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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATIONS

Islamabad, the 19th August, 1996

Pl. index
Mrs. Jahan Ara

S. R. O. 710 (I)/96.—In exercise of the powers conferred by section 17 of the Pakistan Railways Police Act, 1977 (VII of 1977), the Federal Government is pleased to make the following rules, namely :—

1. **Short title, commencement and application.**—(1) These rules may be called the Pakistan Railways Police (Efficiency and Discipline) Rules, 1996.

(2) They shall come into force at once.

(3) They shall apply to all personnel of Pakistan Railways Police below the rank of D.S.P.

2. **Definitions.**—In these rules, unless the context otherwise requires.—

- (i) "accused" means a person in the Pakistan Railways Police below the rank of D.S.P. who is to be proceeded against under these rules;
- (ii) "authority" means authority competent to award punishment as per schedule;

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- (iii) "misconduct" means conduct prejudicial to good order or discipline in the Railways Police Force, or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of a police official and a gentlemen, any commission or omission which violates any of the provisions of law and rules regulating the Pakistan Railways Police or any act on the part of police official to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, service of a Police official;
- (iv) "Punishment" means a punishment which may be imposed under these rules by authority as specified in the schedule; and
- (v) "Schedule" means the schedule annexed to these rules.

3. Grounds for punishment.—Where an accused in the opinion of the authority,—

- (a) is inefficient or has ceased to be efficient, or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered to be corrupt because:
- (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property, disproportionate to his known sources of income; or
- (ii) he has assumed a style of living beyond his ostensible means or
- (iii) he has a reputation of being corrupt; or is engaged, or is reasonably suspected of being engaged, in subversive activities or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is therefore prejudicial to national security; the authority may impose on him one or more punishments specified in rule 4.

4. **Punishments.**—(1) The following are the minor and major punishments, namely :—

(a) *Minor punishments :*

- (i) Censure ;
- (ii) Forfeiture of approved service upto two years ;
- (iii) Withholding of promotion upto one year ;
- (iv) Stoppage of increment for a period not exceeding three years without cumulative effect ;
- (v) Fine to any amount not exceeding one month's pay ;
- (vi) Confinement to quarters for a term not exceeding fifteen days, with or without punishment of drill, extra guard, fatigue or other duties ;
- (vii) Extra drill not exceeding fifteen days, fatigue of other duties.

(b) *Major punishments :*

- (i) Reduction in rank or pay ;
- (ii) Compulsory retirement ;
- (iii) Removal from service ; and
- (iv) Dismissal from service.

(2) Removal from service does not ; but dismissal from service does disqualify for future employment.

(3) Reversion from an officiating rank is not a punishment.

(4) In this rule, removal or dismissal from service does not include the discharge of a person :—

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him ; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment ; or
- (c) engaged under a contract, in accordance with the terms of the contract.

5. In case a person is accused of subversion, corruption, inefficiency or misconduct, the authority may require him to proceed on leave,

6. Punishment proceedings.—The punishment proceedings will ordinarily be of three kinds *i.e.* (a) Summary Police Proceedings (b) General Police Proceedings and (c) Special Police Proceedings, for which the procedure shall be as under :—

- (1) The authority shall decide on the facts of each case whether procedure of Summary or General Proceedings shall be adopted.
- (2) In case the authority decides that the misconduct is to be dealt with in the Police Summary Proceedings, it shall proceed as under :—
 - (i) The accused person liable to be dealt with in the Police Summary proceedings shall be brought before the authority in an Orderly Room.
 - (ii) He shall be apprised by the authority, rally, of the nature of the allegation against him. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he may be awarded one of the minor punishments mentioned in these rules.
 - (iii) The authority conducting the Police Summary Proceedings may, if deemed necessary adjourn them ordinarily, for a maximum period of seven days.
- (3) If the authority decides to hold General Police Proceedings, the procedure shall be as under :—
 - (i) The authority shall determine whether in the light of facts of the case or in the interest of justice, a departmental inquiry, through an Inquiry Officer, is necessary. If it decides that it is not necessary, it shall :—
 - (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action ; and
 - (b) give him a reasonable opportunity of showing cause against that action :

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such opportunity.

- (4) If the authority decides that it is necessary to have departmental inquiry, it shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused.

- (5) On receipt of the findings of the Inquiry Officer or where no such Officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved, the authority may award one or more of the punishments which, as per Schedule, it is competent to impose.

7. Procedure to be observed by the Inquiry Officer.—(1) Where an Inquiry Officer is appointed, the authority shall :

- (a) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and any other relevant circumstances which are proposed to be taken into consideration ;
- (b) require the accused, within seven days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person ;

(2) The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witness against him.

(3) The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given :—

- (a) it shall not be more than week, and
- (b) the reasons therefore shall be reported forthwith to the authority.

(4) Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper, the progress of the Inquiry, he shall administer a warning and if, thereafter he is satisfied that the accused is acting in disregard of this warning he shall record a finding to that effect and proceed to complete the departmental inquiry *ex-parte*.

(5) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave applied for by him is sanctioned on the recommendation of a Medical Officer nominated by the authority for this purpose :

Provided that the authority may, in his discretion sanction medical leave upto seven days without the recommendation of the Medical Officer.

(6) The Inquiry Officer shall, within ten days of the conclusion of the proceedings or such longer period as may be allowed by the Authority, submit his findings and grounds thereof to the authority.

8. Powers of Inquiry Officer.—(1) For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under the code of Civil Procedure, 1908 (Act of 1908), in respect of the following matters namely :

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and producing of documents ;
- (c) receiving evidence on affidavits ;
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XIV of 1860).

9. Special Police Proceedings.—Where a person below the rank of a D.S.P. of the Pakistan Railways Police goes on strike, hunger strike, protest or demonstration or by use of threat of criminal force or in any other manner whatsoever, induces or incites any other Police Official to go on or participate in such strike, demonstration or protest, notwithstanding anything contained in these rules, the authority shall,

- (a) by order, in writing, inform the accused of the action proposed to be taken in regard to him and grounds of the action and require him to submit his explanation within a specified period ;
- (b) consider the explanation of the accused, if any and after giving him a reasonable opportunity of showing cause against the proposed action, may award any of the punishments specified in the schedule :

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

10. Rules, 6, 7 and 9 not to apply in certain cases.—Nothing in rules 6, 7 and 9 shall apply in a case :—

- (a) Where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment or both ; or

- (b) where the authority competent to impose a major punishment is satisfied that for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

11. Procedure of Inquiry against officers lent to other Government or Authority.—(1) Where the services of a person below the rank of D.S.P. of the Pakistan Railways Police to whom these rules apply are lent to any other Government or to a local or other Authority, in this rule referred to as the borrowing authority, the borrowing Authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules :

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be :

(2) If, in the light of the findings of the proceedings taken against the accused in terms of sub-rule (1), the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

12. Revision.—(1) The Inspector General, a Deputy Inspector General or Superintendent of Police may call for the record of punishment awarded by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If punishment of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service prior to dismissal shall count for pension or not.

(3) In all cases in which officers propose to enhance any punishment they shall, before passing final orders, give the accused concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

13. No party to any proceedings under these rules before the authority or Inquiry Officer shall be represented by an Advocate.

14. **Appeal.**—(1) An appeal shall lie only against the order of dismissal, removal from service, compulsory retirement, reduction in rank or time scales, forfeiture of approved service and imposition of fine ;

(2) There shall be one appeal only from the original order, and the order of the appellate authority shall be final ;

(3) The appeal shall lie to an officer one step higher in rank as shown in the schedule, than the one who passes the original order :

Provided that in case of orders passed by the Inspector General of Police, only a review petition shall be admissible.

Authority.

[No. 19/3/91 (E.I.)]

SCHEDULE

POWERS OF PUNISHMENT TABLE AUTHORITY TOWARD PUNISHMENT

S. No.	Punishments	Inspector/ P. I.	S. I./P.S.I. A. S. I.	Head Constable Constable	
1.	Extra drill not exceeding 15 days, fatigue or other duties	—	—	SP	Inspector
2.	Confinement to quarters upto 15 days	—	—	SP	DSP
3.	Cebsyre	SP	SP	DSP	„
4.	Forfeiture of approved services upto 2 years.	SP	SP	SP	„
5.	Stoppage of increments not exceeding 3 years.	SP	SP	DSP	„
6.	Fine to any amount not exceeding one month's Pay	DIG	SP	DSP	„
7.	Withholding of promotion for one year or less	DIG	SP	SP	SP
8.	Reduction from substantive rank to a lower rank or reduction in pay	DIG	SP	SP	SP
9.	Dismissal removal from service, compulsory retirement	DIG	SP	SP	SP

Explanatory Note.—The punishments as mentioned in the punishment table may be inflicted on officers of the various ranks shown in the heading Nos. 3 to 6 by the Officers named below each heading in each case or by an officer of higher rank.