Governments from time to time or for the construction or extension of a house, he shall report it to the prescribed authority and wherever required, prior sanction should be obtained.

C. Purchase of Properties in auction: Except with the sanction of the Government, no Police Officer shall purchase, directly or indirectly in a sale by auction or otherwise conducted by or under the orders of the Police Department, or by court any immovable or movable property, owned or confiscated by Government. Police Personnel are permitted to participate in the auctions conducted by the Police Department without obtaining the prior permission of the competent authority if (a) very wide publicity is given to the auctions to ensure that large number of public become aware of the auction; (b) the sale of articles in the auction is confirmed by the Director-General of Police and (c) there should be no attempt to exclude members of public from participating in the auction.

(19) Return of immovable property: By the 31st January of each year, a report in the prescribed form of his immovable property (also movable if so specified by the appropriate Government) should be prepared by every police officer and sent directly to the officer or the government, as the case may be in accordance with the rules and provisions made in this regard.

(20) Vindication of acts and character of police officers: No police officer should, except with the previous sanction of the Government, accept from any person or body of persons, compensation of any kind for any malicious

prosecution brought against him or for any defamatory attack made on his public acts or character, unless such compensation has been awarded by a competent court.

(21) Canvassing of non-official or other outside influence: No police officer shall bring or attempt to bring political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service.

(22) Restriction regarding marriage: No police officer shall enter into, or contract, a marriage with a person having a spouse living, and no police officer having a spouse living shall enter into or contract marriage with any person save with the prior permission of the Government in writing.

(23) Employment of child labour: No police officer shall employ any child below the age of 14 years for domestic work or otherwise.

(24) Prohibition of sexual harassment of working women: No police officer shall indulge in any act of sexual harassment of any women at her work place and should take steps to stop such harassment.

(25) Restriction of rights of police officers: The Police Forces (Restriction of Rights) Act is applicable to all the police officers.

(26) Religious activities: Though the police officers are entitled in their private lives to freely practice any religion, they should so conduct themselves in public as to leave no room for an impression to arise that they are likely in their official dealings to favour persons belonging to any religion. Participation in proselytizing activities or direct or indirect use of official position or influence in such activities by a police officer is strictly prohibited.

(27) Prompt attention to and disposal of complaints from the public: Police officers shall be prompt and efficient in the disposal of complaints and grievances of the public.

(28) Tending evidence: While giving evidence and on every other occasion, a police officer should speak the truth, the whole truth and nothing but the truth. He must not be swayed by any desire to assert his own importance or to secure a conviction or an acquittal by any other temptations. When repeating a conversation or statement, he should not exaggerate, misrepresent or suppress any part of it.

(29) Behaviour of station house officers and the staff: Continuous efforts should be made to improve the relation between the force and the public by Station House Officers. Torture or use of force in any form should be strictly avoided.

(30) Visitors to residences: Police officers should discourage visits of private persons who have any dealing directly or indirectly with their official work, to their residences and should not deal with official monetary transactions with them in their residences.

(31) Courteous behaviour: Every police officer must constantly remember that he is a servant of the public and is, therefore under an obligation to behave with proper courtesy towards them.

(32) Police officers' behaviour while on duty: It is improper for police officers on duty in uniform to take alcoholic drinks, smoke, chew pan etc. in public. Such actions create an unfavourable impression in the minds of the public who cannot distinguish whether such men are on or off duty at that time. While on duty in plain clothes, the police officers should carry with them identification cards for being shown when required.

(33) Neglect of family members: Police officers should maintain a decent standard of conduct even in their private lives and should not neglect to take proper care of their wife and children. Disregard by them of obligations towards their family members tend to injure their reputation and thereby undermine the trust and confidence which the public repose in them.

(34) Knowledge of, and Compliance with Laws and Rules: The police officers should acquire and maintain a working knowledge of the Constitution of India, Central, State and local laws relating to police work and the orders, procedures and policies of the Sikkim Police and all its wings. They should in letter and spirit comply with and obey various rules and regulations while on or off duty.

(35) Reporting activities of criminals: All Police Officers should keep the superior officers informed about information relating to any offence or of any criminal or unlawful activity or about any suspect that come to their notice.

(36) Leaving the jurisdiction: While on duty, no officer will leave his place of work station/Headquarters without permission of a superior except in the immediate pursuit of a person to be arrested or recovery of stolen property or preservation of evidence.

(37) Off duty conduct: (A) While off duty the police officer shall conduct himself as though he was on duty as police officer by law and is expected to be on duty 24 hours.

(B) A police officer may act in his official capacity while off duty, if he comes to know of an incident which requires immediate action by police and time is of essence to safeguard life or property. Such police officer should give a report in writing at the earliest to his superior officer and the concerned police station, on the action taken by him.

(C) A police officer may carry firearms issued to him while off duty, only if he is unable to return the weapon issued to him or unless he has been otherwise permitted to retain such weapon for his safety or any other specified reason. The police constables and other officers to whom fire-arms are issued should, before going off duty, deposit the weapons in the concerned unit. The police officer may, only if specifically authorized, carry arms and ammunition while off duty. The revolvers, pistols and other similar small arms issued to officers of rank of SI and above may be retained, if they feel it necessary to keep them. They should, however, make an entry of the fact in the concerned record. The arms issued must be returned to the unit on transfer unless specifically permitted. The private licenced weapons should not be used while on duty.

(38) Tampering of Police Records: Officers shall not alter, forge or tamper with any police record, report, case diary or other departmental/official documents. They shall also not make any false official reports or knowingly enter or cause to be entered into any police records or reports any inaccurate, false, improper or irrelevant information.

(39) Use of Reports, Records and Communications of the Police Department: Every police officer shall ensure that various records maintained by the department are used only for authorized purposes. No information contained in their records or in any other official communication should be communicated to any unauthorized person.

(40) Removal of Records: No departmental record (whether kept on paper or electronically) or file shall be removed from the building or office without the written permission of the competent authority, nor shall any departmental record be copied for any purpose without the permission of the competent authority or as provided by law or standing instructions. The officers, on their transfer, should hand over all records to his relieving officer forthwith and shall not keep any file

or record with them except the handing over lists of files and properties. Any violation of this will attract disciplinary action. The relieving officer, in the event of the relieved officer not handing over records as per rules, shall make an inventory of all records, property and all other material as available in the concerned office and forthwith intimate the fact to his next superior in writing, enclosing a copy of the inventory. If he fails to do so the responsibility for non-availability or loss or misuse of any items shall be on him.

(41) Standing Surety by police personnel: Save in the case of dependent family members no police officer shall stand surety for a person accused of an offence without the prior permission of the concerned district Superintendent of Police or the DGP.

(42) Informing the superior: A police officer should keep his immediate superior officer informed of any enquiry/investigation against a police officer, magistrate/judge, prosecutor or member of an elected body.

(43) (A) Issues of Certificates of character and work: No police officer shall grant in his personal capacity any certificate of conduct or character to any person other than his subordinates.

(B) No certificate regarding the work of any subordinate shall be granted by any police officer below the rank of a police officer who is in charge of the maintenance of the personal file of the subordinate concerned, and such certificate shall conform to and be consistent with the entries in his personal file.

(C) No police officer shall suggest, recommend or otherwise promote the services of an advocate, surety, transport or other agencies, contractors, vendors, suppliers, physician or other service to any person with whom he has official contact. They shall not recommend any person or business to any local Authority,

State or Central agency regarding the issuance, revocation or suspension of any license or permit except in discharge of official duty.

(44) (A) Petition to the Government: Government servants seeking redressal of their grievances arising out of their employment or conditions of the service should, in their own interest and also consistent with official propriety and discipline, first exhaust the normal official channel of redressal before they take recourse to a court of law.

(B) Whenever a government servant asks for permission to sue the government in a court of law for the redressal of his grievances either before exhausting the normal official channels of redress or after exhausting them, he may be informed that such permission is not necessary and that, if he decides to have recourse to a court of law, he may do so on his own responsibility.

(45) Transfers to posts and places where there is embarrassment of Interest: When a Police Officer is appointed or transferred to a place or post of such nature as would embarrass or influence him in the discharge of his official duties or involve him in the breach of any of the above provisions, or possesses, or has interest, in any immovable property, he shall forthwith report the fact to his immediate superior officer.

(46) Competent Authority: In respect of Police Officers serving on deputation either under Central Government or any State Government or appropriate Government under which the Police Officer is serving shall be deemed to be Government.

(47) For detailed clarification, the All India Services Conduct Rules 1968 for members of IPS and the Sikkim Government Servants' Conduct Rules, 1981 for members of Sikkim Police should be referred.

(48) The above norms for police officers are applicable to all ranks in the police.

(49) Salutes and official greetings:

- 1) A salute is the military and police method of greeting superiors and not a servile act. It is an outward sign of inward spirit of discipline and respect for superior. The unity and discipline of a force are indicated by the manner in which the men salute and the officers return it.
- 2) Failure to salute shows disrespect, idleness and a low standard of discipline. Failure by an officer in uniform to insist on being saluted is a breach of discipline.
- 3) A subordinate officer will always salute a superior officer first. It is good manners for a junior officer to salute a senior officer, when they meet, though they may be of the same rank.
- 4) Any police officer who is saluted will smartly acknowledge the salute. It is bad manners to acknowledge a salute by raising a stick, by an indifferent gesture of the hand or with the disengaged hand in the trouser pocket. Officers returning the salutes of subordinates must regard it not as a matter of condescension but as a bounden duty.
- 5) The salute will be given and returned with the right hand. Where, however, a salute with the right hand is impossible through physical incapacity, he will stand to attention.
- 6) When a police officer in civilian clothes meets another police officer to whom a salute is due, he should smartly come to attention.
- 7) When a police officer in civilian clothes meets a person other than a police officer to whom a salute is due, he should greet him in the traditional Indian style "Namaste".
- 8) When a police officer who is in civilian clothes receives a salute, he should acknowledge with appropriate greeting or order.

- 9) Police officers should salute when passing, addressing or being addressed by police officers, senior to them in rank, whether in uniform or in plain clothes.
- 10) Subordinate police officers in uniform should salute all gazetted officers of the Government and commissioned officers in uniform of the armed forces of the union, when addressing them or being spoken to by them.
- 11) Subordinate police officers in uniform should salute all the magistrates, when the latter are on magisterial duty.
- 12) If the nature of the duty such as regulating traffic, VIP duty or other special circumstances make it undesirable, a police officer will not be required to salute unless spoken to by a person entitled to be saluted.
- 13) When a senior officer enters a room in a police station or class room, the men in the room will stand to attention until they are told to resume their seats or occupation. The senior officer present will call the men to attention; otherwise, the first man who observes any senior officer entering a room should give notice to the others by calling them to attention.
- 14) When two or more officers are together, the senior only, whether in uniform or not, will return the salute.
- 15) Officers or men passing the troops with uncased standards, guidons or colours will salute except when they are carried by units forming part of the escort at a military/police funeral.
- 16) Cased standards, guidons and colours will not be saluted.
- 17) Officers, men and colours, passing a military/police funeral will salute the bier. When two or more officers are standing at a group or in a line, the senior-most of them will salute after calling the others to attention.
- 18) When appearing in a conference or assembly of superior officers, only the senior most officer will be saluted. It is incorrect to salute in turn other officers.

- 19) An officer in uniform, wearing a headdress and appearing in an office or orderly room before a senior officer, will salute, retain his head-dress and stand to attention unless he is asked to sit down. On being asked to sit down, he should remove his head-dress..
- 20) All officers and constables will salute the court (the Magistrate or Judge) on entering the Court room.
- 21) When wearing western style civilian dress, it is etiquette and good manners to remove the head-dress before entering the room of a superior officer or a dwelling place of any kind.
- 22) When a senior officer comes to a function accompanied by a lady, the officer will be greeted first if the function is an official parade and the officer is to be the reviewing officer. Otherwise, on all other occasions the lady will be greeted first.
- 23) When officers are in a body apart from the parade, all of them will salute independently on the approach of a superior officer. If, however, they are on an official parade, they will be called to attention by the senior-most officer among them who alone will salute.
- 24) When a senior officer arrives on parade, he is greeted by the parade commander who calls the parade to attention and salute. It is not necessary for an officer on the parade to salute when the senior officer is going round to inspect the parade unless addressed by him or having occasion to address him.
- 25) If the senior officer arrives after the parade has started, the parade will not be called to attention. The parade commander will himself salute the superior officer and obtain instructions from him.
- 26) When the superior officer goes round the parade ground, the sub-unit commanders only will salute, if they are not engaged in instructing their squads. They will otherwise continue without diverting their attention to greet the officer. If, however, the superior addresses any squad

commander, the latter will immediately stop his instructions, bring his squad to attention, and will himself salute. After having done with the superior officer, he will proceed with his squad in accordance with the programme.

- 27) When at a ceremonial parade the command 'National Salute- Present Arms' is given, and the national anthem is not played, all police officers present but not on parade will stand to attention until the order 'Slope Arms' is given. When, however the national anthem is played all officers not on parade except those officers attending or accompanying the personage taking the salute, will salute.
- 28) All those who are not wearing uniform will stand to attention when the national anthem is played. Those wearing hats will doff them.
- 29) The following orders should be observed when the national anthem is played:
- 30) While on parade, all officers of the rank of Assistant Sub-Inspector and above will salute, and the men will come to attention. This does not apply to ceremonial parade when men will present arms.
- 31) While on the move, the party commander will halt the party and will salute, whereas the rest of the men will remain at attention.
- 32) If standing in an organised party, the salute will be given only by the officer of the rank of Assistant Sub-Inspector and above, except that a Head Constable will salute, if he is in charge of a party and the others will come to attention.
- 33) All ranks wearing Indian style civilian dress will stand to attention.
- 34) All sentries on duty will slope arms.
- 35) All officers carrying a drawn sword will remain at the carry.
- 36) When police are posted for street lining on public occasions such as VVIP visits instructions given at the police briefing should be followed: -

Gazette police officers will, however, salute the VIP and other members of the party.

37) A police officer in uniform should preferably salute. It is not appropriate to do 'namaste' while in uniform.