

CHAPTER I

Circle Inspectors

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CHAPTER I
Circle Inspectors
(Rules 1 to 29-A)

1. General duties.

(a) A Circle Inspector is in charge of a circle (which comprises two or more police stations and usually coincides with a sub-division) and is responsible for the prevention and detection of crime and for the supervision, control, and general efficiency of all police work therein. Under Section 551, Cr. P. C, a Circle Inspector exercises throughout his circle the same power as the officer in charge of a police station within the limits of his station. He must reside within the circle and keep himself informed of what is going on in his charge. He is responsible for the maintenance of peace in his circle and for the proper performance of duties by his subordinates.

(b) He will not ordinarily conduct investigations, but will generally supervise the investigations of his subordinates, taking up cases himself only for very special reasons, such as mismanagement by the investigating officer or the unusual importance or intricacy of the case. He will take special note of the progress of important cases and be ready to assist in any investigation where his assistance is required. He will see that each case is fully and properly investigated and that all possible steps are taken to ensure detection. He should act in direct subordination to the gazetted sub-divisional police officer, where there is one, and the Superintendent of Police in the control he exercises over investigation.

(c) He will be responsible for the work of the station and rural police and for the work of the court police except in regard to the prosecution of cases in places where a court Inspector is employed. He is particularly responsible for the practical training of the junior investigating staff.

(d) All town police in his circle are subject to his supervision and control. He is responsible that systematic arrangements are made for watch and ward and that these arrangements are properly supervised.

NOTES

Section 551 of the Code of Criminal Procedure as referred to in this rule corresponds to Section of the 1973 Code reading as follows :

"36. Powers of superior officers of police.-Police Officers superior in rank to an officer in charge of a police station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station."

2. Status of Inspectors.

All Inspectors will be received with consideration and will be allowed the privilege of a chair whenever they may visit any senior Government Officer on duty.

A list of Inspectors is published in the quarterly civil list.

3. Relation of Inspectors with Superintendent of Police and Sub-Inspectors.

The Circle Inspector is responsible to the Superintendent of Police for the work of the Police. and particularly of the investigating officer subordinate to him. In his attitude towards the Superintendent of Police he must be entirely without reserve and keep him informed of all matters connected with the working of the department in his circle. His attitude towards his subordinates must

be such as to gain their confidence and respect ; while taking proper notice of misconduct he must avoid being captious as regards petty faults which are capable of correction by advice and guidance. In particular he must keep a watch on the work of junior and inexperienced officers, assisting them with advice and practical demonstration, and encouraging them to submit their difficulties to him for explanation and solution and seeing that they understand their legal powers and limitations and are able to apply theory in practice.

4. Inspectors on tour.

In sub-divisions in which there is no gazetted police officer the Circle Inspector should be absent from headquarters not less than 150 days in a year ; elsewhere the minimum number of days is fixed at 180. In any case he should be on tour for least 10 days in a month unless there are special reasons which prevent it.

The Circle Inspector is above all things a touring officer. He has no office and should not be given clerical work. He has very little work requiring his presence at headquarters whilst in the mufasil he can always be usefully employed and his work should be judged largely by the amount of useful touring that he does. For these reasons Superintendents of Police are generally justified in requiring of an Inspector that the number of days spent on tour should exceed- considerably the minimum above prescribed.

Note - An officer is considered as absent from his headquarters on any day on which he proceeds on duty more than five miles from his headquarters.

5. Inspector to leave his address on tour.

A Circle Inspector before leaving headquarters for more than two days will make out two copies of the programme of the tour he proposes to make, one for his office and the other for the officer in charge of the police station of his headquarters. When advisable the officers in charge of police stations which he will visit should be informed.

6. Circle Inspectors to supervise cases locally.

Circle Inspectors are specially responsible for the correct investigation of serious and important cases conducted by their subordinates. They must be watched with the greatest care and must be personally supervised by the Inspector on the spot with the least possible delay after the commencement of investigation. Inspectors should not be ordered to take investigations out of the hands of the Sub-Inspector in charge of a case neither should they do so of their own motion.

Sub-Inspectors are responsible for the investigation work within their jurisdiction and if important and interesting cases are taken out of their hands a slur is cast upon them and their sense of responsibility is seriously weakened. Such a course should be adopted only when the conduct of the Sub-Inspector himself is in question in the case or when he has shown himself incompetent for the task.

An officer supervising the investigation of a case will give directions in writing to the investigating officer as to whether charge sheet or final report is to be submitted in the case, together with the names of accused persons to be sent up. If this direction does not accord with the views of the investigating officer, the latter will note the fact in the final diary of the case and the whole case should be submitted to the Superintendent of Police through the sub-divisional police officer where there is one, with his remarks. In any case in which there are accused persons in custody a reference to the

Superintendent of Police must be made and disposed of as speedily as possible so that there may not be any unnecessary detention of an accused in the *hajat*.

7. Circle Inspectors to be given an Assistant Sub-Inspector and an orderly.

Each Circle Inspector is allowed the services of an Assistant Sub-Inspector to assist him in his clerical routine duties such as receiving and despatching daks, copying and despatching orders passed by the Inspector, and forwarding covers to him. He will not ordinarily accompany the Inspector when on tour.

In addition, a Circle Inspector is allowed one constable as an orderly.

8. Circle Inspectors' progress reports of investigation.

The Circle Inspector will keep the Superintendent of Police informed of the progress of investigation of –

- (i) all cases in which special reports are submitted;
- (ii) other cases in which the Superintendent of Police specially orders the Inspector so to do;

by a short report (Form No. 107 of Schedule XL(A), (Part I) 1<> be submitted after such interval as the Superintendent of Police may direct.

These reports should be submitted until the case is dealt with in final report or charge sheet and in sub-divisions where there is a gazetted sub-divisional police officer such reports should be submitted through him.

The Circle Inspector is not however absolved from the responsibility of reading all case diaries received by him whether a progress report has to be submitted or not, and taking proper action with a view to the correction of errors or omissions that might occur in the investigation.

9. Contents of progress reports.

[These reports will be submitted in narrative form, and will consist of a series of paragraphs giving information as follows :-

1. Information.
 - (a) facts given in the F. I. R., briefly.
2. Investigation.
 - (a) facts ascertained by local inspection with details of modus operandi.
 - (b) Evidence of PWs.
 - (c) Evidence of DWs.
 - (d) Facts ascertained by enquiry from confidential sources, P. S. records, etc.

Note - The fact whether witnesses are disinterested, related or connected should be commented on and the defects and discrepancies in the evidence noted on where necessary.

- (e) result of house searches,
 - (f) result of co-operation with other P. S.
3. Accused.
 - (a) arrests (note date and whether on bail).
 - (b) Action regarding absconders.
 4. Deductions.

Note - Pay careful attention to *modus operandi* and degree of knowledge, consider alternative theories.

5. Defects, delays and omissions in the investigation.
6. Instructions given to the I.O.
7. Final order.
 - (a) passed.
 - (b) recommended,]

[] Substituted *vide* correction slip No. 64, dated 13-10-1938.

10. Disposal of copies of case diaries.

After dealing with the case diaries, which must be treated as confidential, the circle Inspector will keep them in his personal custody in a locked box until the case is disposed of, when he will send them to the Superintendent of Police along with the final memorandum of the case. (See also Rule 191).

11. Inspectors must themselves correct faults of investigating officer.

All circle Inspectors must realize that they are responsible for the proper investigation of cases by the Sub-Inspectors under them and that they must therefore not only take notice of but also themselves correct all faults which they observe in the investigation. When the faults are noticed while supervising the investigation on the spot, action should be taken to correct them then and there by verbal orders and instructions. If, however, the faults are noticed while reading the case diaries, suggestions for their correction should be made on the margin of the diaries concerned which should be returned to the investigating officer for compliance.

All faults noticed and the action taken in cases in which progress reports are submitted should be noted on these reports for the information of the Superintendent of Police. In other cases instances of gross negligence or disobedience of rules and orders by investigating officers may, if deemed necessary, be brought to the notice of the Superintendent of Police by a note in the weekly diary under the heading "Working of Subordinates."

12. Relation of circle Inspectors and court officers.

Except in places where there is an Inspector in charge of a court office the circle Inspector is responsible for the work of the court officer and must supervise it. He must in such places inspect the court office twice a year and record the result on the inspection book.

Whether the court officer is working in direct subordination to the Inspector or not there must be constant inter-communication between the two officers. The circle Inspector must have althrough knowledge of every case before it reaches the court officer; he must discuss all cases with the latter and instruct him on all points connected therewith and see that he is properly briefed by the investigating officer.

13. Circle Inspectors and court officers to work in the same room.

It is essential to the work both of the circle Inspector and of the court officer that while at headquarters the former should work in the same room with the latter, or in an adjacent and communicating room. If necessary, structural alterations in the court office must be made, with the Inspector General's sanction to render this possible.

14. Inspectors to inspect police stations.

The circle Inspectors will thoroughly inspect all police stations and outposts including guards in his circle twice a year. Inspections should be arranged for in such a manner as will ensure that the inspections of the Superintendent of Police, the sub-divisional police officer, where there is one, and the Inspector are not all made within an unduly short interval of time. He will also visit in plain clothes constables deputed to railway stations and steamerghats whenever opportunity occurs.

It is not intended to limit the number of inspections to two, should more be considered necessary. Occasional inspections as to particular points and to see whether orders already passed have been carried out, are most useful.

15. Instructions regarding inspection of police stations by circle inspector.

- (a) A circle Inspector's inspection must be thorough and in minute detail.
- (b) He should interrogate both the officers and men of a police station and satisfy himself that they are well acquainted with the names, residence, antecedents and doings of the known active criminals of the jurisdiction.
- (c) He should superintend at least one day's chaukidari parade and see that the men are properly questioned, that full information about bad characters, absconders, stolen property, and other necessary matters, such as hue and cry notices, are conveyed to and obtained from them, that no good work on the part of. chaukidars has escaped record and recognition and that they are regularly paid.
- (d) He must carefully inspect the kits of all Assistant Sub-Inspectors, head constables, and constables and submit a report on them.
- (e) He should observe the discipline maintained at the police station and the measure of control exercised by the officer-in-charge over his subordinates.
- (f) He should look into the working of the Arms and Excise Acts.
- (g) He should pass orders for the classification of records for destruction in police stations at the time of his inspection, and should sec that the files of the Inspectors General of Police's circulars are complete and that the contents are known to officers.
- (h) He should ensure that officers in charge of police stations keep in close touch with those of all adjoining police stations.

(i) He must see that orders passed at previous inspections have been carried out, and, that errors detected in the current inspection, are rectified at once in his presence.

(j) (1) After the inspection of the thana registers and other records which should make him acquainted with every matter concerning the police station the Inspector should discuss the state of crime with the officer-in-charge and closely examine the preventive action taken by him in patrolling, in extensive surveillance and the institution of proceedings under the bad livelihood sections. He must then visit the crime areas accompanied by the officer-in-charge where he should make a point of meeting respectable residents who are disposed to help the police and sarpanches (in the chaukidari districts), and after consultation with them take steps for the prevention and detection of crime and for keeping peace in the locality.

(2) While inspecting the police station he should select a few undetected cases of house-breaking, riot and grievous hurt and other cases which have been reported as false or non-cognizable and take the case papers with him with a view to testing the result of the investigation on the spot.

(3) He should also test locally the reports of enquiries made in respect of absconders and domiciliary visit reports and, if possible, should check the vital statistics.

(4) He should examine with special care the surveillance over bad characters in order to ascertain whether the right men are being looked after, and should satisfy himself, by local enquiry, whenever possible, that all active criminals, whether convicted or suspected, are under surveillance, and that the surveillance is effective and not merely nominal.

(k) Every inspection note should end with a summary of the points which require action or alteration, or, as an alternative, every such point may be serially numbered with red ink in the body of the inspection note. Inspecting officers must not take the inspection book away from the police station or outpost but should write up the inspection note at the police station.

(l) The appointment certificates of all officers of and below the rank of Sub-Inspector will be regularly inspected by the circle Inspectors. This applies to the inspection of superior police officers who will also inspect the appointment certificates of all officers having appointment certificates, t.e., from Inspectors down to constables.

16. Testing of domiciliary visit reports.

Every officer visiting a surveille will send the domiciliary visit report on the day following the visit, to the circle Inspector. On receipt of these reports from the thana, the Inspector will enter in his own note book such points as may require his personal attention when he next visits that police station. At the close of each month the Inspector will send to the Superintendent of Police's office all the reports relating to visits paid in the previous months arranged separately for each police station, the reports sent by each officer being sewn together.

Besides testing domiciliary visit reports as directed above, circle Inspectors should, as opportunity occurs, test the visits of the police to other surveilles for whom domiciliary visits reports are not submitted.

17. Use of Statistics.

Statistics are of great value to inspecting officers and especially to Superintendents, indicating as they do the officers whose work needs special scrutiny and the areas and classes of crime on which

they should concentrate their energies. But to go further than this and to use them as the chief means of appraising work is deceptive and teaches the subordinate officers to believe that credit can only be gained by the maintenance of a high ratio of convictions to cases, and a low return of crime. In the inspection of small areas, such as police stations especially, the award of praise or blame on the basis of percentages and comparisons of figures is dangerous and may be unfair. An officer's merit can be gauged effectively only by a careful scrutiny and testing of work actually done.

18. Inspection of shops Licensed under the Arms and Explosives Act.

(1) Circle Inspectors are required to inspect shops licensed under the Arms Act once every quarter except those shops which sub-inspectors have been specially empowered by the district magistrate to inspect. Such shops must be inspected by the circle Inspectors half-yearly.

(2) Shops licensed under the Indian Explosives Act (IV of 1884) should also be inspected half-yearly by the circle Inspectors.

19. Inspection of Petroleum in storage sheds.

All police officers not below the rank of Inspector have been authorized to exercise the powers prescribed in Section 9 of the Petroleum Act, 1899 (VIII of 1899), in respect of the inspection of petroleum in the storage sheds of owners of motor vehicle who have been authorized to possess dangerous petroleum by virtue of a license granted to them in Form F under the rules for regulating the importation, possession and transport of petroleum.

20. Inspection of cattle pounds.

Inspectors in Assam districts must visit cattle pounds and the Sergeant appointed for the regulation of traffic on the Gauhati-Shillong road will inspect the pounds established on that road. The successful administration of pounds depends in a great measure on their inspections. They will note at the foot of their monthly return of inspections how many pounds they have inspected within the month.

21. Power to depute officers outside jurisdiction.

An Inspector within his own circle can order an officer attached to one police station to investigate a case which under Section 156, Criminal Procedure Code, should be investigated by the officer-in-charge of another police station but he should use this power only in an emergency, reporting all cases to the Superintendent of Police.

A sub-divisional magistrate can nominate only the officer-in-charge of a police station to investigate a case within the limits of such officer's station. If therefore such magistrate wishes to employ a police officer to investigate a case outside the police station to which the latter is attached he should communicate his wishes to the circle Inspector who will do his best to comply with them.

22. Co-operation.

Inspectors of circles on the borders of districts will arrange to meet the circle Inspectors of adjoining subdivisions of the neighbouring districts once every four months to exchange information and concert measures in regard to border crime. An account of each meeting should be given in the next daily report submitted by the officers concerned.

Circle Inspectors should moreover try to secure full and hearty cooperation between the officers of bordering police stations within their circle and they should impress on these officers that

crime cannot be adequately dealt with without such co-operation which must be fostered by meetings held as frequently as practicable. They should also see that lists of criminals, both active and suspected, are sent to the bordering police stations.

The rules relating to co-operation meetings are given in Part I.

23. Travelling by Circle Inspectors.

A circle Inspector is bound to provide himself with efficient means of conveyance, having regard to the physical conditions of his circle. This should normally be a serviceable pony, supplemented, where roads are good, by a bicycle or where the ordinary means of communication is by water, by a boat. Since an intimate knowledge of his circle and its inhabitants is essential in his work, a circle Inspector should not travel by railway except in cases of urgency.

24. Inspector's weekly diary.

Each circle Inspector will keep a weekly diary in Form No. 108, Schedule XL (A) (Part I) written in duplicate, the original being sent to the Superintendent of Police at the end of the week. A synopsis of the diary work done will be noted at the end of the day in the space headed 'daily notes', after putting down the date, places visited and the distance travelled as indicated in the form. The information required under different heads on the reverse of the form (e.g., inspections made, cases supervised, etc.) will be noted at the end of the week before submission to the Superintendent of Police. The number of inspections of all kinds made during the week and the total of the number done up to date and the number remaining (for the quarter or the year as the case may be) should always be noted. [An abstract of any miscellaneous duties other than inspection which were performed during the week along with the number of days spent on tour should be noted].

The carbon copies of the diaries should be carefully and neatly kept, so that they may serve as a means of information for the Inspector's successor.

[] Substituted vide correction slip No. 82, dated the 29th April, 1948.

25. Register of receipt of general diaries.

Each circle Inspector will keep a register, in which will be noted the date of receipt of each general or station diary. An explanation must be called for if any diary is received late. The register will be divided into as many parts as there are police stations and outposts.

All diaries will be perused by the Inspector himself. He must not delegate the duty to his Assistant Sub-Inspector. All diaries will be kept in a file till the end of the month when they will be sent to the office of the Superintendent of Police for record. Inspectors should, by judicious comments encourage their subordinates to make the diaries as complete and full as possible.

26. Inspector's Dote book.

Every circle Inspector must keep a note book in three parts. The first part will comprise as many pocket volumes as there are police stations and outposts in his circle. The second part will be one bound book but divided into as many sections as there are police stations and outposts in his charge. In the first he will note particulars with regard to cases investigated by officers subordinate to him as they occur which require his attention or in which it is necessary for him to take action on account of the defective manner in which the investigation was conducted or any other matter requiring his attention in respect of that police station. The second part will deal with general matters and will be inter-leaved when necessary. Details of entries to be made in this part are given below:-

- (a) Names and addresses of all important surveilles.
- (b) Names and addresses of all absconders.
- (c) All matters of general interest relating to his circle, e.g., information about persons who are of interest to the police in connection with prevention and detection of crime, notes about special outbreaks of crime and the means by which they were dealt with and other information which may be of assistance to him or his successor in maintaining the peace of the circle.

The third part will be strictly confidential, and will consist of a loose-leaf book containing as many sections as there are police stations and outposts in the circle. Each section will contain the names of officers and men under the Inspector, in separate pages, extra pages being inserted as necessary. In this part will be recorded full information necessary for the district conferences and reports as well as for the information of the circle Inspector's successor. When an officer is transferred to another circle, the Inspector will extract the relative pages and forward them through the Superintendent of Police to the new Inspector concerned.

The note book (in all its parts) should be a constant companion of a circle Inspector and the writing up of notes should never be kept in abeyance but should be done whenever circumstances demand it. It should be produced for inspection by superior officers and handed over to the Inspector's successor at the time of leave, transfer or retirement.

27. [District Conference and Crime Reviews.

Superintendents of Police will hold a conference as soon after the end of half year as is possible at which all officers down to the rank of Inspector will attend. Selected officers in charge of Police Stations will also attend if the Superintendent of Police considers their presence necessary for special discussion. The conference will be entirely confidential and the proceedings will be recorded in the Superintendents of Police's confidential note-book, which will consist of a blank book kept for this purpose.

Circle Inspectors will bring to the conference a review of the crime of the Police Stations under their charge chiefly with reference to crime against property, for the half year under consideration. This will be discussed in the conference and causes of fluctuation of crime, the success or otherwise in dealing with it either by successful prosecutions under the Indian Penal Code by application of the preventive sections of the Criminal Procedure Code or by patrolling by Police or by joint action with defence parties should be commented on by the Superintendent of Police. The success or otherwise of measures taken to trace absconders or missing bad characters and the possible relationship between absconders and fluctuations in crime examined.

The conclusion come to, and proposals for future action should be recorded by the Superintendent of Police and sent, with the crime review for the perusal of the Inspector General of Police through the Deputy Inspector General. In such cases where the state of crime in a subdivision or police station necessitates special attention orders for the holding of a Quarterly Conference and the submission of a quarterly crime review will issue from the Inspector General and a quarterly conference of the officers directly concerned will be held. A review of the quarter will be submitted by the Inspector of Police, discussed at the conference and forwarded with the record of the Superintendent of Police's opinions to the Deputy Inspector General of Police.)

Circle Inspectors should know the character of officers serving under them and it is their duty to report to the Superintendent any facts to the credit or discredit of an officer. An Inspector will be held to be at fault, if he has failed to report against an officer who is subsequently found to be dishonest or inefficient.

Inspectors must not rest content with vague reports as to the honesty or otherwise of the officers under them but they should carefully probe into any suspicious investigation conducted by, and any report of dishonesty received against them. It should be remembered that black marks may be awarded in all cases of bad or suspicious investigation.

If a report against an officer is found on enquiry to be false or malicious, the honesty of the officer concerned will be established.

If, on the other hand, the information regarding the dishonesty of an officer is reliable, vigorous action should be started and, if possible, definite charges framed and formal proceedings drawn up against him.

Any Sub-Inspector whose record has been consistently bad should be specifically warned that further persistent remissness or neglect in the discharge of his duties will result in his dismissal under Section 7 of the Police Act (Act V of 1861).

Circle Inspectors and gazetted officers must tour in the interior of their charges and not confine themselves to visits to police stations and scenes of crime where a Sub-Inspector is in attendance. Superintendents of Police should scrutinize travelling allowance bills of Circle Inspectors to ensure that the latter tours in the interior as indicated above.

If the Inspectors faithfully discharge these duties, a marked improvement in the tone of the force will be effected and this in turn will result in better relations and closer co-operation between the police and the public. The Superintendent of Police must rely on his Inspectors and should, therefore, impress upon them the importance of their responsibilities in this matter.

[] Substituted vide correction Slip No. 66, dated the 10th February, 1939.

28. File of mufassil diary.

The Circle Inspector after taking action on mufassil diaries received from officers subordinate to him, will keep them in monthly bundles, police station by police station. At the end of the year they will be sent to the Superintendent of Police's office and there destroyed after three years.

29. Daily report, Form No. 109, (XL)(A), Part I.

Each Circle Inspector will compile from the general station diaries and first information reports received by him a daily report and submit to the Superintendent of Police. The object of this report is to keep the district Magistrate and the Superintendent of Police informed of what is going on in the circle. The report will show the cognizable cases and the unnatural deaths reported, all general matters of importance that have been reported by the subordinate police, or have come to the Inspector's notice by any other means, outbreaks of cholera, small-pox or other epidemic disease, the prevalence of cattle-diseases, the state of the weather and of the crops, the nature of any assistance rendered by Panchayats to the police in matters not connected with the investigation of cases, such as, the prevention of crime or the giving of important information which have enabled the police to deal effectively with crime or other matters, matters relating to the public safety and any other matters which the Magistrate should know.

The daily report will be submitted through the sub-divisional police officer where there is one to the sub-divisional Magistrate in sub-division for perusal and return. It will then be forwarded to the Superintendent of Police who will send it to the District Magistrate. The latter will turn it to the Superintendent of Police with his remarks and orders.

Where the above procedure is likely to involve delay owing to the absence of the sub-divisional Magistrate or police officer from the headquarters, the reports should be duplicated by the pen carbon process and one copy sent direct to the Superintendent of Police.

If the Circle Inspector is on tour the duty may be delegated to the court officer, but it should not be so delegated except when absolutely necessary.

The officer preparing the daily report in the absence of the Circle Inspector will send on all important papers to the latter and should not dispose of them himself.

29-A. Forms of monthly return of inspections by Inspectors.

[Deleted *vide* correction Slip No. 83, dated the 29th April, 1948].

CHAPTER II

Police Station, Routine Work and General Instructions

Definitions, Powers and Certain General Instructions
(Rules 30 to 59)

30. Police stations, outposts, etc., defined.

Police posts include police stations, outposts, town outposts, beat-houses and road posts.

A police station as defined in Section 4 (s), Cr P. C., means any post or place declared generally or specially by the State Government to be a police station and includes any local area specified by the State Government in this behalf.

An outpost is included within this definition if it has been declared a police station by the State Government.

In an outpost which is subordinate to a police station there is no separate first information report book. The cases occurring within the outpost's jurisdiction are treated as belonging to the parent police station and all reports are submitted to the police station. A register of all cases enquired into is kept in Form No. 134-A of Schedule XL(A), (Part I).

The term investigating centre includes both police stations and outposts. An 'investigating centre' should ordinarily be in charge of a Sub-Inspector.

Town outposts and beat-houses are usually in charge of head constables who perform watch and ward, and miscellaneous duties. They do not ordinarily investigate crime, but must take any necessary preliminary step such as pursuit of thieves, arrest of offenders, etc.

Road posts are ordinarily manned by constables only, whose duty is to patrol and watch bad characters.

NOTES

Police station is defined under Section 2 (s) of 1973 Code, as meaning any post Or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf.

31. Supervision of outposts.

Officers-in-charge of police station will supervise the work of all subordinate outposts by quarterly visits of inspection, and by a perusal of the general and case diaries sent from the outposts through the police station; but these reports are not to be sent to the Sub-Inspector in charge, if he is absent from the station. A Sub-Inspector in charge of a police station may overrule the decision of an officer in charge of a subordinate outpost as regards the submission of a final form, as he may deem fit, but must state his reasons fully in the final report or charge sheet as the case may be. Town outposts, beat-houses and road posts must be more frequently inspected.

32. Officer in charge of police station.

Officer in charge of a police station is defined in the Criminal Procedure Code (Act V of 1898), Section 4, clause (p). The definition excludes constables but the State Government is given the power of including in the definition any police officer present at the station. Under clause (s) of the same section the definition of a police station includes an outpost, so that the definition contained in clause (P) includes an officer in charge of an outpost. No orders having been passed by the State Government under this clause, the officer appointed by a Superintendent of Police to have charge of a station, so long as he is present at the station house and fit for duty, is the only officer who has the power of an officer in charge of a police station. When he is absent from the station, house on duty, or is incapacitated by illness, the officer next in rank, whether a Sub-Inspector, Assistant Sub-Inspector or a head-constable becomes the officer in charge of the police station and if-he, in turn, leaves the station house, the next senior officer remaining at the station house becomes the Officer in charge of the police station. It must again be noted that a constable can never be an officer in charge of a police station.

If an officer in charge of a police station is unable through illness to attend at the station, he must not do his work in his quarters, but must make over charge to the officer next in rank, reporting the facts in the general diary.

Section 551 of the Criminal Procedure Code authorises police officers superior in rank to an officer in charge of a police station to exercise the same powers throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Note - The term police officer superior in rank to an officer in charge of a police station means Inspectors of Police and police officer of high ranks.

NOTES

The Officer in charge of a Police Station as defined under Section 2 (o) of the 1973 Code, includes when the Officer in charge of the Police Station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station house who is next in rank to such officer and is above the' rank of constable or, when the State Government so directs, any other police officer so present.

Section 551 of Criminal Procedure Code as referred to in this rule corresponds to Section 36 of the 1973 Code and for its text see Rule 1.

33. General duties of officer in charge of police stations.

(i) Within the limits of his jurisdiction an officer-in-charge of a police station is responsible for the effective working and management of the police subordinate to him, for the preservation of peace and for the prevention and detection of crime. In order to check crime, his first aim must be to obtain correct information about criminals, criminal classes, vagrants and wandering gangs resident in or passing through the police station, and either to have them watched effectively or to take such active measures against them as may become necessary and legal. The foremost means to this end are-

- (a) an intimate knowledge of the area in his charge and of its inhabitants, and the enlistment of their sympathy and cooperation;
- (b) the regular and early reporting by chaukidars and village headman of facts as to crime and criminals, suspicious characters and strangers;
- (c) the active surveillance of registered criminals and suspects;
- (d) the careful maintenance and study of the surveillance register, and village crime note book, crime map and gang register;
- (e) the efficient use of patrols;
- (f) prosecutions of bad livelihood ; and
- (g) generous co-operation with officer in charge of neighbouring police stations.

(ii) An officer in charge of a police station should neglect none of these means, and by constantly moving about within the limits of his jurisdiction and especially by visits and scrupulous courtesy to respectable residents will assure himself that he receives regular and complete information and is in touch with the active criminals. An officer who takes these precautions will have little difficulty in tracing the perpetrators of specific offences but without them his success in investigation will be spasmodic and uncertain.

(iii) Though he need not write up personally these registers which he is not required by rule or law or by special order of the Superintendent of Police to write with his own hand, an officer in charge of a police station is responsible, and should satisfy himself by frequent inspection, that all registers and record are properly maintained and kept up to date.

(iv) Officers in charge of police stations should collect and communicate to the Inspector intelligence on all matters of public importance in their jurisdictions, even though such matters may have no connection with any criminal offence.

34. Powers of officer in charge of police station.

An officer in charge of a police station exercises as such, certain powers and duties under the Code of Criminal Procedure and the special and local laws. The chief of them are summarised below:-

- (1) He can without an order from a Magistrate and without warrant arrest vagabonds, habitual robbers, house-breakers, thieves, etc. (Section 55, Cr. P. C.).
- (2) He can depute any officer subordinate to him to arrest without a warrant any person who may be lawfully arrested without warrant, by an order in writing specifying the

person to be arrested and the offence or other causes for which the arrest is to be made (Section 56, Cr. P. C.).

- (3) He can endorse a warrant for execution outside the jurisdiction of the issuing court. (Section 84, Cr. P. C.).
- (4) He can issue a written order for the production of a document or thing required for the purposes of investigation. (Section 94, Cr. P. C.).
- (5) He can command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of public peace to disperse. (Section 127, Cr. P. C.).
- (6) If the command given under Section 127, Cr. P. C., be not obeyed, he can disperse such assembly by force and if necessary arrest and confine the persons who form part of it. (Section 128, Cr. P. C.).
- (7) He can enter without warrant any place for the purpose of inspecting or searching for any false weights and measures and can seize them when they are found to be false. (Section 153 Cr. P. C.).
- (8) He can investigate a non-cognizable case within his jurisdiction under the orders of a Magistrate. (Section 155, Cr. P. C.).
- (9) He can investigate any cognizable case within his jurisdiction without the order of a Magistrate. (Section 156, Cr. P. C.).
- (10) He can depute his subordinate officers to investigate cognizable Cases and can dispense with the investigation if there are no sufficient grounds stating the reasons thereof and notifying the fact to the informant. (Section 157, Cr. P. C.).
- (11) He can search a house or other place within his jurisdiction for anything necessary for the conduct of an investigation after recording the grounds of his belief and specifying the thing in writing. (Section 165, Cr. P. C.).
- (12) He can require the officer in charge of another police station whether in the same or different district to cause a search to be made and in case of emergency can himself search or cause a search to be made even within the limits of the other station. (Section 166, Cr. P. C.).
- (13) When in the course of investigation it is found that the evidence against an accused in custody is deficient he can release him on bail. (Section 169, Cr. P. C.).
- (14) If upon investigation it is found that there is sufficient evidence against an accused in custody he is to forward him (accused) to the Magistrate or if the offence is bailable take security from him for his appearance before the court on a fixed date. (Section 170, Cr. P. C.).
- (15) He can investigate cases of sudden or suspicious deaths. (Section 174, Cr. P. C.).
- (16) While proceeding under Section 144, Cr. P. C., he can by an order in writing summon witnesses for the purposes of the investigation. (Section 175, Cr. P. C.).

- (17) He can release accused persons on bond or bail. (Sections 496 and 497, Cr. P. C.).
- (18) He can stop processions and disperse unlawful assemblies violating conditions of license. (Section 30-A of the Police Act, [Act V of 1861]).
- (19) He can arrest or cause to be arrested all wandering persons suspected to be dangerous lunatics and can report to the magistrate regarding such lunatics as are not under proper care and control or those who are cruelly treated or neglected by their relatives. (Section 13, Lunacy Act IV of 1912).
- (20) He is to report to the district or sub-divisional magistrate, as the case may be, the cases of all persons arrested without warrant within the limits of his station, whether such persons have been admitted to bail or otherwise. (Section 62, Criminal Procedure Code.)
- (21) He is to receive information regarding the commission of a cognizable offence and to draw up a first information report thereon. (Section 154, Cr.P.C.).
- (22) On receiving information regarding the commission of a non-cognizable offence he is to enter the substance of it in the general or station diary and refer the informant to the magistrate. (Section 155, Cr.P.C.).
- (23) When any person is arrested and detained in custody and the investigation cannot be completed within 24 hours, the officer-in-charge is to forthwith transmit to the nearest magistrate a copy of the entries in the diary prescribed in the Code relating to the case and is at the same time to forward the accused to such magistrate if there are grounds for believing that the accusation or information is well-founded. (Section 167, Cr.P.C.).
- (24) After the completion of the investigation he is to submit a report to the magistrate in the prescribed form (final report or charge-sheet as the case may be) communicating to the informant the action taken. (Section 173, Cr.P.C.) .
- (25) He is to keep a general or station diary for the police station under his charge. (Section 44, Police Act).
- (26) After making or receiving information of any arrest, seizure or search under the Excise Act, he, within twenty-four hours thereafter is to make a full report thereon to the collector and to other officer (empowered under Section 42, sub-section (2) of the Act) within the local limits of whose jurisdiction, the arrest, seizure or search was made. (Section 46, Excise Act, Eastern Bengal and Assam Act I of 1910).

The above list contains only the principal powers of an officer-in-charge as well as the main duties imposed on him in connection therewith under the statutes, which are laid down in clauses 20 to 26. Some of the powers enumerated above can also -be exercised by other Sub-Inspectors. The rule does not absolve the officer-in-charge from a careful reference to the sources quoted and others whenever he has occasion to exercise those powers.

NOTES

Sections 55, 56, 62, 84, 94, 127,128,153, 154, ISS, 156, 157, 165,166, 167, 169, 170, 173, 174, 175, 496 and 497 as referred to in this rule pertain to the old Code and the corresponding sections under the 1973 Code are as follows:

| Old Section | New Section |
|--------------------|--------------------|
| 55 | 41 (2) |
| 56 | 55 |
| 62 | 58 |
| 127 | 129 (1) |
| 128 | 129 (2) |
| 153 | 153 |
| 154 | 154 |
| 155 | 155 |
| 156 | 156 |
| 157 | 157 |
| 165 | 165 |
| 166 | 166 |
| 167 | 167 |
| 169 | 169 |
| 170 | 170 |
| 173 | 173 |
| 174 | 174 |
| 175 | 175 |
| 496 | 436 |
| 497 | 497 |

The new sections of the 1973 Code as above, read as:

"41 (2)-Any officer-in-charge of police station may, in like manner arrest or cause to be arrested any person, belonging to one or more of the categories of persons specified in Section 109 or Section 110.

55. Procedure when police officer deposes subordinate to arrest without warrant - (I) When any officer-In-charge of a police station or any police officer making an investigation under Chapter XII requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made and the officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order;

- (2) Nothing in sub-section (1) shall affect the power of a police officer to arrest person under Section 41.
58. *Police to report apprehensions* - Officers-in-charge of police stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.
79. *Warrant directed to police officer for execution outside jurisdiction* - (1) When a warrant directed to a police officer is to be executed beyond the local jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to an Executive Magistrate or to a police officer not below the rank of an officer-in-charge of a police station, within the local limits of whose jurisdiction the warrant is to be executed.
- (2) Such Magistrate or police officer shall endorse his name thereon and such endorsement shall be sufficient authority to the police officer to whom the warrant is directed to execute the same, and the local police shall, if so required, assist such officer in executing such warrant.
- (3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police officer within whose local jurisdiction the warrant is to be executed will prevent such execution, the police officer to whom it is directed may execute the same without such endorsement in any place beyond the local jurisdiction of the Court which issued it.
91. *Summons to produce document or other thing* - (1) Whenever any Court or any officer-in-charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.
- (2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or things to be produced instead of attending personally to produce the same.
- (3) Nothing in this section shall be deemed-
- (a) to affect Sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or the Bankers' Books Evidence Act, 1891 (13 of 1891), or
- (b) to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.
129. *Dispersal of assembly by use of civil force* - (1) Any Executive Magistrate or officer-in-charge of a police station, or in the absence of such officer-in-charge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

- (2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show 3; determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force, and may require the assistance of any male person. not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary arresting and confining the persons who from -part of it, in order to disperse such assembly or that they may be punished according to law.

Corresponding law: Section 128 of Act V of 1898.

153. *Inspection of weights and measures* - (1) Any officer-in-charge of a police station may, without a warrant, enter any place within the limits of such station for the purpose of inspection or searching for any weights or measures or instruments for weighing, 'used or kept therein, whenever he has reason to believe that there are in such place any weights measures, or instruments for weighing which are false.

- (2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

Corresponding law: Section 153 of Act V of 1898.

154. *Information in cognizable cases* - (1) Every information relating to the commission of a cognizable offence, if given orally to an officer-in-charge of a police station, shall be reduced to writing by him or under his direction, and he read over to the informant ; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribed in this behalf.

- (2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

- (3) Any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

155. *Information as to non-cognizable cases and investigation of such cases* - (1) When information is given to an officer-in-charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.

- (2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.
 - (3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer-in-charge of a police station may exercise in a cognizable case.
 - (4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.
156. *Police officer's powers to investigate cognizable case* - (1) Any officer-in-charge of a police station may, without the order of Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.
- (2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.
 - (3) Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned.
157. *Procedure for investigation* -(1) If, from information received or otherwise, an officer-in-charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order prescribe in this behalf to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that-

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer-in-charge of police station need not proceed in person or depute a subordinate officer to make an investigation on the spot.
 - (b) if it appears to the officer-in-charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.
- (2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer-in-charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.

165. *Search by police officer* - (1) Whenever an officer-in-charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in a place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.
- (2) The Police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person.
- (3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer any order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place.
- (4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in Section 100 shall, so far as may be applicable to a search made under this section.
- (5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished free of cost, with a copy of the same by the Magistrate.
166. *When officer-in-charge of police station may require another to issue search warrant* -
- (1) An officer-in-charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.
- (2) Such officer, on being so required, shall proceed according to the provisions of Section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.
- (3) Whenever there is reason to believe that the delay occasioned by requiring an officer-in-charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer-in-charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of Section 165, as if such place were within the limits of his own police station.
- (4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer-in-charge of the police station within the limits of which such place is situated and shall also send with such notice a copy of the list (if any) prepared under

Section 100, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred' to in sub-sections (1) and (3) of Section 165.

- (5) The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section (4).
167. *Procedure when investigation cannot be completed in twenty four hours* - (1) Whenever any person is arrested and detained in custody, and it, appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 57, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case and shall at the same time forward the accused to such Magistrate.
- (2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to "try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.
169. *Release of accused when evidence deficient* - If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report; and to try the accused or commit him for trial.
170. *Cases to be sent to Magistrate when evidence is sufficient* - (1) If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day today before such Magistrate until otherwise directed.
- (2) When the officer-in-charge of a police station forwards an accused person to a Magistrate or take security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complaint (if, any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.
- (3) If the Court of the Chief Judicial Magistrate Is mentione4 in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or

trial, provided reasonable notice of such reference is given to such complainant or persons.

- (4) The officer-in-charge whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.
173. *Report of police officer on completion of investigation* - (1) Every investigation under this Chapter shall be completed without unnecessary delay.
- (2) (i) As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating –
 - (i) the names of the parties;
 - (ii) the nature of the information;
 - (iii) the names of the persons who appear to be acquainted with the circumstances of the case;
 - (iv) whether any offence appears to have been committed and, if so, by whom;
 - (v) whether the accused has been arrested;
 - (vi) whether he has been released on his bond and, if so, whether with or without sureties;
 - (vii) whether he has been forwarded in custody under Section 170.
 - (ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given.
- (3) Where a superior officer of police has been appointed under Section 158 the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.
 - (4) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.
 - (5) When such report in respect of a case to which Section 170 applies, the police officer shall forward to the Magistrate along with the report, -
 - (a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;
 - (b) the statements recorded under Section 161 of the persons whom the prosecution proposes to examine as its witnesses.

- (6) If the police officer is of opinion that any part of any such statement is not relevant to the subject matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.
- (7) Where the police officer investigating the Case finds it convenient to do so, he may furnish to the accused copies of all or any of the documents referred to in sub-section (5).
- (8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under subsection (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

174. *Police to enquire and report on suicide, etc* - (1) When the officer In charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person' has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any-general or special order of the District or Sub-Divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up and report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-Divisional Magistrate.

(3) When-

- (i) the case involves suicide by a woman within seven years of her marriage; or
- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
- (iii) the case to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
- (iv) there is any doubt regarding the cause of death; or

(v) the police officer for any other reason considers it expedient so to do,

he shall, subject to such rules as the State .. Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the whether and the distance admit of its being so forwarded without, risk of such putrefaction on the road as would render such examination useless.

(4) The following Magistrates are empowered to held inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.

175. *Power to summon persons* - (1) A police officer proceeding under S. 174 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(2) If the facts do not disclose a cognizable offence to which Section 170 applies, such persons shall not be required by the police officer to attend Magistrate's Court,

436. *In what case bail to be taken* – (1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail:

Provided that such officer or court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided:

Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of Section 166 (or Section 446-A).

(2) Notwithstanding anything contained in sub-section (1) where a person has failed to comply with the conditions of the bail bond as regards the time and' place of attendance. the Court may refuse to release him on bail, when a subsequent occasion in the same case he appears before the Court or is brought in custody and any such refusal shall be without prejudice to the power of the court to call upon any person bound by such bond to pay the penalty thereof under Section 446 .

437. *When bail must be taken in case of non-bailable offence* - (1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge or a police station or appears or is brought before a court other than the High Court or Court of Session, he shall, be released on bail, but –

(i) such person shall not be so released if there appear reasonable grounds for believing, that he has been guilty of any offence punishable with death or imprisonment for life;

- (ii) such person shall not be so released if such offence is a cognisable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more. Or he had been previously convicted on two or more occasions of a non-bailable and cognizable offence.

Provided that the court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is under the age of sixteen years or is a woman or is sick or infirm:

Provided further that the court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason;

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the court.

- (2) If it appears to such officer or court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, (the accused shall, subject to the provisions of Section 446-A and pending such inquiry, be released on bail) or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.
- (3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860) or abetment of, or conspiracy or attempt to commit any such offence, is released on bail under sub-section (1), the Court may impose any condition which the Court considers necessary-
 - (a) in order to ensure that such person shall in accordance with the conditions of the bond executed under this Chapter, or
 - (b) in order to ensure that such person shall not commit an offence similar to the offence of which he is accused or of the commission of which he is suspected, or
 - (c) otherwise in the interests of justice.
- (4) An officer or a Court releasing any person on bail under subsection (1) or sub-section (2), shall record in writing his or its (reasons or special reason) for so doing.
- (5) Any Court which has released a person on bail under sub-section (1) or sub-section (2), may if it considers it necessary so to do, direct that such person be arrested and commit him to custody.
- (6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said

period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.

- (7) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

35. Duties of second and third officers.

If a second or third Sub-Inspector is posted to a police station, subject to the general responsibility of the officer-in-charge, he will relieve the latter of those portion of his work and those investigations which may be made over to him.

36. Duties of Assistant Sub-Inspectors.

(I) At police station:-

- (a) Under general supervision of the officer-in-charge, an Assistant Sub-Inspector is responsible for all clerical and routine duties of a thana except writing the first information report. This however may be written by him if he is at the time officer-in-charge. The case diary, general diary, village crime note book, property register, register of absconders and the surveillance registers are to be written up by the officer investigating a case and in respect of that case only. The khatians will be written by the officer-in-charge. Assistant Sub-Inspectors may, however, be allowed in the absence of a Sub-Inspector to enter the results of enquiries made either by Assistant Sub-Inspectors or constables in Part V (history sheets) of the village crime note book.
- (b) Assistant Sub-Inspectors are responsible to the officer-in-charge for the discipline of the constables and chaukidars and for the particular care of the barracks and Government furniture.
- (c) Assistant Sub-Inspectors should not ordinarily investigate cases. For the purposes of training, however, they may under the supervision of the office-in-charge of a police station be given the investigation of cases of a simple type, such as, minor offences against property and persons and then only when occurring within easy distance of a police station. They should also whenever possible accompany Sub-Inspectors to such cases and watch their investigation. In dacoities and other important cases they may be utilised by Sub-Inspectors to follow up clues and submit supplementary diaries.

(II) At courts;

Assistant Sub-Inspectors are responsible for the maintenance of all registers except those relating to property register and malkhana work. The daily under-trail report must however be scrutinised and signed by the senior Court officer.

Case diaries and briefs of cases should not in any circumstances whatever be handled by Assistant Sub-Inspectors.

(III) As readers:

Assistant Sub-Inspectors are responsible for clerical work in the offices of the sub-divisional police officers and Inspectors.

37. Instruction to subordinates and chaukidars at police stations.

Officer-in-charge of police stations are responsible that the Assistant Sub-Inspectors had constables and constables under them are acquainted with the powers and duties under the laws and orders in force. They must repeatedly read out and explain to these men until thoroughly understood every change or addition to the law which directly concerns them and every circular order issued by the Inspector General which is likely to be useful to them. Their instructions should be accompanied by explanation and illustration to ensure that the men understand the practical applications of the law and orders so explained. They must also that the constables know the names, characteristics and haunts of bad characters and of absconders. Similarly village Chaukidars should be instructed as to the offences for which they can arrest, articles in use in the district which are exercise-able, what quantity of the latter a person can legally possess, the reward which a person giving a particular information will get, and their duties in regard to reporting crime and the movements of suspected persons.

38. Duties of constables attached to police stations.

Constables at police stations may be employed in the execution of warrants, for escorts and guards, for patrolling in the prevention of crime, for the regulation of crowds and traffic, and under the orders of a superior, in the suppression of riots and disturbances. They are not intended to perform duties requiring the exercise of much judgment and discretion. They may be deputed to collect definite information under the special orders of the Sub-Inspector and to visit villages where the chaukidar has shown himself to be trustworthy. In such cases, the nature of the information to be collected and the places to be visited should be recorded on a "Command certificate." A constable may also accompany a Sub-Inspector on investigations to call witnesses and to effect arrests, and on visits to surveilles at all hours. In no case should a constable be deputed for any duty without a command certificate [Form No. 90 of Schedule XL (A), Part I] in which must be recorded in detail the work to be done, information to be collected, places to be visited, etc., the date and hour of departure, and the time to be taken in performing the particular duty.

39. Duty of constables if left in charge of police station.

As under Section 41 (p) of the Criminal Procedure Code a constable cannot exercise the powers of an officer-in-charge of a police station, when in the absence of senior officers a police station or outpost is left in charge of a constable he cannot accept any information or prepare and submit the first information report of any crime reported to him. He will however, enter in the general diary an abstract of the information for the information of the Superintendent of Police and will report the fact to the officer-in-charge of the station or outpost as the case may be by sending the information with a note of the case to him. If the report relates to a heinous crime, the constable will send immediate information to the circle Inspector and if the fact of the case require the immediate apprehension of the accused as may occur in dacoity, murder, etc., he should take all possible steps to effect arrest.

Similarly a constable cannot make an enquiry into an unnatural or suspicious death but when no officer is present at the station when such a matter is reported the senior constable should proceed to the spot, take charge of the body, note its state, and arrange for its despatch in case the enquiring officer desire to send it for examination.

NOTES

Section 4 (1) (p) of Cr. P. C. corresponds to Section 2 (o) of the 1973 Code-see under Rule 32.

40. Command certificate.

Every Assistant Sub-Inspector, head constable and constable deputed to any special duty within or outside the jurisdiction of a police station or outpost will be given a command certificate, Form No. 90, Schedule XL (A), Part I, which he will carry with him and produce on his return before the officer-in-charge of the police station. If literate he should endorse on it the action taken on the orders given. All certificates when received back will be kept together in separate personal files one for each man in the police station.

41. Deputation of constables to adjoining districts to learn bad characters.

(i) In order to enable the police of one district to gain a personal knowledge of the bad characters of the bordering stations of another district, the Superintendent of Police will depute a constable for a period of not more than six or less than three months from each of his border police stations to the border police station of the adjoining district, in exchange for a man of that police station. This will be continued until all the constables in the border police stations have served in the adjoining district and every constable of each station knows and can recognize the bad characters of both stations.

(ii) Constables thus deputed will be considered as attached to the district to which deputed for all purposes, except their pay and clothing, and will be under the control of the officer-in-charge of the police station or outpost to which they are deputed.

(iii) This order also applies to all police stations which adjoin districts of the Bengal Presidency and the Coach Behar, Tripura and Manipur States and interchange of constables with such districts should be made in the same manner as with districts of Assam.

The officer-in-charge of the police station or outpost to which the constable is deputed, should before the latter returns to his own district, sign a certificate that the constable knows and can identify the bad characters under surveillance in that police station or outpost.

42. Police not to be employed on extraneous duties.

Police should not be employed on miscellaneous duties, such as (i) the collection of arrears of pay of Chaukidars; (ii) the collection of famine advances; (iii) the collection of revenue from the management of farms or ferries held *khas*; (iv) income-tax enquiries and collection; (v) disbursement of pay or the realisation of money on account of other department; and (vi) the publication of miscellaneous notices by beat of drum. Such duties to take up time which is usefully devoted to the prevention and detection of crime.

43. Residence of the police station staff.

All the officers and men of the police stations and outposts must ordinarily live on the premises of the station compound.

At police stations, where married quarters are provided, married officers and men must sleep in such quarters. Where however, there are no such quarters, the officer-in-charge may permit officers and men, who have their wives living within an easy distance of the police station to sleep at their houses, provided that in any case at least one Assistant Sub-Inspector or head constable and three constables remain all night on the premises of the police station.

44. Exemption from payment of tolls and licences for conveyance.

(a) Under Section 45 of the Assam Local Self-Government Act (Act 1 of 1915) police officers travelling on duty, persons in their custody; property belonging to or in their custody and vehicles and animals employed by them for the transport of such property are exempted from payment of tolls at any toll-bar established under Section 42 of the Act.

Police officers are exempted from payment of tolls in any public or private ferry while travelling on duty.

(b) Under Section 109, clauses (c) and (e) of the Assam Municipal Act (Act I of 1923) no license shall be required in respect of:-

- (1) carriages or animals for keeping which for the discharge of their duty an allowance is made by Government.
- (2) Horses or ponies used by police officers at the rate of not more than one for each officer.

N. B. - "Carriage" in the above rule means any wheeled vehicles with spring or other appliances acting as springs, of a kind ordinarily used for the conveyance of human being and includes bicycles, tri-cycle, and motor-vehicles, whether ordinarily used for the conveyance of human beings or not, but does not include perambulator [*vide* Section 3, Clause (3) of the Assam Municipal Act, I of 1923.]

45. General instruction regarding writing of registers.

No alterations in the form or mode of keeping the books prescribed in the manual and no addition to their number can be made without the sanction of the Inspector General. No page may be torn out of a prescribed register. Any correction necessary, should be made by drawing a line through the mistake, so as to leave the word erased, legible and writing the correct word above or in the margin. A piece of paper should not be passed over a mistake. All corrections must be attested by the signature of the officer making them. No register may be rewritten without the express permission of the Superintendent of Police.

46. Copies of police paper not to be given.

Police officers of all ranks are forbidden to give copies of case diaries and other police records, or furnish any unauthorized information to the public, or to allow any person other than a police officer to write, copy, have access to or give or take extract from police reports, registers or returns. Any police officer violating these orders will be liable to be prosecuted under Section 29 of the Police Act, 1861 (Act V of 1861).

47. Reports to be clearly written and margin to be left.

Written reports should have a wide blank margin. If the paper is written on both sides the same portion of the paper should be left blank on both sides. All police officers should do their best to write neatly and clearly and sign their names and designation legibly. Vernacular papers in particular should be legibly written.

48. Telegrams by investigating officers.

Officers-in-charge of police stations and outposts will be supplied with service stamps of different denominations according to the scale laid down in Part II with a view to the dissemination of

intelligence to neighbouring stations and centres and to enable supervising officers to arrive with the least delay at the scene of occurrence. The stock of stamps should on no account be allowed to become exhausted, but should be replenished by sending the receipts for the telegrams to the Superintendent of Police. As the value of stamps is not given in these receipts by the telegraph officials, the number and denominations of the stamps used will be noted on them. A register of receipt and issue of service postage stamps both for postage and telegrams should be maintained at each police stations and outpost in Form No. 51 of Schedule II. All telegrams should be written with carbon paper and a file of the duplicate copies of the telegrams despatched kept at each police station and outpost. Inspecting officers should examine these to see that they have been sent with circumspection and have been succinctly worded; where, in the Superintendent of police's opinion, telegrams have been needlessly sent, the officer sending them may be called upon to refund the cost.

The attention of all police officers is drawn to the provisions of Rule 3 Section 1 of the Indian Telegraph Guide regarding the acceptance by telegraph offices of express telegrams when an office is closed. Should circumstances require the immediate despatch of information, officers should not hesitate to take advantage of this rule. The telegraph Guide can be seen at any Telegraph Office.

NOTES

Sections 54, 55 and 151 of Cr. P. C. as referred to in this Rule correspond to Sections 41 (1), 42 (2) and 151 respectively of the 1973 Code, reading as follows :-

"41 (1) *When police may arrest without warrant* -(1) Any Police officer may without a warrant. arrest any person-

- (a) who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or
- (b) who has in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ; or
- (c) who has been proclaimed as an offender either under this Code or by order of the State Government; or
- (d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or
- (e) who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or
- (f) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or
- (g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or

- (h) who, being a released convict, commits a breach of any rule made under sub-section (3) of Section 356; or
 - (i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.
- (2) Any officer-in-charge of police station may, in like manner, arrest or cause to be arrested any person, belonging to one or more of the categories of persons specified in Section 109 or Section 110.
51. *Arrest to prevent the commission of cognizable offences* - (1) A police officer knowing of a design to commit any cognizable offence any arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.
- (2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force.

49. Preventive action to be taken by telegram.

On receipt of information of the arrival or movement in his jurisdiction of suspicious characters, especially foreigners who are likely to commit dacoity, gang robbery, professional drugging or other serious crime, the officer-in-charge of a station or outpost, In addition to such action as he may decide to take by messenger, or by deputation of his subordinates, etc., should unless the station or outpost is situated at the headquarters of the officer to be addressed at once send telegrams to the Superintendent of Police and the circle Inspector (who will be responsible for communicating the information received without delay to the sub-divisional police officer, if there is one) and all officers-in-charge will warn such places in the list drawn up under Rule 130 as may be selected at their discretion giving such descriptive particulars of the suspects as may be possible with a view to action being taken by the receivers of the messages under Sections 54, 55 and 151, Criminal Procedure Code. The places to which warning has been sent will be mentioned in the message to the Superintendent of Police and the circle Inspector.

50. Sentries (a) in town police station.

In town police station a regular sentry must be posted and relieved every two hours. The Assistant Sub-Inspector of the station will assemble the constables present at the station every morning and evening, tell them off in the order of their watch for the ensuing day or night and enter the orders in the general diary and obtain the signature of all concerned in proof that the orders have been issued and explained. Where numbers are sufficient, an Assistant Sub-Inspector, head constable or senior constable will be placed in charge of the watch, and will be responsible that sentries are properly relieved. If this is not feasible, sentries must be relieved by the "disc" system, whereby each sentry except the first on duty when detailed for duty receives a differently numbered disc, and the sentry going off duty has to obtain a disc from the man relieving him. All members of the guard must sleep in the same room, and one man (usually the Assistant Sub-Inspector, Head constable or constable in charge) will sleep close to the sentry, so that his assistance can be obtained, if necessary, without the

sentry leaving his post. The constable on watch, should, in all cases, rouse the officer-in-charge of the station when he is required for public service.

After a guard has been told off, no member may leave the room (e.g., for cooking, or the purposes of nature) without the permission of the Assistant Sub-Inspector, Head-constable or constable in charge, who will specify the period during which he may be absent.

(b) In mufassil police station.

Ordinarily no standing sentry need be posted at mufassil stations provided that during the day time one of the staff is present in the office room, but at night one of the constables be told off to sleep inside in front of the door thereof which must be securely fastened. If, however, there are prisoners in the lockup or valuable property in the Malkhana, the orders in Paragraph (a) should be followed.

51. Sub-Inspectors to keep a pony.

Where a horse or a pony can be used, Sub-Inspectors will keep a serviceable animal, except that where roads are suitable and local conditions favourable, a bicycle may be used instead of a pony with the written permission of the Superintendent of Police. Station officers when travelling within their jurisdiction should not use the railway unless it is necessary to do so in order to reach their destination in time for the performance of an important duty.

Certain police stations and outposts are provided with boat for the use of officers employed in investigation and other station duties. These will be hired with their crews for the time specified in the district allotments. Superintendent of Police will see that both boats and crews are efficient. Wages of crews, hire of boats, etc., on no account be paid to officers in shape of personal allowance for boats, but the payment must represent the actual expenditure incurred by the officers on their boats, and must not exceed the rate of hire thereof which will be fixed by the Superintendents of Police. This rate may vary from district to district or even from thana to thana in the same district but the Superintendents of Police must exercise strict economy in fixing it.

52. Transfer of charge of police station or outpost.

(a) Which an officer takes over permanent charge of a police station or outpost he and the officer relieved will report the fact to the Superintendent of Police in the charge report form [No. 226. Schedule XL(A)], (Part I) which will be carefully filled up by them. The relieving officer will examine the Government property, cash and registers etc ., and will submit the prescribed certificate in the charge report form.

(b) If any discrepancy is found the relieving officer will modify the certificate accordingly and the officer making over charge will submit his explanation. No police officer may leave his post until regularly relieved unless he has received special permission to do so from the Superintendent or Police. If a discrepancy is subsequently found, after charge has been taken, the new officer will at once report the details to the Superintendent of Police, explaining at the same time why it was not detected at the time of completing the form.

(c) These rules need not be observed in cases of temporary absence, as for instance when an officer in charge of a police station proceeds to headquarters to give evidence. In such cases it will be sufficient if the two officers concerned note in the general diary the fact of having made over and received charge.

(d) Every officer on assuming charge of a police station should personally compare the arms kept at that police station with their descriptions in the register of arms, ammunition and military stores maintained there and enter a certificate of his comparison in the register in his own hand, signed and dated.

N. B. - The above rules apply *mutatis mutandis* to the transfer of charge by one circle Inspector to another.

53. General diary - Contents.

(a) The general or station diary Form No. 135 of Schedule XL(A), Part I is prescribed in Section 44 of the Police Act (Act V of 1861). It should be kept at all police stations, outposts and beat-houses. The officer in charge is responsible that it is punctually and correctly written. He must himself make all but the routine entries. The diary should be written in duplicate with carbon paper.

(b) The morning entry in the diary will show that all furniture have been cleaned, finger print sets cleaned, date stamps checked, etc., as laid down in Rule 60.

(c) Every occurrence which may be brought to the knowledge of the police officers should be entered in the general diary at the time at which it is communicated to the stations, and if no incident be communicated during the day, this fact should be noted in the diary before it is closed and despatched.

(d) In the general diary will be recorded, as concisely as is compatible with clearness, all information lodged and charges preferred whether cognizable or not, the names of informants, the names of all persons arrested, the offences charged against them, the weapons or property of which the police have taken possession and the names of the witnesses who have been examined. In case of a person arrested, his name, the number of the case in which the arrest was made, the dates of arrest and receipt in the police station lock-up, the date and hour when forwarded to the court and the expenses, if any, incurred in feeding should be noted.

(e) Information obtained in regard to the following matters relating to the general administration should also be entered in the general diary. The state of crops, roads, rivers, bridges, railway fences, Government buildings ferries, embankments, trees, telegraph lines, etc., the occurrence of large fires, inundations, storms, railway or other serious accidents the outbreak, prevalence or cessation of cholera, small pox, fever, or other epidemic diseases; serious cattle-disease; the passage through, or gathering together within the limits of the station circle of large bodies of people; arrival and despatch of prisoners; receipt an disbursement or transmission of cash ; particulars of taking and making over charge of the station or outpost; distribution of duty amongst officers; departure and arrival of officers to and from mufassil or on and from leave ; assistance rendered by Panchayats in all matters not connected with the actual investigation of cases; transfers and new arrivals of officers; misconduct or instances of meritorious behaviour on the part of the subordinates; arrival and despatch of dak; submission of periodical returns, and the imparting of instruction in drill, procedure, and other duties to constables. All information as to threatened disturbances should be entered in the general diary. Attendance of village chaukidars, the information furnished by them at muster parade or obtained otherwise regarding the presence of suspicious characters, gamblers, swindlers, foreigners, or members of wandering tribes, the occurrence of any suspicious deaths amongst cattle, the presence of strange boats at village ghats and the disappearance of any therefrom, and the result of enquiry, if any, made regarding them by chaukidars should also be entered in the general or station diary if such information has not been entered in the village crime note book.

(f) The fact of enquiries having been made regarding absconders and surveilles should be briefly entered in the general diary. A note of the number and date of entries in the general diary should also be made in the registers where detailed entries are made. If help is given to excise officers in the detection or prevention of excise offences the fact should be noted.

(g) If a prisoner is placed in the lock-up the fact that all locks and fastenings have been tested and found in good order should be noted.

(h) Whenever any escort over treasure or prisoner passes a police station or outpost whether the escort be of that district or of any other, the fact should be entered in the diary, and the officer in charge of the police station or outpost will initial and put the date and hour on the escort's command certificate. In the case of prisoners' escorts an entry will be made in the diary if they are fed, what food was given, and who were present at the time.

(i) Every entry made in the diary will be given a marginal heading in as few words as possible, and numbered in a monthly series and attested by the signature of the officer in charge of a police station at the time. If it be proved that an officer in charge of a police station has done any official act which he has not inserted and truly stated in his diary or that any occurrences have been wilfully omitted, or any wilful false entry has been made he will be liable to punishment.

(j) An entry in the general diary does not obviate the necessity of a separate report of any occurrence which is required by rule or order to be specially reported.

(k) The collection and communication of intelligence on all matters of public importance is one of the principal duties of the police, and the manner in which this duty is performed by an officer in charge of a station will generally be manifested in his general diaries. Officers should therefore, endeavour to render their diaries as complete, but at the same time, as concise as possible.

(l) The officer in charge of the police station will be responsible for making himself aware of what has taken place in his jurisdiction during his absence on duty from the police station. On his return to the station he will carefully peruse the general diary for the period of his absence and then certify by an entry in the general diary that he has read all the entries made in the diary during his absence and also note further that he is satisfied that all actions relating to those entries have been taken or that any action that has not been taken by his subordinates will be taken by him.

54. General diary-despatch.

The general diary should be completed and a copy of it despatched in a cover to the address of the circle Inspector one hour before the departure of the dak, whatever that time may be and should be a complete record of all occurrences during the previous twenty-four hours. It is not necessary that the diary should commence and end with the day, but a note should be made in the last entry stating that the diary has been closed for the previous twenty-four hours. At the sadar and sub-divisional headquarters, the diary should be closed, and despatched at 8 O'clock a.m, so that extracts from it may appear in the diary report of the same day.

55. Mufassil diary.

[A Mufassil Diary will be submitted weekly by all officers above the rank of Constable attached to Police Stations and outposts. It will contain a brief reference to dates, places and distances of tours with short note of their purposes and will indicate shortly how the time of the officers has been spent. It must not overlap or contain abstracts of case diaries, but should indicate briefly the time occupied in investigating cases and given reference to the case diaries. The Mufassil Diary will be submitted to the

Circle Inspector, who will use it for checking all irregularities on the part of his subordinates and see that they spend a sufficient time away from the Police Station].

Whenever any Assistant Sub-Inspector or head constable is deputed to a steamer ghat he will keep a mufassil diary in which he will enter, besides the names of other places visited and work done, the name of all steamers arriving at the ghat, and the time at which each steamer is visited by him or by the constables subordinate to him and a note will also be made of any fact of interest in connection with such visits. The diary will be kept in duplicate by means of carbon paper and will be submitted weekly to the Inspector through the officer in charge under whose control the Assistant Sub-Inspector or Head Constable is working; The Inspector will in his weekly diary bring to the notice of the Superintendent of Police, any item of information which he thinks necessary.

[] Substituted *vide* Correction Slip No. 80, dated 23rd March. 1948.

56. Inspection of premises of licensed dealers in arms and ammunition.

Sub-Inspectors authorized by district magistrates to inspect the shop of licensed dealers in arms and ammunition should examine their stocks and accounts once a quarter.

57. Inspection of police stations and outposts by district Magistrates and sub-divisional officers.

The Magistrate of a district may direct all or any of his sub-divisional officers to inspect police stations and outposts within their respective sub-divisions with the proviso that while sub-divisional officers may remark on all points, they can only give orders in matters effecting the preparation and trial of cases, and not orders of a general character relating to the administration. When a sub-divisional officer considers the issue of any order of the latter kind necessary or desirable he should submit the matter for the consideration of the Magistrate of the district.

The inspection of police stations is a very important part of the duties of district officer. Such inspections should, however, primarily be devoted to the work of the police as an agency for the prevention and detection of crime and the matters of general administrative interest as far as they can be elucidated from the inspection of a police station. Questions of departmental management and discipline should as a rule be left for the disposal of the Superintendent of Police.

58. Report of criminal charges against boys licensed under the Reformatory Schools Act.

The officer in charge of station should report to the Superintendent of Police all cases in which criminal charges are laid before the police against boys licensed under Section 18 (1) of the Reformatory Schools Act (Act VIII of 1897), by their *pro tempore* employers, such charges being dealt with in the usual manner and according to law. All cases in which ex-reformatory school boys are concerned should be similarly reported. When an ex-reformatory boy is placed under surveillance or is bound down under the preventive sections of the Criminal Procedure Code, the fact should also be reported through the Deputy Inspector General of Police for the information of the Superintendent, Reformatory School, Hazaribagh. See also Part II of this manual.

59. Instructions regarding offences under the Gambling Act.

1. The Gambling Act in force in Assam is Act III of 1867 of the Governor General in Council and not Bengal Act III of 1867. The former was extended to Assam by a notification under Section 5 of the Schedule Districts Act, 1874 (Act XIV of 1874). Sections 13 and 17 of the Public Gambling Act (III of 1867) apply to the whole of Assam and other sections thereof apply only to those parts of the province

to which they have been specially extended. Sections 12 and 13 have excepted games of mere skill from the operation of the Act.

2. In no circumstances should the Magistrate or the police grant permit for any game. If the game is legal no permit is necessary and if it is not, no permit can legalise it. Police should always take steps against the players of all games that are not games of mere skill.

Station Buildings and Furniture (Rules 60 to 69)

60. Police station premises to be kept neat and clean.

(a) A police station or outpost should be a pattern of order and cleanliness both inside and out. There should be a place for everything and the senior Assistant Sub-Inspector of the station will be held responsible that everything is in its place. All registers and papers should be kept neatly in racks or on shelves. The compound must be kept tidy and free from undergrowth by the constables; hollows and depressions which hold water should be filled up and in no circumstances are holes to be made in the compound for the purpose of obtaining earth.

(b) Particular care must be taken with Government property in the station, and the Assistant Sub-Inspector will note daily in the general diary that the hand-cuffs have been polished and are in order, padlocks tried, lanterns cleaned, trimmed and filled, finger print sets, thana seal and dating stamps cleaned, and date sets checked and found correct.

In the event of any loss or damage, the officer-in-charge will at once hold an enquiry, and report the circumstances, and the name of the person responsible. Failure to do so will automatically involve a debt on the officer-in-charge to the extent of the cost of repair or replacement, in addition to rendering him liable to punishment.

(c) The officer-in-charge will inspect the constables' barrack every day, and see that all bedding including mosquito nets is properly folded, that kits are carefully kept and that the barrack is clean and tidy. Common instances of slovenliness to be guarded against are clothing hung from the ceiling and rubbish pushed out of sight under cots or sleeping places. The result of such inspections will be briefly noted in the general diary.

Inspecting officers will invariably note during their inspections as to whether these orders are properly carried out.

61. List to be hung up.

(a) The following lists should be hung on the walls of all police stations and outposts:-

- (1) Government property.
- (2) Returns due to superior officers.
- (3) Arms and ammunition shops and factories.
- (4) Persons, if any, exempted from the operation of the Arms Act.
- (5) Persons holding licenses under the Arms Act.

- (6) Towns and areas in which Section 34 of the Police Act (V of 1861), the Gambling Act (III of 1867), and any other special Acts or rules under Acts are in force.
- (7) Liquor, opium and ganja shops and persons licensed to distill and sell spirits.
- (8) Police stations to which hue and cry notices should be sent.
- (9) Officers and men at the station with dates of posting.
- (10) Wall chart of persons under surveillance.

(b) Besides the Vandyke crime map, a printed thana map, backed with strong canvas, should also be hung up so as to be readily available for use. On it should be marked in colours as far as possible, outstills and liquor shops, public ferries and any other feature of importance which the Superintendent may think fit to order.

62. Keys of the Malkhana and lock-up.

Police station chests, arms racks, ammunition-boxes and the malkhana door will be provided with secure locks, the keys of which should be kept by the officer-in-charge on his person.

The key of the lock-up will remain with the sentry on duty.

63. Post office safes.

(a) Postmasters may place in police stations and outposts an iron safe to be kept under the charge of the station sentry. All cash chests placed in police stations and outposts must be embedded in the ground or wall and be secured by chains to a log or post or in some other safe method (vide Rule 132, Post Office Manual, Volume II). The key will remain with the postmaster who will alone have access to the safe. The police have nothing to do with the contents of the box, and the amount of money it contains should not be brought into the station books.

(b) On the same conditions Sub-Registrars, except those at headquarters of districts and sub-divisions, may place their iron safes to be kept under the charge of the station-house sentry.

(c) Notice of escorts passing between stations and headquarters, either sub-divisional or sadar, will be given by the officer detailing the escort to the Postmasters, who, when they have excess funds which they desire to remit, will send them under charge of the next available escort. The postmasters will supply carriage and pay all charges, the police simply affording the cash the protection of the escort:

64. Furniture, police stations.

Every police station and outpost will be supplied with the following furniture:-

One table for each Sub-Inspector and Assistant Sub-Inspector and one extra.

One chair for each Sub-Inspector and Assistant Sub-Inspector and one extra.

One almirah with lock.

One box with locks of superior quality for each investigating officer for keeping case diaries.

Two hurricane lanterns.

One gong - Only at sadar and sub-divisional headquarters police stations.

One Clock.

One book-shelf.

Hand-cuffs (three pairs for a police station and two for an outpost).

Six escort ropes for a police station and three for an outpost.

Two locks for the malkhana and the lock-up.

One seal complete.

Two ink-pots for each Sub-Inspector and Assistant Sub-Inspector and two extra

One rules.

One rack for arms (at police stations where arms are supplied).

One notice board.

One sign Board.

One map of the police station jurisdiction.

One district map.

One strong chest with good lock.

Benches (two for a police station and one for an outpost).

One rack for old registers.

One cot for each assistant sub-Inspector, head constable and constable except where sleeping platforms are provided.

An authenticated list of all Government property signed by the Superintendent of Police should be kept at the police station or outpost.

Note I - In Police station with permanent wall racks with falling fronts which form writing desks. no extra table, nor tables for Assistant Sub-Inspectors need be supplied.

Note II - One bedstead, one table and one chair should also be supplied for the use of inspecting officers in the inspection rooms attached to outlying police stations.

65. Furniture - town outposts and beat-houses:-

One table.

One chair.

One bench.

One stool.

One clock.

One rack.

One hurricane lantern.

Bull's eye lanterns (for town outposts only according to requirements).

One cot for each head constable and constable except where sleeping platforms are installed.

Two ink post.

An authenticated list of all Government property signed by the Superintendent of Police should be kept.

66. Acts to be supplied to police stations.

The following is a list of Acts and official publications connected with the police and their duties. Up-to-date copies should be supplied to every police station and outpost. For rules regarding supply of Acts and law books see Part II.

1 - ACTS OF THE INDIA COUNCIL

| Serial No. | Short title or subject | Number and year |
|------------|---|--|
| 1 | 2 | 3 |
| 1 | The Indian Penal Code | Act XLV of 1860. |
| 2 | The Police Act | Act V of 1861. |
| 3 | The Foreigners Act | Act III of 1864. |
| 4 | The Public Gambling Act | Act III of 1867. |
| 5 | The Serias and Puraos Act | Act XXII of 1867. |
| 6 | The Press and Registration of Books Act | Act XXV of 1867 as amended by the Press Law Repeal and Amendment Act XIV, 1922 and the Indian Press (Emergency) Power Act, 1931. |
| 7 | The Cattle Trespass Act | Act I of 1871 (as amended) by Act XVII of 1921. |
| 8 | The Indian Evidence Act | Act I of 1875 (as amended by Act X of 1914 and Act XXXI of 1926). |
| 9 | The European Vagrancy Act | Act IX of 1874. |
| 10 | Dramatic Performances Act | Act XIX of 1876. |
| 11 | The Opium Act | Act I of 1878. |
| 12 | The Indian Arms Act | Act XI of 1878 (as amended by Act XX or 1919). |
| 13 | The Indian Emigration Act | Act XXI of 1883 (as amended by Act VII of 1922). |
| 14 | The Indian Explosive Act | Act IV of 1884. |
| 15 | The Telegraph Act | Act XIII of 1885. |
| 16 | The Indian Railways Act | Act IX of 1890. |
| 17 | The Prevention of Cruelty to Animal Act | Act XI of 1890. |
| 18 | The Assam Forest Regulation | Regulation No. VII of 1891. |
| 19 | The Epidemic Diseases Act | Act III of 1897. |
| 20 | The Indian Fisheries Act | Act IV of 1897. |
| 21 | The Reformatory Schools Act | Act VIII of 1897. |
| 22 | The Criminal Procedure Code | Act V of 1898 (as amended up to date) |
| 23 | The Post Office Act | Act VI of 1898. |
| 24 | The Indian Petroleum Act | Act XXX of 1934. |
| 25 | The Assam Labour and Emigration Act | Act VI of 1901 (as amended by Act VIII of 1915). |
| 26 | The Indian Extradition Act | Act XV of 1903. |
| 27 | The Ancient Monuments Preservation Act. | Act VII of 1904. |
| 28 | The Poisons Act | Act XII of 1919. |
| 29 | The Explosive Substance Act | Act VI of 1908. |
| 30 | The Indian Criminal Law Amendment Act | Act XIV of 1908. |
| 31 | The Registration Act | Act XVI of 1908. |
| 32 | The Whipping Act | Act IV of 1909. |
| 33 | The Prevention of Seditious Meetings Act | Act X of 1911. |
| 34 | The Indian Lunacy Act | Act IV of 1912 (Amending Acts XII of 1916, VI of 1922, XXXII of 1923 and Act V of 1926). |
| 35 | The Wild Birds and Animals Protection Act | Act VIII of 1912. |
| 36 | The Indian Motor Vehicles Act | Act VIII of 1914 as amended by Act XXVIII of 1920. |

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| 37 | The Indian Steam Vessels Act | Act I of 1917. |
| 38 | The Indian Rifles Act | Act XXIII of 1920. |
| 39 | The Identification of Prisoners Act | Act XXXIII of 1920. |
| 40 | The Police (Incitement to Disaffection) Act | Act XXII of 1922. |
| 41 | The Indian Official Secrets Act | Act XIX of 1923. |
| 42 | The Criminal Tribes Act | Act VI of 1924 (as repealed and amended by Act XII of 1927). |
| 43 | The Child Marriage Restraint Act (Sarda Act) | Act XIX of 1929. |
| 44 | The Dangerous Drugs Act | Act II of 1930. |
| II. ACTS OF THE BENGAL COUNCIL | | |
| 45 | The Bengal State Prisoners Regulation, 1818 | Bengal Regulations, III of 1818 |
| 46. | The Bengal Births and Deaths Registration Act | Act IV of 1873. |
| 47. | The Bengal Cruelty to Animals Act | Act I of J 869. |
| 48. | The Bengal Cruelty to Animals (Arrest) Act | Act III of 1869. |
| 49 | The Village Chaukidari Act | Act VI of 1870 |
| 50 | The Private Fisheries Protection Act | Act II of 1880 |
| III - ACTS OF THE EASTERN BENGAL AND ASSAM, AND ASSAM COUNCILS | | |
| 51 | The Eastern Bengal and Assam Excise Act | Act I of 1910 (as amended by Assam Excise Amendment Act I of 1918). |
| 52 | The Assam Local Self-Government Act | Act I of 1915 (as amended by Act VIII of 1926). |
| 53 | The Assam Rifles Act | Act I of 1920. |
| 54 | The Assam Municipal Act | Act I of 1923. |
| 55 | The Assam Students and Juvenile Smoking Act | Act II of 1923. |
| IV - GOVERNMENT PUBLICATIONS | | |
| 56 | The Indian Arms Rules | .. |
| 57 | The Assam Police Manuals (six parts) | .. |
| 58 | The Explosives Act Rules | .. |
| 59 | The Assam Motor Manual | .. |
| 60 | The Assam Excise Manual | .. |
| 61 | The Indian Arms Act Manual (Assam) | .. |
| 62 | Government Servant's Conduct Rules | .. |
| 63 | Half-yearly list of non-gazetted police officers (up-to-date) | .. |
| 64 | List of police stations and outposts in Assam | .. |
| 65 | List of police stations and outposts in Bengal | .. |
| 66 | List of police stations and outposts in Bihar, and Orrisa | .. |
| | A copy of the gazette notification defining the thana boundary | .. |
| 67 | | |
| V - OTHER PUBLICATIONS | | |
| 68 | A copy of Investigating Officers Manual | .. |
| 69 | -Ditto- First aid to the injured | .. |
| 70 | -Ditto- Medical Jurisprudence | .. |
| 71 | -Ditto- Finger Print Clues | .. |
| 72 | -Ditto- Gayers "Detection of burglary in India." | .. |
| 73 | -Ditto- Police Primer (T. V. S. Raghavachari, B. A.). | .. |

67. Police station notice and sign-boards.

Every police station and outpost should be provided with a notice-board and a sign board. The former should be hung in the verandah in a conspicuous place, and the latter should be firmly affixed two strong posts on the side of the public road at the entrance to the police station compound.

68. Arms and Ammunition in police stations.

In police stations supplied with arms (other than those at district and sub-divisional headquarters) as to which. See Part III, the officer-in-charge will be personally responsible for the safe custody and maintenance of the arms and ammunition, and for seeing that they are not misused. The arms and ammunition should be entered in the station list of Government property, and kept in the *malkhana* - the muskets in a locked rack, the key being kept in the possession of the officer-in-charge and the ammunition in a box raised from the floor.

Arms should be wiped over daily, and thoroughly cleaned and oiled each Sunday, a note that this has been done being made in the general diary. They will also be recalled to headquarters half-yearly for overhaul by the armourer (vide Part III) when this is done the ammunition will also be returned in exchange for fresh. Muskets and ammunition will not be returned until those sent from headquarters to replace them have been received.

Instructions as to the use of these arms will be found in Part III.

69. Record of land and buildings.

At every police station a record of lands and buildings relating to the police station concerned should be maintained. It will consist of:-

- (i) an extract from the register of lands and buildings kept in the office of the Superintendent of Police. The amount spent on repairs each year should be entered in it to enable the Sub-divisional Police Officers, Inspectors and other inspecting Officers to check the estimates for annual repairs;
- (ii) an accurate site plan of all the land in possession of the department with boundary pillars. This should be a tracing of any correct and certified plan kept in the office of the Superintendent of Police.

N.B. - This register need not be maintained in railway and river police station.

Instructions for certain registers, etc.
(Rules 70 to 88)

70. List of registers and files to be kept.

A list of registers and files kept at police stations and outposts is given in Appendix A to this part. In the following paragraphs are given instruction, regarding certain of the registers and files not dealt with elsewhere.

71. Register of absconded offenders and escaped convicts living or having connections in the station circle, Form No. 163 of Schedule XL (A) (Part I).

The Register will be divided into two parts. In Part I will be entered the names of all escaped convicts and absconding offenders, irrespective of where they have committed crime, whose usual residence is within the station circle in which the register is kept. This register must tally with the entries for the station made in the Superintendent of Police's register with which it will be compared once a year.

Part II will contain the names of escaped convicts and absconding offenders (i) who have committed crime within the station circle, but whose residence is either unknown or within some other station jurisdiction (ii) who have relatives or connections living in the station circle irrespective of the place where crime was committed. In the case of an absconder charged with crime committed within railway limits the Superintendent of Railway Police will send his roll to the Superintendent of Police of the district within the local limits of which the absconder lives, or in which the crime was committed. The District Superintendent will have the particulars entered in the register kept in his own office and in the police stations and outposts subordinate to him. A whole page will be devoted to each offender.

72. Definition of absconders and the method for their search and arrest.

(i) Absconders:-

For the purposes of absconders' register Form No. 163, Schedule XL (A) (Part I) the following persons are to be considered as absconders:-

- (a) persons charged with cognizable offences, against whom there is evidence sufficient to warrant their trial, and who are at large when charge-sheet is submitted on completion of the police enquiry;
- (b) persons who have escaped from police custody, or from a jail or lock-up;
- (c) accused persons for whom proclamation has been issued under Section 87, Criminal Procedure Code;
- (d) persons wanted for prosecution under Section 176, Indian Penal Code, for violating the conditions of bond under Section 565, Criminal Procedure Code.

No entry will be made in the register without the written order of the Superintendent of Police. Should a warrant be received, it will be kept in the file of unexecuted warrants, but the name of the offender should not be entered in the register without the order of the Superintendent of Police.

(ii) Periodical search:-

Periodical search and enquiry will be made for each absconder whose name is in the register, and the date and result of such enquiry will be entered on the back of the page on which his name is to be found. When an officer has made an enquiry he will enter the result in the register as well as the names of two respectable residents present at the time of enquiry. A simple note of all such enquiries will be entered in the general diary. The search for absconding offenders should not be given up, even though it be of years' duration.

The following steps should invariably be taken against the absconders in this connection:-

- (1) simultaneous "drives" at night in the houses of the absconders and their relatives, associates and friends on dates previously arranged confidentially;
- (2) receipt of confidential news from postal officials regarding arrival of letters, parcels and money orders;
- (3) warning the relatives, friends and associates of the absconders under Sections 212, 216 and 216-A of the Indian Penal Code if they conceal them. Their signatures (*plus* the signature of the officer giving evidence as to their signatures) to such warnings should be taken to prove the knowledge, and the slips on which their signatures have been so taken should invariably be filed with the records for the case;
- (3-A) moving the district and sub-divisional magistrates for issue of warrants to landholders, etc., under Section 78 (1), Criminal Procedure Code, whenever possible;
- (4) action under Sections 87 and 88 of the Code of Criminal Procedure immediately after absconding when the warrant is returned unexecuted.

- (5) informing the Provincial Finger-Print Bureau about the absconder whose finger-prints are on record;

In addition, the knowledge of the habits of an absconder by station officers is of considerable assistance in showing where to look for him, as is also the knowledge of trade and caste, e.g., the opium-eater will be found through the opium shops; the drunkard through the liquor shops; the fisherman amongst Mallahs and so on, and search can be narrowed accordingly.

- (iii) Arrest of absconders or escaped convicts:-

- (a) The capture of an escaped convict or absconder should be promptly reported to the Superintendent of Police who will at once order entry in his own register and in those of the various police stations to which the roll was circulated to be cancelled.
- (b) When a convict who has escaped after being sentenced to transportation is arrested he will be taken before a Magistrate and application will be made for an adjournment to enable the police to ascertain whether a warrant has been received for his recapture. If the warrant be forthcoming, the Magistrate by whom the case of the arrested convict is being enquired into, will decide whether there is any reason why the accused should not be removed in custody, under Section 86, Criminal Procedure Code, to the Magistrate who issued the warrant.

NOTES

Section 87 of Cr. P. C. as referred to in this Rule corresponds to Section 82 of the 1973 Code reading as follows:

- "82. *Proclamation for person absconding* - (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.
- (2) The proclamation shall be published as follows:-
- (i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;
- (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;
- (c) a copy thereof shall be affixed to some conspicuous part of the Court-house;
- (ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.
- (3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (1) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day."

Sections 78 and 86 of Cr. P. C. corresponding respectively to Sections 73, and 81 read as follows:-

"73. *Warrant may be directed to any person* - (1) The Chief Judicial Magistrate or a Magistrate of the first class may direct a warrant to any person within his local jurisdiction for the arrest Of any escaped convict, proclaimed offender or of any person who is accused of a non-bailable offence and is evading arrest.

(2) Such person shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued, is in, or enters on, any land or other property under his charge.

(3) When the person against whom such warrant is issued is arrested he shall be made over with the warrant to the nearest police Officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under Section 71."

"81. *Procedure by Magistrate before whom such person arrested is brought* - (1) The Executive Magistrate or District Superintendent of Police or Commissioner of Police shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, District Superintendent or Commissioner, or a direction has been endorsed under Section 71 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate, District Superintendent or Commissioner shall take such bail or security, as the case may be, and forward the bond, to the Court which issued the warrant:

Provided further that if the offence is a non-bailable one, it shall be lawful for the Chief Judicial Magistrate (subject to the provisions of Section 437), or the Sessions Judge, of the district in which the arrest is made on consideration of the information and the documents referred to in sub-section (2) of Section 78, to release such person on bail.

(2) Nothing in this section shall be deemed to prevent a police officer from taking security under Section 71."

Section 88 of Cr. P. C. as referred to corresponds to Sections 83, 84, 85 (1), 85 (2) and 85 (3) of 1973 Code reading as follows:-

"83. *Attachment of property of person absconding* - (1) The Court issuing a proclamation under Section 82 may, for reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable or both belonging to the proclaimed person:

Provided that where at the time of the issue of the proclamation the Court is satisfied, by affidavit or otherwise that the person in relation to whom the proclamation is to be issued –

(a) is about to dispose of the whole or any part of his property, or

- (b) is about to remove the whole or any part of his property from the local jurisdiction of the Court, it may order the attachment simultaneously with the issue of the proclamation.
- (2) Such order shall authorise the attachment of any property belonging to such person within the district in which It is made; and it shall authorise the attachment of any property belonging to such person without such district when endorse¹ by the District Magistrate within whose district such property is situate.
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made –
- (a) by seizure ;or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to anyone on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.
- (4) If the property ordered to be attached is immovable, the 'attachment under this section shall, in the case of land paying revenue to the State Government, be made through the Collector of the district in which the land is situate, and in all other cases –
- (a) by taking possession; or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the payment of rent on delivery of property to the proclaimed person or to any one on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in' such case the proceeds of the sale abide the order of the Court.
- (6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Code of Civil Procedure, 1908 (5 of 1908)."

"84. *Claims and objections to attachment* - (1) If any claim is preferred to, or objection made to the attachment of, any property attached under Section 83, within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or. objector has an interest in such property,' and that such interest is not liable to attachment under Section 83, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part:

Provided that any claim preferred or objection made within .the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

- (2) Claims or objections under sub-section (1) may be preferred or made in the Court by which the order of attachment is issued, or, if the claim or objection is in respect of property attached under an order endorsed under sub-section (2) of Section 83, in the Court of the Chief Judicial Magistrate of the district in which the attachment is made.
- (3) Every such claim or objection shall be inquired into by the Court in which it is preferred or made:

Provided that, if it is preferred or made in the Court of a Chief Judicial Magistrate, he may make it over for disposal to any Magistrate subordinate to him.

- (3) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (1) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute ; but subject to the result of such suit, if any, the order shall be conclusive."

"85. *Release sale and restoration of attached property* - (1) If the proclaimed person appears within the time specified in the proclamation, the court shall make an order releasing the property from the attachment.

- (2) If the proclaimed person does not appear within the time specified in the proclamation, the property under the attachment shall be at the disposal of the State Government; but it shall not be sold until the expiration of six months from the date of the attachment and until any claim preferred or objection made under Section 84 has been disposed of under that section, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner ; in either of which cases the Court may cause it to be sold whenever it thinks fit.
- (3) If, within two years 'from the date of the attachment, any person whose property is or has been at the disposal of the State Government, under sub-section (2), appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such' notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the net proceeds of the sale, or, if part only thereof has been sold, the net proceeds of the sale and the residue of the property, shall, after satisfying therefrom all costs incurred in consequence of the attachment, be delivered to him.

73. Monthly Cash Account how to be kept.

(1) A file of monthly cash account should be kept in Form No. 164 of Schedule XL (A) (Part I). This form should be used at all police stations and outpost. Entries will be made in the first six columns as the money is received and in columns 7 to 11 inclusive when the money is disbursed or forwarded. The entries in the remaining columns will be made only on the last evening of the month, when the original form in use throughout the month should be forwarded to the Superintendent of Police's office through the court officer, a copy being kept at the police station. The entries will be made by the Sub-Inspector in charge of the station in his own handwriting, or when he is absent on duty, by the

officer temporarily in charge. For the sake of convenience, however, the work may be delegated by an order in writing in the station diary to an Assistant Sub-Inspector by name but in that case the responsibility for the actual cash and for initialling the entries in the account should still rest with the officer-in-charge. The officer who makes the entry will at the same time sign his name in column 6 or column 11 as the case may be. A receipt cheque in Form 50 of Schedule II must invariably be given to the individual who brings money to the station, and therefore each item of receipt should be supported by the duplicate of a receipt cheque, the number of which should be entered in column 2. Such duplicate receipts will be kept at the police station and destroyed according to instructions in Appendix A. All sums received in the station, whether receipts from the Superintendent of Police's office, or civil courts receipts to be forwarded to the sadar station or small judicial fines realised or cash stolen and recovered, or receipts from any other source whether ,should be entered in the cash account. Should any sum have been omitted, the officer responsible will be severely punished. Cash should not be kept in hand unnecessarily. If any sum of money has remained in hand for more than two months the officer-in-charge must when submitting his monthly cash account, explain fully the reason for the delay and if there is any probability of further delay before disbursement must refund the money, and have it redrawn later when convenient. See also rules in Part II regarding the drawal and disbursement of money for petty construction and petty repairs.

74. Cash to whom to be remitted.

All miscellaneous magisterial receipts other than fines, remitted to the Magistrate's office, such as chaukidari money, sale-proceeds of impounded cattle, and any other money realized under orders of the Magistrate unconnected with the police, should be paid direct into the treasury or sub-treasury, as the case may be, and will not be sent to the Superintendent of Police or to the court office. The amounts thus remitted will be accompanied by chalans in triplicate, in printed form, which will be presented at sadar stations to the Magistrate's accountant and at sub-divisions to the nazir, or, in case the nazir-is treasurer or treasury accountant, to the clerk in charge of the fine register, or some other clerk from whom security has been taken and who does not perform the duties of the treasurer or treasury accountant. One copy of the chalan duly receipted should be taken to the police station as an acquittance.

All other moneys, such as cash stolen and recovered, cash found on undertrial prisoners, sale-proceeds of unclaimed, attached, or suspicious property, should be forwarded to the court officer. Intestate money should be sent to the Civil Judge direct, *vide* Rule 96.

75. Receipt and vouchers how to be dealt with.

(a) All vouchers or receipts for payment of money should be numbered in a monthly serial and kept in monthly bundles in order of date. The monthly serial number should be entered against each payment in the cash book under the date, thus "4th /No. 10." The bundle of receipts will be in due course destroyed in accordance with instructions in Appendix A.

(b) Officers-in-charge of police stations and outposts are enjoined to decline receipts from the offices of the Magistrates, Superintendents of Police and court officers and from other police stations or outposts unless they be in the regular printed receipt form.

76. Thana and outpost khatian inspection register.

A detailed list or khatian of all cognisable cases reported giving references to entries in various registers will be kept in Form No. 167 of Schedule XL(A), (Part I). It will be written up by the officer-in-charge of the police station or outpost at the close of each month and the entries checked by Inspecting Officers. Totals should be struck quarterly and annually and from these totals the station

statistics. [Form No. 166 of Schedule XL(A), (Part I)] will be complied. The following instructions should be observed in writing up the register:-

Columns 1 and 2 - require no explanation.

Column 3 - to be filled up on receipt of the final memorandum of the case. In cases disposed of under Section 75, Indian Penal Code, insert the section under the original one. All cattle thefts should be distinguished by the entry "C.T." in red ink in this column.

Columns 4 and 5 - the amount of property stolen and recovered as accepted by the magistrate and communicated in the final memorandum should be given here. In appealable cases the entries should be made on receipt of result of the appeal and a large "A" in the red ink should be written in the remark column showing that the case is pending for result of appeal. The value of property stolen in cases in which investigation has been refused under Section 157, Criminal Procedure Code, should ordinarily be that reported by the informant, but the opinion of the court if expressed should be followed.

Columns 6 and 7 - require no explanation.

Column 8 - should include cases due to mistake of law or fact or noncognizable.

Column 9 - requires no explanation.

Column 10 - entries should be made on receipt of magistrate's order communicated on final memorandum.

Column 11 - requires no explanation.

Columns 12 and 13 - in appealable cases the entries should be made after the result of appeal is known, a large "A" in red ink being noted in the remark column to show that the case is pending appeal. Column 13 will include cases ending in discharge as well as acquittals.

Column 14 - in this column will be entered in pencil persons whose cases are pending before the magistrate at the close of the quarter. The entries should be corrected when the cases are disposed of.

Columns 15 to 24 - require no explanation.

Column 25 - the inspector at the time of his inspection of a police station or outpost will pass orders for classification of case records for destruction in accordance with Rule 81.

NOTES

Section 157 of Cr. P. C. as referred to in this rule correspond to Section 157 of the 1973 Code with certain changes reading as follows:-

"157. *Procedure for investigation* - (1) If from information received or otherwise, an officer in charge of a police station has reason to, suspect the commission of an offence-which he is empowered under Section 156 to investigate, he shall forthwith send a report to the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order,

prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that –

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person if depute a subordinate officer to make an investigation, he shall not investigate the case.
- (2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.

77. Crime Maps.

A crime map should be maintained in –

- (i) all circle inspector's offices;
- (ii) all investigating centres in the plains;
- (iii) all town police outpost and beat-houses.

For (i) the 1" = 1 mile Survey of India sheets will be used, the maps required to show circle of jurisdictions being prepared linen backed in the Survey of India Office, Shillong, Thana jurisdictions will be neatly demarcated. If thana officers's note accurately distances and directions of places of occurrence at the time of recording first information reports, circle maps can be properly maintained.

For thana crime maps, vandyked thana or circle maps on a scale of 1" = 1 mile supplied from the Shillong Drawing Office will be used, and will be kept hanging prominently on the wall of the thana office room. On the maps will be marked the outlined of the thana jurisdiction, courses of rivers, railway lines and main roads, and the villages in which bad characters under surveillance reside. The position of the thana will be indicated by a red flag. With the thana as centre concentric circles will be drawn in pencil, one inch apart, and through the position of the thana should be drawn, the sixteen direction lines, i.e., N and S, NNE and SSW, NE and SW, ENE and WSW, etc. These reference lines will give at once the distance and direction of any spot from the thana when a first information is recorded. Distances and directions should be entered after reference to the map. History sheet numbers of resident surveillers will be entered in red ink under the name of the village.

Cases of theft, burglary, robbery and dacoity will be entered on the map at the time of the submission of the charge sheet or final report and the railway cases of burglary on receipt of the quarterly statements from the officer-in-charge of Government Railway Police Station concerned as follows:-

- (1) a neat red pencil circular dot for burglary;

- (2) a neat blue pencil circular dot for theft. Cattle thefts will be differentiated by C, boat thefts by B, and robberies by a blue dot followed by R;
- (3) dacoities will be shown by neat blue dot inside a red pencil D.

Beneath the marks will be entered in ink the number of the case and the month, e.g., 2/7 will represent number two of July. In G.R.P. cases, the word "Ry" will be noted under the case number. The marks should be of reasonable size so as to be Visible from a distance. Ordinarily a fresh thana crime map will be opened every year but where crime is light the same map may serve two years by the adoption of different symbols, e.g., X or I or O instead of dots.

For towns, maps on the largest available scale, not less than 6" = 1 mile will be used in a similar way to the thana crime maps described above. They will show beats, street lamps, important buildings, liquor and excise shops, hotels and serais, and all residences and resorts of known bad or doubtful characters. Being expensive, one map should be used for three years by the adoption of different symbols for different years. The greatest care and neatness must be observed in their preparation and maintenance. See also Rule 280 regarding town police.

The main object of the maintenance of these particulars in bold detail described above is to concentrate the attention of executive and inspecting officers on the crime in their jurisdictions. Inspecting officers must not hesitate to outline prominently by encircling in heavy blue or red pencil crime areas on these maps so that the crime map hanging on the wall and the crime areas thereon attract the immediate notice of an officer entering a police station. This will ensure that such action as is necessary will be taken by all concerned to deal with the crime indicated.

Inspecting and supervising officers have a personal responsibility. They have or should have the important qualification of experience in which to observe systematically, to form judgments of probabilities and give instruction and advise for the detection and prevention of the crime shown prominently on the crime maps. The maps serve to keep constantly in a convenient pictorial form before all concerned, the relative incidence of crime in particular areas or particular jurisdictions, and, if the facts relating to such incidence are kept constantly under review as they should be - these maps should prove useful to officers in focussing attention on the notable uniformity of certain species of crime in certain areas and in simulating the institution of special injuries with the object of providing a remedy.

78. Register of papers received and despatched [Form No. IA of Schedule XL(A), (Part I)].

In this register will be included all orders and other papers including correspondence received and despatched. The register will be written up by the *sheriste* Assistant Sub-Inspector, but this of course will not relieve the officer-in-charge of the responsibility or opening, dating and attending to the *dak* personally. The register will be divided into as many parts as are required by the nature of the correspondence, thus, -

- (i) Orders from the courts and magistrates-

All orders from magistrates and courts should be treated as magistrate's orders (and not police orders) even when they are received through superior police officers, e.g. gun licenses bail applications, etc., received through sub-divisional police officers or circle Inspectors. These should be entered in this part.

- (ii) Departmental orders, e.g., orders of the Superintendent of Police, Deputy or Assistant Superintendent or Inspectors.

- (iii) Enquiry slips and bad character roll - only receipts are to be entered.
- (iv) Miscellaneous, i.e., all other papers including those received by the court Inspector Sub-Inspector.

N. B. - "Court" should not be confounded with court Inspectors and Sub-Inspectors.

Such papers as registered elsewhere such as first information reports, final memoranda, copy of the general diary, legal processes, etc., will not be registered in the register of letters received and despatched.

All communications, received from the Magistrates and court officers if they are not definite orders by the Magistrates for action by the police, should be entered in the register without any serial number. For slips sent by Magistrates or court officers for production of witnesses see Rule 82.

79. Inspection Book, Form No. 168 of Schedule XL(A), (part 1).

The remarks of inspecting officers will be entered in this register. Superior police officers will see, at the time of their inspections, that register and case papers have been duly classified and destroyed as laid down in Rule 81 and that old papers are not allowed to accumulate. They should check a proportion of the entries in the Khatian register. The action taken by the officer-in-charge of the police station or outpost on the points which require action will be shortly noted in the margin.

A copy of all inspection remarks must be sent to the office of the Superintendent of Police within two days of this inspection.

A copy in a half margin of any inspection remarks recorded by the Governor, the Hon'ble Minister or any other high official will be forwarded by the Superintendent of Police to the Inspector General of Police within a fortnight of the inspection. The Superintendent of Police will give in the margin any explanation or comments which may appear to be necessary.

The Commissioners of Divisions will avail themselves of any suitable opportunity of visiting police stations that may arise in the course of their tours. Their inspections will however be of a general nature and need not enter into points of detail and they should be mainly directed to ascertaining whether the Deputy Commissioner and the Superintendent of Police are suitably discharging the responsibilities laid on them. The remarks should also be similarly dealt with.

Extracts of any remarks made by the inspecting officers which relate to sanitary or other matters will be sent to the Director of Public Health or other Heads of Departments concerned by the Superintendent of Police through the Inspector General of Police.

80. Register of gun licences.

A register in Form No. 47 of Schedule LIX, (Part I) of persons licensed to carry or possess arms and of persons exempted from the provisions of the Arms Act should be maintained in each police station. It should be prepared from the list of licensed persons received from the Deputy Commissioner's office. The entries in the register should be arranged village by village, the villages being grouped according to the Panchayati circle (where there are such circles) and in the Assam Valley districts according to the revenue muzas. List of licenses renewed will be sent out fortnightly during the renewal season from the Deputy Commissioner's office direct to the officers in charge of police stations. They will show the number of the gun and the date of renewal. The thana officers should then note the date of renewal of the license against the number given in the thana register.

Transfers effected during the time of renewals should be noted in the following way:-

- (a) Within the same mauza by a correction in column 2 of the form.
- (b) in different mauzas within the same thana jurisdiction by cross references in the

to
remarks column – “No. transferred ----- of village mauza
from

- (c) To another thana _____ by striking off the entry in the list of the original thana and making cross references in the remarks column _____ "No.

to
transferred ----- of village mauza
from
thana

Transfer not made during the renewal season, i.e., from November 15th to January 15, will be notified by the post card to the thana or thanas concerned.

As soon as possible after the 1st February in each year the thana officer should bring in his register to sadar and check it with the district Magistrate's register which will be similarly maintained.

The thana register should be maintained permanently and re-written only when the number of corrections makes this desirable.

Every officer in charge of a police station will report to the Magistrate of the district, on or before the 1st December whether there is any objection to the renewal of any of the licenses within his jurisdiction. (For Persons exempted see Schedule I to the Indian Arms Rules. 1924).

81. Rules for the preservation and destruction at police stations and outposts of papers connected with the investigation of cases.

The following rules will regulate the destruction at the police station and outposts of papers connected with cases investigated by the police –

- (i) All papers connected with case in which any accused person has absconded will be preserved until the Magistrate orders their destruction on the ground that there is no reasonable probability of the arrest being effected.
- (ii) In cognizable cases which have been declared true by the Magistrate. but have not been tried. the following papers should, subject to the proviso below, be preserved for 14 years and then destroyed.
 - (a) First information reports;
 - (b) Counterfoil of final forms.
 - (c) Final memoranda.

Note - These rules do not apply to papers filed with record of a case which have been tried by a Magistrate or has formed the subject of a judicial enquiry. Such papers do not remain at the police station but are sent to headquarters, and as forming part of a judicial record are destroyed under the orders of the district Magistrate in accordance with rules framed by the High Court.

- (d) Case diaries.
 - (e) Dying declarations.
 - (f) Documentary exhibits, list of property and maps.
- (iii) Provided that in cases under Sections 454, 455, 456, 457, 379, 380 and 381. 1. P. C. • in which no property has been stolen or the value of property stolen is less than Rs. 100. all papers will be destroyed after three years, except in cases in which fire arm! or ammunition have been stolen.
 - (iv) All other papers, including papers (such as dying declarations and case diaries) which relate to cases which have been tried but which have not been attached to the judicial records will be kept for three years and then destroyed.

The general effect to these rules is that all papers will be destroyed after three years except those connected with cases in which any accused person is absconding, and except certain papers connected with the more important non-bailable cases which have been declared true by a Magistrate.

On receipt of the final memorandum, the officer who has investigated the case, will separate from the bound book the counterfoils of the first information and of the final form and keep them with case diaries of the case to which they relate. He will then mark prominently with a large letter "P" in red ink each paper or file of papers which is to be kept for more than three years.

The Inspector at the time of his inspection of a police station or outpost will pass orders for classification of case records for destruction in column 25 of the Khatian inspection register. Cases in which any person is absconding should be marked with a larger letter "A" in red ink. In other case the Inspector will mark the year in which the papers connected with the case should be destroyed. These will be as the case may be, either three or fourteen years from the date of disposal by the Magistrate. This date should be reproduced on the papers or files of papers by the investigating officer with the words 'Destroy in'-

At the close of the year separate bundles should be made up of

- (i) Papers relating to absconders.
- (ii) Those to be kept for fourteen years.
- (iii) Those to be kept for three years.

In January of each year officer in charge of the police station or outpost will after examining the papers and the entries in column 25 of the Khatian register, prepare a list of (i) records due for destruction in the year which has just closed and (ii) registers and files similarly due for destruction under Appendix A to this part. The list thus prepared will be examined by the Inspector at his next inspection and if he finds it correct, he will forward it with his recommendation for destruction to the Superintendent of Police who will pass necessary orders after checking it personally at the police

station if he thinks this desirable. Both the officer in charge and the Inspector will if they consider that any particular record should be preserved for any special reason will' recommend accordingly.

The officer in charge will also at the same time prepare and submit to the Superintendent of Police a list of cases instituted in his jurisdiction in which the accused has been absconding for more than five years. The list will be forwarded by the Superintendent of Police to the District Magistrate with his recommendation that an order for the destruction of police records may be passed on those cases in which there is no reasonable probability of the absconder being arrested.

The fact that the records have been destroyed should be noted in the Khatian register.

It is further the duty of the Inspector to examine the stock of blank forms and registers kept at a police station or outpost to see that the stock is sufficient but that it is not in excess of a year's requirement.

No records should be removed from the station without a slip being left in its place to show where it has gone.

82. The process register and the procedure for service of process.

(I) Register of processes served by police, Form No. 169 of Schedule XL(A), (Part 1) –

A register of processes served should be kept at all police stations and outpost. Every summons, warrants and other legal process whether in a cognizable or non-cognizable case, sent to a police station for service, will be separately entered in it. Ordinarily processes in non-cognizable cases will not be sent to the police for service. See also Part IV.

The slips by court officers or Magistrates for production of witnesses should be classed as summonses and entered in the process register.

A slip for the production of several witnesses should be regarded as containing as many orders as there are witnesses to be produced and in entering it in the register a separate serial number should be allotted to each witness to be produced, e.g.; where the slip contains the name of ten witnesses to be produced the serial number in the receipt register should be 1-10 for the slip. Summonses to the police and witnesses may be entered together in the process register, distinguished by the letters "P" for summonses to the police and "W" for summonses to witnesses.

The following process entered in the register of processes should be taken into account when compiling figures for the annual police administration report:-

- (i) Fine warrant;
- (ii) Proclamation and attachment orders;
- (iii) Railway fine distress warrants;
- (iv) Other warrants;
- (v) Summonses;
- (vi) Magistrate's orders for production of witnesses communicated by him or the court officer by a slip;

(vii) Collectorate orders (for definite action by the police).

(II) A process after entry in the register can be made over by the officer-in-charge to any police officer including a constable for service. The latter's name and date on which it is made over to him will be endorsed on the back of the process and the endorsement signed in full by the former with the addition of the words "Office-in-charge."

The officer or man entrusted with the service of process should be informed of the date on which he is required to return; and on his return the process unless it be a warrant of arrest, will be returned to the court officer with a report endorsed on its back by the officer-in-charge stating how and by whom it has been served and if not served giving reasons for the failure.

The execution of a warrant of arrest should not be delayed and put off till the date fixed for the case by the magistrate but action should be taken as soon as possible after the receipt of the warrant to effect the arrest.

In the first column of the register under the police station annual serial number, the court officer's number of process should be entered a line being drawn between the numbers.

83. Rules regarding the execution of warrants and action to be taken in case of failure.

I(a) An officer-in-charge of a police station or outpost to whom a warrant of arrest is sent for execution under Section 77 Criminal Procedure Code, may, if he so desires, entrust the duty to some other police officer (including a constable) by endorsing the latter's name on the back of the warrant under Section 79, Criminal Procedure Code, in the manner laid down in the foregoing rule.

(b) The officer executing the warrant will notify the substance thereof to the person to be arrested and will show him the warrant if so required (Section 80, Cr. P. C.).

(c) The person arrested will (subject to the provision of Section 76, Cr. P. C., as to security) be sent without unnecessary delay to the court before which he is required by law to be produced (Section 81, Cr. P. C.)

(d) A warrant after service, should be returned to the issuing court with an endorsement as laid down in the foregoing rule.

(e) A warrant, endorsed for bail (Section 76, Cr. P. C.) should if practicable, be always executed by a police officer who can read and write.

II(a) When a police officer to whom a warrant has been entrusted for execution fails to find the accused person, and has reason to believe that he has absconded or is concealing himself and the warrant cannot be executed, he will submit a report in writing stating clearly the reason for such belief.

(b) He should also in all cases make a list of the property belonging to the absconder and after obtaining the signature of the Panchayat or of some other respectable witness to the list send it along with the warrant report mentioned in clause (c) below to the magistrate, a copy being sent to the Superintendent of Police.

(c) A magistrate issuing a warrant is required to fix a date by which the warrant is to be executed or failure to execute reported. If it is not possible to return the warrant duly executed to the issuing court by the date fixed in the warrant the officer-in-charge of the police station to whom the warrant has been addressed or endorsed will submit, not later than the morning of the date fixed, the

report in Form No. I of Schedule VI stating the reason why the warrant has not been executed. If the accused is absconding he will also send with his report the original report referred to in clause (a) above of the officer to whom the warrant was made over for service, together with the list of property belonging to the absconder. It will then rest with the court officer to apply for proclamation and attachment, if necessary.

As there is no legal bar to the execution of a warrant of arrest of an accused person after the date fixed by the magistrate expires, attempt should always be made to find out the man wanted and arrest him if found before fresh orders are received from the Magistrate fixing another date for the case.

An account of all attempts to execute warrants should be kept and constables deputed to execute warrant should be questioned by the officer-in-charge or a Sub-Inspector and a succinct but specific note in the form in the Absconders' Register should be recorded. These will be pasted in to the Absconders' Register should the man's name be entered therein.

Officers should go out in earliest stages to execute warrants in which constables fail.

(d) A warrant of arrest against an accused person once issued remains in force and should be retained at a police station or outpost until the arrest is made, or the individual surrenders, or until the warrant is formally cancelled and withdrawn by the court which issued it.

An unexecuted warrant for the arrest of a witness in Form No. 8, Schedule V Criminal Procedure Code, should be returned to the magistrate on the date fixed therein, so that the latter may take what further steps he may think advisable. Fine warrants should be kept in this file while they are in the police station.

NOTES

Sections 76, 77, 79, 80 and 81 as referred to in this rule correspond respectively to Sections 71, 72, 74, 75 and 76 of the 1973 Code reading as follows:

"72. *Power to direct security to be taken* - (1) Any Court issuing a warrant for the arrest of any person may in its direction direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(2) The endorsement shall state –

(a) the number of sureties;

(b) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound;

(c) the time at which he is to attend the court.

(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the Court.

72. *Warrant to whom directed* - (1) A warrant of arrest shall ordinarily be directed to one or more police officers; but the Court issuing such a warrant may, if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.
- (2) When a warrant is directed to more officers or persons than one, it may be executed by all or by anyone or more of them.
74. *Warrant directed to police officer* - A warrant directed to any police officer may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.
75. *Notification of substance of warrant* - The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.
76. *Person arrested to be brought before court without delay* - The police officer or other person executing a warrant of arrest shall (subject to the provisions of Section 71 as a security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person;

Provided that such delay shall not in any case, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court,"

84. Rules regarding service of proclamation and execution of order of attachment.

(a) *Service of proclamation* - A police officer to whom a proclamation has been made over for publication is responsible that the provisions of Section 87, Criminal Procedure Code. are strictly complied with and, he must submit to the magistrate a written report showing clearly that the proclamation has been duly published as required by that section.

(b) *Execution of an order of attachment* - On receipt of an order (of attachment the officer-in-charge of the police station or outpost will take the necessary step to effect the attachment and will submit a report in Form No. 197 of Schedule XL(A), (Part I) to the magistrate who issued the order and forward a copy to the Superintendent of Police. In making the attachment the list prepared under Rule 83 should be made use of and if it is found that any property belonging to the accused as shown in that list is not forthcoming, action under Section 206, Indian Penal Code, should be taken against the person responsible for the loss.

A check also will be made in the office of the Superintendent of police with the first list of property submitted there to see if the work has been thorough.

NOTES

Section 89 of Cr. P. C. as referred to in this rule corresponds to Section 82 of 1973 Code-see Rule 72.

85. Duty of the Police in connection with the realisation of fines.

Mode of execution of fine warrants:-

The following rules are framed by the Government of Assam regarding the execution of fine warrants, etc., *vide* Notification No. 3968-G. J., dated the 22nd June 1925:-

- (1) A warrant issued under sub-section (1), clause (a) of Sec. 386, of the Code of Criminal Procedure, 1898, for the levy of a fine shall ordinarily be directed to a police officer (see Form No. XXXVII, Schedule V of the said Code). The authority issuing it shall specify a time for the sale of the attached property and for the return of the warrant.
- (2) The police officer or other person to whom a warrant is directed under Rule (1) shall attach any movable property belonging to the offender and shall prepare a list specifying each item of property so attached. The list shall be signed by the attaching officer and by at least one respectable person of the locality.
- (3) If no person claims the property attached, the police officer or other person directed to execute the warrant, may sell it within the time specified in the warrant without any previous reference to the magistrate.
- (4) If any person makes any claims in respect of the property attached, than the ownership of such property shall be determined by the magistrate who issued the warrant, or his successor in office, the magistrate, in charge of the accounts. The services of a junior Extra Assistant Commissioner or Sub-Deputy Collector may be utilised, if necessary, for the investigation of such claims.
- (5) Subject to the proviso to Section 386(1) of the Code of Criminal Procedure, 1898, or at any time subsequent to the return of the warrant, and within the period of six years from the passing of the sentence, the fine, or any part thereof, remain unpaid (see Section 70 of the Indian Penal Code) and the court has reasonable ground for believing that any movable property belonging to the offender is within its jurisdiction, it may issue a fresh warrant for the attachment and sale of such property. Such warrant shall be made returnable within a time to be definitely fixed therein.

NOTES

Section 386 of Cr. P.C. as referred to in this rule corresponds to Section 421 of the 1973 Act, reading as follows:

- "421. *Warrant for levy of fine* - (1) When an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may-
- (a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender;
 - (b) issue a warrant to the Collector of the district, authorising him to realise the amount as arrears of land revenue from the movable or immovable property, or both, of the defaulter:

Provided that, if the sentence directs that: in default of pay merit of the fine, the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless, for special reasons to be recorded in writing, it considers it necessary so to do, or unless it has made an order for the payment of expenses or compensation out of the fine under Section 357.

- (2) The State Government may make rules regulating the manner in which warrants under clause (a) of sub-section (1) are to be executed, and for the summary determination of

any claims made by any person other than the offender in respect of any property attached in execution of such warrant.

- (3) Where the Court issues a warrant to the Collector under clause (b) of sub-section (1), the Collector shall realise the amount in accordance with the law relating to recovery of arrears of land revenue, as if such warrant were a certificate issued under such law:

Provided that no such warrant shall be executed by the arrest or detention in prison of the offender.

86. Fine warrants and their register.

At each police station a register in Form No. 30 of Schedule VIII will be kept for all warrants received by the police for realisation of fines within its jurisdiction. The substantive imprisonment (if any) and the imprisonment in default of the payment of the fine awarded by the court should be noted in the fine register in column 4 below the name of the offender and his offence. The warrants must be returned within the time specified therein whether the amount of the fine imposed of it, be realized or not. On no account should time-expired warrants be retained in the possession of the police. Warrants subsequent to first issued for the realization of the same fines should be entered in the register in red ink but be treated as a fresh entry, a reference being made in the remarks column to the year and number of the original warrant. When a fine is payable in two or three instalments the warrant issued, for realization of each instalment will be treated as a fresh warrant for all purposes. All fines realised should be remitted with the return warrant at once to the magistrate's clerk in charge of the fine register.

87. Enquiry for unrealised fines.

(i) *Before issue of warrant* - The magistrate may, if he thinks, fit, order a local enquiry to be made by a police officer before issuing a warrant. In no case should such enquiry be made by an officer of lower rank than an Assistant Sub-Inspector or Head Constable. The Head Constable deputed to make such an enquiry should be furnished with precise instructions as the cases to be enquired.

(ii) *Periodical enquiries* - Whenever a fine or part of a fine is left unrealized, it is the duty of the police to institute periodical enquiries as to the acquisition of property by the defaulter. The fact and result of making these enquiries should be entered in the column of remarks at least once a quarter. The enquiries: should not, in the first instance; be made in any formal or official manner; but the officer of a police station when visiting a village or receiving the reports from rural police, should enquire from time to time the position and occupation of any defaulter resident within his jurisdiction. If it appears that such defaulter can in probability pay the amount of fine outstanding against him, the enquiring officer will forthwith report the matter to the magistrate having jurisdiction, with a view to the issue of a warrant. In all other cases he will merely note "no assets" in the remarks column, dating the entry.

(iii) *Irrecoverable fines* - If a defaulter has no assets and there is no prospect of recovering the fine, the magistrate should be move to strike it off as irrecoverable. In the event of the death of a defaulter one final and formal enquiry should be made as to whether he has left any property liable for his debts. If there be no such property the magistrate should be moved to strike off the fine.

(iv) *Nature of enquiry* - Although a warrant directed to the police for the levy of a fine empowers them to attach and sell only the moveable property, they should as well enquire regarding any immovable property owned by the defaulter in order to enable the court to issue a warrant to the Collector under Section 386 (1) (b) of the Criminal Procedure Code. In making an enquiry the period of

six years' limitation fixed by Government with regard to the attachment and sale of movable property of the defaulter [vide Clause (5) of Rule 85] should not be forgotten.

NOTES

Section 386, Cr. P. C. corresponds to Section 421 of 1973 Code-see under Rule 85.

88. Comparison of Police Station fine register with the Magistrate's register.

The Magistrate will call for the register of each police station at least once a quarter, and have it compared with the fine registers of his court. He will also note that the police enquiries have been regularly made and properly recorded; The comparison must never be made by the clerk in charge of the fine registers, but when possible be done by a : Magistrate and, if not, by some other of the Magistrate's clerks. Entries in the police station regarding the realization of fines imposed in other districts, or in the sub-division of the same district, should be compared with the entries of fine warrants in the court officer's register of processes and with the Magistrate's cash book once a quarter.

Instructions regarding certain files (Rule 89)

89. Instructions regarding certain files.

(a) File of discharge slips Form No. 74 of Schedule XL (A), Part I:-

The object of this file is to prevent the re-enlistment of dismissed men. It should be consulted by police station officers on receipt of the verification roll of a recruit for enquiry as to his antecedents.

(b) *File of police and criminal intelligence gazettes* - The gazettes must be read immediately on receipt, and any correction necessary in previous issues or in any of the station books or registers be at once made. They will then be circulated to each subordinate outpost in order that similar action may be taken and on return will be kept in separate files at the police station. All information relating to absconded offenders, suspicious characters, released convicts, etc., must be communicated by the officer-in-charge of the police station to head constables and constables and officers should be encouraged to maintain some simple form of index as may be convenient to facilitate reference to the details of persons "wanted." The illustrated supplements to the criminal intelligence gazette should be kept in separate file in consecutive order, the photographs being pinned conspicuously on the wall so that all members of the staff may become familiar with the features.

(c) *File of circular orders of the Inspector General of Police and of standing orders of the Superintendent of Police* - Circulars and circular memorandums by the Inspector General affecting the working of police stations are issued from time to time, They will be kept in annual files at police stations and outposts and be bound up in yearly volumes with an index of contents. All members of the station staff and outpost should be examined at inspection times to test their knowledge of the printed orders which concern them. A file should also be kept of all standing orders issued by the Superintendent of Police. An index of all such orders should also be kept.

(d) *File of miscellaneous returns* – These should be filed together monthly.

(e) *File of periodical returns* - The original copy of every periodical returns should be filed at the station those for the various periodics, weekly, monthly, etc., returns being filed separately.

Reporting of births and deaths and diseases (Rules 90 to 94)

90. Registers of birth and deaths.

In the districts of Cachar and Goalpara a register of births in Form No.3 of Schedule XLVII and a register of deaths in Form No. 5 of Schedule XLVII will be kept. Chaukidars are expected to report all births and deaths within their respective beats when they attend at the police station or outpost for muster parade. Each chaukidar will be supplied with a hath chita or village register of: births and deaths in Form Nos. 1 and 2 or Schedule XLVII in which he will cause to be entered by the *panchayat* or some other person all births and deaths which occur within his beat. The entries should be signed by the *panchayat* each week.

On the 1st each month a return in Form No.7 of Schedule XLVII will be submitted to the Civil Surgeon of each district of the births and deaths reported in the previous month. The registers of vital statistics will be open to the inspection of the Director of Public Health and Assistant Director of Public Health, Civil Surgeons and officers of the vaccination staff. Defects noted by them should be brought to the notice of the Superintendent of Police.

These rules do not apply to urban areas, viz., municipalities and small towns where the Bengal Births and Deaths Registration Act (IV of 1873) is in force, and registration is compulsory under the Act and the municipal authority is responsible for registration, but to rural areas only, excluding railway jurisdictions.

In other districts the police have no responsibility for vital statistics. In "Cachar and Goalpara Inspectors and Sub-Inspectors when in the interior of their jurisdictions should as far as possible check the entries in the chaukidar's hath chitas, and officers-in-charge of police stations' or outposts should watch the registration of births and deaths as recorded in the chaukidar's attendance register, Form No. 30 of Schedule LIX (Part II), The average death rate may be taken at 25 mile and the birth rate somewhat higher. If in any village the number of births and deaths falls very much below the rate the chaukidar should be warned to make careful enquiries to [ascertain whether all occurrence have been reported and the Sub-Inspector should himself test and depute his subordinates to test the reporting in villages which show a specially low rate.

91. Report on the outbreak of epidemic diseases.

I. It shall be the Chaukidar ----- to inform at once both Sarpanch ----- and the nearest Gaonbura ----- Mauzadar ----- dispensary (Medical of Public Health or Local Board) of any occurrence of cholera, small-pox, influenza and plague in his village. Any Chaukidar ----- gaonbura ----- failing to do so within three days of the occurrence of the first case will be liable to dismissal or a fine not exceeding his monthly pay in the case of a chaukidar ----- suspension of revenue remission in case of a gaonbura ----- if no satisfactory explanation is forthcoming.

II. On receipt of such information the Sarpanch ----- Mauzadar ----- shall arrange that the thana, the nearest dispensary (if not already informed), the Chairman of the Local Board and the Civil Surgeon or Assistant Surgeon concerned are immediately informed by wire, if possible, or otherwise by the post card supplied for the purpose or by messenger whichever method is speedier.

III. The cost of any telegram or messengers sent by the ^{Sarpanch}----- will be recovered by him from ^{Mauzadar} the Civil Surgeon on presentation of a bill supported by the telegraphic receipt or a receipt from the messenger countersigned by the officer in charge, Police Station, the ^{Sub-Assistant Surgeon}----- or the Chairman ^{Local Board Doctor} of the Local Board to whom the messenger was sent.

The ^{chaukidar}----- ^{gaonbura} will be eligible for a payment which should ordinarily be at the rate of one anna per mile travelled by any messenger whose employment was absolutely necessary and also in cases where the Civil Surgeon is satisfied that he bore the message himself with exceptional promptitude or displayed special intelligence, for a cash reward not exceeding Rs, 2 or a sanad for good work. The Deputy Commissioner will make such payments on the recommendation of the Civil Surgeon, who will arrange for the funds. The Director of Public Health will recommend to Government the grant of sanads for specially good work.

IV. The thana officer will report in Form No. 170. Schedule XL (A) (Part 1) the outbreak at once to the ^{Civil Surgeon}----- as the case may be in whose jurisdiction the outbreak has occurred. ^{Sub-divisional Medical-officer}

92. Death of pensioners and police officers to be reported.

The officers-in-charge of police stations and outposts and chaukidars should report the death of any pensioner civil or military and of any police officer whilst on leave as soon as possible after the occurrence.

93. Register of human beings and cattle killed by wild animals and snakes.

A register in form No. 171 of Schedule XL (A), (Part I) will be kept at each police station and outpost in the districts in which there are village chaukidars (i.e., all districts except the hill districts and the districts of the Assam Valley other than Goalpara), showing the number of human beings and cattle killed by wild beasts and venomous snakes.

Occurrences will be reported by chaukidars at the muster parades and will be entered consecutively as reported. The number of the entry in the register of deaths and the number of the unnatural death case, if any, should be noted in the register. The register is intended to deal only with wild animals which are dangerous to human beings or cattle whether rewards are given for their destruction or not. Deaths of human beings or cattle caused by wild pigs (irrespective of size or sex), wild dogs and alligators should be included under the head "Other animals" but not those caused by tamed elephants or tamed buffaloes or by mad dogs other than wild dogs; nor those caused by foxes, jackals or other animals not ordinarily dangerous to human life. Information as to what animals are actually included under the head "Other animals" should be supplied in the form of a footnote in each statement. Deaths in tea gardens due to wild animals must be included in it.

In the first week of January of each year a return in the form of a loose sheet of the register showing the deaths which have occurred in the previous calendar year will be submitted to the office of the Superintendent of Police.

94. Reports of cattle diseases.- [Deleted].

Duty of police in regard to stolen and unclaimed property
(Rules 95 to 101)

95. Register of property stolen and of all property and articles taken charge of by the police.

Form No. 172 of Schedule XL (A), Part I - The term "Stolen property" is defined in Section 410, Indian Penal Code. All stolen property whether recovered or not relating to cases of which cognizance is taken by the police, and all property and articles which the police take charge of, should be entered in this register, the columns whereof are explained below:-

Column (1) - *Stolen property* - In this column should be entered all property reported to the police as stolen but not recovered nor taken charge of by the police.

Column (2) - *Intestate property* – Subject - matter of Rule 96 requires no explanation.

Column (3) - *Unclaimed property* – Subject - matter of Rule 97 requires no explanation.

Column (4) - *Suspicious property* - Property seized by the police on suspicion and not traced to any reported case till the time of entry in the register.

Column (5) - *Exhibits or other property* - Property seized in the course of investigation of a case which is to be sent to court to be made an exhibit in the trail of the case.

Column (6) - Although it is not very difficult to record the description of property in the custody of the police, viz.; properties entered in Columns 2 to 5-great care should be taken in entering the description of stolen property mentioned above (column 1). The nature of the property, the material of which it is made, its size, weight and identifiable marks, etc., should be ascertained by closely questioning the informant when his information is entered in the first information report at the time of institution of the case. It should always be remembered that the main object of entering the description of the stolen property is to make its subsequent identification, when recovered, possible.

Column (7) - In a case which has been investigated the amount of property to be entered as stolen and recovered will be the amount accepted by the magistrate and shown in the final memorandum of the case. In cases in which no investigation has been made the amount stolen and recovered will ordinarily be the amount stated by the complainant. The entry will be made after receipt of the order from the magistrate accepting the abstention from enquiry and the magistrate's opinion as to the value of the property, if expressed, will be entered. When promissory notes, bonds, and such other property are stolen, only the intrinsic and not the nominal value of the articles stolen should be entered.

Columns (8 and 9) - Require no explanation.

Column (10) - When a judge or magistrate orders the property recovered or found to be returned to its owner or to any other person, the receipt of the person to whom it is to be returned should be obtained in Column 10 of the register and the date of return should be put under his signature. No stamped receipt is to be insisted on, as such receipts Come under exemption (b) to Article 52 of Schedule I to the Indian Stamp Act.

(Government letter No. 3863, dated 8th November 1934); If the property is sent to the court office for production before the court at the time of trial or for any other purpose a note, should be made in Column 10 to that effect, giving the name of the constable by whom, and date on which it was sent. The entry should be signed by the officer-in-charge of the police station. Inspecting officers must invariably examine this register carefully and see that no improper delay has occurred in the disposal of property.

Column (11) - Requires no explanation.

Column (12) - In the remark column should be entered the steps taken for disposal of the property and the abstract of the order of authority to whom reports are sent.

At the end of the year all entries of property not disposed of should be brought forward in red ink.

96. Rules regarding intestate movable property.

The following rules are issued for the guidance of the police in dealing with intestate property which should also be entered in the register of property taken charge of by the police referred to in Rule 95:

- (i) In all cases in which intestate movable property (that is to say movable property in respect of which no document purporting to be a will is produced) is taken possession of by the police, the officer-in-charge of police station in which the occurrence takes place should submit a report to the magistrate of the district, or of the subdivision of the district within which his station is situated. The report be in Form No. 16 of Schedule VI. All cases of intestate movable property should be reported by the police in this form, unless a claimant has appeared to claim the property by reason of such relationship as *prima facie* constitutes heirship-at-law to the deceased, and unless the fact of such relationship is undoubted. Columns 4 and 5 should give the names of claimants whose claims do not seem to the police to be founded on heirship or the fact of whose heirship is doubtful, together with particulars and reasons for doubting the genuineness of their claims.
- (ii) The report in Form No. 16 of Schedule VI when received by the magistrate of the district, or of the subdivision of the district, should be forwarded with a memorandum to the district judge having jurisdiction in the case, and the orders of the court should be requested.
- (iii) On receipt of magistrate's report, the district judge will reply in a separate communication and the property will be dealt with in accordance with his orders. In practice there are only two ways in which the property is dealt with. It is either ordered to be sold on the spot, and money remitted to court or the property itself is ordered to be sent to the court.
- (iv) When, in the case of property that very rapidly deteriorates and perishes, the police assume the responsibility of selling it in anticipation of orders, or when the court directs that the property should be sold on the spot, an account of the same in Form No. 17 of Schedule VI should be prepared in triplicate by the police. The three copies should be sent to the magistrate of the district, or subdivision of the district, who will send two

copies to the judge, and the third to the treasury officer. One of the two copies forwarded to the judge will be returned with his signature to the police station at which it was originally prepared.

- (v) When the district judge directs that the property itself is to be sent to the court, a chalan in Form No. 18 of Schedule VI should be prepared in triplicate by the police. As in clause (iv), one copy should be returned by the district judge with his signature to the police station at which it was originally prepared.
- (vi) All money and valuables sent to the district judge by the police should under the existing rules be remitted to the treasury as soon as they reach the court, and in the event of the treasury officer not receiving within due time the cash or valuables entered in the form received by him under clause (iv) or (v), he should immediately report the matter to the judge by a note at the foot of the daily advice list of payments now sent to civil courts.
- (vii) Horses cattle, ponies, sheep and goats should not be sold by the police without orders of the district judge. They should be placed in the nearest pound, and the Judge should pass orders as soon as he receives the report, so as to prevent the possibility of the cost for keep exceeding the value of the animal. The animal should, when it is ordered to be sold, be disposed of, if possible, at a public market.
- (viii) The cost of keep in cases referred to in clause (vii) will be deducted from the sale-proceeds and paid to the pound keeper and only the net proceeds will be remitted to the judge as provided in Form No. 17 of Schedule VI. Similarly, the cost of transport of such intestate movable property as is sent to the district court should be entered in the chalan forwarding the property in Form No. 18 of Schedule IV. This cost should be paid at once from the amount to credit on account of property sold.

In cases in which a claim to the property is afterwards judicially allowed, the successful claimant will generally be required to satisfy the charge for transport, or for keep of live animals, or for any other necessary expenses incurred for the safe custody of the property, before receiving the property or its proceeds.

- (ix) When any person appears to claim the property by reason of such relationship to the deceased as is undoubted and *prima facie* constitutes 'heirship-at-law' the police cannot interfere. When some person other than a person satisfying the above conditions claims possession of the property, the police cannot interfere, except to prevent actual theft, until the judge has issued orders under Succession Act, Act XXXIX of 1925, regarding the disposal of property, if the person in question is in good faith looking after the property. If however, no person is looking after the property, the police must, under Section 25 of the Police Act (Act V of 1861) take charge of it as if it were unclaimed property.

97. Unclaimed property.

(a) Under Section 25, Act V of 1861, it is the duty of the police to take possession of all unclaimed property and send an inventory thereof to the magistrate. Such property must be entered in the register of property taken charge of by the police as soon as received at the police station, or in the case of property not brought to the police station, but left where found, as soon as the report is authenticated by an officer, who should at once be deputed for the purpose. Unclaimed property should not ordinarily be sold at an outpost, but should be sent to the police station to which the outpost is subordinate, and sold there. If, however, the property is not very valuable, or not easily

portable (eg., timber it may be sold at the outpost but the sale should be held by a Sub-Inspector and not by an Assistant Sub-Inspector or Head Constable. Unclaimed property will not be sold without the orders of the magistrate except in the case of property which deteriorates rapidly in regard to which the rules dealing with intestate; property will apply. All unclaimed property or sale proceeds thereof, if it be sold, will be forwarded to the court officer.

(b) Unclaimed arms and ammunition found by the officers of the railway including railway police will be sent by them directly and not through the police, to whichever of the Deputy Commissioners of Cachar, Goalpara, Kamrup, Nowgong, Sibsagar, and Lakhimpur is the most easily accessible for disposal.

N. B. - It is not for the police to question the validity of a will upon which a claim to moveable property is based, to the extent of ignoring it, and taking possession of the property as being intestate but should a police officer have reason to doubt the genuineness of a will so set up it would, of course, be open to him to report his doubts to the magistrate and suggest an enquiry as to the commission of the non-cognizable offence of forgery.

98. Suspected property.

Suspected property seized by the police will also be entered in the register of property taken charge of by the police and a report at once made to the magistrate under the provisions of Section 523, Criminal Procedure Code, the procedure laid down in which section is to be observed. The property will be dealt with in accordance with the magistrate's orders.

NOTES

Section 523 of Cr. P. C., 1898 as referred to in this rule correspond to Section 457 of the 1973 Code, reading as follows:

"457. Procedure by police upon seizure of property.-Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation."

99. Movable property found including treasure trove.

(a) The general rule of law with respect to movable property found, of which the owner cannot be discovered, is that it belongs to the finder, who may, however, be guilty of a criminal offence by appropriating it to his own use when he knows, or has the means of finding out, or does not take reasonable means to find out the real owner. The law regarding treasure trove, i.e. anything of value hidden in the soil or in anything affixed thereto, is contained in Act VI of] 878. Whenever treasure exceeding Rs. 10 in value is found, the finder must give notice to the Collector in writing; and if the

Collector after due enquiry, declares the sum ownerless, he will distribute the same to the finder and the owner of the place in which it was found, or give it to the finder, or acquire it on behalf of Government under the provisions of the Act.

(b) The finding of statuary, coins, and other treasure buried underground should be immediately reported through the Superintendent of Police to the Deputy Commissioner.

100. Wrecks and Salvage.

(a) It is the duty of the police to report the occurrence of all wrecks to the magistrate, and pending the receipt of his orders, to take measures to protect the wrecked property.

(b) All officers-in-charge of police stations will supply the Port Officer and Receiver of Wrecks, Calcutta, as early as possible, with an authenticated copy of every report of a casualty to an inland steam vessel made to any of them, under the provisions of Section 30 of the Inland Steam Vessels Act, VI of 1884.

(c) If the property saved from the wreck is "salvage property" the police will not take the property out of the possession of the salvers, but will ascertain from the nature of the property, and report the matter for the orders of the magistrate.

(d) "Salvage" means the compensation allowed to persons by whose assistance a ship or boat, or the cargo of a ship, or the lives of the persons on boat, are saved from danger or loss in cases of ship-wreck, abandonment of vessel, or the like. It is necessary, therefore, that life or property should be in peril and that skill or enterprise should be displayed, or risk encountered, on the part of the salvers before any claim to salvage can be established. Where these conditions exist, there is no difference between river and sea salvage. *Example* - A steamer or a boat is wrecked in a river, and the cargo is floating about within an easy distance of land. No skill is required or danger encountered in bringing it ashore. This is not "salvage property." In such a case it would be the duty of the police to render all possible assistance, and if the owners are present, to make it over to them. In the event, of the owners being unknown, the police will take possession of it, as such property belong to the State. In either case they will report the fact for information or orders of the magistrate.

(e) A villager who carried off such property and made no attempt to find out the owners, would be guilty, of criminal misappropriation under Section 403, Indian Penal Code. A chaukidar is bound to give immediate notice of all wrecks to the police station.

(f) Ten per cent has been passed by Government as the amount of salvage to be awarded to persons who, at considerable risk to themselves recover wrecked property during floods or in cases of wrecks.

(g) With this exceptions movable property found by any private person, and not claimed, is the property of the innocent finder.

101. Lost or missing property.

Property reported to the police as lost or missing and not coming within the category of stolen property will be entered in the property register in the same way as unclaimed property after the necessary entries have been made in the general diary.

Entries regarding lost and missing property, not being made by reason of any legal duty imposed upon the police, will not be included amongst those detailed in Rule 95 but will commence on

the last page of the current property register, succeeding entries working gradually forward until the volume is full.

Certain Miscellaneous Duties of Police
(Rules 102 to 109)

102. Attendance of police at large hats and melas.

It is the duty of the officer-in-charge of a police station to arrange that sufficient constables are deputed to keep order and to prevent drunkenness and misconduct in important hats and fairs in his jurisdiction where disorder is likely to arise. On occasion of a large annual fair or mela, he should ascertain the number of people likely to attend and report beforehand to the Superintendent of Police, the arrangements which he proposes to make, asking for an additional force if necessary.

103. Supervision of ferries.

It is the duty of officers-in-charge of police stations in the neighbourhood of much frequented ferries to exercise constant supervision personally and by their subordinates, in order to prevent the overloading of boats (vide Section 282, Indian Penal Code).

NOTES

Section 282 of the Indian Penal Code, deals with the offence of conveying person by water for hire in unsafe or overloaded vessel, for which the punishment prescribed is imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. The ingredients for the offence under this section are;

- (1) Accused conveyed or caused to be conveyed any person for hire.
- (2) The mode of conveyance was by water in a vessel. (3) Such vessel was then unsafe or overloaded.
- (3) Accused either knew the condition of vessel or its loading or acted negligently.

104. Duties of police as to non-criminal lunatics.

Under Section 13 of the Indian Lunacy Act (Act IV of 1912), the police have certain powers and duties in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

Every officer-in-charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested should be taken forthwith before a magistrate.

Every officer-in-charge of a police station who has reason to believe that any person within the limits of his station is a lunatic and is not under proper care and control or is cruelly treated or neglected by any relative or other person having the charge of him will immediately report the fact to the magistrate.

When sending in a lunatic to a magistrate whether criminal or noncriminal, a police officer will send with him a report as full and complete as possible, in Form C (Descriptive Roll of Lunatics) - Assam Schedule VI (Form No. 43). The officer-in-charge of every police station will keep few of the above forms which are available in the magistrate's office in the police station for ready use.

105. Pound duties of police.

(a) The duties of the police in connection with pounds are confined to the notification at the station of all impounded cattle unclaimed at the end of seven days, sale of such cattle in accordance with the provisions of Section 14 of the Cattle Trespass Act (Act I of 1871), and the maintenance of the following registers:-

- (i) Pound Form C, Form No. 104 of Schedule LIX (Part I) is a triplicate receipt for purchase money of cattle sold at auction by the police. One copy will be given to the person purchasing the cattle, another forwarded to the headquarters of the subdivision, and the third filed at the police station.
- (ii) Form No. 105 of Schedule LIX (Part 1) is a register of sales, Columns 1, 2, 3, 6, 7, 8 will be filled up from the chalan form which accompanies the cattle sent for sale from the pound to the police station.
- (iii) Pound Form G, Form No. 101 of Schedule LIX (Part I) is the form of account which, under Section 16 of the Cattle Trespass Act, the seller of cattle is bound to give the owner or his agent.

Officer-in-charge of the police stations will send notices of all reported stray cattle to the pound-keepers in their jurisdictions and will put up notices on the notice boards of their stations.

(b) In the Assam districts officers of and above the rank of Inspector (and in respect of the pounds on the Gauhati-Shillong road the Sergeant appointed for traffic regulation), will frequently visit and inspect the pounds in their jurisdiction to see that food and water is properly supplied and that a proper stock of food is kept. They will submit copies of their inspection remarks through the Superintendent of Police to the Chairman of the Local Board or the Deputy Commissioner, as the case may be.

(c) Pound collections will not ordinarily be remitted through the police, but in the Assam Valley, in the case of pounds which are distant from post offices, the remittances may be sent through the nearest police station or outpost.

Note - The other duties and responsibilities of the police and of the Choukidars under the Cattle Trespass Act are set forth in Sections 10, 11, 14 and 19 of the Act.

106. Encroachment on roads - Duties of police.

In many cases action can be taken by the police *suo motu* under Sections 283 and 431 of the Indian Penal Code both of which sections are cognizable, but where these sections do not apply, cases should be promptly reported to the district or sub-divisional Magistrate as the case may be with a view to the issue of a summons to answer a charge under Section 290 or 426, 1. P. C., or an order under Section 133, Cr. P. C.

Chaukidars should be required to report to the police all encroachments on and injuries to, public road, and this should be enjoined on them as part of their duty under the provisions of Rule 293.

NOTES

Section 133 of Criminal Procedure Code as referred to in this rule reads as follows:

"133. *Conditional order for removal of nuisance* - (1) Whenever a District Magistrate or Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers –

- (a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or
- (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or
- (c) that the construction of any building or, the disposal of any substance, as is likely to occasion conflagration or explosion, should be prevented or stopped; or
- (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to person living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent structure, Or the removal or support of such tree, is necessary; or
- (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or
- (f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order –
 - (i) to remove such obstruction or nuisance; or
 - (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise or to regulate the keeping thereof in such manner as may be directed; or
 - (iii) to prevent or stop the construction of such building or to alter the disposal of such substance; or
 - (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or
 - (v) to fence such tank, well or excavation; or
 - (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order;

or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

- (2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation - A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

107. Registration of sales of cattle.

Owners and lessees of markets or fairs should be induced to register all sales of cattle and ponies Books each containing 50 foils and counterfoils will be issued by the district magistrates free of cost to such owners and lessees. The foils should be torn off and given to the purchaser, the counterfoil being retained by the clerk or *gomastha* in charge of the *hat*. The possession of such a foil will afford the innocent purchaser protection against the suspicion of being in unlawful possession of the animal he had bought. As a further protection Panchayats (wherever they exist, should also be directed to give on application certificates of ownership to intending vendors residing within their jurisdiction. This certificate should, when the sale has been registered, be made over to the person in charge of the register and attached by him to the counterfoil. All station officers should make every effort to induce the people to conform to these rules as they will be of great assistance in cattle theft cases if generally known and followed. Care must be taken that the giving of certificates and foils is not made the means of extorting money from vendors and purchasers. The levy of the small customary fees on sales by owners or lessees of markets should not be regarded as extortion. Panchayats must however, in no circumstances, levy a fee.

108. Public to help Excise Officers.

Police officers are not required to inspect excise shops, except in the hill districts under the orders of the Deputy Commissioner, and in such plains districts as the State Government may direct, but all police officers must assist officers of the excise department in preventive work and every effort must be made by the police to detect excise cases.

109. Opium smuggling.

Convictions under the Opium Act are to be entered in the conviction register [*vide* Schedule (2) appended to Rule 237].

Habitual smugglers should be distinguished by the entry of the word 'opium' in red ink against their names. Such persons should be watched and information given to the railway police when they start on a journey.

Opium smugglers very often come part of the way by train and getting out at some unfrequented station, complete their journey on foot. Opium is carried in goat-skins, in tin boxes concealed about the person of the smuggler, in pockets, in his clothing, and done up inside the bundle which he carries.

CHAPTER III
Investigation and Detection of Crime
First information and matters connected therewith
(Rules 110 to 124)

110. First information must be drawn up by the officer-in-charge of the police station.

(1) The first information report [Form No. 137, Schedule XL(A), Part II mentioned in Section 154, Cr. P. C . of a cognizable offence reported at a police station must be drawn up by the officer-in-charge of the station as defined in Section 4 (P). Cr. P. C.

(2) Under Sections 157 (1) and 161 of the Code of Criminal Procedure the State Government have authorised all police officers not below the rank of Assistant Sub-Inspectors of Police to investigate cognizable offences and to examine persons orally on the requisition of a police officer making an investigation. (Assam Government Notification No. 1162-G. J., dated the 6th March, 1924). An officer below the rank of officer-in-charge of a police station however will take up the investigation of any case only on the orders of his superior.

(3) All officers not below the rank of head constable have been empowered by Government under Section 174, Cr. P. C., to make an investigation on receiving information or an unnatural or suspicious death.

NOTES

Section 4 (P) of Criminal Procedure Code corresponds to Section 2 (O) of 1973 Code - for full text see under Rule 32. For full texts of Sections 154 and 174 of Criminal Procedure Code - see under Rule 34.

111. Report on an occurrence outside the jurisdiction and information laid in two places.

(1) When report of a heinous crime relates to an occurrence outside the jurisdiction of the officer to whom the report is made, he will at once send information in writing and whenever possible by telegram to the police station in the jurisdiction of which the occurrence took place, and if the circumstances of the case warrant it, will effect the apprehension of the accused.

(2) In cases where the officers of two or more police stations have jurisdiction in respect of the same offence, and information is laid simultaneously at such stations, both officers should continue the investigation and should apply for instructions before submission of the final report. The instructions as to which police station should carry through the investigation will be issued by the Circle Inspector when both lie in the same circle, and by the Sub-divisional Police Officer or the Superintendent of Police when two circles are involved. Similarly when information is laid in two districts regarding an offence which is cognizable in either district (Section 182, etc., Criminal Procedure Code) the final report must be submitted in one district only, by arrangement between the Superintendent of Police concerned, any case of doubt being referred to the Deputy Inspector General of Police.

NOTES

Section 182 of Criminal Procedure Code as referred to in this rule corresponds to Rule 178 of 1973 Code reading as follows :-

- "178. *Place of inquiry or trial* - (a) When it is uncertain in which of several local areas an offence was committed; or
- (b) where an offence is committed partly in one local area and partly in another; or
- (c) where an offence is continuing one, and continues to be committed in more local areas than one; or

- (d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

112. First information report, when to be used.

(a) A first information report [Form No. 137, Schedule XL(A), Part I] should be drawn up in respect of every cognizable offence for which an information is lodged at the station, whether that information be prima fade false or true, serious or petty, whether relative to an offence punishable under the Indian Penal Code or any special or Local laws, except in cases under Section 34 of the Police Act (Act V of 1861) or the cognate Section 120 of the Indian Railways Act and 319 of the Assam Municipal Act and Chapter VIII, Cr. P. c., which are to be recorded in the non-first information register, Form No. 138, Schedule XL(A), (Part I) and included in the periodical returns.

(b) If a magistrate direct an enquiry into a cognizable complaint made in writing or by petition, of which no previous information has been laid before the police, the written information sent by the magistrate to the police shall be treated as the first information. It should, therefore, be attached as such to the first information sent to the magistrate, an abstract of it being made for the copy of the first information sent to the Superintendent of Police and other copies.

(c) The court officers, on receipt of the final form of a case referred to police by the magistrate under Section 202, Cr. P. C., should invariably put up the final forms, either charge sheet or final report, to the particular magistrate who directed the investigation, but not to any other magistrate empowered to take cognizance on a police report.

NOTES

Section 202 of Criminal Procedure Code as referred to in this rule read as follows;

202. *Postponement of issue of process* - (1) Any Magistrate on receipt of a complaint of an offence which he is authorised to take cognizance or which has been made over to him under Section 192 may, if he thinks fit, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:

Provided that no such direction for investigation shall be made –

- (a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or
- (b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under Section 200.
- (2) In any inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

- (3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer-in-charge of a police station except the power to arrest without warrant.

113. Non-cognizable cases.

Information as to a non-cognizable offence will be entered in the general diary and not in the first information report book. The informant should be told that he must lay a complaint before the Magistrate if he wishes the case to be instituted.

In the Government railway police, railway charge-sheets under the non-cognizable sections of the Indian Railways Act are submitted by the railway officials to the officer-in-charge of the Government Railway police station, these will be recorded in the non-first information report register, and forwarded by the officer-in-charge to the Magistrate concerned.

114. On what information the first information should be drawn.

The information of the commission of a cognizable offence which first reaches an officer-in-charge of a police station whether written or oral, and whether given by an eye-witness of the occurrence or based on hearsay only is the first information completed by Section 154, Cr. P. C., and it must be so treated by the officer-in-charge. When hearsay information of a crime is given the station officer should not wait to record, as the first information, the statement of the actual aggrieved person or an eyewitness.

It must be understood, however, that a hearsay report does not include a vague rumour such as an anonymous information or a rumour of an indefinite nature, or one which cannot be reduced to writing and signed by the informant. Such a vague rumour would be entered in the general diary, and if confirmed subsequently by more exact information a first information based on the subsequent information would be drawn.

Whenever a telegram reporting the occurrence of a cognizable offence is received, the officer-in-charge of the police station will treat this as a first information report under Section 154, Cr. P. C. The telegram must be attached to the first information report form and sent to the Magistrate.

A telephonic report of a cognizable offence is an oral report, and should be taken down in writing - owing however, to the impossibility of such a message being signed by the informant it cannot be treated as a first information report. In such cases the officer-in-charge himself must act as informant.

115. Drawing of first information report not to be delayed and once drawn-up not to be cancelled.

- (1) A first information report must be sent in immediately after information of a cognizable crime is received. It is not optional with the officer-in-charge of police station to defer drawing of the first information report till he has made a preliminary enquiry into the truth or otherwise of the information neither may a police officer who has received information of grievous hurt or other cognizable offence await the result of the medical examination of the injured person or of any enquiry before recording a first information under this section. No general order to the contrary may exist in any district.

- (2) As exceptions to this rule when a police officer has been assumed in the performance of his duty as a public servant he shall obtain the previous permission of the Superintendent of Police or

in emergent cases, either of the Sub-Divisional Police Officer, if there be any, or of the Circle Inspector, before instituting a case, where this can be done without detrimental delay. The responsibility for complying with this order rests with the police officer who complains of an assault. When first information of an offence is given, the officer-in-charge of a police station is bound by the provisions of Section 154 of the Criminal Procedure Code to record a first information. Prosecutions under Section 101 of the Indian Railways Act should not be instituted except by order or with the permission of the Superintendent of Police.

NOTES

For full text of Section 154, Cr. P. C.-See under Rule 34.

(3) No first information report when once drawn up may be cancelled.

116. Instructions for filling up headings and columns of first information report, Form No. 137 of Schedule XL(A), Part 1.

Each report will be given a monthly consecutive number in the order of its receipt at the police station.

If the informant is unable to give the exact hour and date of the occurrence an approximate date should be given, thus: "deceased was last seen alive on the 5th, and his body was not found until the 8th"; or "the aggrieved person left his bone on the 10th, and on his return on the 13th found he had been robbed". The date and hour at which the informant reaches the police station should be noted in the column headed "date and hour when reported" and when information is first given to an officer in mufassil the date and hour of its being given, the name of the place and its distance from the police station should be noted as well.

The date of despatch of the first information should be the date it leaves the police station either by post or by messenger.

Column 1 - Should contain not only the name and residence of the person who actually brings the information but the names of all other parties concerned, such as "chaukidar A, B sent by C. D Gorasta, of E village, to report a dacoity in the house of F. G."

Column 2 - The name and residence of all accused persons should be given. If the accused is a servant of the Government or a railway servant, it should be so stated, and intimation should be sent to his official superior by the Superintendent of Police.

Column 3 - Should show (i) the offence, (ii) the section of the law, (iii) the value and the nature of the property alleged to have been stolen, if any.

Column 4 - This column should contain, besides the name and designation of the officer sent to investigate, any other important steps taken before setting out, such as the despatch of information to neighbouring stations, the measures adopted to arrest the offender, etc., also if, acting under the discretionary power vested in him by Section 157 (1) (a) or (b) of the Criminal Procedure Code, the officer receiving the information abstains from holding local investigation, or from entering on an investigation at all, the procedure adopted should be shown in this column, with the reasons for it. (see also the preceding rule) Vague entries, such as "the Sub-Inspector is engaged in the enquiry," are prohibited. When, at a police station a junior Sub-Inspector or Assistant Sub-Inspector takes up a case, he should note where the senior Sub-Inspector is and the work on which he is engaged. When a Sub-Inspector deposes an Assistant Sub-Inspector he should note why he does so.

Column 5 - This will be left blank in the copies sent to the Superintendent of Police and to the Magistrate. In the copy kept at the police station will be entered the number and date of the charge-sheet and the names of the accused whether sent for trial or absconding. If no accused were sent for trial the number and date of the final report from and whether it was reported as true or false.

It is not necessary to enter the final order passed by a Magistrate as that is shown in the final memorandum which is attached to the first information report.

NOTES

For full text of Section 157, Cr. P. C.-See under Rule 34.

117. Instruction for recording first information reports.

(a) Under Section 154, Criminal Procedure Code, every information relating to the commission of a cognizable offence given orally must be reduced to writing by the officer-in-charge. It must be recorded in plain and simple language as nearly as possible in the informant's own words. The use of technical or legal expressions, of high-flown language, or of lengthy and involved sentences is forbidden. If the information be not complete in itself the police officer should elicit by interrogation such further information as may be necessary. If a particular person be charged or suspected, the facts on which the charge or suspicion is based should be clearly set forth. The informant should be required to distinguish what he professes to know personally from matter of which he has heard only at second hand. When the information relates to the loss of property, the informant should be asked to state, as far as he can the articles lost, the approximate value of each, any marks or peculiarities that might serve for identification, and other details.

The difference between "charged" and "suspected" must be noted. The informant should be asked to state distinctly whether he charges the person or persons he names and only when he does charge them should the name or names he entered in Column 2 of the form. Though the names of suspected persons are not entered in Column 2, they will be shown in informant's statement at the foot of the report. If the informant says that certain persons were recognised, their names should be clearly stated; or if he is unable to say that anyone was recognised, this should be distinctly recorded at this stage. In cases of delay in making report of an offence, explanation of such delay should always be demanded.

When the informant's statement has been completed as above, it should be read over to him and he must sign it. The report should show that this has been done. In "heinous cases" the statement should be read over to the informant in the presence of one or more respectable and disinterested witnesses who should also be asked to sign it. Thumb-impressions should be taken when the informant is unable to sign his name.

(b) When information of a cognizable offence is given in writing, the officer-in-charge with treat it as complete if it bears the informant's signature; if it does not, he must obtain the informant's signature and will then treat it as completed.

NOTES

For full text of Section 154, Cr. P. C. - See under Rule 34.

118. Supplementary information - Procedure of recording.

As soon as the procedure described in the preceding rule has been carried out, the first information report is complete, and no addition may be made in any circumstances. If the informant

subsequently volunteers further information this must be recorded in the case-diary as information obtained during investigation. It may on no account be recorded as a "supplementary first information report" for annexure to the original.

119. Institution of gang cases.

Where a gang is known to exist, steps should be taken to prosecute the members of the gang, so far as possible, on individual charges. If, however, it is thought that this procedure will not effectively break up the organisation and there appears to be sufficient material for the institution of a gang case (Sections 400, and 401, Indian Penal Code), the Superintendent of Police will report the matter to the Deputy Inspector General of Police through the Deputy Commissioner and obtain the help of a criminal investigation department officer to follow up the clues. He will subsequently, in consultation with the Deputy Commissioner and the public prosecutor draw up a detailed report accompanied by statements based on the different headings under Rule 138 and submit it to the Deputy Inspector-General of Police. The Deputy Commissioner when forwarding the report will record his opinion as to the necessity of a gang prosecution. The Inspector General will then sanction the institution of a case if he thinks fit and report the fact to the State Government. In the more important cases the Inspector General will consult the Legal Remembrancer before according sanction.

On receipt of sanction from the Inspector-General, a first information report should be drawn up and a gang case started. Such first information report may be based on the statement made by an informer, witness accused, or convict either to the police or to a Magistrate.

120. Conspiracy Cases.

(1) Prosecutions under Sections 120-B and 121-A of the Indian Penal Code, can only be instituted on the complaint or under the orders or with the previous consent, as the case may be, of the authorities defined in Sections 196 and 196-A of the Criminal Procedure Code. Where the assistance of the Police is invoked in such cases, police officers will be guided *mutatis mutandis* by rules relating to the institution and conduct of gang cases. The police officer employed for the purpose of supervision and control must be of known integrity and experience and should go into the witness-box at an early stage of the case to show how the evidence has been collected and sifted. He will also be responsible for keeping the Commissioner and Government informed of all important stages of the case.

(2) The advice of the Legal Remembrancer must be taken with regard to any proposal to institute a case for conspiracy before the preliminary enquiry commences and from time to time, as the case proceeds, and steps should be taken to secure further legal advice whenever the Legal Remembrancer considers such a course advisable. Should a prosecution be sanctioned the selection of pleaders or counsel to conduct the case should be made only with the approval of Government.

(3) In these cases the Deputy Commissioner may order a preliminary investigation by a police officer not being below the rank of Inspector as laid down in Section 196-B of the Code of Criminal Procedure.

NOTES

Sections 196, 196-A and 196-B of Cr. P. C. as referred in this Rule are all covered by Section 196 of the 1973 Code reading as follows:-

"196. *Prosecution for offences against the state and for criminal conspiracy to commit such offence* - (1) No Court shall take cognizance of –

- (a) any offence punishable under Chapter VI or under Section 153-A, (Section 295-A or sub-section (1) of Section 505) of the Indian Penal Code (45 of 1860) ; or
- (b) a criminal conspiracy to commit such offence; or
- (c) any such abetment, as is described in Section 108-A of the Indian Penal Code (45 of 1860),

except with the previous sanction of the Central Government or of the State Government.

(I-A) No Court shall take cognizance of –

- (a) any offence punishable under Section 153-B or sub-section (2) or sub-section (3) of Section 505 of the Indian Penal Code (45 of 1860), or
- (b) a criminal conspiracy to commit such offence,

except with the previous sanction of the Central Government or of the State Government or of the District Magistrate.

- (2) No court shall take cognizance of the offence of any criminal conspiracy punishable under Section 120-B of the Indian Penal Code (45 of 1860) other than a criminal conspiracy to commit (an offence) punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, unless the State Government or the District Magistrate has consented in writing to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to which the provisions of Section 195 apply, no such consent shall be necessary.

- (3) The Central Government or the State Government may, before according sanction (under sub-section (1) or sub-section (1-A) and the District Magistrate may before according sanction under sub-section (1-A) and the State Government or the District Magistrate may, before giving consent under subsection (2), order a preliminary investigation by a police officer not being below the rank of Inspector, in which case such police officer shall have the powers referred to in sub-section (3) of Section 155.

121. Despatch of first information.

(1) The original first information report, *viz.*, that signed or marked by the informant under Section 154, Criminal Procedure Code, is that on which the information is actually written with indelible pencil by the officer recording it, the copies on the remaining pages being produced by carbon paper. This page must be written by the officer taking the information in his own handwriting, be signed and sealed by him. It will be promptly sent to the court officer for submission, at a sub-division, to the Magistrate having jurisdiction, and at headquarters to the District Magistrate if he distributes cases and if not, to the Magistrate to whom he entrusts this duty. The first carbon copy of the first information report will be sent to the Superintendent of Police and the second copy kept in the police station for reference.

(2) A copy should be sent to the Circle Inspector direct at the same time as the original and the first carbon copy are despatched to the court officer and the Superintendent of Police. In

sub-divisions where there is a sub-divisional police officer another copy of the first information report should be made out for him also.

(3) These copies may be made by the carbon process provided they are legible, otherwise they should be recopied by hand as necessary.

NOTES

For Section 154, Cr. P. C.-See under Rule 34.

122. Serious cases to be forthwith reported.

On receipt of information of the commission of any of the following offences, a telegram, except in the case of item (vii) and of cases of minor importance under item (ix) and (xvii), should be sent immediately after the first information is recorded from all mufassil stations and outposts near which telegraphic facilities exist, to the Superintendent of Police and Circle Inspector (who will be responsible for communicating the information received without delay to the Sub-divisional Police Officer, if there is one), and, in case the offenders have absconded to such of the neighbouring districts and stations named in the list prepared under rule below as may be selected by the station officer at his discretion. The latter telegrams should contain sufficient details of the offence and descriptive accounts of the absconders or suspects to enable the receiving officer to act. The places to which messages have been sent should be included in the telegrams to the Superintendent of Police and Circle Inspector and the fact that this has been done should also be noted in Column 4 of the first information report. In places where the telegraph office is at a greater distance than the headquarters of the Superintendent of Police or the Inspector a report should be despatched by the quickest means available, and not be kept till the regular dak is despatched unless the regular dak be the quickest means:-

- (i) Riots due to religious or political causes.
- (ii) Collisions between Europeans or Anglo-Indians and Indians with the exception of assaults of an insignificant character.
- (iii) Acts of the police which cause general discontent or excitement among the public and which are likely to result in a grave scandal.
- (iv) Industrial strikes.
- (v) Dacoity including river dacoity.
- (vi) Cases in which professional swindlers are concerned.
- (vii) Gang cases under Sections 400 and 401, Indian Penal Code, and connected cases under Sections 109 and 110, Criminal Procedure Code.
- (viii) Highway robbery and mail robbery.
- (ix) Cases of counterfeiting coins, stamps, or notes, uttering or being in possession of counterfeit coins, stamps, or notes and any discovery of forged currency notes.
- (x) Professional drugging.
- (xi) Theft or loss of –

- (a) fire arms or ammunition capable of being used for military purposes;
 - (b) rifles, breach-loading guns, revolvers, and pistols of all kinds;
 - (c) thefts and losses of smooth-bore guns when the theft is suspected to be connected with political crime;
 - (d) important thefts or losses of ammunition of all kinds of dynamite, cordite fuses or other high explosives, detonators and of large number of empty cartridge cases.
- (xii) Seizure of unlicensed arms and important seizures unlicensed ammunition or explosives, but cases arising from failure to renew licenses under Arms Act should not be specially reported.
 - (xiii) Cases in which police officers are charged with torture or other serious offence.
 - (xiv) Murder.
 - (xv) Riots other than those falling under item No. (i) which have resulted in a loss of life or in which serious attacks have been made on police officers.
 - (xvi) Escape from police custody.
 - (xvii) Defalcation or loss of public money, stamps or opium belonging to or in the custody of the Police Department.
 - (xviii) Serious railway accident and collision.
- N. B.* - (i) Serious offence referred to under item No. (xiii) should be held to include any offence involving moral turpitude when committed by a police officer above the rank of constables. Offences by constables need not be specially reported unless of an unusual or heinous character.
- (ii) Serious railway accident under item No. (xviii) includes accidents attended with loss of human life or serious injury to person or property or accident of a description usually attended with such loss or injury.

If information of any of the offences mentioned above is received by a police officer who is Dot empowered to draw a first information, he will, besides sending a report to the police station also send a report direct to the Superintendent of Police if by this means the information will reach the Superintendent of Police earlier.

122(A). Action to be taken on receipt of information of the appearance of counterfeit coins and hints for detecting such coins.

Instructions have been issued by the Government of Assam that Treasury Officers should on the appearance of counterfeit coins at the treasuries, immediately report to the police with details as to the source of receipt and any other information available which appears likely to assist the police in tracing the origin of such coins. On receipt of such information, the local police concerned will institute enquiries at once to trace the counterfeiter or utterer of counterfeit coins and take such steps for the prevention and detection of the uttering of counterfeit coins as is deemed necessary.

A copy of hints for detecting counterfeit coins in India, issued by Mint Master; Calcutta, is reproduced at Appendix C, for the guidance of investigating officers.

During a house search in connection with a coining case, the investigating officers may expect to find and should seize in addition to the moulds, dies, and materials from which they are made, any of the following materials and accessories:

- (a) Pieces of zine, kansa, tin, lead, copper and silver.
- (b) Alum, saltpetre, and borax used for melting the metals.
- (c) Tamarind and rouge powder for cleaning and polishing up coins. (d) Shears, pincers, knives, saws, chisels, files, hammers, crucibles, slate plate glass and flats tone.

123. Register of cases in which no first information report is submitted, Form No. 138 of Schedule XL (A), Part I.

In this register will be entered all cases under Section 120 of the Indian Railways Act (Act IX of 1890), Section 34 of the Police Act (Act V of 1861), and Section 319 of the Assam Municipal Act; also cases and reports under Sections 107, 108, 109 and 110 of Chapter VIII, Criminal Procedure Code, and Section 145, Chapter XII of the Criminal Procedure Code. Reports under Sections 107 and 145 should be in Form No. 138 of Schedule XL (A), (Part I) and reports under Sections 109 and 110, in Form No. 138-B of Schedule XL (A), (Part I). The Inspector will enter his orders for preservation and destruction of records in the remark column of this register, *vide* Part II.

Non-cognizable cases in which the police are concerned, *e.g.*, under the Criminal Tribes Act (Act VI of 1924) as amended by Act XXXIII of 1925 and certain sections of the Indian Railways Act (Act IX of 1890) or for breach of an order under Section 160, Criminal Procedure Code, will also be entered in a separate part of this register.

NOTES

Sections 107, 108, 109, 110, 145 and 160 of Cr. P. C. as referred to in this Rule read as follows;

- "107. *Security for keeping the peace in other cases* - (1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such to show cause why he should not be ordered to execute a bond, (with or without sureties) for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.
- (2) Proceeding under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.
108. *Security for good behaviour from persons disseminating seditious matters* - (1) When (as executive Magistrate) receives information that there is within his local jurisdiction any person who, within or without such jurisdiction, -

- (i) either orally or in writing or in any other manner, intentionally disseminates Or attempts to disseminate or abets the dissemination of –
 - (a) any matter the publication of which is punishable under Section 124-A or Section 153-A or Section 153-8 or Section 195-A of the Indian Penal Code (45 of 1860), or
 - (b) any matter concerning a Judge acting or purporting to act in the discharge of his official duties which amounts to criminal intimidation or defamation under the Indian Penal Code (45 of 1860).
- (ii) makes, produces, publishes or keeps for sale. imports exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in Section 292 of the Indian Penal Code (45 of 1860).

and the Magistrate is of opinion that there is sufficient ground for proceeding, the Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

- (2) No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867 (25 of 1867), with reference to any matter contained in such publication except by the order or under the authority of the State Government or some officer empowered by the State Government in this behalf.

109. *Security for good behaviour from suspected persons* - When (as Executive Magistrate) receives information that there is within his local jurisdiction a person taking precautions to conceal his presence and that there is reason to believe that he is doing so with a view to committing a cognizable offence, the Magistrate may, in the manner hereinafter provided, require such person to Show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

110. *Security for good behaviour from habitual offenders* - When (an Executive Magistrate) receives information that there is within his local jurisdiction a person who –

- (a) is by habit a robber, house-breaker, thief, of forger, or
- (b) is by habit a receiver of stolen property knowing the same to have been stolen, or
- (c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property, or
- (d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under Section 489-A, Section 489-B, Section 489-C or Section 489-D of that Code, or

- (e) habitually commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace, or
- (f) habitually commits, or attempts to commit, or abets the commission of –
 - (i) any offence under one or more of the following Acts, namely:-
 - (a) the Drugs and Cosmetics Act, 1940 (23 of 1940);
 - (b) the Foreign Exchange Regulation Act, 1973 (46 of 1973);
 - (c) the Employees' Provident Fund (and Family Pension Fund) Act, 1952 (19 of 1952);
 - (d) the Prevention of Food Adulteration Act, 1954 (37 of 1954);
 - (e) the Essential commodities Act, 1955 (10 of 1955);
 - (f) the Untouchability (Offences) Act, 1955 (22 of 1955);
 - (g) the Customs Act, 1962 (52 of 1962); or
 - (ii) any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption, or
- (g) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit.

145. *Procedure where dispute concerning land or water is likely to cause breach of peace* - (1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied. and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specific date and time and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute;
- (2) For the purposes of this section, the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.
 - (3) A copy of the order shall be served in the manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.
 - (4) The Magistrate shall then, without reference to the merits or the claims of any of the parties to a right to possess the subject of dispute, peruse the statements so put in, hear

the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary, and, if possible, decide whether any and which of the parties was, at the date of the order made by him under sub-section (1), in possession of the subject of dispute;

Provided that if it appears to the Magistrate that any party has been forcibly and wrongfully dispossessed within two months next before the date on which the report of a police officer or other information was received by the Magistrate, or after that date and before the date of his order under sub-section (1), he may treat the party so dispossessed as if that party had been in possession on the date of his order under sub-section (1).

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists Or has existed, and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

(6) (a) If the Magistrate decides that one of the parties was, or should under the proviso to sub-section (4) be treated as being in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction, and when he proceeds under the proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(b) The order made under this sub-section shall be served and published in the manner laid down in sub-section (3).

(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any stage, of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing any witness directing him to attend or to produce any document or thing.

(10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under Section 107.

160. *Police Officer's power to require attendance of witnesses* - (1) Any police officer making an investigation under this Chapter may, by order in writing the attendance before himself of any person being within the limits of his own or any adjoining station who,

from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required;

Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

- (2) The State Government may, by rules made in this behalf provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.

124. Proceedings under Section 145, Criminal Procedure Code.

Officers-in-charge of police stations and outposts will note that in applying to a Magistrate for proceedings under Section 145, Criminal Procedure Code the ground for believing that a dispute exists concerning land within the local limits of his jurisdiction and that the dispute is one likely to cause a breach of the peace, must be clearly set forth and the boundaries of the area in dispute duly defined, care being taken to include nothing beyond the subject of the dispute. If the copy of a Magistrate's order under Section 145, Criminal Procedure Code, is served by the police, it should be served promptly in the manner laid down by law and every efforts should be made to serve it personally on the parties.

Hue and cry notice (Rules 125 to 130)

125. Cases in which hue and cry notices are to issue.

(A) Hue and cry notices, 139, Schedule XL (A), Part I, should be issued in the following classes of cases in which, the accused not having been arrested in the act, the immediate dissemination of intelligence and the co-operation of the staff of neighbouring railway, river and district police stations desirable.

- (a) Professional drugging cases;
- (b) Dacoity and all organized crime, in which, wandering gangs or foreigners or residents of other jurisdictions are known or suspected to have been concerned;
- (c) Escapes of prisoners from jails, or police station lock-up;
- (d) Cases of cheating, or swindling by professional criminals;
- (e) Important cases in which the accused have absconded after committing the offence or in which identifiable property of large value has been stolen;
- (f) When wandering gangs shake off police supervision.

(B) Except in those places where it is impossible to make use of the telegraph owing to the distance of the telegraph office, the main items contained in the hue and cry notices should invariably be communicated by "Special police" Code telegrams, worded as concisely as possible and the hue and cry notices themselves with fuller details, should be immediately despatched by post.

126. Contents of hue and cry notices.

A hue and cry notice will contain the following particulars in addition to those provided for in the form –

- (a) short statement of the facts of the case with date and place of occurrence;
- (b) names and description of persons accused or suspected; (c) particulars of stolen property, if any.

127. Circumstances in which issue of hue and cry notices may be delayed.

If the first information of any of the cases mentioned in Rule 125 does not afford such material as will give any clue to the absconders or- to the property stolen, the issue of hue and cry notices should be deferred until further information is available.

128. Action to be taken by officer-in-charge on receipt of hue and cry notices.

On receipt of a hue and cry notice an officer-in-charge of a police station or outpost will at once enter it in the general diary and take all necessary action. He should, in all cases, communicate the contents to his subordinates, to all chaukidars (in the chaukidari districts) of his jurisdiction at muster parades, to mandals and gaonburas in the non-chaukidari districts, and, to sirdars in the hill districts as far as possible by special messengers warning them to be on the look-out for the offender or stolen property as the case may be. All action taken should be clearly noted on each notice which should be consecutively numbered and filed.

129. Action to be taken by Superintendent of police on receipt of hue and cry notices.

The Superintendent of Police on receipt of a hue and cry notice will send a copy to the Deputy Inspector General of Police on charge of the Criminal Investigation Department for publication in the Criminal Intelligence Gazette. He may also send copies to Superintendent of Railway Police or to any other officer to whom it has not been sent direct, if he thinks it desirable.

130. Superintendents of Police to draw up lists of persons to whom hue and cry notices are to be sent.

(a) In order to ensure that hue and cry notices are issued by officers-in-charge of police stations to the proper person. Superintendents of Police will draw up lists showing the district, railway and river police stations to which these notices should issue, together with the distance of each place from the nearest telegraph office. These lists should be carefully prepared with reference to the line of communication by which criminals may be expected to move and should have the approval of the District Magistrate. When notices are sent to the Commissioner of Police, Calcutta, forty copies should be despatched, so that they may be distributed at once among all the Calcutta Police stations.

(b) Superintendent of Railway Police and the Superintendent in charge of river police will similarly prepare lists showing the district police stations to which their police station officers should communicate such occurrences.

(c) These lists will be supplied to police stations concerned.

(d) When issuing a hue and cry notice, in addition to sending copies to the officers included in the list, the officer-in-charge of police station or outpost will, at his discretion, send copies to districts where the criminals are believed to reside or have associates or to which they may have gone.

One copy will be sent to the Superintendent of Police for information with the first information report.

Instructions regarding investigation and evidence
(Rules 131 to 166)

131. Responsibility of station officer.

The general responsibility for all investigations within the limits of his jurisdiction will rest with the officer-in-charge of the police station.

If the officer-in-charge of a police station decides that an investigation is necessary, after recording a first information, he will himself proceed to the spot or depute a subordinate to do so. The procedure to be followed in refusing local investigations is given in Rule 137.

132. Harassment to the public to be avoided.

Investigating Officers should carefully abstain from causing unnecessary harassment either to the parties or to the public generally. Only those persons who are likely to assist the investigation materially should be summoned to attend, where possible, the investigating officer should himself go to the house of the witness to be examined. The proceedings should be as informal as possible.

The questioning of witnesses should ordinarily be conducted apart, and in a manner that will not be distasteful to them.

133. Number of witnesses to be sent up.

(1) It lies with the police, subject to general instructions from the Magistrate to determine what evidence is necessary to establish a charge, and how many witnesses are required to prove each fact. Much, of course, will depend on whether the fact is seriously disputed or not. Where the fact to be proved is not likely to be disputed, unnecessary witnesses should not be harassed by being sent in.

(2) Under Section 171, Criminal Procedure Code, no informant or witness (whether sent up for examination under Section 164 or for examination at the trial of the case) should be required to accompany a police officer. No police officer should therefore, be deputed to go to court along with the informant or the witnesses. It is only when an informant or a witness refuses to execute a bond that he may be sent up in custody.

NOTES

Sections 171 and 164 of the Code of Criminal Procedure, read as follows:-

"164. *Recording of confessions and statements* - (1) Any Metropolitan Magistrate or judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial;

Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be

used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

- (3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.
- (4) Any such confession shall be recorded in the manner provided in Section 281 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:-

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

Signed

Magistrate.

- (5) Any statement (other than a confession) made under sub-section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case; and the Magistrate shall have power to administer oath to the person whose statement is so recorded.
 - (6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.
171. *Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint* - No complainant or witness on his way to any Court shall be required to accompany a police officer, or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond;

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in Section 170, the officer in charge of the Police Station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

134. Duration of investigation.

(a) No hard-and-fast rules can be made as regards the duration of investigation. The general principle to be observed is that every investigation which has been taken up must be pushed through energetically and must not be kept pending except for definite reasons. A broad distinction must be made, however, between cases in which the guilty persons are unknown and those in which they are known and named in the first information or at an early stage of the enquiry. In the former class of cases if a thorough and searching enquiry is made delay is often inevitable and more than one visit to the spot may be necessary. In the latter class of cases there is seldom any justification for delay. The

duty of the investigating officer consists in examining the evidence and deciding whether or not it is sufficient to justify the accused person or persons being put on their trial. In such cases there can seldom be any reason for delay except that the witnesses are not forthcoming and this should rarely occur in ordinary rural areas. One visit to the spot extending over one or more days should be sufficient to enable the officer to complete his investigation, and unless there are special reasons to the contrary, the final report should be written on the spot.

(b) The fact that the accused persons are absent or absconding is not a sufficient reason for postponing the submission of the final report. As soon as an investigation is complete, the charge-sheet or final report form, as the case may be, must be sent in. The practice of visiting the place of occurrence on two or more occasions at different intervals and of delaying the submission of the final report after the completion of the local enquiry on the spot must be discouraged. It is usually due to the investigating officer's ignorance of the ingredients constituting the offence regarding which the enquiry is to be made. The investigating officer should always therefore take down in brief the points constituting the offence on which evidence is to be collected in the first case-diary and take it with him while going out to mufasil in order to guide him in his investigation (for brief see also Rule 197). It is the duty of the Superintendent of Police and even more of Inspectors to insist that investigations in cases in which the accused are known are brought promptly to a conclusion.

135. Corroborative evidence.

The attention of all investigating officers is drawn to the great importance of testing the truth of statements made by witnesses from whom they get information. For instance, A states that as he was travelling back to his home in a distant village after an unsuccessful attempt to purchase bullocks at a certain time and place, he saw the accused running along with a bloodstained knife in his hand. The witness was alone at the time and there is no one in the neighbourhood to corroborate or contradict him. His reason or excuse for being on the spot at the time is such a common one, that it invites distrust, and few courts would believe him unless there were other evidence, independent of his, against the accused. But he may, all the same, be a perfectly honest and reliable witness; and this might easily be established by following him up, and by ascertaining from his co-villagers whether he did leave his village at the time and with the object declared, and whether he did visit certain places and attempt to purchase bullocks. The witnesses should not necessarily be taken to court, but the prosecuting authority should be in a position to inform the court, that he can produce such evidence if it be desired.

136. Investigation of burglaries.

Burglary is the commonest form of crime with which the police have to deal, but is the most serious so far as the public is concerned, and at the same time, owing to its being usually committed by skilled professionals is the most difficult to detect unless investigation is carried out in a reasoned scientific manner. The key to this is a combination of intelligent study of "*modus operandi*", together with the accurate maintenance of crime maps.

To enable this to be done, crime maps will be kept up by all officers as laid down in Rule 77. Where burglary is heavy, separate maps will be kept for each class (e. g., burglaries by digging sindh, burglaries by cutting walls, etc.), and entries will be made on despatch of the final form to the magistrate.

[Third and fourth paragraphs deleted, *vide* correction slip No. 78, dated 13th November, 1947].

137. Instructions regarding abstention from investigation.

Section 157, Criminal Procedure Code, vests an officer-in-charge of a police station who, from information received or otherwise, suspects the commission of a cognizable offence with discretionary power:-

- (i) To refrain from investigating or from deputing a subordinate to investigate on the spot cases which are not of a serious nature, and in which the charge is made against some person named.

Such cases must be investigated, unless they fall within clause (ii) of this rule, but not necessarily on the spot. This discretion to dispense with a local enquiry must be exercised with great caution. It is permissible only when a case of the nature referred to is brought to the police, complete, the parties and witnesses being present. It is not permissible if it entails sending for the parties and witnesses to the investigating centre.

- (ii) To refrain from investigating any case in which there appears to him to be no sufficient ground for investigation.

The discretion to be exercised is that of the police officer, and the responsibility of properly exercising it rests with him. As a guide, however, to the manner in which the discretion may be exercised, the following broad principles are laid down.

Though the informant asks for an investigation, no investigation need be made if the subject matter of the information seems to fall within the scope of Section 95, Indian Penal Code, or if the informant seems to be setting up a technical plea or exaggerating a trivial occurrence in order to obtain the help of the police in prosecuting a civil dispute or a non-cognizable offence. In such cases the points to be considered are whether the aggrieved party can obtain adequate redress from the courts by instituting a prosecution, and whether action on the part of the police is expedient for the preservation of order. When the charge is of enticing away a girl (Section 363, Indian Penal Code, and cognate sections) the police should be careful to ascertain that the case is not one of elopement, and in a case of alleged cattle theft that it is not a mere dispute as to ownership or as to the payment of the price of an animal purchased.

When the informant does not wish for an investigation, no investigation should be made unless the matter is serious or an offence appears to have been committed by a habitual criminal or a member of a criminal tribe, or an offence has been committed in the presence of a police officer, or for any other reason, administrative purposes require that action be taken.

When a case is reported which calls for the exercise of discretion according to the instructions contained in this rule the police officer should, in addition to complying with the requirements of Section 157(i) (b), Criminal Procedure Code, record in the general diary his reasons for making or refraining from making an investigation.

The officer-in-charge of the police station will always notify forthwith to the informant in the following manner the fact that he will not investigate the case or cause it to be investigated:-

- (a) If the information is given orally to the officer-in-charge of a police station and he decides not to investigate the case, he shall after recording the information as directed in Section 154, Criminal Procedure Code, make an entry in the first information report to that effect and such entry shall be read-over to and signed by the informant.

- (b) If the information is given otherwise than orally, he shall send information of his decision by post or by hand as is convenient to the informant at the address where there is reason to believe he will be found (Government Notification' No. 2538-G.J., dated the 31st May, 1924).

Section 95 of I.P.C. deals with the offence of causing slight harm; so slight that no person of ordinary sense and temper would complain of such harm, The trivial offence will depend upon the nature of injury and various considerate circumstances - AIR 1966 SC 1773 (Veeda Manzes). For full texts of Sections 157 and 154 of the Code of Criminal Procedure see notes under Rule 34.

138. Points to be proved in gang cases.

Though no exact rules can be prescribed for the investigation of gang cases as each case has its peculiar features, the following general instructions are laid down for the guidance of police officers in such cases.

Evidence on the following points must always be sought for and obtained if possible:-

- (i) Evidence of the existence of a gang for the purpose of committing dacoity, robbery or theft during the time specified in the charges (established by proof of facts as contemplated in Section 10 of the Indian Evidence Act).
- (ii) Evidence of the association of the suspected persons for the purpose of committing dacoities or thefts.
- (iii) Evidence of relationship by blood or marriage amongst the members of the gang.
- (iv) Evidence in corroboration of the approver's statement on *material points* as contemplated in Section 144 - Illustration (b) of the Indian Evidence Act and verified by a magistrate in the manner described in Rules 143 and 144.
- (v) Evidence of confessions of co-accused previously recorded at different times and places (vide Sections 30 and 114 of the Evidence Act). These should be verified by a magistrate in the manner described in Rules 143 and 144.
- (vi) Evidence of specific cases of dacoities and thefts committed by the gang.
- (vii) Evidence of the recovery of property stolen in dacoities and thefts or suspicious property found in possession of the accused.
- (viii) Evidence of the simultaneous absence from their homes in batches or singly of known members of the gang coincident with the occurrences of dacoities and thefts in the neighbourhood.
- (ix) Evidence of any increase or decrease in the number of dacoities or thefts coincident with the presence or absence of the members of the gang.
- (x) Evidence of the cessation of dacoities and thefts in the affected area after the arrest of the members.
- (xi) Evidence of the habitual commission of dacoities or thefts to be proved by an aggregate of facts.

- (xii) Evidence of changes of residence to avoid suspicion.
- (xiii) Proof of previous convictions for dacoities and thefts (the former alone can be proved in a case under Section 400, Indian Penal Code, but convictions under Sections 379, 380, 457, etc., Indian Penal Code, can be proved on a charge under Section 400 or 401 of that Code to establish the habits of individuals or the association of the members).

NOTES

For Sections 400 and 401 of I.P.C. - see under Rule 119 and for Sections 379, 380 and 457 see - under Rule 81:

- (xiv) Proof of orders under Section 110 (a), (b), (c), Criminal Procedure Code, requiring any of the accused persons to give security for his good behaviour to prove that the person is a habitual thief.
- (xv) Proof of orders for security for good behaviour, when two or more of the accused have been bound over in one proceeding under Section 110 (a), (b), (c), Criminal Procedure Code, as evidence of association [*vide* Section 117(4), Criminal Procedure Code].
- (xvi) Documentary evidence in the shape of relevant entries in enquiry slips, in the surveillance register, the domiciliary visit report, and other registers which are required by order of the Inspector General to be maintained at a police station or outpost. This evidence may be admissible under Section 35 of the Evidence Act, or might be used under Section 159 of that Act to refresh memory.

Note - Corroboration in material particulars means that there must be corroboration not only as to the crime, but also as to the identity of each one of the accused; and ordinarily it must proceed from an untainted source.

NOTES

For Section 110 of the Code of Criminal Procedure refer to notes under Rule 123, Section 117 referred to in this rule corresponds to Section 116 of the 1973 Code reading as follows:

- "116. *Inquiry as to truth of information* - (1) When an order under Section 111 has been read or explained under Section 112 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under Section 113, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.
- (2) Such inquiry shall be made, as nearly as may be practicable, in the manner hereinafter prescribed for conducting trial and recording evidence in summons cases.
 - (3) After the commencement, and before the completion of the inquiry under sub-section (1) the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquility or the commission of any offence or for the public safety; may, for reasons to be recorded in writing, direct the person in respect of whom the order under Section 111 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining

good behaviour until the conclusion of the inquiry, and may detain, him in custody until such bond is executed or, in default of execution, until the inquiry is concluded;

Provided that –

- (b) no person against whom proceedings are not being taken under Section 108, Section 109, or Section 110 shall be directed to execute a bond for maintaining good behaviour;
 - (c) the conditions of such bond, whether as to the amount thereof or as the provision of sureties or the number thereof or the pecuniary extent of their liability, shall not be more generous than those specified in the order under Section 111.
- (4) For the purposes of this section the fact that a person is an habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute or otherwise.
 - (5) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.
 - (6) The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs:

Provided that where any person has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention.

- (7) Where any direction is made under sub-section (6) permitting the continuance of proceedings, the Sessions Judge may, on the application made to him by the aggrieved party, vacate such direction if he, is satisfied that it was not based on any special reason or was perverse.

139. Evidence admissible in gang cases

Much evidence, which is not ordinarily admissible in criminal cases, is admissible in cases under Sections 400 and 401, Indian Penal Code, as the persons accused in these are alleged to be members of a conspiracy and so Section 10 of the Evidence Act will apply. Previous convictions of dacoities are admissible in a case under Section 400 and of thefts under Section 401, Indian Penal Code, under explanation 2, Section 14 of the Evidence Act and according to many authorities evidence of bad character under Section 54 is relevant in cases under Sections 400, 401, Indian Penal Code. Much of the evidence enumerated under the different heads above will be admissible under Section 11 of the Evidence Act.

140. Instructions for the investigation of cases or collision between Inland Steam Vessels and country boats.

(1) When a report is made by the master of an inland steam vessel under Section 32 of the Inland Steam Vessels Act, 1917 (Act I of 1917), to the officer-in-charge of police station:-

- (a) Such officer should reduce the report to writing and should at the same time record the statement of the injured party (if any) if available;
- (b) If the place of occurrence be within the local limits of any other police station, such officer should forthwith inform the officer-in-charge of that police station;
- (c) A copy of the report and of the statement (if any) should forthwith be submitted to the magistrate in charge of Criminal work at district headquarters, or, if the place of occurrence be in a sub-division, to the sub-divisional magistrate;
- (d) Pending the orders of the magistrate referred to above, no arrest should be made by the police, under Chapter XIV of the Code of Criminal Procedure, 1898 (Act V of 1898), with a view to prosecution for an offence under Section 280 of the Indian Penal Code, 1860 (Act XLV of 1860), but witnesses may be examined and their names and addresses may be recorded so that it may be possible to procure their attendance if it is decided to prosecute.

(2) If the officer-in-charge of a police station receives information relating to the commission of an offence under Section 280 of the Indian Penal Code or under Section 28 of the Northern India Ferries Act, 1878, by the master of an inland steam vessel he should observe the following instructions:-

- (a) if he has reason to believe, either on information received under Rule J(b) or on other grounds, that a report has been made by the master of the inland steam vessel concerned to the officer-in-charge of some other police station under Section 32 of the Inland Steam Vessels Act, 1917:-
 - (i) he should reduce the information to writing, and should take steps to secure the names and addresses of witnesses, and to safeguard any property produced;
 - (ii) he should also submit a copy of the information forthwith to the magistrate described in Rule I(c);
 - (iii) pending the order of the above magistrate, he should not make any arrest under Chapter XIV of the Code of Criminal Procedure, 1898, with a view to a prosecution for an offence under Section 280 of the Indian Penal Code or under Section 28 of the Northern India Ferries Act ;
- (b) if he has no reason to believe that such a report has been made, he should proceed to investigate the case under Chapter XIV of the Code of Criminal Procedure, 1898 .

(3) Every case of shipping casualty should be reported by the magistrate, who receives the police report, through the Deputy Commissioner and the Commissioner to Government in the Public Works Department. In sending die report, the magistrate and the officers through whom the report is submitted should state whether any further enquiry under the Inland Steam Vessels Act is in their opinion desirable or whether a prosecution under Section 280 of the Indian Penal Code or Section 28 of the Northern India Ferries Act, should be instituted.

(4) When a report, such as is described above is received, the State Government will, if considered necessary, direct a formal investigation by a court appointed under Section 33 (1) ; Chapter. IV of the Act deals with two separate jurisdiction of the court, viz., the first relating to the investigation

into the casualty itself, the second relating to an enquiry into any charge of incompetency, etc., (vide Section 34), arising in the course of investigation into the casualty. When the court in the course of investigation into the casualty, finds that the facts suggests that a charge of incompetency, or misconduct arises, it is empowered to exercise its second jurisdiction and the investigation into the facts of casualty, is combined with an enquiry into such charge. At this stage, i.e., before the commencement of the enquiry into the charge, the court should cause the master, or engineer, or other persons against whom the charge lies, to be furnished with a copy of the statement of the case upon which the investigation has been ordered. The point at which the enquiry into the charge may be considered to have commenced is left solely to the discretion of the court, and it is therefore open to the court to furnish the statement of the case to any person or persons concerned, at any stage of the court's proceedings, as the court thinks fit.

(5) If the court thinks that the case is one which may lead, *vide* Section 37 (i) to cancellation or suspension of the certificate of the master or engineer, or other person, the court should appoint two assessors, who must be persons having experience in the merchant service or in the navigation of inland vessels. The appointment of two assessors is obligatory on the part of the court and does not in any way depend on the personnel of the court when originally constituted under Section 33. The court after having read the questions and heard the opening of the representative of Government, may, if it thinks fit, appoint the assessors before the taking of the evidence if commenced.

(6) The notice of investigation, in the accompanying form (Appendix I) with a copy of the questions upon which it is proposed to take the opinion of the court will be served upon the parties concerned. Copies of these documents with a statement of the case will be sent to the court, with the Government resolution (appendix 2) appointing the court.

(7) When the State Government consider that no such investigation is required and that the facts of case disclose the commission of an offence punishable under Section 280 of the Indian Penal Code, or under Section 28 of the Northern India Ferries Act, the magistrate may direct the officer-in-charge of the police station concerned to take cognisance of the offence (*vide* Assam Government Notification No. 7255-G.J., dated the 17th September, 1928).

The following instructions should be followed in conducting preliminary enquiries into casualties to inland vessels:-

- (1) (a) The preliminary enquiry is entirely informal and not governed by any laws of evidence or rules of procedure. It partakes of the form more of a police than of a judiciary enquiry. This investigation should, however, be of such a searching character as to make the report to be drawn up thereon a sufficiently full and clear statement, enable Government to determine whether it is necessary or expedient to direct a formal investigation under the provision of Section 33 of the Inland Steam Vessels Act, 1917.
- (b) The more important depositions at the preliminary enquiry should be taken as nearly as possible *verbatim* and the deponents should be requested to sign them; in other cases, only the substance of what is stated in reply to questions need be recorded.
- (c) Representatives of the vessel or vessels concerned cannot claim, as of right, to be present at the enquiry; but unless there is some special reason for not doing so, one representative from each vessel concerned may be admitted.
- (d) The investigating officer should, on payment of cost of copying, furnish any applicant with copies of depositions and of the Government orders on the investigating officer's

report. In no circumstances should a copy of the investigating officer's report be given. This report is to be considered as confidential and is meant for departmental purposes only.

(2) Magistrate should observe the following procedure in granting an adjournment of cases and in disposing of petitions for bail:-

- (a) Magistrates or courts should exercise reasonable care and forethought in fixing dates for the hearing of cases that come up before them and should avoid allowing adjournments except in cases of the most urgent necessity.
- (b) In cases where an adjournment is found necessary, they should give every consideration to the convenient working of the companies' services.
- (c) The accused should be allowed to give bail to appear when called upon where the hearing of a case postponed or adjourned without any certainty that it will be taken up on the date fixed. (*Vide* Assam Government Circular No. 5 G.J., dated the 26th September, 1928).

Note. - If the statement made by the master of the steam vessel under Section 32 of the Inland Steam Vessels Act to the officer-in-charge of a police station amounts to a confession it would be inadmissible in evidence in a criminal trial. But such a statement when it does not amount to a confession, and all statements made by witnesses in the course of an investigation under the Inland Steam Vessels Act, will be admissible in evidence, as they do not come within the scope of Section 162 of the Criminal Procedure Code.

NOTES

Section 280 of Indian Penal Code deals with the offence of rash navigation of vessel, for which the punishment prescribed is imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. The ingredients of the offence are as follows;

- (1) It was a vessel which was being navigated.
- (2) The accused navigated the vessel.
- (3) He did so rashly or negligently.
- (4) The navigation was such as to endanger human life or cause hurt or injury to any other person.

141. Relations of excise officers with police officers in cases of offences against the opium and excise laws.

(1) In important or difficult cases within the cognizance of excise officers the Deputy Commissioner should ask the Superintendent of Police for the assistance of the Police Department, when in his opinion the assistance of that department is necessary for the proper investigation of such cases.

(2) The Deputy Commissioner should request the Superintendent of Police to investigate or to depute an officer duly empowered under the Eastern Bengal and Assam Excise Act, 1910, to

investigate important or difficult cases which have been detected by officers of the excise department, but which, in his opinion, the police may be in a better position to investigate and bring to a successful issue. In especially difficult cases, and particularly in those cases which relate to the smuggling of opium or excisable articles from other provinces or districts, the Deputy Commissioner should, if he considers such a course to be desirable, apply to the Inspector General of Police for the deputation of a special officer to investigate or to assist in the investigation.

(3) The responsibility of the excise officers does not, however, terminate with the arrival of the officers of the police department on the scene or the transfer of cases to the local police. The departmental officers should place all available information, papers and incriminating articles at the disposal of the police, should give all assistance in their power in the furtherance of the investigation and prosecution and should watch the proceedings in court.

(4) They must also give the same assistance in respect of cases detected by, or taken up directly by the police.

(5) If a police officer proposes to drop a case under investigation or to withdraw from a prosecution of any case already placed before a magistrate, which the excise officer concerned thinks should be prosecuted, he should explain his reasons and if they are not accepted, should make a report to the Deputy Commissioner.

(6) The assistance of the police department should not be invoked in petty cases, or in cases which can be equally well investigated by officers of the excise department.

(7) In all proposals for the distribution of rewards, the claims of the police on account of services rendered by them should be recognised as fully as those of subordinates of the excise department.

(8) At the end of each month the Deputy Commissioner should forward a report to the Inspector General of Police giving the details of all opium-smuggling cases investigated by officers of the excise department during the preceding month, a copy of the report being forwarded to the Excise Commissioner; all important information relating to opium smuggling, whether a case has been instituted or not, should, also be embodied in the above report.

(9) Full particulars of any excise case not investigated by the local police (whether ending in conviction or not) should be communicated by the Deputy Commissioner to the Inspector General of Police, if it discloses contraband dealings in excisable articles of a novel character or an organisation for the purpose of smuggling or is of importance from any other point of view. A copy of this report should be forwarded to the Excise Commissioner.

(10) A copy of the reports referred to in paragraphs 8 and 9 should also be forwarded to the Deputy Commissioner or Collector of any district in this or another province to whom the information contained in is likely to prove useful.

(11) In districts where the smuggling of opium or excisable articles is common, excise officers of all grades should work in close co-operation with the police. The Deputy Commissioner should so arrange that the police are kept informed of the operations of smugglers which may come to the knowledge of the excise staff, and of the persons whose names should be added to or removed from the list of smugglers.

(12) The following procedure will be followed in regard to the prosecution of cases sent up by excise officers;-

(a) In cases in which the employment of an officer to prosecute is not considered necessary, the excise officer, though not formally prosecutor, will assist the court.

(b) In cases in which the employment of an officer to prosecute is considered necessary

by the ^{Deputy Commissioner}----- or in his absence by the senior officer-in-charge of his
_{Sub-divisional Officer}

office, the court police should undertake the prosecution, except when the case is of such importance or intricacy that it is considered necessary to engage a pleader. See also Rule 13, Chapter X, Assam Excise Manual, 1926.

141-A.

(i) In all cases in which it is decided that Armed Police should accompany the raiding party for detection of excise offences, the strength of the Armed Police will be fixed by the Superintendent of

^{Deputy Commissioner}
Police in consultation with the ----- and the excise authorities. The
_{Sub-divisional Officer}

Superintendent of Police will also detail a reliable officer-in-charge of the Armed Police party, including Unarmed Police, if any, who will remain in charge throughout the raid and will be responsible for the disposition of the entire Excise and Police Force which should be made after due consideration of the surroundings of the houses to be raided and of possible resistance. He will work in close co-operation with the responsible Excise Officer and when posting his party will pay due attention to the requirements of that officer in carrying out the necessary house searches.

(ii) In all cases where only Unarmed Police are with the Excise party, the Police will be under the control of the Senior Excise Officer present.

142. Confessions.

General instructions - (1) If an accused or suspected person volunteers a confession, a police officer will make use of it, as he should of every valuable clue obtained. But all officers are warned, first against working with the object of obtaining a confession, and secondly against relying unduly on confessions or admissions to prove cases in court.

(2) Anything which favours of oppression or trickery in obtaining a confession must be avoided. The aim of a police officer should be to obtain circumstantial and oral evidence so convincing that the accused person cannot escape. If he succeeds in obtaining such evidence, the confession will often follow and will materially strengthen the case but to seek to obtain the confession first and the corroborative evidence afterwards, is to reverse the proper order of proceeding. If, however, a confession is volunteered in an enquiry, every effort must be made (by closely questioning the confessing accused as to the person or persons met by him just before and after the occurrence; any conversation that took place before the accused and such person; disposal or concealment by him of any property connected with the case in any place or with any person and such other things) to ascertain if there is evidence corroborative of any point in the confession which can be verified. A statement purporting to be a confession will often be made in order to mislead the inquiring officer, and such statements are very rarely true in all particulars, and are also frequently made in order to throw blame on other persons, or with a view to deter from further enquiry. Moreover, they are

generally retracted in court, in which case, if they stand alone and uncorroborated, they have little or no probative value. There is thus every reason for testing so called confessions very carefully and not accepting them as final and conclusive, and stopping the investigation.

143. Recording of confessions.

The following extracts from the High Court's general letter No. 1, dated 30th January, 1917 as subsequently amended are reproduced below for the guidance of Magistrates in recording confession:-

The attention of all magistrates is invited to the provisions of Sections 24 to 28 of the Indian Evidence Act and Section 164 of the Code of Criminal Procedure in order to indicate some of the safeguards which should be adopted against malpractices and acceptance of the confessions improperly obtained :-

- (1) Confessions should ordinarily be recorded in open court and during court hours; provided that if the magistrate is satisfied for reasons to be recorded in writing on the form of confession that the recording of a confession in open court would be liable to defeat the ends of justice, the confession may be recorded elsewhere.
- (2) The immediate examination of an accused person directly the police bring him into court should be depreciated, and when feasible a few hours for reflection in circumstances in which he cannot be influenced by the police should be given him before his statement is recorded.
- (3) During the examination of the accused and the record of his statement unless in the opinion of the magistrate the safe custody of the prisoner cannot otherwise be secured, police officers should not be present. In particular, the police officers concerned in the investigation of the case or in the arrest or production of the accused should be excluded.
- (4) When the accused is produced the magistrate should ascertain when and where the alleged offence, was committed and by questioning the accused should further ascertain when and where the accused was first placed under police observation, control or arrest.
- (5) The magistrate should next question the accused in order to ascertain whether he is about to speak voluntarily. It should be made clear to the prisoner that he is free to speak or to refrain from speaking as he pleases, and he should be warned that if he chooses to speak, anything he says will be used in evidence against him.

The High Court at the same time desire to draw the attention of magistrates to the provisions of Section 167 of the Code of Criminal Procedure and to the importance of exercising a sound judicial discretion in the matter of granting to or refusing remands thereunder:-

- (1) Orders under the section, it is to be observed, should be made in the presence of the prisoner and after hearing any objection he may have to make to the proposed order.
- (2) When further detention is considered necessary, the remand should be for the shortest possible period.
- (3) Applications for remands to police custody should be carefully scrutinised and in general should be granted only when it is shown that the presence of the accused with the

Police is necessary for the identification of persons, the discovery or identification of property, or the like special reason.

- (4) In particular, the court is of opinion that applications, if ever made, for the remand to police custody of a prisoner who has failed to make an expected confession or statement should not be granted.

Note I - Although any magistrate of the 1st Class or any magistrate of the 2nd Class specially empowered by the State Government in this behalf under Section 164 of the Criminal Procedure Code as amended can record confessions the High Court's instructions on the subject incorporated in the rule should be followed.

Note II - Form No. (M)84 prescribed by the High Court in its general letter No.1, dated 30th January, 1917 shall be used in recorded confessions.

Note III - It will be observed that the High Court's orders reproduced above do not require a magistrate examining a confessing prisoner to invite complaints of police ill-treatment or definitely to ask the prisoner whether he has suffered any such ill-treatment but, of course, cognizance should be taken promptly of any such complaint if spontaneously made and any indications of the use of improper pressure should be investigated at once. If the person complains of having been assaulted or tortured the magistrate should, if the prisoner consents, order him to be examined by a medical officer.

NOTES

For text of Section 164, Cr. P. C. - See notes under Rule 133 and for Section 167 - see notes under Rule 34.

144. Verification of confessions.

If an accused person confesses and names his accomplices, it is the duty of the investigating officer at once to produce him before the magistrate with a view to having his confessions recorded, and to consult the Superintendent of Police as to whether steps should be taken to have the confessions verified. The Superintendent of Police if he considers the case of sufficient complexity and importance to justify this procedure being adopted, will apply to the district magistrate or subdivisional officer, as the case may be, who if he agrees with the Superintendent of Police, will depute a magistrate to verify the confession locally. During the verification of his confession the prisoner should be guarded by the magistrate's peons for whom the magistrate will make arrangements. In such cases the remand to custody cannot exceed fifteen days at a time, under Section 344, Criminal Procedure Code. Ordinarily the police should have nothing to-do with the guarding of the prisoner. When the custody of the peon is considered insufficient to prevent the escape of or an attack on the prisoner, the verifying magistrate must apply to the district magistrate for a guard (armed if considered advisable), but the men of this guard should be forbidden to hold any communication with the investigating police or to converse with the prisoner, the personal wants of the prisoner being attended to by the magistrate's peons under the eyes of the guard.

Note I - As to the verification of confessions, the Hon'ble Judge as the Calcutta High Court have recorded the following remarks:-

"The practice of verifying confessions should be carefully limited and should be confined to a verification of the facts which have been stated by the prisoner. Cases have been brought to notice in which the so-called verification has been used as a means of

obtaining admissions to corroborate facts which have come to light after the confession has been made. This practice should be discontinued, and a verification for the purpose of amplifying a confession should not be allowed. A verification of a confession should be entrusted to an experienced magistrate, who should accompany the accused to the places referred to by him, and his proceedings should be restricted to verification and discovery of facts and local features which themselves either prove or disprove the truth of the statement. The investigating police officer should not be present at the time of verification, and only a sufficient police guard, if any, to prevent the prisoner from escaping.

It should, however, be understood that this will not stand in any way of a verifying magistrate recording and testing any additional information which a confessing accused may volunteer to give, but it should be remembered that any statements made by the prisoner in the course of the verification cannot be used court as confessional statements, not having been made under the formalities necessary under Section 164, Criminal Procedure Code, and such statements are no part of the verification of the confession. A separate memorandum should accordingly be kept of any such additional statement. The memorandum and the notes made by the magistrates regarding any inquiries made in connection with it will not be evidence, but the fact that facts which might be given in evidence were brought to light for the first time and discovered by the magistrate as a result of information then obtained might often be of great importance.

NOTES

Section 344 of Cr. P C. as referred to in this rule corresponds to Section 479-A of the 1973 Act reading as follows:-

“479-A Case in which Judge or Magistrate is personally interested – No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear, an appeal from any judgment or order passed or made by himself.”

Explanation - A Judge or Magistrate shall not be deemed to be in party to, or personally Interested In, any case by reason only that he IS concerned therein in a public capacity, or by reason only that he has viewed the place in which 'an offence is alleged to have been committed or any other place in which any other transaction material to the case is alleged to have occurred and made an inquiry in connection with the case.

It is being hardly practicable to have identification proceedings conducted by private citizens, they as a rule held by Magistrates at the request of the investigating police authorities. Usually the record of the proceeding is made on certain Form. In the Case of *Nazir Ahmad v. King Emperor*, AIR 1936 PC 253 there was non-compliance with Sections 164 and 364 of the Code of Criminal Procedure and the quote from the judgment:

“.....there was no record in existence at the material time (at the time the alleged confession was made), there was nothing to be shown or to be read to the accused, and nothing he could sign or refuse to sign.”

The Magistrate gave no explanation as to why he adopted this procedure. It was argued on behalf of the appellant that by necessary implication in the Code of Criminal Procedure the Magistrate

must either proceed under Section 164 of the Code or not at all. Considering this position of the accused persons and the position of the Magistracy, the Judicial Committee observed that it was most undesirable that Magistrates and Judges should be in the position of witnesses in so far as it could be avoided. According to the Judicial Committee.

“.....it would be particularly unfortunate if Magistrates were asked at all generally to act rather as Police Officers than as Judicial persons to be by reason of their positions: freed from the disability that attaches to Police Officers under Section 162 of the Code; and to be at the same time freed, notwithstanding their position as Magistrates, from any obligation to make records under Section 164. In the result they would indeed be relegated to the position of ordinary citizens as witnesses and then would be required to depose to matters transacted by them in their official capacity unregulated by any statutory rules of procedure or conduct whatever.”

In the result it was held that the Code of Criminal Procedure did not sanction any departure from the made in which the confession were to be dealt with by the Magistrates when made during an investigation.

This decision of the Judicial Committee was considered by the Supreme Court in *Deep Chand v. State of Rajasthan*, AIR 1961 SC 1527 and the above observation was adopted. This case goes to show that a Magistrate when called upon to conduct verification proceedings should confine his attention only to the steps to be taken to ensure that the witnesses were able to identify certain persons alleged to have been concerned in the commission of the crime or to identify certain things which were said to be the subject matter thereof. The Code of Criminal Procedure does not sanction his transgression of this limit and recording of other statements which may have a bearing in establishing the guilt of the accused except in accordance with Section 164 of the Code.

Following the principles laid down in the above two decisions, it was held in the case of *Harnath Singh v. The State of Madhya Pradesh*, AIR 1970 SC 1619, that the Magistrate was called upon only to conduct the identification proceedings. He was not required to record any confession or to interrogate witnesses to elicit any other facts or call upon them to make any statement beyond mere identification. Hence held that the statements in column 7 would therefore be inadmissible in evidence. This would not however be applicable to the record under Column 5.

145. Object of verification.

The advantage of having a confession verified consists in the fact that it is thereby made clear that the confession is a coherent story which has stood the test of careful examination on the spot by an impartial person. Moreover, it makes the evidence of the magistrate available in case further proof is required of the confession. The verification report of the magistrate is not in itself admissible in evidence, but it may be used by the magistrate to refresh his memory.

146. Suspension of sentence to allow verification to be made if informer is a convict in Jail.

If the person whom it is desired to use as an approver has been sentenced to punishment for an offence or on whom an order has been passed by a criminal court under any section of the Criminal Procedure Code or any other law which restricts his liberty or imposes any liability upon him or his property, it will be necessary in order to allow the verification to take place, to move the State Government to suspend his sentence temporarily under Section 401, Criminal Procedure Code, and as a condition of such suspension, Government will require him to remain in charge of the magistrate

verifying his confession. No period has been laid down in the Code of Criminal Procedure for which the order of suspension can be made by the State Government.

NOTES

Section 401 of Cr. P. C. as referred to in this Rule corresponds to Section 439 of the 1973 Act, reading as follows:-

“439. *Special powers of High Court or Court of Session regarding bail* - (1) A High Court or Court of Session may direct –

- (a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of Section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;
- (b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice.

- (2) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

147. Procedure to be followed to secure transfer of confessing prisoner from one jail to another.

If it is desirable that a prisoner be removed from one jail to another for the purpose of verifying his confession either of the following procedures may be followed:-

- (a) Application may be made to the Inspector General of Prisons to direct his transfer.
- (b) It will also meet the circumstances if proceedings are instituted against the confessing prisoner in the district to which he is to be removed and an order is then applied for under Section 37 of the Prisoners Act to the court having jurisdiction in the form set forth in the 2nd Schedule of the Act. This procedure should be followed also in the Case of all other prisoners, who are accused in a gang case. It may be observed that when removal is desired of a person confined in a prison more than 100 miles distant from the place where the court in which he is to be produced, is held (both the places being within the appellate jurisdiction of the High Court), application to the High Court under Section 39 of the Prisoners Act (Act III of 1900) will not be necessary, as that section speaks of the removal of prisoners for the purpose of giving evidence only, whereas Section 37 speaks of the removal of prisoners to give evidence or to answer to a charge. The removal of prisoners confined beyond the limits of the appellate jurisdiction of the High Court, can be affected in the manner laid down in Section 40, by the High Court.

148. Tender of pardon to an approver.

The attention of all prosecuting officers is invited to the provisions of Section 337 of the Criminal Procedure Code. It must be noted that under the amended section, an approver "unless he is already on bail" must be detained in custody until the termination of the trial.

NOTES

Section 337 of Cr. P. C. as referred to in this Rule corresponds to Section 473 of the 1973 Code reading as follows;

"473. *Extension of period of limitation in certain cases* - Notwithstanding anything contained in the foregoing provisions of this Chapter, any court may take cognizance of an offence after the expiry of the period of limitation, if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary so to do in the interests of justice.

149. Remission of sentence.

Should the approver be a convict undergoing imprisonment, it may be desirable after the case for which the tender of pardon was given, has been decided, to move the State Government through the Inspector General of Police to remit the whole or any portion of the sentence under Section 401, Criminal Procedure Code, when it is proved that the evidence he has given was truthful. Such remissions should be conditional on the convict's not committing any fresh offence, and the violation of this condition should entail the revival of the portion of the original sentence remitted. Applications for the suspension or remission of sentence under Section 401, Criminal Procedure Code, should be made in Form No. 3-A of Schedule XL (A), and should be accompanied by all information necessary to guide Government in the exercise of its discretion.

NOTES

Section 401 of Cr. P. C. corresponds to Section 439 of 1973 Code-see under Rule 146.

150. Procedure in case of retracted confessions.

When a confession is retracted before the trying or committing magistrate or the Court of Sessions and an allegation is made of ill-usage by the police, the court is enjoined to enquire into all the circumstances in which the confession was taken, and particularly as to the length of time during which the police and the accused person had been in contact. The magistrate who recorded the confession should be examined as a witness, and further the police officer in whose custody the accused person was when the confession was made, must be produced and closely examined.

151. Obtaining information from approvers after conviction.

(a) Attention should be paid by Superintendent of Police and police officers generally to the very important subject of obtaining information from criminals after their conviction. Such information must be received and acted upon with caution; but it can and should be obtained, and a good police officer should know how to utilise it after it has been procured.

(b) It should be distinctly understood that the main object of interviewing a convict is not to obtain a confession but information. On many occasions an outbreak of Crime has been eventually traced to new gangs, and, therefore, when the investigation has established that none of the gangs known to the police have been concerned in the outbreak, the investigating officer will frequently obtain a clue to the gangs concerned from a convicted prisoner in jail whose home is in the affected

area. Much useful information can also be obtained from convicts regarding receivers, and the whereabouts of stolen property.

(c) When the Superintendent of Police is of opinion that such information is likely to be obtained from any prisoner, he will consult the magistrate and obtain permission either for himself or some police officer, not below the rank of Sub-Inspector to interview the prisoner. No police officer should interrogate any prisoner in confinement in jail without the special permission of the magistrate of the district, or, in his absence, of the magistrate in charge. The permission should be given in the form of a written order addressed to the Superintendent of Jail or Jailor and should be obtained through the Superintendent of Police or in his absence through the officer-in-charge at headquarters. The interview should take place in the presence of the Jailor or some other responsible officer of the Jail, who however, will remain at a sufficient distance to prevent his overhearing any conversation which may take place.

(d) If in the course of the interview a convict makes a statement which amounts to a confession, the officer to whom the statement is made should at, once inform the Superintendent of Police who will either personally interview the convict or depute an officer not below the rank of an Inspector to record the statement. If the confession is of an important nature implicating a gang of professional criminal or dacoits or if it relates to a political case the Superintendent of Police will immediately send a copy to the Deputy Inspector General of Police in charge of the Criminal investigation Department, who will in consultation with the Inspector General of Police decide as to whether he will immediately assume control of the investigation or leave the case to be dealt with by the Local Authorities. Pending the receipt of instructions from the Deputy Inspector General of Police, the Superintendent of Police will take steps to have the confession recorded and when necessary, verified by a magistrate and to follow up any clues furnished by the confessing prisoner.

152. Police officers to make themselves familiar with the appearance of criminals.

It is important that police officers of all ranks should be acquainted with the appearance of criminals not only of their own jurisdictions but of other jurisdictions and Superintendents of Police will therefore insist upon all officers who may be present at headquarters attending the weekly jail parade held under Rule 134 - Part IV subject to the provision that the number of police officers in the party does not exceed seven. They should not be permitted to hold any communication with the prisoners except such as is necessary for the purpose of identification but these weekly jail parades will furnish indication to officers possessed of intelligence and the faculty of observation, as to what prisoners are likely to give information, if interviewed. (Assam Jail Manual, Rule 419).

153. Instruction regarding dying declarations.

When a person whose evidence is required, is in imminent danger of death, his statement should be recorded by a magistrate, exercising jurisdiction. If this cannot be arranged and it becomes necessary for some other person to record this dying declaration, it should, if possible, be made in the presence of the accused or of attesting witnesses. A dying declaration made to a police officer should be signed by the person making it. Such a declaration is admissible in evidence under Section 32, Indian Evidence Act, read with Section 162, Criminal Procedure Code.

NOTES

Section 167 of Cr. P. C. as referred to in this rule reads as follows:-

"162. *Statements to police not to be signed. Use of statements in evidence* - (1) No statement made by any person to a police officer in the course of an investigation under this

Chapter, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act, 1872 (1 of 1872) ; and when any part of such statement is so used, any part thereof may also be used in the re-examination of such Witness, but for the purpose only of explaining any matter referred to in his cross-examination.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of Section 32 of the Indian Evidence Act, 1872 (1 of 1872), or to affect the provisions of Section 27 of that Act.

Explanation - An omission to state a fact or circumstances in the statement referred to in sub-section (1) of may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact.

154. Inspection of post office records.

The Director General of the Post offices has issued, with the approval of the Central Government, certain instructions for the guidance of postal officials. These instructions, so far as they affect the police, are that records of a post office will be produced and information available in them will be given on the written order of any police officer who is making an investigation under the Criminal Procedure Code, but only those entries in the records will be disclosed which relate to the person or persons accused of the offence under investigation, or which are relevant to that offence.

In any other case, the Postmaster will without delay, refer for orders to the Postmaster General who will decide whether or not under Section 124 of the Indian Evidence Act, 1 of 1872, the information asked for should be withheld.

When the information asked for by a police officer is not available in the records of the post office, the police officer will be informed accordingly, irrespective of the question whether the information, if available, might or might not be given under the foregoing rule.

Except as directed above, police officers are not empowered to examine the books of a post office.

155. Enquiry slips.

When, in the course of an investigation or at any other time, a police officer requires information from the officer-in-charge of any other police station regarding an absconder or any other matter connected with the criminal administration of his jurisdiction, except in enquiries regarding the movement of bad characters he will address an enquiry slip to him, Form No. 141, Schedule XL(A) , (Part I), being used in ordinary cases, and Form No. 143, Schedule XL(A), (Part I) for enquiries in large towns (e. g., Calcutta, Allahabad, Bombay, Cownpore, etc.) the duplicate carbon copy being kept for

reference. If there is undue delay in receiving a reply, a reminder will be sent, and should this prove ineffective, a report sent to the Superintendent of Police, who will address the Superintendent of Police concerned for expenditure.

On receipt back of an enquiry slip, it will be pasted to its duplicate for record after all action as indicated has been taken and any information of use noted in the appropriate volume and part of the Village Crime Note Book.

Each slip will bear a serial number according to date of issue, and if the enquiry relate to an absconder, the nature of the crime with which he is charged must be clearly stated. If an enquiry slip be used as a requisition for house search under Section 166 (1), Criminal Procedure Code, or for arrest under Section 54(ix), Criminal Procedure Code, it must contain full information to justify action by the officer to whom it is addressed.

Enquiry slips will be treated as urgent and dealt with accordingly.

NOTES

For full text of Section 162. Cr. P. C.-see notes under Rule 153.

156. Police not to recognise any compromise.

Once an investigation under Chapter XIV of the Code of Criminal Procedure is commenced, it must be completed irrespective of any compromise between the parties and a report duly forwarded to the magistrate under Section 173 of that chapter.

(See Notes under Rule 34).

157. Police may not decide question of lunacy except in case of petty offence.

(1) Except in cases mentioned in clause (3) It is not for a police officer to decide whether a person charged with a cognizable offence is or is not a lunatic. He will deal with the case as if the person were sane, and if an offence be proved, will send the prisoner up for trial.

(2) The investigating officer, however, will ask the court to have an enquiry made regarding the mental condition of the accused as soon as he shows signs of insanity and will not send up witness for the prosecution without previously ascertaining whether in the opinion of the court the prisoner is capable of making his defence.

(3) A police officer will deal with a person committing petty offences, which he can clearly attribute to mental condition, as a non-criminal mental patient for whom provision is made in Sections 13 to 17 of the Indian Lunacy Act, 1912 (Act IV of 1912), and not treat him as a criminal Lunatic and send him up for trial. For example, if a police officer after arresting a person for committing a petty offence under the Police Act, finds him exhibiting signs of lunacy, e.g., indecent exposure of person, committing a nuisance, disorderly conduct, etc., he will proceed against him under Section 13 of the Lunacy Act and not send him up for trial under Section 34 of the Police Act. Even when a person is sent up by the police in cases like these, it may sometimes be possible for the magistrate to take action under Section 466 (1), Criminal Procedure Code, and release the lunatic on security.

NOTES

Section 466 of Cr. P. C. as referred to in this rule correspond to Section 330 of the 1973 Code reading as follows:

"330. *Release of lunatic pending investigation or trial* - (1) Whenever a person is found, under Section 328 or Section 329, to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, whether the case is one in which bail may be taken or not, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

(2) If the case is one in which, in the opinion of the Magistrate or Court; bail should not be taken, or if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the State Government.

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the State Government may have made under the Indian Lunacy Act, 1912 (4 of 1912).

158. Search of persons arrested.

When a police officer acting under Section 54, Criminal Procedure Code, searches a person after arrest and takes charge of articles, other than necessary wearing apparel, found upon him, he should grant a receipt to the prisoner for them. No stamped receipt is necessary in respect of any cash seized from the prisoner as such receipts come under exemption (b) to Article 53 of Schedule I to the Indian Stamp Act (Government letter No. 3863, dated 8th November, 1934). If the accused be sent up for trial, a list of the property seized must be attached to the charge sheet form. Court officers will see that prisoners sent up in custody hold such receipts. A female prisoner should be searched by a woman, with strict regard to decency. (Section 52, Cr. P. C. and Part IV of this manual).

NOTES

Section 54 of Cr. P. C. as referred to in this rule corresponds to Section 41 (1) of the 1973 Code, for which reference may be made to Rule 49.

Section 52 of Cr. P. C. as referred to in this Rule Corresponds to Section 51 (2) of the 1973 Code, reading as follows:-

"51(2)-Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

159. House searches.

Law and Procedure - The Law in regard to searches is mainly contained in Chapter VII and Sections 165 and 166, Criminal Procedure Code, and whenever a search is made under that chapter or those sections, the requirements thereof must be scrupulously complied with Sections 96-99-A, and 100-103, Criminal Procedure Code deal with searches made on the authority of a search-warrant, and Sections 165 and 166, Criminal Procedure Code, with searches without a warrant. The salient provisions of Section 102, 103, 165 and 166, Criminal Procedure Code, are reproduced below in view of their great importance:-

Section 102, Criminal Procedure Code - (1) Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall on demand

of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by Section 48.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of Section 52 shall be observed.

Section 103, Criminal Procedure Code - (1) Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the court as a witness of the search unless specially summoned by it.

(3) The occupant of the place searched, or some person on his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

(4) When any person is searched under Section 102, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such occupant or person at his request.

(5) Any person who without reasonable cause refuses or neglects to attend and witness a search under this section when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code.

Section 165, Criminal Procedure Code - (1) Whenever an officer-in-charge of a police station, or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in-charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made, for such thing in any place Within the limits of such station.

* * * * *

(3) If he is unable to conduct the search in person, 'and there is no other person competent to make the search present at the time, he "may after recording in writing his reasons for so doing" require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, "specifying the place to be searched and so far as possible the thing for which the search is to be, made" and such subordinate officer may thereupon search for such thing in such place.

* * * * *

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest magistrate empowered to take cognizance of the offence.

* * * * *

Section 166, Criminal Procedure Code - (1) An officer-in-charge of a police station "or a police officer not being below the rank of Sub-Inspector making an investigation may" require an officer-in-charge of another police station whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of Section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3) Whenever there is reason to believe that the delay occasioned by requiring an officer-in-charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer-in-charge of a police station or a police officer making an investigation under this chapter to search or cause to be searched any place in the limits of another police station, in accordance with the provisions of Section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer-in-charge of the police station within the limits of which such place is situate, and shall also send to the nearest magistrate empowered to take cognizance of the offence, copies of the records referred to in Section 165, sub-sections (1) and (3).

* * * * *

Only a search for some specific things necessary for the purposes of the investigation can be made under Section 165, Criminal Procedure Code, without a warrant; for a general search a warrant is necessary.

As regards searches for arms, Section 165, Criminal Procedure Code, should be read with Section 30 of the Indian Arms Act.

No place should be searched without a warrant, merely because the occupier is a registered bad character or an absconding offender.

Police officers should record in their diaries the grounds, etc., referred to Section 165, Criminal Procedure Code, reproduced above, but they are not obliged to give the name of the person upon whose information they act. The name, father's name and residence, etc., of any person producing keys of any locked receptacles or claiming ownership of articles seized will always be noted in the case diary/

159-A. Arrest in hot pursuit of offenders in Indian states and in British territory by the police.

The officers or agents of Feudatory Chiefs and Indian states and the British Indian Police have ordinarily no authority to make arrests of criminals in British territory or in Indian States, respectively; but by agreement with certain Indian States, notably Cooch-Bihar, Tripura and Manipur, it is established on a basis of reciprocity that when in hot pursuit of offenders accused of certain extraditable offences they may make such arrests in British or State territory respectively and seek the

aid of the British and Indian State Police in securing arrest. This power of arrest is restricted to officers not lower in rank than a Head Constable in British India or the equivalent in a State. A person so arrested must forthwith be conveyed to the nearest place in which an officer of the British Indian or Indian State Police, as the case may be, is known to be, or shall be handed over to the British Indian or Indian State Police in that place.

The exercise of these powers is limited to crimes covered by Sections 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402 of the Indian Penal Code.

When the Police authorities of a Feudatory or Indian State consider that in the interest of law and order house in British India should be searched an officer not below the rank of an officer-in-charge of a Police Station should apply direct to the Officer-in-charge of the police station in which the search is required to be made. The latter should then proceed to make the search as he would upon a requisition made under Section 166(1) of the Criminal Procedure Code.

The same procedure should be followed *mutatis mutandis* by the police of British India when it is necessary to search-a house in an Indian State.

NOTES

Sections 100 to 103 of Cr. P. C. as referred to in this rule correspond to Sections 97, 98, 99 and 100 (1) to (3) respectively of the 1973 Code reading as follows:

- "97. *Search for persons wrongfully confined* - If any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed, may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.
98. *Power to compel restoration of abducted females* - Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child under the age of eighteen years, for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.
99. *Direction etc. of search warrants* - The provisions of Sections 38, 70, 72, 74, 77, 78 and 79 shall, so far as may be, apply to all search-warrants issued under Section 93, Section 94, Section 95, Section 97.
100. *Persons in charge of closed place to allow search* - (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place, shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress hereto, and afford all reasonable facilities for a search therein.
- (2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by sub-section (2) of Section 47.

- (3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched and if such person is a woman, the search shall be made, by another woman with strict regard to decency.

Sections 165 and 166 of Cr. P. C. although quoted under this rule are of the old Code and there had been certain changes in the 1973 Code, hence for the text of the said sections *see* under Rule 34.

Sections 302, 303, 304, 307, 308, 322, 382, 392, 393, 294, 395, 396, 397, 398, 399, 400, 401 and 402 of the Indian Penal Code are referred to this section:

Section 302 - Punishment for murder.

Section 303 - Punishment for murder by life convict.

Section 304 - Punishment for culpable homicide not amounting to murder.

Section 307 - Attempt to murder-attempt by life convicts.

Section 308 - Attempt to commit culpable homicide.

Section 311 - Punishment for thug.

Section 582 - Theft after preparation made for restraint in order to be committing of the theft.

Section 392 - Punishment for robbery.

Section 393 - Attempt to commit robbery.

Section 394 - Voluntary causing hurt in committing robbery.

Section 395 - Punishment for dacoity.

Section 396 - Dacoity with murder.

Section 397 - Robbery, or dacoity, with attempt to cause death or grievous hurt.

Section 398 - Attempt to commit robbery or dacoity when armed with deadly weapon.

Section 399 - Making preparation to commit robbery.

Section 400 - Punishment for belonging to gang of dacoits.

Section 401 - Punishment for belonging to gang of thieves.

Section 402 - Assembling for purpose of committing dacoity.

160. Time for conducting a search.

The law does not require a search under the Criminal Procedure Code to be made by daylight; but there are advantages in searching by daylight, and a searching officer should consider whether a house-search should proceed by night or whether daylight should be awaited. Matters must be so arranged as to cause as little inconvenience as possible to the inmates, and specially the women.

Searches under Section 14, Act I of 1878 (Opium) must be made between sunrise and sunset.

161. Search witnesses.

(1) The number of witness required to attend a house-search depends on the circumstances of each particular case and no hard-and-fast rule can be laid down with regard to it. In no case however should the number be less than two. So far as possible these witnesses should be brought from the same or adjoining villages but in cases in which this is not possible the police officer may exercise his discretion in choosing outsiders.

(2) Care should be taken that the witnesses are as far as possible unconnected with any of the parties concerned or with the police so that they may be regarded as quite independent. Whenever possible the presence of the Panchayat or headman of the village should be obtained to witness a search. In no circumstances should a spy, tout, habitual drunkard or any one of doubtful character be called as search witness. Reasons for rejecting any person as witness to the search should be noted in the case diary. When any person refuses or neglects, without reasonable cause, to attend and witness a search after having been called upon to do so by an order in writing delivered or tendered to him, the searching officer may take steps for his prosecution under Section 187, Indian Penal Code. [*vide* Section 103, Criminal Procedure Code; clause (4)].

(See also notes under Rule 159).

(3) The presence of search witnesses must not be looked upon merely as a formality. They must actually be eye-witnesses of the whole search and must be able to see clearly where each article is found. They should then sign the search list; if any search witness be illiterate, it should be read over to him and his left thumb impression taken on it. Where the witnesses do not know English the list will be written in the vernacular. The suspected person whose property is seized should if present at the search also be asked to sign the list. If he refuses, a note will be made to this effect and should be certified to by the witnesses. The suspected person or in his absence the person in charge of the house or place searched should be given a copy of the search list. He will be given an opportunity of comparing it with the original list. Should he refuse to do so, a note to this effect should also be made and certified to by the witnesses.

162. The search list.

In order to satisfy the court as to the identity of articles alleged to have been discovered at a house-search and to prevent irregularities, the officer conducting a search under Sections 103 and 165, Criminal Procedure Code, should prepare a list in triplicate in Form No. 144 of Schedule XL (A), (Part I), of the property of which he has taken possession and shall forward it to the court officer by the first available dak after the search together with a report regarding the search. One copy, of this list will be sent to the court officer, one copy given to the house-holder, and the third copy will remain with the investigating officer. On receipt in the court office, this list will be stamped with the date of receipt (*vide* Part IV of this Manual) Investigating officers are required to note carefully the instructions contained in the headings of the form and are enjoined to conduct searches under such conditions that there may be no room for suspicion on the part of the witnesses that articles have been surreptitiously introduced by them or their constables or chaukidars, with a view to their being included in the list of property actually discovered in the place under search.

(See also Notes under Rule 159).

163. Seizure of articles and their inspection.

(1) All the property in a house is not to be seized merely because suspected property is found therein. But any property which is alleged or suspected to have been stolen or is found under circumstances which create suspicion of the commission of any offence may be seized (Section 550, Criminal Procedure Code).

(2) In all cases in which a magistrate proceeds under paragraphs 3 and 4, clause I of Section 96 of the Criminal Procedure Code and directs in the warrant that there should be a general search followed by a more careful inspection at the police station or some other convenient place, papers, documents and other articles need not be examined and initialled piece by piece *in situ*, but should be collected and packed in bundles. These bundles or receptacles should be closed or locked, as the case may be and must in all cases be sealed or marked by the search witnesses and entered in the search lists.

For instance, the contents of a desk drawer should be collected, packed together, marked and initialled by the search witnesses with some distinguishing mark - A/1 for instance. The contents of other drawers from the desk might then be similarly packed up together and marked A/2, A/3 etc. All these packages may be placed for easy carriage in a large receptacle which should in this case be marked A and should contain all the "A" bundles or packages. Subsequently these bulky boxes or packages should be very formally opened by the search witnesses who sealed or marked and signed them during the search, and their contents should be examined piece by piece, and kept or rejected, but in every instance initialled and dated by the search witnesses and the police officer in question. Each of these pieces should be given the initial letters and the serial of its original bundle and also its own serial number in that bundle. Should any difficulty be experienced in getting a search witness to examine the documents at the police station, it will be opened to any police officer to call in the assistance of the court to compel the attendance of such search witnesses at the court to open the bundles, boxes, etc. Should he refuse to sign the list of contents of the bundles, the police officer should, if possible, invoke the help of an honorary magistrate or such other officers as may be available.

(3) When articles or exhibits are seized from the possession of a person under Sections 98 and 550, Criminal Procedure Code, or attached during the course of execution of an attachment order under Sec. 88, Criminal Procedure Code, or under a fine warrant under Section 386, Criminal Procedure Code, or when any unclaimed property is seized under Section 25 of the Police Act, or any intestate property is seized which is too bulky or inconvenient to be removed and stored in a Police Station, the officer making the seizure may keep the articles or exhibits, whenever necessary in the "Jimma" (*i.e.*, in the custody) of any private person in the locality under a bond or "Jimmanama" to be produced when called for.

NOTES

Sections 88, 96, 98, 386 and 550 as referred to in this rule correspond to the sections in the 1973 Code as follows;

| Old Section | New Section |
|-------------|---------------|
| 88 | 83, 84 and 85 |
| 96 | 93(1) and (3) |
| 98 | 94 |
| 386 | 421 |
| 550 | 102 |

Sections 83, 84, 85, 93(1)(3), 94, 42 and 102 of the 1973 Code reads as follows:-

"83. *Attachment of property of person absconding* - (1) The Court issuing a proclamation under Section 82 may, for reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable or both, belonging to the proclaimed person;

Provided that where at the time of the issue of the proclamation the Court is satisfied, by affidavit or otherwise that the person in relation to whom the proclamation is to be issued,-

- (a) is about to dispose of the whole or any part of his property,
- (b) is about to remove the whole or any part of his property from the local jurisdiction of the Court,

it may order the attachment simultaneously with the issue of the proclamation.

- (2) Such order shall authorise the attachment of any property belonging to such person within the district in which it is made; and it shall authorise the attachment of any property belonging to such person without such district when endorsed by the District Magistrate within whose district such property is situate.
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made –
 - (a) by seizure; or
 - (b) by the appointment of a receiver or;
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to anyone on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.
- (4) If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the State Government, be made through the Collector of the district in which the land is situate, and in all other cases –
 - (a) by taking possession; or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the payment of rent on delivery of property to the proclaimed person or to any one on his behalf; or
 - (d) by all or any two of such methods, as the court thinks fit.
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Code of Civil Procedure, 1908 (5 of 1908).

84. *Claims and objections to attachment* - (1) If any claim is preferred to or objection made to the attachment of, any property attached under Section 83, within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property and that such interest is not liable to attachment under Section 83, the claim or objection shall be inquired into and may be allowed or disallowed in whole or in part.

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

(2) Claims or objections under sub-section (1) may be preferred or made in the Court by which the order of attachment is issued, or, if the claim or objection is in respect of property attached under an order endorsed under sub-section (2) of Section 83, in the Court of the Chief Judicial Magistrate of the district in which the attachment is made.

(3) Every such claim or objection shall be, inquired into by the Court in which it is preferred or made;

Provided that, if it is preferred or made in the Court of a Chief Judicial Magistrate, he may make it over for disposal to any Magistrate subordinate to him.

(4) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (1) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

85. *Release, sale and restoration of attached property* - (1) If the proclaimed person appears within the time specified in the proclamation, the court shall make an order releasing the property from the attachment.

(2) If the proclaimed person does not appear within the time specified in the proclamation, the property under the attachment shall be at the disposal of the State Government; but it shall not be sold until the expiration of six months from the date of the attachment and until any claim preferred or objection made under Section 84 has been disposed of under that section, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner; in either of which cases the court may cause it to be sold whenever it thinks fit.

(3) If, within two years from the date of the attachment, any person whose property is or has been at the disposal of the State Government, under sub-section (2), appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the net proceeds of the sale, or, if part only

thereof has been sold, the net proceeds of the sale and the residue of the property, shall, after satisfying therefrom all costs incurred in consequence of the attachment, be delivered to him.

93. *When search warrant may be issued* – (1) (a) Where any Court has reason to believe that a person to whom a summons or order under Section 91 or a requisition under sub-section (1) of Section 92 has been or might be, addressed, will not or would not produce the document or thing as required by such summons or requisition, or
- (b) where such document or thing is not known to the Court to be in the possession of any person, or
- (c) where the court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,
- it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provision hereinafter contained.
- (3) Nothing contained in this section shall authorise any Magistrate other than a District Magistrate or Chief judicial Magistrate to grant a warrant search for a document, parcel or other thing in the custody of the postal or telegraph authority.
94. *Search of place suspected to contain stolen property, forged documents etc.* - (1) If a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable –
- (a) to enter, with- such assistance as may be required, such place;
- (b) to search the same in the manner specified in the warrant;
- (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies;
- (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a magistrate or otherwise to dispose of it in some place of safety;
- (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or production of any such property or article knowing or having reasonable cause to suspect it to be stolen property or, as the case may be, objectionable article to which this section applies.
- (2) The objectionable articles to which this section applies are –
- (a) counterfeit coin;

- (b) pieces of metal made in contravention of the Metal Tokens Act, 1889 (1 of 1889), or brought into India in contravention of any notification for the time being in force under Section 11 of the Customs Act, 1962 (52 of 1962);
- (c) counterfeit currency note; counterfeit stamps;
- (d) forged documents;
- (e) false seals;
- (f) obscene objects referred to in Section 291 of the Indian Penal Code (45 of 1860);
- (g) instruments or materials used for the production of any of the 'articles mentioned in clauses (a) to (f).

421. *Warrant for levy of fine* - (1) When an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may –

- (a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender.
- (b) issue a warrant to the Collector of the district, authorising him to realise the amount as arrears of land revenue from , the movable or immovable property, or both, of the defaulter:

Provided that, if the sentence directs that in default of payment of the fine, the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless, for special reasons to be recorded in writing, it considers it necessary so to do, or unless it has made an order for the payment of expenses or compensation out of the fine under Section 357.

- (2) The State Government may make rules regulating the manner in which warrants under clause (a) of sub-section (1) are to be executed, and for the summary determination of any property attached in execution of such warrant.
- (3) Where the Court issues a warrant to the Collector under clause (b) of sub-section (1), the Collector shall realise the amount in accordance with the law relating to recovery of arrears of land revenue, if such warrant were a certificate issued under such law:

Provided that no such warrant shall be executed by the arrest or detention in prison of the officer.

102. *Power of police officer to seize certain property* - (1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

- (2) Such, police officer, if subordinate to the officer in charge of a police station shall forthwith report the seizure to that officer.
- (3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be

conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further order of the Court as to the disposal of the same.

164. Search for arms.

Whenever it becomes necessary for a search to be made for arms, illegally possessed, a warrant must invariably be obtained under Section 25 of the Indian Arms Act (Act XI of 1878), from a Magistrate.

Police officers not below the rank of a Sub-Inspector and mauzadars in the Assam Valley districts are empowered to conduct searches for arms under the above section and to have searches conducted in their presence. (Assam Government Notification No. 561-G.J., dated the 16th January, 1928.

Under Section 30 of the Act, a search under the Code of Criminal Procedure in the course of any proceedings instituted in respect of an offence punishable under Section 19 (f) of the Indian Arms Act, can only be conducted in the presence of a Magistrate or of a Police Officer not below Sub-Inspector (*vide* Notification No. 2622-G, dated the 27th April, 1910).

165. Inspection, search for and seizure or explosives.

(i) Under Rule 137 of the rules regulating the manufacture, possession and sale, transport and importation of explosives published in the Government of India, Department of Commerce and Industry, [Notification No. 4013-33, dated the 6th June, 1914 republished in the Assam Gazette (Notification No. 2714-J., dated the 15th June, 1914), of 24th June, 1914], any police officer of a rank not below that of Sub-Inspector may, within his jurisdiction in connection with magazine licenses issued in Form D:-

- (a) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed or sold under a license granted under the Explosives Act rules or any prior rule made under the Indian Explosives Rules, 1914 or any prior rules made under Indian Explosives Act, 1884 (Act IV of 1884), or in which he has reason to believe that an explosive has been or is being manufactured, possessed or sold in contravention of the said rules or Act;
- (b) search for explosives therein;
- (c) take samples of any explosives found therein, on payment of the value thereof; and
- (d) seize, detain, remove and, if necessary, destroy or otherwise render harmless" any explosives found therein in respect of which he has reason to believe that any of the provisions of the said rules or Act have been contravened.

(ii) Whenever any police officer mentioned in clause (i) seizes, detains or removes any explosive under the Explosives Rules, he shall report the fact to the magistrate of the district.

(iii) No police officer has, under the Explosives Rules, power to destroy or otherwise render harmless any explosive without the previous sanction of the district magistrate, unless the matter appears urgent and fraught with serious public danger.

(iv) Whenever any explosive is destroyed or otherwise rendered harmless by an officer, he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owing the explosive or having the same under his control at the time of seizure and at the same time report the circumstance to the district Magistrate.

(v) Under Rule 62 of the same rules, every person holding a license, or acting under a license granted under these rules, shall be bound to produce the same, or an authenticated copy kept at the magazine or place to which the license applies, when called upon to do so by any officer-in-charge of a police station or any police officer of higher rank. Copies of any such license may for the purpose of this rule, be authenticated free of charge by any police office mentioned in this clause.

(vi) Police officers will carefully observe that, should any officer below the rank of a Sub-Inspector find it necessary to take action under clauses (i), (ii) or (iv) above, he should either obtain a warrant under the Act or request a Sub-Inspector or any other superior police officer to accompany him.

N. B. - "Form D" refers to license to manufacture; or to possess and sell, or to possess firework's and their ingredients in a village or other rural areas.

166. Articles found to be labelled.

All articles or weapons found at a house search or in the person of a prisoner should be carefully labelled and if a charge-sheet is submitted in the case, should be sent to court officer. The labels should be signed by the officer conducting the search.

Medico-legal evidence (Rules 167 to 187)

167. Instructions for sending copies for post-mortem examination.

(a) All copies on which a post-mortem examination is to be held will be sent to the nearest medical officer authorised in this respect, whether he be the Civil Surgeon at the district headquarters or the Assistant or Sub-Assistant Surgeon in the sub-divisions or any private medical practitioner or railway medical officers authorised by name to hold post-mortem examinations.

(b) When a body is sent in for autopsy it should always be accompanied by a copy of the inquest report, with a translation, if in the vernacular, and a chalan in duplicate in Form No. 140 of Schedule XL (A) (Part I), one copy of which should be addressed to the court officer (where the post-mortem examination centre is at the district or sub-divisional headquarters) and the other copy to the medical officer holding the autopsy. If the examination is conducted at a place other than a district or sub-divisional headquarters one copy of the chalan referred to above should be sent to the Superintendent of Police and the other to the medical officer. The chalan, will, amongst the other entries indicated in its columns, contain an accurate description of the corpse, the date and hour of its actual despatch, a statement of the apparent cause of death, the circumstances if any, which give rise to any suspicion of foul play and an accurate list of clothes and articles sent in with the corpse. The information furnished to the medical officer for the purpose of an, autopsy should be as full and complete as possible.

(c) While sending a body it should be surrounded with a sufficient quantity of powdered charcoal and covered with a sheet. It should be carried on a stretcher or bier with regard to reverence and decency and never slung on a bamboo.

(d) The corpse should be sent in charge of a trustworthy constable whose name, together with those of the bearers, deceased's relations and others accompanying it will be recorded in the chalan. These precautions are necessary in order to prevent the corpse being changed or injured in transit or in case of such a change being alleged to have taken place, to enable the identity of the corpse being proved. The constable should be given strict orders not to loiter on the road but to take it by the nearest route direct to the mortuary.

(e) (1) After leaving the body at the mortuary, constable should immediately deliver the inquest report and one of the chalan to the medical officer holding the post-mortem. He should then deliver the second copy of the chalan to the court officer at the district or sub-divisional headquarters where the post-mortem is held who will forward it immediately to the-Superintendent of Police through the gazetted police officer-in-charge of the sub-division, if any.

(2) In Column 6 of the command certificate which the constable will carry the date and hour of the arrival at the mortuary will be noted by the medical officer. When the constable hands over the chalan to the court officer in places where the post-mortem centre is at the district or sub-divisional headquarters the latter will note in the same column the date and hour of his receipt of the same. Column 7 of the certificate will be filled in by the medical officer and in doing so lie should make a note therein to show that a copy of report on the result of the post-mortem examination has been made over to the constable.

(f) Police officers despatching corpses by rail will send therewith a requisition in Form No. 201 of Schedule XL (A) (Part 1) duly filled in to the station master concerned. The freight will be paid by the Deputy Commissioner on receipt of a bill from the station master from whose station the dead body was despatched.

II(a) A railway medical officer specially appointed by the State Government in this behalf by name may be called upon to examine the corpse of any person who has met with a violent death within the railway premises. When therefore occasion arises, the police should send the body to the authorised medical officer, whether of Government or of the railway who is most readily accessible.

(b) In transmitting a body to a railway doctor a railway police constable should be sent in its charge with a copy of the inquest report and a chalan as well as a command certificate. The chalan which will contain the same information as required by clause I (b) and (d) should be made out in duplicate and one copy sent to the Superintendent of Railway Police for his information. The constable should immediately hand over the papers to the doctor who will put in the date and hour of arrival of the body in Column 6 of the command certificate, and should wait till the examination is over.

168. Expenses for transmitting corpses and their final disposal.

Expenses for transmitting corpses - (a) Expenses incurred in transmitting bodies or wounded persons to the medical officer for post-mortem examination or treatment, respectively, in all cases, railway cases included, will be met by the magistrate or municipal commissioners and not from the police budget. Except in case of unclaimed dead bodies provided below the bills in railway cases should be sent to the Magistrate through the court officer who will see that it is passed and paid without unnecessary delay.

(b) *Their final disposal* - The final disposal of the body rests with the magistrate or municipal authorities. Whenever there is a necessity for the removal of an unclaimed dead body lying within railway limits, the railway police should send a requisition to the station master concerned for the services of a sweeper who will remove the body and the railway will pay him at the rate of Rs. 4 for

each corpse or at the local accepted rates recovering the amount from the Magistrate of the district through whose jurisdiction that portion of the railway runs. *Vide* Government letter No. C. P. 603-4195 G. J dated the 30th June, 1927). (*See* also Rule 16-Part VI).

169. Result of post-mortem examination to be communicated at once to the Investigating officer and the Superintendent of Police.

(a) On completing the post-mortem examination the medical officer will fill up the whole of the medical Form No. 24 of Schedule XLIII (Part I) in triplicate by the pen carbon process. One of the carbon copies will be sent to the investigating police officer through the constable who brought in the corpse. The original report with the challan form and inquest report should be forwarded to the Superintendent of Police direct or in case of a subordinate or private medical officer, the Civil Surgeon who will note his remarks on the report. The Superintendent of Police will then forward the report to the court officer to lay before the Magistrate concerned. The remaining copy of the report will be kept by the medical officer in the register of post-mortem examinations which will be maintained by him. This will apply *mutatis mutandis* in case of post-mortem examinations held by railway doctors.

(b) Police officers should refer to the Civil Surgeon if they have any doubt in regard to any part of the medical report.

(c) When the Civil Surgeon differs in opinion from the examining medical officer regarding the cause of death a copy of the former's remark on receipt through the Superintendent of Police should at once be sent by the court officer to the officer-in-charge of the police station from which the body was sent.

(d) The Superintendent of Police in whose jurisdiction there are private medical practitioners authorised to hold post-mortem examination and the Superintendent, Railway Police, will see that a few copies of post-mortem Forms (No. 24 of Schedule XLIII) (Part I) are supplied to these medical practitioners and the railway doctors respectively.

170. Civil Surgeon to hold post-mortem when European is accused.

The post-mortem examination of any Indian who is suspected to have met his death at the hand of a European should invariably, be made by Civil Surgeon, except where this is not possible owing to the Civil Surgeon being at too great distance from the scene of the occurrence.

In every instance prompt information of the occurrence should be sent, where possible by telegram, to the Civil Surgeon of the district as well as to the District Magistrate and the Superintendent of Police in charge of the district.

171. Presence of Police Officer and others at post-mortem examination.

(a) The constable sent in charge, of a corpse should be present at the post-mortem examination but need not be present throughout its details. It will suffice if he stands sufficiently near to be able to testify that the body which had been in his charge was the one examined by the medical officer. He must be present at the Court when the medical officer's testimony as to the result of the examination is given, in order that identity of the body examined with the body to which the criminal case relates may be established if necessary. If thought advisable the relations of the deceased may similarly be present at the examination. (b) Investigating police officers should be encouraged to attend post-mortem examination when possible.

172. Rules for the preservation and disposal of viscera.

1. Viscera should be preserved by the medical officer only:-
 - (a) in cases in which there is a suspicion of poisoning,
 - (b) in cases in which the cause of death cannot be ascertained or is doubtful,
 - (c) in cases in which police specially ask for the viscera to be preserved.

In other cases, the viscera should be destroyed as soon as the cause of death has been ascertained and certified by the Civil Surgeon.

2. The Civil Surgeon or sub-divisional medical officer should submit a list every quarter to the district magistrate or sub-divisional officer, showing the viscera preserved by him, and request orders as to which of these may be destroyed.

3. It should ordinarily be possible for the court officer within a period of 3 months to decide from the result of the police investigations as to whether there is any suspicion of poisoning and if not, to recommend to the magistrate that the viscera may be destroyed.

4. The medical officer should not be required to preserve viscera for indefinite periods, in cases in which there is no suspicion of poisoning, merely because the case has not been disposed of or the accused is an absconder. It must be remembered that the viscera themselves do not constitute an *exhibit*: the evidence required in court if the case is eventually sent up, is the opinion of the Chemical Examiner, and in any case of doubt the viscera should be forwarded for analysis to the Chemical Examiner at an early date.

5. In cases in which it is considered necessary for viscera to be sent to the Chemical Examiner for analysis, the court officer should, address the magistrate dealing with the case, and request him to direct the medical officer accordingly.

6. Expenditure on account of the purchase of materials required for the preservation of viscera, etc., should be debited to "32 - Medical".

The cost of packing and despatch of viscera should be met from the budget of the Deputy Commissioner concerned.

173. Instructions for sending articles for chemical analysis.

A (1) *Articles to be sent through the Magistrates or medical officers* - All articles intended for chemical analysis, both in railway and district cases shall be sent by the investigating officer to the court officer who shall make them over to the District or Sub-divisional Magistrate or the Magistrate dealing with police papers for transmission to the Chemical Examiner. Articles connected with medico-legal cases examined by *post mortem* or otherwise by medical officers as also articles connected with cases in which medical officers are consulted for expression of an opinion or furnishing a report should invariably be sent to the Chemical Examiner through the Civil Surgeon or the Sub-divisional Medical Officer as the case may be.

(2) The court officer, while making over the articles to any of the officers enumerated in the paragraph shall also send to him a descriptive letter, containing all the information, required by this and the following rule to be forwarded to the Chemical Examiner. This information is to be furnished to

the court officer concerned. The result of analysis shall be communicated by the court officer to the investigating officer, as soon as it is received by him.

B *Packing and despatching of exhibits sent to the Chemical Examiner* - The following rules should be observed in sending articles to the Chemical Examiner for examination:-

- (a) Under no circumstances should the forwarding report be packed in the same parcel with the substances to which it refers. It must always go in a separate registered cover and should state the date of despatch of the parcel.
- (b) In forwarding suspected substances or weapons an accurate description of the articles should be inserted in the report.
- (c) When several substances are sent they will be wrapped separately in paper, and will be sealed and consecutively lettered in English. A list of the articles, duly lettered and sealed, should accompany the parcel, and an exact copy in the same handwriting, with an impression of the seal, should be entered in the report.

This list will contain the following information:

- (1) Number and date of report.
- (2) Description of articles, A,B, C, etc.
- (3) By whom forwarded.
- (4) Station, date and seal.
- (5) A full account of the medico-legal aspect of the case, e g. the section of law under which the case falls, the nature of weapons used or supposed to have been used, the description of injuries inflicted, etc.
- (d) The impression of the seal attached to the forwarding letter should be protected on both sides by a thin layer of cotton wool to prevent the wax being powdered in transit. The seal impression should not be that of a coin, small weight or spatula, etc.
- (e) The labelling and numbering of articles should not be in the vernacular, but in English.
- (f) In no circumstances should exhibit belonging to different cases be included in the same parcel. Any article that is damp at the time of despatch should be carefully covered with wax cloth and sent separately.
- (g) The carriage of articles must be prepaid.
- (h) Viscera and articles found on or with the dead body at the time of post mortem examination as also other articles indicated in paragraph I of clause A of this rule should be packed, sealed and despatched by the medical officer concerned. In other cases the articles should be packed sealed and despatched by the Magistrate concerned. Ordinarily the, articles should be despatched through post but if the officer sending them considers for any special reason that these should be sent by special messenger he will apply to the Superintendent of Police for deputing a man for the purpose.

Parcels which cannot be sent by post should be sent by rail or steamer direct to the office of the Chemical Examiner at the Medical College, Calcutta, by the system of street delivery prepaid. (See also Rule I of the Assam Executive Manual).

C *Reminder for the report of the Chemical Examiner* - When any substances are sent to the Chemical Examiner in connection with a criminal case, in which a person stands accused of any crime, and the court's decision in the case depends on the Chemical Examiner's report, special attention should be called to the fact in the forwarding letter, and an urgent request made for a speedy reply. After the expiration of a reasonable time, according to the distance of the station a reminder, calling attention to the special character of the case, should be sent and repeated at proper intervals, until an answer is obtained. It is the business of the court officer to see that such reminders are issued.

174. Suspected blood or seminal stains.

(a) All articles containing or suspected to contain blood or seminal stains; requiring examination for the purpose of ascertaining exactly what the stains are due to, should be sent to the Chemical Examiner through the officers mentioned in Rule 173 *ante*. Such articles should always be sent even in cases in which the accused persons are confessing. All available information in connection with the articles, as also information as to the nature of examination required must be clearly noted in the forwarding letter.

(b) Articles of wearing apparel should have pieces of paper stitched (never pinned, pasted or gummed) over the supposed stains and the pieces should be consecutively lettered. The entire garment must be sent. Each cloth should have a label stitched on it in one corner. The label should contain the following information and a copy in the same handwriting with an impression of the seal on the parcel, should be inserted in the report:-

- (1) number of report,
- (2) description of article,
- (3) owner,
- (4) number of observed stains;
- (5) by whom forwarded,
- (6) station, date and seal,

(c) A cloth should not be folded at the stained portion, but the stain should be kept quite flat. The stained portions should be protected by a thin layer of cotton-wool on each surface.

(d) Great care should be taken that ants or other insects do not gain access to stained articles, as in a short time they may destroy all traces of stains. Stained articles should first be wrapped in paper and then be carefully stitched up in wax cloth and enclosed in a tin or wooden box.

(e) Blood stains which require examination for the purpose of differentiating human from other blood may be sent to the Chemical Examiner for determining their sources. If any of the blood stains is suspected to be other than human, it should be stated what animal is suspected to be involved.

(f) In sending stains it is important to remember that it is much easier for the Chemical Examiner to determine the presence or absence of blood in an intact substance than in a mass of dust. Care must, therefore, be taken that the stains and the substance, on which the stains are found, reach the Chemical Examiner in fact. Thus, if stains are found on a hard substance, such as a cemented floor

or wall or on a large and heavy article, such as door, cart-yoke heavy piece of wood or tin, etc., they should not be moistened and then rubbed, but the portion of the floor or wall containing them should, as far as possible, be taken up and sent with such precaution as may be necessary to ensure that they do not break during transit. The stain should be covered with a pledget of cotton-wool, which in its turn should be covered with paper whose margin should be pasted on to the article well clear of the cotton wool. When flesh or skin is sent, it should not be sent in alcohol, but in a fairly strong solution of common salt. Earth and plaster should be despatched, as far as possible, in one piece carefully packed in cotton-wool in a wooden or tin receptacle. Earthen pots or *handis* which are likely to be broken during transit should never be used.

(g) Discretion should, however, be exercised that blood-stained articles are not sent for examination in any but important cases in which the opinion of the Chemical Examiner is material for a correct finding. As a rule, articles should only be sent for examination in cases in which a fatal result has occurred or is likely to occur, or in important cases triable by a Court of Sessions. Articles should not be sent in cases which are not serious or in which clear and conclusive proof is already available.

(h) Knives and weapons should have labels securely tied on them and the knots should be sealed. Cutting weapons should have their edges well covered with hemp or jute packing. Each label should contain the following information and a copy in the same handwriting with an impression of the seal, should be entered in the report –

- (1) number of report,
- (2) description of article,
- (3) case versus,
- (4) forwarded by,
- (5) station, date and seal.

(i) A certificate in Form No. 23 of Schedule VI signed by a magistrate should be forwarded with all blood or semen-stained exhibits in order to enable the Chemical Examiner to remove portions of them to which it may be necessary to apply chemical test. This certificate should be obtained by the court officer from the magistrate and sent to the medical officer with the article. It should be attached to the forwarding report to the Chemical Examiner and not packed with in the parcel.

See Appendix D for detailed instructions about forwarding cases to the Chemical Examiner. Bengal for Medico Legal examination issued by the Surgeon General with the Government of Bengal.

175. Disposal of exhibits after their analysis by the Chemical Examiner.

The following is the procedure regarding the disposal of exhibits after their analysis by the Chemical Examiner to the Government of Bengal to whom exhibits from Assam are also sent for analysis:-

- (i) The exhibits should ordinarily be preserved for a period of six months only from the date of their receipt in the Chemical Examiner's office after which they should be destroyed.
- (ii) In special cases when it is likely that the articles will be required after six months, the requisitioning officer will note at the time of despatch of the articles to the Chemical Examiner that they should not be destroyed without reference to him.

(Assam Government Memorandum No. 970-76-M, dated the 13th May, 1930.)

176. Medico-Legal evidence - method of recording.

- (a) With regard to post-mortem and wound reports:-
- (1) Medical officers should be examined like other witnesses on oath with regard to post-mortem or wound reports but their evidence may be recorded by any magistrate and not necessary the trying court.
 - (2) Although post-mortem and wound reports are not themselves admissible in evidence, they should be filed with the Magistrate's record of the case in order to enable the medical officer to refer to them while under examination.
- (b) With regard to Chemical Examiner's reports:-
- (1) The original report of the Chemical Examiner should be filed with the Magistrate's record as it can be used as evidence under Section 510, Criminal Procedure Code.
 - (2) When the medical officer is under examination, the prosecuting officer should ask him to produce –
 - (i) an authenticated copy of his forwarding letter to the Chemical Examiner;
 - (ii) The post office or other receipt for the parcel despatched to the latter and should elicit from him any further evidence necessary to connect the Chemical Examiner's report with the charge against the accused. If necessary, the medical officer's clerk or other, person who has granted the receipt should be called to prove it, and should be bound over to appear at the sessions trial. Both copy and receipt should be tendered in evidence when proved.
- (c) Intimation to Chemical Examiner when his report is contested:-

In cases where the cause of death found by a court is not in accordance with the Chemical Examiner's report, or where that report is contested, a copy of the symptoms and post-mortem appearances should be supplied to the Chemical Examiner, such copies being made in the office of the Superintendent of Police.

NOTES

Section 510 of Cr. P. C. as referred to in this Rule correspond to Sections 292 and 293, reading as follows:-

- "292. *Evidence of officers of the Mint* - (1) Any document purporting to be a report under the hand of any such gazetted officer of the Mint or of the Indian Security Press (including the office of the Controller of Stamps and Stationery) as the Central Government may, by notification, specify in this behalf, upon any matter or thing duly submitted to him for examination and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code, although such officer is not called as a witness.
- (2) The Court may, if it thinks fit, summon and examine any such officer as to the subject matter of his report;

Provided that no such officer shall be summoned to produce any records on which the report is based.

(3) Without prejudice to the provisions of Sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), no such officer shall, except with the permission of the Master of the Mint or the Indian Security Press or the Controller of Stamps and Stationery, as the case may be, be permitted-

(a) to give any evidence derived from any unpublished official records on which the report is based; or

(b) to disclose the nature or particulars of any test applied by him in the course of the examination of the matter or thing.

293. *Reports of certain Government scientific experts* - (1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, summon and examine any such expert as to the subject-matter of his report.

(3) Where any such expert is summoned by a Court and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such officer is conversant with the facts of the case and can satisfactorily depose in Court on his behalf.

(4) This section applies to the following Government scientific experts, namely:-

(a) any Chemical Examiner or Assistant Chemical Examiner to Government;

(b) the Chief Inspector of Explosives;

(c) the Director of the Finger Print Bureau; (d) the Director, Haffkeine Institute, Bombay;

(e) the Director, (Deputy Director or Assistant Director) of the Central Forensic Science Laboratory or a State Forensic Science Laboratory;

(f) the Serologist to the Government.

177. Medical examination and treatment of wounded persons in hospital.

(a) Persons wounded in connection with police cases should be sent in for medical examination by the investigating officer. In doing so a report in Form No. 211 of Schedule XL (A), (Part I) should be sent to the medical officer who after examination will fill in the reverse of the form and return it to the police. In serious cases and in all cases in which the wounded persons received injuries in the hands of a European, immediate intimation should be sent to the Superintendent of Police and the Civil Surgeon by the investigating and subordinate medical officers, respectively. Persons injured within railway premises can be sent to the railway doctor for treatment or examination.

(b) If the wound is a dangerous one, the medical officer will send immediate intimation to the investigating officer who will take prompt measures to have the injured person's statement (dying declaration) recorded by a magistrate. If the police station to which the investigating officer belongs, be far off from the hospital which is nearer to the court, the medical officer will send immediate intimation to the Court officer who should lose no time in arranging for the recording of the injured person's statement by a magistrate. The court officer will send the statement thus recorded to the investigating officer concerned.

(c)(i) Wounded persons brought into a station by the police, but not charged with any offence should be sent to the charitable hospital for medical treatment. Those brought in police custody and charged with an offence should be treated in the jail hospital, unless they are released on bail, in which case they may also be sent to the charitable hospital, but only under orders of the magistrate.

(ii) In serious cases police station officers will send wounded persons, not required to be kept in custody, without any delay, direct to the nearest charitable hospital with indoor accommodation for first aid. Such cases can subsequently be removed for treatment to the hospital at sub-divisional or district headquarters, where ail cases which are not of a serious nature should be taken for treatment from the beginning.

(d)(i) As no power is conferred by the Criminal Procedure Code on any authority to order the examination of the person of any individual, whether male or female, no order should be given for such an examination. Women especially are on no account to be subjected to medical examination without their consent.

(ii) When it appears desirable for the ends of justice, that such an examination should be made, the magistrate or police officer should, except when such formality is obviously unnecessary, e.g., when it is desired to ascertain the nature and extent of a cut on a man's head, ask whether the individual is willing to submit to an examination, and if the answer is in the affirmative, record it and send the individual to the medical officer with a letter which should simply state the purpose for which he or she is sent.

178. Suspected poisoning.

In cases of suspected poisoning the investigating officer will –

- (i) bring away under seal any food (especially atta or sweet-meats), drink, tobacco or drugs, which may be in the house or near the body,
- (ii) if vomiting has occurred swab up with a clean rag, any vomited matter found and seal up the rag in a packet,
- (iii) preserve any urine, whether ante or post-mortem,
- (iv) bring away under seal any clothing, matting, wood or mud flooring into which any vomited matter has soaked.
- (v) carefully bottle and seal the contents of any vessel containing vomited matter,
- (vi) ascertain the exact time between the receipt of food, drink or medicine, the appearance of symptoms and the occurrence of death, and also ascertain what were the first symptoms, e. g, whether vomiting or purging occurred, whether the person became

drowsy or fell asleep whether there was cramp or twitching of the limbs or any tingling in the throat or skin, and whether any, and if so, what treatment was adopted.

The ashes and charred bones from the scene of cremations of a person, who is suspected to have died from arsenic poisoning, should be collected and forwarded for examination. In such cases, it is possible to detect arsenic in the remains of the funeral pyre.

179. Suspected cattle-poisoning.

When reasonable suspicion exists that any animal has died from the effect of poison the carcass will, if possible, be sent for medical examination.

Before despatch it should be carefully examined especially about the genitals and soft skin of the thighs and neck. If any puncture is found, it is possible that *sutari* poisoning has occurred. The spike or *sutari* should then be sought for and if one be found, it should be wrapped in paper, and be sealed and labelled, the mouth should also be examined, and anything found in it should be preserved and labelled.

180. Hanging or strangulation.

If possible, before cutting down the body or removing the strangulating medium, the investigating officer should note any lividity of face, especially of lips and eyelids, any projection of the eyes, the state of the tongue, whether enlarged and protruded or compressed between the lips, the escape of any fluid from mouth and nostrils, and direction of its flow.

On cutting down the body or removing the strangulating medium, he should note particularly the state of the neck, whether bruised along the line of strangulation, the direction of the mark, whether circular or oblique, the state of the thumbs, whether crossed over the palm, and if possible, he should bring away the materials by which hanging or strangulation has been effected.

181. Drowning in tank or well.

The investigating officer should note any marks of blood around the mouth, or on the sides of the well or tank. On removing the body he should carefully look for and note any external marks of injury, especially about head and neck, note the state of the skin, whether smooth or rough and examine the hands and carefully remove and preserve under seal anything they may hold.

182. Body found murdered in an open field.

The investigating officer should note the number, character, and appearance of any injuries; should a weapon be found he should cover with a paper and seal any marks of blood, and especially note and, preserve any adherent hairs.

In the case of an exposed infant, the state of the cord, specially if tied, and any marks of violence should be noted.

183. Presumed murder and burial of the remains.

The investigating officer should look for and note any marks of violence, especially about the skull and any indication of sex, or which purpose he should especially bring away the jaw and the bones of the pelvis, if there is any suspicion of poisoning, the earth from where the stomach would have been should be brought. If a body presumed to have been murdered has been burnt, any fragments of bones which may be found among the ashes should be collected and brought away.

184. Rape or unnatural offences.

The lower garments worn by the person concerned in the offence should be sent.

185. Injury to tongue in certain cases.

In all cases of murder of women for gain, the investigating officer must examine the deceased's tongue in order to see whether it bears marks of injury. If marks are found, the Civil Surgeon should be specially asked if they appear to be self-inflicted and if not how they might have been inflicted.

186. Instructions for sending articles for medical examination.

(i) When it is necessary to send any article for medical examination, each article should be separately packed in paper when possible, labelled numbered and attested by the signature of the investigating officer.

(ii) Any stain should be carefully covered and protected by paper or other suitable material.

(iii) Viscera and liquid substance should be placed in new (or if not available, sterilized) bottles or other receptacles and carefully secured and sealed with melted paraffin wax. If any preservative spirit is used it should be rectified spirit, and not bazar or methylated spirit.

(iv) A list of articles so forwarded with an accurate description of them and of any mark, stain, etc., should also be sent to the court officer.

(v) Great care should be taken that ants or other insects do not gain access to stained articles, as in a short time they may destroy all traces of the stains.

(vi) In sending any articles, e.g., viscera liquid substances, etc., connected with unnatural or suspicious deaths, the forwarding report should always give –

(a) date and hour of onset of symptoms;

(b) date and hour of death;

(c) if the body has been exhumed, dates of burial and the exhumation;

(d) statement of symptoms of illness;

(e) note of treatment, if any, by patients' friends, by police or by a medical man, *baidya*, *bez* or *hakim*,

187. Rules for the regulation of payment of fees for autopsies and other medico-legal work.

The following are the Government orders on the subject:-

1. No Government servant will be entitled to any fee for a post-mortem or medico-legal examination made by him as part of his regular duties or conducted in accordance with an order from a Magistrate or the Police.
2. Government medical officers are entitled to receive fees at the following rates for autopsies and other medico-legal examination which are not included within the scope of their ordinary duties in cases which do not come under Rules 1 and 4:-

- (a) Commissioned medical officers, officers holding the appointment of Civil Surgeon and senior military Assistant Surgeons and Civil Assistant Surgeons with the honorary rank of Lieutenant or Captain are entitled:-
 - (i) for autopsies to a fee not exceeding Rs. 16.
 - (ii) for any other examination to a fee not exceeding Rs. 10 in either case.
 - (b) Subordinate medical officers are entitled to a fee not exceeding rupees four in either case.
3. The above fees are admissible whether the medical officer concerned is called upon to give evidence or irrespective of any allowance to which he may in the latter case be entitled under the rules for payment of the expenses of witnesses in criminal or civil cases.
 4. Medical subordinates whose services have been lent by Government to a local body or dispensary committee will be required to conduct without additional remuneration, any post-mortem or other examinations that may be entrusted to them as part of their ordinary duties.
 5. Medical practitioners with European qualifications not in Government service who have been invested with powers to hold post-mortem examinations under Section 174 of the Criminal Procedure Code, or authorised to make other medical examinations, in police cases, may receive the following remunerations:-
 - (i) A fee of Rs, 16 for the conduct of the post-mortem examination or of Rs. 10 for the examination of a police case, the fee to be admissible whether the medical practitioner concerned is subsequently called upon to give evidence or not, and irrespective of any allowance to which he might in the latter case be entitled under the rules for payment of the expenses of witnesses in criminal cases.
 - (ii) Travelling allowance at the rate of eight annas a mile for journeys beyond the sphere of ordinary practice of the medical practitioner concerned.
 6. Medical practitioners with Indian qualifications not in service of the Government who have been invested with powers to hold post-mortem examinations under Section 174 of the Criminal Procedure Code or authorised to make other medical examinations in police cases may receive the following remuneration:-
 - (i) A fee of rupees four for either the conduct of a post mortem examination or the examination of a police case, fee to be admissible whether the medical practitioner concerned is subsequently called upon to give evidence or not and irrespective of any allowance to which he might in the latter case be entitled under the rules for payment of the expenses of witnesses in criminal cases.
 - (ii) Travelling allowance at the rate of four annas a mile for journey beyond the sphere of ordinary practice of the medical practitioner concerned.
 7. A patient suffering from injuries who attends at any Government or Local Board dispensary will receive free treatment and an outdoor or indoor ticket without charge, whether his case is a medico-legal one or not. If such patient has been sent by a

Magistrate or by the police for examination the medical officer, whether a servant of the Government or the employee of a Local Board should grant a certificate free of fee. If he has not been so sent, no certificate should be given.

A medical officer employed by a Local Board may be granted a fee of Rs. 4 for examining a person at the instance of the police or of a Magistrate beyond a radius of five miles from the dispensary, besides travelling allowance. A Government medical officer in the service of a Local Board may in such circumstances only be granted travelling allowance.

8. If any patient in the medico-legal case prefers to attend at the private residence of the medical officer or if the medical officer is called upon to give treatment at the patient's house otherwise than in accordance with a requisition from the police or a Magistrates such medical officer may charge the fees ordinarily charged in private practice.
9. When a Government medical officer is summoned as a witness before a criminal court by private parties or otherwise in circumstances for which no provision is made in the rules framed by Government for the payment of the expenses of witnesses, commissioned medical officers, officers holding the appointment of Civil Surgeon and senior Military Assistant Surgeons with the honorary rank of Lieutenant or Captain may not demand or accept a fee exceeding Rs. 16 for each day's attendance in court. Subordinate medical officers may not demand or accept a fee in excess of rupees four.

Note - The expenditure is debitable to the budget of the District Magistrate.

NOTES

Section 174 of Cr. P. C. as referred to in this Rule read as follows:

- "174. *Police to enquire and report on suicide, etc* - (1) When the officer-in-charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body or such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.
- (2) The reports shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-Divisional Magistrate.
 - (3) When –
 - (i) the case involves suicide by a woman within seven years of her marriage; or

- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
- (iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
- (iv) there is any doubt regarding the cause of death; or
- (v) the police officer for any other reason considers it expedient so to do,

he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

- (4) The following Magistrates are empowered to held inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.

Case diary and brief
(Rules 188 to 198)

188. Case diaries, Form No. 145 of Schedule XL (A), Part I.

Section 172, Criminal Procedure Code, prescribes the case diary. The forms of case diary are issued in bound books of 100 forms each. Carbon paper is separately supplied and a tin slab to write on.

Each form has a separate printed number running consecutively through the book so that no two forms will bear a same number. Investigating officers will write their case diaries on these forms, placing one or two sheets of carbon paper underneath the original according to the number of copies required. On the conclusion of an investigation the sheets of the original diary will be removed from the book and filed together. Every file will be docketed with the number, month and year of the first information report, the final form submitted and the name of informant, the accused, and the investigating police officer. The order regarding the preservation and destruction of these papers should also be noted. All case diaries will invariably be regarded as confidential and kept under lock and key in a secure box until the case to which they relate is finally disposed of by the orders of the Magistrate or the judge, and an appeal if preferred has been decided or the period allowed for appeal has expired. No officer below the rank of sub-inspector and no outsider will be allowed to see the case diaries unless duly authorized, vide Rule 191.

For Section 172, Cr. P. C. - See under Rule 190).

189. Language to be used in writing case diaries.

Case diaries should be written in English unless for some special reason the Superintendent of police has permitted the use of another language. Statements of witnesses examined under Section 161, Criminal Procedure Code (*e.g.*, dying declaration) when required to be taken down should be recorded in the language in which they are made.

(For Section 161, Cr. P. C. - See under Rule 193).

190. The contents of case diary.

(a) The diary is the record which Section 172 of the Criminal Procedure Code requires an investigating officer to keep of his proceedings in connection with investigation of each case. The law requires the officer to show in his diary:-

- (i) the time at which the information reached him;
- (ii) the time at which he began and closed his investigation;
- (iii) the place or places visited by him;
- (iv) a statement of the circumstances ascertained through his investigation.

(b) Nothing which does not fall under one of these heads need be entered. The first diary, however, should contain a summary of the first information report for the convenience of superior officers and the information obtained from the village crime note book regarding the suspects of the locality.

(c) Under heads (iii) and (iv) above should be noted the particulars of house searches made, with the names of witnesses in whose presence the searches were carried out (Section 103, Criminal Procedure Code); by whom, at what hour, and in what place arrests were made, in what place property was found, and of what description, what facts have been ascertained; in what points further evidence is necessary, and what further steps are being taken to complete the investigation.

All assistance rendered by Panchayats in the investigation, of cases should also be noted, but when the information given by the Panchayat is of a confidential nature his name should not be entered in the diary. The investigating officer will report his name and the information obtained from him in a separate report to the Inspector noting briefly in the diary that this has been done.

(d) The diary should mention every clue obtained even though at the time it seems unprofitable, and every steps taken by the investigating officer, but it should be concise as possible. The names of all witnesses examined and the substance of all information ascertained from them should be succinctly put down. The statement of the accused, if any, should be put down in detail and witnesses who may prove the falsity of such statement should be examined. The diary should be a record of acts done by the officer and of the facts ascertained by him, i.e., of the result of his investigation. Officers should note particularly that diaries should be written entirely in the first person being a record of what they personally do, hear and observe.

For recording of statements under Section 161, Criminal Procedure Code, see Rule 189. A sample case diary is given in the Appendix B.

NOTES

Section 172 of Cr. P. C. as referred to in this rule corresponds to Section 172 of 1973 Code reading as follows:

"172. *Diary of proceedings in investigation* - Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

- (2) Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court and may use such diaries not as evidence in the case, but to aid it in such inquiry or trial.
 - (3) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them to refresh his memory or if the Court uses them for the purpose of contradicting such police officer, the provisions of Section 161 or Section 145, as the case may be, of the Indian Evidence Act, 1872 (1 of 1872), shall apply.
- *161. *Examination of witnesses by police* - (1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.
- (2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have tendency to expose him to a criminal charge or to a penalty or forfeiture.
 - (3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make separate and true record of the statement or each such person whose statement he records.

Section 103 of Cr. C. P. as referred to in this rule corresponds to Sections 100 (4) to 100 (8), reading as follows:

- "100(4) Before making a search under this Chapter the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.
- (5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.
 - (6) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person.
 - (7) When any person is searched under sub-section (3) a list of all things taken possession of, shall be prepared, and a copy thereof shall be delivered to such person.
 - (8) Any person who without reasonable cause, refuses or neglects to attend and witness, a search under this section, when called upon to do so by an order in writing delivered or

tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code (45 of 1860).

190-A. Procedure to be followed by investigating officers in recording the value of property stolen and recovered in case diary and final forms.

(1) In case of offences against property the value of the property stolen and recovered must be noted in the last case diary and thence in the final forms (charge sheet or final report).

(2) In cattle theft cases the actual value of the portions of the carcass recovered, e.g., skin, flesh, etc., and not the full value of the animal should be recorded.

191. The case diary privileged.

(a) A case diary prepared under Section 172, Criminal Procedure Code, is privileged except as provided in Section 162, Criminal Procedure Code. The court may send for it and may use it, not as evidence, but as an aid in judicial enquiry or trial. The accused has no right to call for it, or to see it, even if referred to by the court; the only exception is that when it has been used by the police officer who made it to refresh his memory or when the court uses it for the purpose of contradicting such officer, the provisions of Section 145 or 161 of the Evidence Act (I of 1872) will then apply.

(b) Subject to the power of a magistrate and judge no one except the following persons will be allowed to see the case diaries until final disposal of the case by magistrate or judge. Diaries which relate to facts or contain mention of facts which either for personal reasons or for reasons of state it may be desirable to keep strictly confidential, be kept in the personal custody of the Superintendent of Police even after disposal of the case –

- (i) the deputy commissioner,
- (ii) the sub-divisional officer,
- (iii) the investigating officer,
- (iv) the officer-in-charge of the police station or outpost,
- (v) the circle inspector or police officers of higher rank,
- (vi) the court officer (Sub-Inspector or Inspector),
- (vii) any person specially authorized by the above persons.

The discretion allowed under head (vii) above should be very carefully exercised. It must be borne in mind that the greater the number of persons who have access to the case diaries, the greater the chance of leakage of information, whether by accident or otherwise, and the greater the chance that the diaries may be tampered with. In particular, the copies of the case diaries sent to the Superintendent of Police in special report and other important cases will not be allowed to go into his office, or be dealt with by his clerks until the case is finally disposed of.

(For Section 162, Cr. P. C. see under Rule 153 and for 172, Cr. P. C. see under Rule 190).

192. Recording of statements under Section 161, Criminal Procedure Code.

I. Under Section 161, Criminal Procedure Code, a police officer has the power to record the statement of any witness examined by him. Such statements, if record, may not be signed by the witness, but must be signed and dated by the investigating officer and by any superior officer present locally supervising the investigation. They will not be recorded in the body of the case diary but on separate sheets of paper, filed therewith in the appropriate place. The rules regarding the confidential

treatment of case diaries apply also to statements recorded under Section 161, Criminal Procedure Code.

II. These recorded statements, however, are not admissible as evidence and under Section 162 (1), Criminal Procedure Code, cannot be utilized in court by the prosecution for any purpose whatever. On the other hand, however, when a witness whose statement has been recorded is called for examination in court by the prosecution, the accused on application should be furnished with a copy of the statement, for use to contradict the witness. Investigating officers, will in no case, whether heinous or not, record the statement of any witness under Section 161, Criminal Procedure Code, unless specifically ordered in writing to do so by the Superintendent of Police.

III. The considerations set forth in clause II above do not apply to dying declarations, which are not on the same footing, since if the witness dies –

- (a) a dying declaration is admissible as evidence,
- (b) the witness is not available to be contradicted.

Dying declarations should invariably be recorded by the investigating officer under Section 161, Criminal Procedure Code, unless a magistrate is available to do so.

NOTES

For Section 161, Cr. P. C. see under Rule 190 and for Section 162, Cr. P. C. see under Rule 153.

193. Instructions for writing the case diary.

(a) Case diaries should be taken by the investigating officer to the spot and written at the time of investigation, and never at end of each day at the police station from incomplete notes jotted down in the note books. The hour of each entry, and name of place at which written should be given in the column on the extreme left. A note should be made at the end of each diary of the place from, the hour at, and the means by which it is despatched. The place where the investigating officer halts for the night should also be mentioned.

(b) A case diary must be submitted in every case investigated. The diaries relating to two or more days must not be written on one sheet or despatched together. Two or more cases must not be reported in one diary ; a separate diary must be submitted in each case daily until the enquiry is completed, except that it will not be necessary to send one on any day on which investigation, though pending is not proceeded with.

(c) The diary will be written in ordinary cases in duplicate With Carbon paper and at the close of the day the carbon copy along with copies of statement which may have been recorded under Section 161, Criminal Procedure Code, if any, and the lists of property recovered under Section 103 or 165, Criminal Procedure Code, will be sent to the Circle Inspector.

(d) In special report cases the diaries will be written in triplicate and the second carbon copy along with copy of dying declaration, if any and of lists of property recovered will be sent to the Superintendent of Police by name to enable him to prepare his special report, the third copy being sent to the Inspector.

The diaries will also be written in triplicate in all motor accident cases and a carbon copy thereof sent to the Superintendent of Police who will himself, whenever possible, supervise and who should invariably pass orders in such cases.

(e) In sub-divisions where there is a sub-divisional police officer the Superintendent of Police's copy of the diary in special report cases will be submitted through him, by name.

(f) When sending a charge sheet to the court officer, the investigating officer will attach to it all his original case diaries which will be returned by the court officer on the case being finally disposed of.

(g) All covers containing case diaries will be superscribed "Case Diary" in the left hand corner and should be opened only by those authorised to see them. In important cases all diaries intended for the Superintendent of Police, sub-divisional police officer or circle inspector should be addressed to him, by name.

(h) An officer supervising the investigation will not keep a case diary, but if any new or material fact comes to his notice in case of supervision he will ask the investigating officer who will invariably accompany him to put down the fact in the case diary. Similarly if the supervising officer notices any mistake which has been inadvertently committed by the investigating officer in writing out the case diary, the latter will be made to rectify the same 'by another entry in the diary with a short explanation for it.

NOTES

For Section 103, Cr. P. C. see notes under Rule 190 and also for Section 161. Cr. P. C. - for Section 165. Cr. P. C. see notes under Rule 34.

194. Maps required in heinous cases.

(a) the following heinous cases map or a plan or, if required by circumstance, both will always accompany the charge sheet:-

(i) Murder.

(ii) Highway or mail robbery.

(iii) Dacoity or extensive burglary or theft.

(iv) Riot involving grievous hurt or culpable homicide or damage to property.

(b) The map should be drawn to a suitable scale which should be marked on it. It will show all particulars likely to be of use to the court, such as, the place of occurrence, the surrounding rooms or houses the houses of the witnesses etc., with their relative positions and distances. The number of the case and the name of the accused should be given at the top and the map should be signed at the foot by the draftsman who should be produced as a witness at the trial to prove the map evidence being adduced to show who pointed out to him the various places marked on it.

(c) Maps to be of value must be prepared as early in the investigation as possible. Particulars derived from witnesses questioned on the spot should not be noted on the body of the map but on a separate sheet of paper annexed to the map as an index thereto, the places indicated being lettered or numbered on the map for reference.

(d) The investigating officer should not prepare the map when a draftsman is available. The witnesses who will point out the places to the draftsman will be sent by the investigating officer to accompany him to the place of occurrence and all necessary instruction with regard to the drawing of the map should be given by the investigating officer to the draftsman.

N. B. - Any person having a knowledge of the art of drawing, if not, in any way interested in the case may be employed for the purpose of drawing these maps.

195. Identification of suspects.

(i) Whenever it is necessary to submit a person suspected to have been concerned in any offence to identification, the proceedings will be conducted by a magistrate or a sub-registrar or if no such officer is available, by a respectable person not interested in the case. The officer or other person should be asked to satisfy himself that the identification is conducted under conditions precluding collusion.

The identification proceedings will be undertaken as soon after the arrest of the suspected person or persons as possible, and care will be taken that before the commencement of the proceedings the identifying witnesses are kept in charge of a court peon or other reliable person (not being a police officer) at such distance from the place where the proceedings are held that they can have no chance of seeing the suspects. The suspected person, if one only, will be paraded along with 8 or 10 or, if there are more than one suspect, with as many as 20 or 30 persons, similarly dressed and of the same age, religion and social status care being taken that the mixing up of the suspect or suspects with the other persons does not take place in view of the police officer or the witnesses.

Each identifying witness will then be brought up singly in charge of the magistrate's orderly or some other reliable person (not being a police officer) to pick up the accused if he is able to do so. The identification by such witness will be conducted out of sight and hearing of other witnesses. If there is any fear that identifying witnesses may be subjected to threats or injury, should they become known to the suspects or to their friends, the witnesses should be allowed to view the persons paraded, from a place where they themselves cannot be seen, as for instance through a window or an opening in a door or a wall. When the officer or person conducting the identification has satisfied himself that no communication between the police and the witnesses was possible he will give a certificate to this effect.

(ii) A statement in Form No. 146 of Schedule XL(A), (Part I); will be prepared when suspect are presented for identification, and when the identification is not held by magistrate or a sub-registrar the disinterested person holding the parade should be prepared to testify to the fairness of the manner in which the identification was effected in the proper columns. The officer or person holding the parade will, sign the form.

(iii) These rules apply only to instances in which suspects have been arrested and have to be confronted with witnesses who express themselves able to recognise them by appearance although not previously acquainted with them. When, as frequently happens, the informant, aggrieved persons or other witness states that amongst his assailants he recognised certain persons of his acquaintance either by their appearance or by their voice his-credibility is a matter for the court and no departmental rules can be applicable.

(iv) It should be borne in mind that the primary object of identification proceedings is to test the ability of the witness to identify a suspected person, and to ascertain whether there is sufficient evidence to place the suspect on trial. A magistrate is chosen merely as a person whose impartiality

and honesty is not likely to be called into question by the defence when the case comes up for trial, and when conducting the proceedings he is not acting in a judicial capacity, unless the case is under trial before him. It is not his duty therefore to record statements or put questions to suspects or witnesses except such as necessary for the purpose of identification. This applies to sub-registrars or private persons holding the parade. While on the one hand the identification, should be conducted with complete fairness and impartiality, on the other hand no attempt should be made to confuse or puzzle a witness or to create conditions which would render a witness who is honestly capable of identifying; incapable of doing so.

(v) The investigating officer, though his presence may be necessary outside, should not be present while the identification is in progress. He will however, make all necessary arrangements for holding the parade, and if a magistrate is not available, explain to the officer or other person holding the parade how it is to be conducted but he should never do anything which might diminish the value of the identification.

196. Accused in rioting cases.

In rioting and other cases in which many persons are arrested, great care must be taken to prevent the identity of persons arrested being impugned at the trial. The name of each person arrested and of the persons who arrested and who identified him should be recorded as soon as possible after the arrest and invariably before the prisoners are removed from the spot. The place and hour of arrest should also be noted. Offenders caught red handed should be kept distinct from those arrested on suspicion.

197. Briefs to be prepared by the investigating officers.

(A) In every case in which a charge sheet is submitted the investigating officer will prepare a brief in duplicate, one copy of which should be sent to the court officer with the charge sheet and case diaries and the other to the circle inspector along with the last diary. The brief will contain:-

- (1) The time of occurrence.
- (2) The time at which the information was lodged at the police station with explanation of delay, if any.
- (3) The time at which the investigation commenced with explanation of delay, if any.
- (4) The ingredients constituting the offence with which the accused is charged. The names of witnesses who will prove each of the points should be put down against those points with reference to the pages of case diaries.
- (5) The investigating officer's theory of the case.
- (6) The plea of the accused and the probable line of defence that may be taken by him.
- (7) Suggestions by the investigating officer for meeting the defence theory, with an explanation of any gap in the chain of evidence in the prosecution case.

(B) In final report cases which are found to be maliciously false, the investigating officer, should whenever he prays for a prosecution of the informant under Section 211 or 182, Indian Penal Code, furnish in the brief a list of the witnesses with the points necessary to prove the false case with

reference to pages of case diaries as in sub-clause (4) of clause (A). This brief should be sent to the court officer and circle inspector as laid down in clause (A).

(C) When the accused, after he has entered upon his defence, wants to cite witnesses, the court officer will move the trying Magistrate to ask the accused or his legal adviser to file the list of such witnesses without delay. As soon as the list is filed before the court, the prosecuting officer will take a copy of the same, put down the names, father's name (if available) and addresses of the witnesses in the brief and send the same to the investigating officer who with the help of the aggrieved party will ascertain the character, antecedents, and relation of the witnesses with the accused and such other facts as might discredit their evidence. The information obtained will be sent to the prosecuting officer to help him in impeaching the credit of the witnesses in cross-examination under Sections 156 and 146, Indian Evidence Act, when warranted. In Sessions cases the list of defence witnesses filed under Section 211, Criminal Procedure Code, will be similarly dealt with and the brief with all the information sent to the public prosecutor by the court officer.

The brief does not absolve the court officer from carefully reading the case diaries to prepare himself for conducting the prosecution nor from writing his concise memos.

(Section 211 or the old Cr. P. C. has been omitted).

198. Progress sheet.

[Deleted vide correction slip No. 79, dated the 13th November, 1947).

Arrest and bail (Rules 199 to 208)

199. Arrest without warrant.

(a) The main powers under which the police in general and officers-in-charge of police stations may arrest without warrant are defined in Sections 54, 55, 57 (1), 124 (6), 128, 151 and 401 (3) of the Criminal Procedure Code.

(b) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender but must make over the person so arrested to a police officer or take him or cause him to be taken in custody to the nearest police station, *vide* Section 59, Criminal Procedure Code.

(c) A police officer has no legal power to summon before him any person accused of an offence. The power of summoning witnesses during investigation conferred by Section 160 of the Criminal Procedure Code, is not applicable to the case of an accused person. The only manner in which the attendance of such a person can be enforced is by arrest, and without an arrest the attendance or detention of an accused person cannot, in any circumstances, be compelled. It is therefore to be understood that whenever an accused person is sent for and made to attend before an investigating officer, he is to be considered as having been arrested and to be entered in the return accordingly. The manner in which arrest is to be effected and the powers incidental to the act of arrest are detailed in Sections 46 to 53 of the Criminal Procedure Code. No person who has been arrested may be discharged except on bail, or on his own recognizance or under the special order of It Magistrate. (Section 63, Criminal Procedure Code.)

NOTES

For Sections 54, 55 and 151 of Cr. P. C. corresponding to Sections 41(1),41(2) and 151 of the 1973 Code, reference maybe made to notes under Rule 49.

Section 57 of Cr. P. C. corresponds to Section; 42 of the 1973 Code reading as follows:

- "42. *Arrest on refusal to give name and residence* - (1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.
- (2) When the true name and residence of such person have been ascertained, he; shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

- (3) Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Section 124 of Cr. P. C. corresponds to Section 123 of the 1973 Code reading as follows:-

- "123. *Power to release persons imprisoned for failing to give security* - Whenever (the District Magistrate in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case) is of opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community or to any other person, he may order such person to be discharged.
- (2) Whenever a person has been imprisoned for tailing to give security under this Chapter, the High Court or Court of Session or, where the order was made by any other Court; the (District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case), may make an order reducing the amount of the security or the number of sureties or the time for which security has been required.
- (3) An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts;

Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired.

- (4) The State Government may prescribe the conditions upon which a conditional discharge may be made.
- (5) If any condition upon which any person has been discharged is, in the opinion of the (District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case) by whom the order of discharge was made or of his successor, not fulfilled, he may cancel the same.

- (6) When a conditional order of discharge has been cancelled under sub-section (5) such person may be arrested by any police officer without warrant, and shall thereupon be produced before the (District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case).
- (7) Unless such person gives security in accordance with the terms of the original order for the unexpired portion of the terms for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the (District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case) may remand such person to prison to undergo such unexpired portion.
- (8) A person remanded to prison under sub-section (7) shall, subject to the provisions of Section 122, be released at any time on giving security in accordance with the terms of the original order for, the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor.
- (9) The High Court or Court of Session may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by any order made by it, and the (District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate in any other case) may make such cancellation where such bond was executed under his order or under the order of any Court in his district.
- (10) Any surety for the peaceable conduct or good behaviour of another person ordered to execute a bond under this Chapter may at any time apply to the Court making such order to cancel the bond and on such application being made, the Court shall issue a summons or warrant, as it thinks fit, requiring the person for whom such surety bound to appear or to be brought before it.

Section 128, Cr. P. C. corresponds to Section 129(2) of the 1973 Code, reading as follows:

"129(2)-If upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conduct itself in such a manner as to show a determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force" and may require the assistance of any male person, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

Section 401 of Cr. P. C. corresponds to Section 432 of the 1973 Code, reading as follows:

"432. *Power to suspend or remit sentences* - When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

- (2) Whenever an application is made to the appropriate Government for the suspension or remission of a sentence. the appropriate Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed, to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.
- (3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the appropriate Government, not fulfilled, the appropriate Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police officers, without warrant and remanded to undergo the unexpired portion of the sentence.
- (4) The condition on which a sentence is suspended as remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.
- (5) The appropriate Government may by general rules or special orders give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with:

Provided that in the case of any sentence (other than a sentence of fine) passed on a male person above the age of eighteen years, no such petition by the person sentenced or by any other person on his behalf shall be entertained unless the person sentenced is in jail and –

- (a) where such petition is made by the person sentenced, it is presented through the officer in charge of the Jail , or
 - (b) where such petition is made by any other person, it contains a declaration that the person sentenced is in jail.
- (6) The provisions of the above sub-sections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law which restricts the liberty of any person or imposes any liability upon him or his property.
 - (7) In this section and in Section 433, the expression "appropriate Government" means –
 - (a) in cases where the sentence is for an offence against, or the order referred to in sub-section (6) is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government.
 - (b) in other cases, the Government of the State within which the offender is sentenced or the said order is passed.

Section 59 of Cr. P, C. corresponds to Section 43 of 1973 Code reading as follows:

"43. *Arrest by private person and procedure on such arrest* - (1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or,

in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

- (2) If there is reason to believe that such person comes under the provisions of Section 41, a police officer shall re-arrest him.
- (3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of Section 42; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released."

For the text of Section 160 - see notes under Rule 123.

Sections 46 to 53 of Cr. P. C. referred to this Rule correspond to Sections 46, 47, 49, 51 and 52 of the 1973 Code reading as follows:

"46. *Arrest how made* - (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

"47. *Search of place entered by person sought to be arrested* - (1) If any person acting under a warrant of arrest, or any police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, any person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police officer, allow him free ingress thereto, and afford all reasonable facilities for a search thereon.

(2) If ingress to such place cannot be obtained under sub-section (1), it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that, if any such place is an apartment in the actual occupancy of a female (not being the person to be arrested) who, according to custom, does not appear in public such person or police officer shall, before entering such apartment, give notice to such female that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

- (3) Any police officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered' for the purpose of making an arrest, is detained therein.

"49. *No unnecessary restraint* - The person arrested shall not be subjected to more restraint than is necessary to prevent, his escape.

51. *Search of arrested person* - (1) Whenever a person is arrested by a police officer under a warrant which does not provide for taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

Whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail.

The officer making the arrest or, when the arrest is made by a private person, the police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him and where any article is seized from the arrested person, a receipt showing the articles taken in possession by the police officer shall be given to such person.

- (2) Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

52. *Power to seize offensive weapons* - The Officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Court to produce the person arrested.

Section 63 of Cr. P. C. as referred to in this Rule correspond to Section 59 of the 1973 Code reading as:

"59. *Discharge of person apprehended* - No person who has been arrested by a police officer shall be discharged except on his own bond or on bail, or under the special order of a Magistrate."

200. Procedure regarding examination of prisoner's bodies on arrest.

(1) Directly an accused person is placed under arrest, the investigating police officer should ask him whether he has any complaint to make of any ill-treatment by the police and enter in the case diary the question and answer. If an allegation of ill-treatment is made, the investigating officer must then and there examine the prisoner's body, if the prisoner consents, to see if there are any marks of ill-treatment and record the result of his examination. He will further consider and note whether there is any reason to believe that marks found are attributable to other causes than ill-treatment, such as resistance to arrest. If the prisoner refuses to allow his body to be examined, the refusal and the reason therefore should be recorded. If the investigating officer finds that there is reason to believe the allegation of ill-treatment, he will forward the prisoner with his complaint, the record of corporeal examination, any other evidence available, and, if possible, the police officers implicated by the prisoner's complaint, to the nearest Magistrate having jurisdiction to enquire into the case.

(2) A copy of the medical officer's report as to any marks of violence found on an under-trial prisoner when he first comes to jail should accompany the prisoner to the court before which he next appears, and such court should make an immediate enquiry if the report discloses, marks of violence in regard to which the prisoner makes allegations against the police or others responsible for his arrest or custody.

201. Arrest as contemplated by Section 170 (1), Criminal Procedure Code.

Sub-section (1) of Section 170 of the Criminal Procedure Code must, so far as non-cognizable cases are concerned, be read subject to the provisions of Section 57 and sub-section (3) of Section 155. It lays down two alternatives –

- (i) Forwarding the accused under custody to a competent Magistrate, or
- (ii) taking security from the accused for his appearance before such Magistrate in bailable cases when the accused is able to give security.

The first alternative pre-supposes an arrest as defined in Section 46 of the Criminal Procedure Code and an arrest therefore must need be made with a view to forward the accused under custody.

With regard to the second alternative nothing is said in the section about arrest. It is, therefore, not obligatory on the police to make a formal arrest although they may do so and then take security. The police can exercise their discretion with regard to such arrest according to the circumstances of each case. (*Vide* Assam Government letter No. J/198/ 2605-09 G. J. dated the 31st March, 1927).

N. B. - For the purpose of returns these persons should be considered as having been arrested.

NOTES

For Sections 155 and 170 of Cr. P. C. - See notes under Rule 34. For Section 57, Cr. P. C. - see notes under Rule 189.

For Section 46 of Cr. P. C. - See notes under Rule 189.

202. Arrest in foreign territory.

No arrest can be made in foreign territory without a warrant, and the warrant must go through the proper authorities. When a person whom it is desired to arrest has taken refuge in foreign territory, a report of the fact should be submitted to the Magistrate of the district with a request that a warrant may issue and steps may be taken to procure extradition.

203. Arrest in adjacent districts.

A police officer proceeding into an adjacent district, under the provisions of Section 58, Criminal Procedure Code, must, except in cases of extraordinary urgency, communicate with the nearest police station of the district entered, before proceeding to make an arrest, and must obtain the help of a police officer of that district to assist in apprehending the offenders. Prisoners and property will invariably be taken to the nearest police station after arrests. Arrests effected in such circumstances must be reported under Section 62, Criminal Procedure Code, to the Magistrate of the district or sub-division in which they are made.

NOTES

Section 58 of Cr. P. C. as referred to in this Rules corresponds to Section 48 of the 1973 Code reading as follows:

"48. *Pursuit of offenders into other jurisdictions* - A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India.

For Section 62 of Cr. P. C. corresponding to) Section 58 of the 1973 See notes under Rule 34.

204. Arrest of Railway, Postal and Telegraph servants.

When the arrest of any person employed in the railway, telegraph or postal service is deemed necessary and such arrest if immediately effected, would cause risk or inconvenience: to the public, the investigating officer will make arrangements to prevent the escape of the accused person and will apply to proper quarter to have the accused relieved. In cases where immediate arrest can be made without causing risk or inconvenience to the public, notice of the arrest as soon as it has been made, must at once be sent to the official superior of the accused.

205. Unnecessary arrest to be avoided and bail to be allowed freely.

The police should be careful to abstain from unnecessary arrest. In petty cases it is rarely necessary to arrest on suspicion during the course of an enquiry, and never necessary to arrest after the inquiry is over when the case is not to be sent up. In heinous cases, however, police officers should not hesitate to arrest on suspicion. Having made the arrest they will send the accused to the nearest Magistrate in the manner laid down in the following rule or else release him on bail.

A free use should be made of the discretion given by Section 49 (2), Criminal Procedure Code, to accept bail in non-bailable cases. It must be borne in mind that under Section 54, Criminal Procedure Code, reasonable suspicion will justify the arrest of an accused person, but, that unless the evidence is sufficient to constitute reasonable grounds for believing in his guilt the arrest should be at once followed by an offer of release on bail under Section 497 (2), Criminal Procedure Code.

NOTES

For Section 49 of Cr. P. C. (Section 47 of 1973 Code) reference may be made to Rule 189.

For Section 54 of Cr. P. C. corresponding to Section 52 of the 1973 Code reference may be made to notes under Rule 189.

For Section 497 of Cr. P. C. corresponding to Section 437 of 1973 Code - See notes under Rule 34.

206. Report of the arrest by the civil authorities of British and Indian soldiers charged with the commission of criminal offences.

In the event of the arrest by the police of any soldier, British or Indian charged with the commission of an offence, as early information as possible should be given to the Officer Commanding the unit to which the man arrested belongs. District Magistrates should forward to Officers Commanding if asked for, prompt reports of the result of the trials and copies of the judgment.

207. Detention of accused in Police custody.

(a) Under Section 61, Criminal Procedure Code, no police officer may detain in custody a person arrested without warrant for a longer period than in all the circumstances of the case is reasonable and

such period must not, in the absence of a special order of a Magistrate under Section 167 of the Code, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

(b) Section 167, Criminal Procedure Code, requires that whenever a person is arrested and detained in custody, the officer-in-charge of the police station or the police officer making the investigation if he is not below the rank of sub-inspector should forthwith transmit to the nearest Magistrate whether he has or has not jurisdiction to try the case, a copy of the entries, relating to the arrest in the diary, and if it appears that the investigation cannot be completed within the period of 24 hours fixed above and there are reasonable grounds for believing that the accusation or information is well founded he should at the same time forward the accused to such Magistrate.

(c) If the officer making the investigation holds a rank below that of a sub-inspector he will at once bring the case to the notice of the officer-in-charge of his police station for taking necessary action.

(d) An application for a special order referred to in clause (a) for the detention of the accused in police custody under Section 167, Criminal Procedure Code, must never be made unless all the grounds stated in clause (b) exist and unless the presence of the accused is necessary to complete the investigation.

(e) No Magistrate of the 3rd class, and no Magistrate of the 2nd class, not specially empowered in this behalf by the State Government can authorise detention of an accused in the custody of the police, and accordingly no application should be made to such Magistrates [Proviso to clause (2), Section 167 of the amended Code of Criminal Procedure.]

(f) When it is found necessary to make an application to the Magistrate for the detention of an accused in police custody the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of Sub-Inspector, should report the matter to the Superintendent of Police, the Assistant or Deputy Superintendent of Police in charge of the sub-division, if any, and to the circle inspector.

(g) An application for a remand in police custody should not be treated as a matter of routine and of little importance. The application must be made personally by the chief police officer present to the Chief Magisterial Officer present. Thus at headquarters station the Superintendent of Police, and at sub-division, the circle inspector (if there be no Assistant or Deputy Superintendent) will appear before the Magistrate of the district or the sub-divisional officer, as the case may be, to make the application, unless this is impossible, owing to the absence of one of the officers concerned, or for some other exceptional cause.

(h) The grounds upon which a remand is needed should be distinctly stated in the application to the Magistrate.

(i) It rests with the Magistrate to whom the accused is forwarded under Section 167, Criminal Procedure Code, as laid down in clause (b) to authorise or not the detention of the accused in police custody which in no case should exceed fifteen days in all. If the Magistrate has no jurisdiction to try the case or commit it for trial and considers further detention unnecessary he may order the accused to be forwarded to the Magistrate having such jurisdiction.

Note. - See rule on 'recording of confession' (*ante*) for High Courts instructions to the Magistrates regarding the detention of accused in police custody.

NOTES

Section 61 of Cr. P. C. as referred in this Rule corresponds to Section 57 of the 1973 Code reading as follows:

“57. *Person arrested not to be detained more than twenty four hours* - No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed twenty four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.”

For Section 167 of Cr. P. C. - See under Rule 34.

208. Illness of person arrested.

(a) When a person arrested is not released on bail and the police officer making the arrest has reason to believe that he is ill or deranged, he should before sending him on a journey obtain medical advice. If such a prisoner is to be detained in police custody he should either be treated as an invalid and given medicine at the police station or sent to the nearest hospital if his condition appears to be at all serious, with such arrangement as may be necessary for preventing his escape therefrom. If the prisoner is insane special arrangement should be made for guarding him.

(b) At district and sub-divisional headquarters the medical officer, whose duty it is to give medical attendance to the members of the local police force, should be called in when it is necessary to provide medical aid for a prisoner in police custody; in his absence, or in case of emergency, the nearest Government medical officer should be summoned. The services of such medical officers will be given free of charge. When no Government medical officer is available, a private practitioner will be employed.

(c) When it is necessary to provide medical aid for a prisoner at places other than district and sub-divisional headquarters, the nearest Government or local board medical officer will be called if he is within reasonable distance, but when no Government or Local Board medical officer is within reasonable distance the nearest private medical practitioner will be employed, and his services paid for. The officer-in-charge of the police station will submit a bill for payment through the Superintendent of Police to the District Magistrate, who will meet the charge from his contingencies.

Custody and Escort of Prisoners, etc.

(Rules 209 to 216)

209. Classification, treatment, etc., of accused person and undertrial prisoners in police custody.

- A. - *Accused persons* – (1) Accused persons who not having been granted bail, are kept in police custody before being produced before a competent court shall be dealt with in two classes:-

First class - Those who by social status, education or habit of life have been accustomed to a superior mode of living.

Second class - All other persons in police custody.

- (2) *Classifying authority* - The officer-in-charge of the police station as defined in the Code of Criminal Procedure or any officer superior in rank to such officer when present at the police station will make the classification referred to in clause (1) above.
- (3) *Diet* - The average approximate cost of diet for the first and second class should be 9 annas and 5 annas respectively per diem.

Accused persons of either class may be allowed to supplement this diet by the private purchase through the police.

- (4) *Clothing* - Prisoners in police custody are allowed to wear their own clothing. When such prisoners are inadequately clad they will be allowed to obtain clothing from outside.
 - (5) *Accommodation* - The Officer-in-charge of the police station should see that the first class undertrial prisoners in police custody get all reasonable comfort in the matter of accommodation in the lock-up. They may be allowed to obtain their bedding from outside. The officer-in-charge shall exercise his discretion in this direction consistent with precaution to guard against escape.
 - (6) *Journey by railway or steamer* - Ordinary third class railway or steamer accommodation should be provided but where no third class accommodation is obtainable, intermediate class accommodation may be arranged. In any case first class undertrial prisoners may be allowed to travel by a class higher than the third at their own expense. In this case they will also be required to pay the difference in fares of their escorts. Payments for this purpose shall be made by the prisoners before the privilege is permitted.
 - (7) *Diet on the journey* - Same as in clause (3) above.
 - (8) *Conveyance* - First class under trial prisoners should be taken in a motor lorry or closed taxi whenever possible.
 - (9) *Handcuffs* - For rules about handcuffs see Rule 214. It should always be remembered that although all possible steps should be taken to see that an arrested accused whether of first or second class does not escape from custody he should not be subjected to more restraint than is necessary to prevent his escape as laid down in Section 50, Criminal Procedure Code.
- B. - *Undertrial Prisoners* - Undertrial prisoners are to be classified into two classes like the accused persons in police custody the classifying authority being the trying courts. When those prisoners are required to be kept in the police station lock-ups the provisions about diet, clothing and accommodation will be the same as for accused persons described above. As regards the use of handcuffs sub-clause (9) above will apply in their case as well.

210. Custody of prisoners at police stations.

I(a) The officer-in-charge of a police station or outpost is responsible for the safe custody of all prisoners brought to that police station or outpost.

(b) On arrival of a prisoner at a police station or outpost the fact should be noted in the station diary and before admitting him to the lockup, the officer-in-charge must carefully examine his person for any signs of injury, and record in the station diary a full description of any such marks found

on him. If the prisoner bears marks of injury of any kind the officer-in-charge must have him examined by two respectable outside witnesses before admission to the lock-up and also by a doctor, if available. The prisoner should be required to tell the witnesses how he came by the marks.

(c) The officer-in-charge should also search the prisoner and remove everything from his possession except necessary articles of wearing apparel and should give the prisoner a receipt for all articles taken from him.

(d) He will then enter and examine the lock-up and see that no weapons or articles that can facilitate escape or suicide, such as bamboos, ropes, tools, etc., are in or within reach of the lock-up and note in the station diary that this has been done.

II(a) In station where no regular sentry is posted at the time of admitting a prisoner to the lock-up a guard should be told off under the charge of an Assistant Sub-Inspector, head constable or a senior constable who, will detail the names and hours of duty of each sentry, and have them entered in the general diary.

(b) At the time of relieving sentries, the officer-in-charge of the watch and the relieving sentry must count the prisoners and see that all is well. The key of the lock-up should remain with the Assistant Sub-Inspector, Head Constable or senior constable in charge of the watch who if it be necessary to open the lock-up or take out the prisoner, will first call the officer-in-charge and rouse constables of the guard off duty. In urgent cases such as an out-break of fire, or an attempt by the prisoner to commit suicide where immediate action is imperative, the Assistant Sub-Inspector or other officer-in-charge of the watch may open lock-up without waiting for the arrival of the officer-in-charge, but he is nevertheless responsible that the force available is sufficient to prevent escape. On all occasions when a prisoner is put into or taken out of the lock-up, an entry must be made in the general diary that the locks, doors, and windows were examined and found secure.

(c) The sentries on duty between sunset and sunrise will be provided with a lantern, which should be kept burning brightly at a safe distance from the door, but in such a position as to illuminate the interior of the lock-up.

(d) Prisoners must be taken out to relieve nature at as late an hour as is convenient before the officer-in-charge retires to rest in order that it may not be necessary to open the lock-up again during the night. Before being taken out, prisoner who otherwise would be likely to escape or be violent should be secured with handcuffs, or ropes. They should not be allowed out of sight; and while relieving nature violent prisoner or prisoners who might attempt to escape even when secured by handcuffs will in addition be tied by means of a rope to a constable.

210 – A Directions regarding keeping of women prisoners in police custody.

1. No woman in police custody shall be lodged even for a single night in a police station except in unavoidable circumstances. A woman prisoner shall be placed forthwith before a magistrate for remand to judicial custody, except where a remand to police custody is necessary and has been obtained.

2. A woman-prisoner remanded to judicial custody shall be immediately transferred to the Jail for detention as an undertrial prisoner.

3. A police officer making an application for remand to police custody, *vide* rule headed 'Detention of accused in police custody' shall be responsible for the taking of necessary measures for the safe and decent custody of the prisoner.

4. Where a woman-prisoner in police custody has to be escorted about for the purpose of investigation the rule headed 'Strength of escorts' in Part III should be scrupulously followed.

5. Women attending police investigation - as distinct from those under arrest - shall on no account be detained in police stations or with the police any longer than is necessary for the record of the information which they are willing to give. In no case shall they remain with the police between sunset and sunrise. If it is necessary, to take a woman-witness about the country side for identification, etc., she shall be accompanied by a responsible male relation or a respectable male neighbour.

NOTES

Keeping girl or woman in police custody - Taking them into police stations - Women and girls victim of police arrest - High Court suggesting alterations in police manual and other remedies to safeguard dignity on women. - The limitations of police power to arrest and detain women and girls have been outlined in *Ramnath Das v. State, Tripura, (1985)* 1 GLR 1, wherein the question was raised whether a police station is a worthy place for Indian women and girls to be taken and kept in custody. Indeed our women can conquest everest and might go to outer space. They have the capabilities. Notwithstanding the strength in them, the Constitution and the law protect and preserve certain safeguards for our women. There is no second opinion that the police station is a place where criminals are brought in and taken out. Police Station is a taboo for our women. It is out of bound. The people leaving in the society do not desire any woman taken in police custody unless under compelling circumstances, that is, when they are arrested in connection with heinous offences like murder, dacoity etc. No Indian likes his mother, sister to be taken to the police station and kept there. In the opinion of the High Court no girls, no woman should be arrested by police unless it is a must. No girl or woman should be taken to the police station on the plea or pretext, whether for the purpose of examination in

Girls, women should not be arrested by police unless it is a must connection with investigation of a case or otherwise. In the society where we live, we find that it is considered to be dishonour, for any girl to go in and come out from the police station. Could the authorities who have framed the Police Manual and made the Executive Instructions meant for the police, appreciate mothers, daughters or sisters to be taken to the police station, detained for the whole night in the company with the criminals. Apart from the criminals there may be "other lurking dangers". If the girls are required to be protected, instead of arresting them adequate police pickets should be kept at the residence of the girl. Woman police should be employed to deal with women.

Though overhauling of Police Manual suggest by the High Court. Immediately after arrest or detention of a woman, she should be granted bail or produced before a Magistrate. Such woman should be handed over to Rescue Home or Homes. However, these are not all. The High Court in the decision just outlined some of the most elementary things with the high hope and great expectations that the State Government would innovate means to see that in future no girl or woman is dishonoured. Notwithstanding the above observation, arrests of women and girls and taking them into police stations are going on unabated, as observed in the case of *Puspalata Choraria v, State of Assam, (1986)* 1 GLR 461. Should our women and girls be physically arrested or taken in police custody in the prevailing social malieu? What is the upshot or sequel of women and girls coming out from the police lock up? Although she might be acquitted but the stigma lowers her dignity in the society.

The dignity of our women can be protected, shielded and ensured by the State. All hither to known the practices derogatory to the dignity of the women of Assam need to be ensured affirmatively and positively by the State Government in all disciplines of life, as desired by the High Court. It was suggested, if necessary the Assam practice derogatory to the dignity of the women be

The practice of arrest of women and putting them into police lock up is derogatory to the dignity of women

perpetrated by any one. It was felt that Indian women should not be arrested and detained except in exceptional cases falling within the ilk of heinous offences.

211. Custody of persons arrested by excise department in police lock-up.

Persons arrested by an Excise officer under Sections 14 and 15 of the Opium Act Act I of 1878) are to be forwarded without delay to the officer-in-charge of the nearest police station. Persons arrested by an Excise officer under the Excise Act (Eastern Bengal and Assam Act I of 1910) who are unable to give bail may also be forwarded to the officer-in-charge of the nearest police station with a requisition from the Excise officer In writing to detain them for a period not exceeding twenty-four hours.

Responsibility for safe custody of such prisoners, while in the lock-up, will remain with the police and the provisions of rule regarding custody of prisoners at police stations will apply *mutatis mutandis* in these cases as well.

212. Accommodation of prisoners in lock-up.

(i) The accommodation of each lock-up will be based on the scale of 15 sq. feet per prisoner, and a notice in English and in local vernacular should be hung up outside the lock-up at every police station and outpost showing the maximum number of prisoners which the lock-up is authorized by Government to accommodate.

(ii) The authorized number may not be exceeded, and any excess must be accommodated in a convenient building under an adequate guard. Male and female prisoners should never be accommodated together in the same lock-up; if separate lock-ups are not available, prisoners of one sex must be dealt with in the manner described in the preceding sentence.

213. Instructions regarding the escort of prisoners to and from police stations and outposts.

The officer-in-charge of a police station or outpost or any other police officer despatching a prisoner is responsible that the latter is sent with an adequate escort and that if this is necessary to prevent escape or violence he is properly secured with serviceable handcuffs, or if no handcuffs are available, with ropes or by other suitable means. If sufficient precautions are taken, the risk of a prisoner's escaping is very slight, and the escape of a prisoner from police custody is almost always due to neglect on the part of the escort to comply with these rules. Those responsible, are liable to prosecution under the Indian Penal Code, in consequence, and every necessary precaution should therefore be taken while prisoners are escorted. The following instructions for the escort of prisoners to and from police stations or outposts should be strictly followed:-

- (a) In despatching prisoners, clear instructions should be given to the escort regarding route and halting places.

Prisoners must, if possible, be despatched from police stations at such time that they will reach their destination or the next police station before night fall.

A certificate in Form No. 150 of Schedule XL (A), (Part I) should accompany the prisoners.

- (b) Prisoners arrested by the police for transmission to a magistrate or to the scene of enquiry and undertrial prisoners should not be subjected to more restraint than is necessary to prevent their escape. The usual procedure, however, will be to handcuff

prisoners under escort. *The use of ropes is ordinarily forbidden but if no handcuffs are available or if the prisoner is so violent that additional restraint is necessary to prevent his escape or injury to his escort even if handcuffed, ropes will be used. When the character and antecedents of a number of prisoners under escort indicate an anticipation of violence or attempt to escape they should be secured together in the file by ropes in addition to being handcuffed.*

Discretion and intelligence is necessary in applying these rules and no restraint exceeding that sufficient to prevent escape or violence to the escort should be applied. - (See also Rule 214).

- (c) Witnesses arrested under Section 171, Criminal Procedure Code, are not to be treated as criminals and put in irons, but simply as persons arrested under civil process.
- (d) Every prisoner must be forwarded direct to the nearest magistrate having jurisdiction. and must not be sent to the next superior officer of police.
- (e) When prisoners go aside to relieve nature, the instructions contained in Clause II (d) to Rule 210 on 'custody of prisoners at police stations' should be strictly followed.
- (f) It is the duty of the station officers to arrange so that prisoners in transit are properly fed and treated. Meals should be taken by daylight, or if a short delay only be necessary, deferred until after arrival at a station. The officer-in-charge is also responsible that the prisoner is physically capable of undertaking the journey, before despatching him. Police officers and others taking charge of vagrants, for the purposes of the European Vagrancy Act, should take such responsible care of the vagrants as their physical condition, the season of the year, and other circumstances may render advisable.
- (g) When a police party with a prisoner or prisoners in custody is required to stay at night in mufasil, either for the purpose of investigation, or being unable to reach the destination, the officer-in-charge of the party or the senior officer present on arriving at the village where the halt is to be made should go to the headman or other leading man of the place and call upon him to provide a secure room for the safe accommodation of the prisoner or prisoners, and extra men, if necessary, for night guard.

Besides the above, a roster of duty should be prepared by the above mentioned officer who will not only sign it himself but also make the constables and officers, who are told off for the duty and entered in the roster, sign the same.

- (h) Provided that the prisoners are promptly secured, ordinarily it will be sufficient to send one constable in charge of one or even two petty offenders; if the offence with which the prisoner is charged is of a serious nature, or the prisoner is of desperate character, or if there be large number of prisoners, the escort of police should be proportionately increased. The despatching officer must use his discretion in deciding what number of men is necessary. If really necessary, a sufficient number of village chaukidars should accompany the party to assist the escort.
- (i) Chaukidars should be relieved whenever possible on the road, and not taken to an unreasonable distance from their villages. Their expenses, while on this duty, must be borne by the police department (*vide* Rule V, 290). In districts where chaukidars are not

available, it is always open to a police officer under Section 42, Criminal Procedure Code to call upon the village headman or other influential person to give assistance.

NOTES

For Section 171 of Cr. P. C. as referred to in this rule see notes under Rule 133 for full texts thereof.

214. Handcuff's and their use

(a) Handcuffs should be kept in good order. If broken, they must be repaired or replaced without delay.

(b) The principle as regards the use of handcuffs is the same in all cases, whetherailable or non-ailable, viz., they should be used when a prisoner cannot be secured without them. In practice, the following instruction, should be observed in the use of handcuffs inailable and nonailable cases respectively:-

(i) Handcuffs will generally be employed in non-ailable cases unless the prisoner owing to age, sex or infirmity can be easily and securely kept in custody without handcuffs.

The amount of restraint necessary is however left to the discretion of officers concerned. In certain circumstances the use of handcuffs may not be necessary to prevent escape, but, if for instance the prisoner is a powerful man in custody for a crime of violence, or is of notorious antecedents or disposed to give trouble, or if the journey is long, or the number of prisoners is large, handcuffs may properly be used. Escorts will, in any case, be supplied with handcuffs for use, should necessity arise.

(ii) Inailable cases prisoners should not be handcuffed unless violent, and then only by the order of the officer-in-charge of the police station, the reason for the necessity of this action being entered in the general and case diaries and in the certificate in Form No. 1~0, Schedule XL (A) (Part I).

(c) When prisoners are handcuffed in file they will be handcuffed in couples, the right wrist of one to the left wrist of the other.

(d) For the use of ropes in addition to handcuffs see the preceding rule. The ropes should be so tied as not to interfere unduly with proper circulation and should be replaced by handcuffs as soon as possible. Whenever a rope is used for securing a prisoner it will be tied round his waist, the other end being securely fastened to the constable's wrist in such a manner as to prelude the possibility of the rope being jerked out of the latter's hand. The prisoner should never be allowed to go near any cutting edge against which he might be able to sever the rope, or to stand or sit in such a position that the knot is not visible to the constable.

(e) In the event of a constable in charge of a prisoner going aside for any purpose, he must see that the prisoner is properly secured.

(f) Great caution should be exercised at all times in the removal of handcuffs and other fastenings from prisoners en route whether by land or water.

(g) Where these rules are deficient, escorts should be guided by the rules in Part III, so far as they are applicable.

NOTES

Handcuffs save in the rarest of rare cases - Where security will be seriously jeopardized unless iron restraint is necessarily clamped on the prisoner, as observed in the case *Kishore Singh Ravinder Dev v. State of Rajasthan*, (1981) 1 SCC 503. The prisoners in jail retain their fundamental rights subject however to inherent limitations of their being under imprisonment, as held in *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494. Fetters, especially bar fetters, shall be shunned as volative of human dignity, within and without prisons. The indiscriminate resort to handcuffs when accused persons are taken to and from court and the expedient of forcing irons on prison inmates are illegal and shall be estopped forthwith save in a small category of cases. Reckless handcuffing and chaining in public degrades, puts to shame finer sensibilities and is a slur on our culture. In the case of *Prem Shanker Shukla v. Delhi Administration*, (1980) 3 SCC 526, it was submitted that the petitioner was involved in over a score of cases. But that-by itself, is no ground for handcuffing the prisoner as observed by Krishna Iyer, J. It was further contended that the police authorities are in charge of escorting prisoners and have the discretion to handcuff them, a claim. Their Lordships demanded, must be substantiated not merely with reference to the Act and the rules but also the Articles of the Constitution. In the case of *Prem Shankar Shukla* (supra), the Supreme Court was concerned with Punjab Police Rule, 1934 (Vol III), reference was made to the following police instructions:

- (1) A careful perusal of the provisions shows that handcuffs are to be used if a person is involved in serious non-bailable offences, is a previous convict, a desperate character, violent, disordered or obstructive or a person who is likely to commit suicide or who may attempt to escape.
- (2) In accordance with the instructions issued by the Government' of India, Ministry of Home Affairs, New Delhi vide letters No. 2/15/57-P-IV dated July 26, 1957 and No. 8/70/74-GPA-1, dated November 8, 1974 copies of which were sent to all concerned vide this Hqrs. and Sl. No. 19143-293/C&T, dated September 3, 1976, handcuffs are normally to be used by the police only where the accused/prisoner is violent, disorderly, obstructive or is likely to attempt to escape or commit suicide or is charged with certain serious non-bailable offences.
- (3) * * * * *
- (4) It has been observed that in actual practice prisoners/persons arrested by the police are handcuffed as a matter of routine. This is to be strictly stopped forthwith.
- (5) Handcuffs should not be used in routine. They are to be used only where the person is desperate, rowdy or is involved in non-bailable offence. There should ordinarily be no occasion to handcuff persons occupying a good social position in public life, or professionals like jurists, advocates, doctors, writers educationists and well known journalists. This is at best an illustrative list; obviously it cannot be exhaustive. It is the spirit behind these instructions that should be understood. It shall be the duty of supervisory officers at various levels, the SHO primarily, to see that these instructions are strictly complied with. In case of non-observance of these instructions severe action should be taken against the defaulter.
- (6) The duty officers of the police station must also ensure that an accused when brought at the police station or despatched, the facts where he was handcuffed or otherwise should be very clearly mentioned along with the reasons for handcuffing in the relevant daily diary report. The SHO of the police station and ACP of the Sub-Division will

occasionally check up the relevant daily diary to see that these instructions are being complied with by the police station staff.

Political prisoners, if handcuffed, should not be walked through the streets and so, by implication others can be.

(These orders are of April 1979 and cancel those of 1972).

The handcuff law must meet the demands of - Handcuffing is prima facie inhuman and, therefore, unreasonable, is over-harsh and at the first flush arbitrary. Absent fair procedure and objective monitoring to inflict "irons" is to resort to zoological strategies repayment to Article 21.

Insurance against escape does not compulsorily require handcuffing.

There are other measures whereby an escort can keep safe custody of a detenu without indignity and cruelty implicit in handcuffs or other iron contraptions. Indeed, binding together either the hands or the feet or both has not merely a preventive impact, but also a punitive hurtfulness. Manacles are mayhem on the human person and inflict humiliation on the bearer.

Handcuff is over hoop harsh. Merely because a person is charged with a grave offence he cannot be handcuffed.

Even where in extreme circumstances, handcuffs have to be put on the prisoner, the escorting authority must record contemporaneously the reason for doing so. Otherwise under Article 21 the procedure will be unfair and bad in law. Nor will mere recording the reasons do, as that can be a mechanical process mindlessly made. The escorting Officer, whenever he handcuff a prisoners produced in court, must show the recorded reasons to the Presiding Judge and get his approval. Otherwise, there is no control over possible arbitrariness in applying handcuff and fetters. The minions of the police establishment must make good their security receipts by getting judicial approval. This is implicit in Article 21 which insists upon fairness reasonableness and justice in the very procedure which authorises stringent deprivation of life and liberty.

Handcuff is to punish humiliatingly and to vulgarise the viewers
Recording reasons for handcuffs.
Mere recording reason for handcuffs not sufficient.

In words of Iyer J.:

Mandate of Article 21

"We, therefore, hold that the petition must be allowed and handcuffs on the prisoner dropped."

The parts of the Punjab Police Manual in so far as it puts the ordinary Indian beneath the better class breed were held to be untenable and arbitrary and it was directed that Indian humane shall not be dichotomised and the common run discriminated against regarding handcuffs.

It was observed Krishna Iyer J.:

"We clearly declare - and it shall be obeyed from the Inspector, General of Police and Inspector General of Prisons to the escort constables and the jail warder - that the rule regarding a prisoner in transit between prison house and court house is freedom from handcuffs and the exception, under conditions of judicial supervision we have indicated earlier, will be restraints with iron, to be justified before or after. We mandate the Judicial officer before whom the prisoner is produced to interrogate the prisoner, as a rule,

whether he has been subjected to handcuffs or other "irons" treatment and, if he has been, the official concerned shall be asked to explain the action forthwith in the light of this judgment."

215. Expenses of prisoners how to be met.

Expenses incurred in feeding prisoners while in transit from police stations to headquarters, and of under-trial prisoners made over temporarily to the police for purposes of detection, will be repaid to the police by the magistrate from the funds placed at his disposal for contingencies, and should not be charged in the police contingent bill. Bills should be submitted from police stations monthly in Form No. 173, XL (A), (Part I).

The officer-in-charge of a guard will keep an account of expenditure and on return to his station will deliver the account, together with the balance of any cash which may have been advanced to him, to the station officer by whom it will be forwarded to the Superintendent of Police with a bill for reimbursement. If the guard is changed on the road, the account with cash advance, if any, will be made over to the relieving officer who, on return to his station, will make it over to the station officer by whom it will be sent to the despatching station for action as above.

216. Expenses of witnesses.

Bills for expenses of witnesses who are not Government servants travelling by rail or long distances by boat or road in the interest of police cases, may be sent to the Superintendent of Police for sanction and payment. Such expenses should only be incurred in cases of considerable importance and should be recovered from the district magistrate on the analogy of the rule framed under the provisions of Section 544, Criminal Procedure Code, regulating the payment on the part of Government of the expenses of complainants and witnesses attending the Criminal Courts. See also Part II of this Manual.

NOTES

Section 544 of Cr. P. C. as referred to in this rule corresponds to Section 312 of the 1973 Code reading as follows:

"312. *Expenses of complainants and witnesses* - Subject to any rules made by the State Government, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this case.

Final Forms
(Rules 217 to 228)

217. Instructions for filling up charge-sheet [Form No. 148 of Schedule XL (A), Part I].

The charge-sheet is the report prescribed in Section 173, Criminal Procedure Code, to be submitted in cognizable cases when the accused is sent up in custody, absconding or bound on bail (Section 170, Criminal procedure Code) to appear before a magistrate. The charge-sheets will be numbered consecutively throughout the year. The date and hour of despatch must be entered clearly on each. The form will be carefully filled up in accordance with the printed headings. The following additional instructions are given –

Column 1 - The name of person on behalf of whom complaint was made should be given, if the person is different from the informant.

Column 2 - In this form and under item (c) in the counterfoil should be entered the names only of those absconders against whom the investigating officer intends to proceed.

Column 3 - It is important that the correct name and address of the accused persons be given. If the name and address given by the accused has not been verified, the investigating officer will ask that a remand be applied for. This column and column 4 should show the date and hour of arrest of accused persons and the name of the officer who made the arrest.

Column 6 - The names and addresses of all witnesses from whom recognizance to appear before the magistrate has been taken should be given. The bonds so executed should be attached to the charge-sheet. The names of other witnesses, from whom recognizance has not been taken should not appear except witnesses to house-searches, who are especially exempted from attendance, unless summoned by magistrate. The names of witnesses to house-searches, should be entered in red ink.

Column 7 - The reason of the investigating officer for accepting the charges are not to be given. It must be clearly understood that the charge which the police officer considers established and not necessarily the charge preferred by the complainant must be entered in this column. The date of hearing should be put down in this column at the end.

The certificate to be annexed to the charge-sheet must be carefully filled in (See the following rule).

NOTES

For full texts of Sections 170 and 173 Cr. P. C. see under Rule 34.

218. Certificate as to previous conviction of accused to be annexed to the charge-sheet.

A police officer sending up an accused person for trial, will, whenever practicable, take the finger print of left thumb on a piece of paper to be annexed to the charge sheet and certify on it as follows:-

“Certified that I have carefully examined the register of persons convicted (village crime note-book part III) and have in all other respects made full enquiry whether the accused persons and absconders against whom the charge has been proved have given false names and addresses or have been previously convicted, and I find that –

Also certified that the accused is ^{identified}----- in his jurisdiction.
_{unidentified}

Investigating Officer.”

In this connection, references to the Finger Print Bureau should be freely made. A similar certificate will be given in the case of absconders also against whom a charge is proved, as is apparent from the certificate itself. Should previous convictions be ascertained, a short report of all particulars concerning them including the names of any persons who can prove the previous convictions must be given in the annexure to the charge-sheet, to enable the court officer to prove them under Section 511 of the Criminal Procedure Code. In addition to the certificate referred to, the investigating officer,

when the accused is charged with an offence for which enhanced punishment can be inflicted on reconviction, should note on the annexure as to whether the accused has resided in his jurisdiction for a period of more or less than ten years. The investigating officer will also examine the person of every male criminal not being a European British subject sent up to the magistrate charged with any non-bailable offence for which enhanced punishment can be awarded under the Indian Penal Code or Whipping Act and will note on the annexure whether the person of the accused does or does not bear marks of whipping.

When the entry regarding the previous conviction of the person sent for trial would, under existing rules, be in the register of another station, the investigating officer will note this fact on the annexure and inform the officer-in-charge of that station that such a person is being sent for trial, in order that the latter may search his station register and supply direct to the court officer the required particulars about his previous convictions. On receipt of this information, the court officer will attach it to the charge sheet. The receipt of such information from police station in no way relieves a sadar court officer from the performance of the duty of searching the index to the register of convictions and ascertaining whether any conviction, other than those noted by the station police, are entered therein against an accused person. Enquiries should not be made in Nepal as to the antecedents of persons professing to reside in that State.

Below the certificate given by the investigating officer, the court officer will sign a certificate as follows:-

"Certified that I have carefully searched the conviction register and have found that -

Court Officer"

NOTES

Section 511 of Cr. P. C. as referred to in this rule corresponds to Section 298 of the 1973 Code reading as follows:

"298. *Previous conviction or acquittal how proved* - In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,-

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was held, to be a copy of the sentence or order, or

(b) in case of a conviction, either by a certificate signed by the officer-in-charge of the jail in which the punishment or any part thereof was undergone, or by production of the warrant of commitment under which the punishment was suffered,

together with, in each of such case, evidence as to identity of the accused person with the person so convicted or acquitted.

219. Note as to antecedents of accused persons.

(a) The antecedents of each accused person should be noted on the annexure to the charge-sheet when they fall under one or other (or more than one) of the following heads:-

1. Robber, house-breaker, dacoit, thief, extortioner or receiver of stolen property.

2. Cheat, forger, or counterfeiter of coin, currency notes or stamps.
3. Whether habitually commits offences against the person.
4. Member of gang of dacoits, or of thieves or a dealer in slaves or in stolen property.
5. Member of criminal tribe.
6. Opium smuggler, or given to cognate offences.
7. Whether previously escaped from lawful custody.
8. Vagrant with no fixed residence.
9. Suspicious character.
10. Habitual drunkard.
11. Prostitute (in case of female).
12. Good character.
13. Antecedents unknown (when the antecedent under anyone of the above heads is unknown).

In this connection the previous occupation of the accused and whether any charges are pending against him should also be noted.

(b) If a prisoner sent up for trial is known to be a desperate character or to have previously suffered from lunacy, the fact should be separately reported in order that the court officer may bring it to the notice of the magistrate and the jailor.

220. Instructions as to submission of charge-sheet.

As soon as possible after the charge has been substantiated against an offender the charge-sheet must be sent by the quickest means to the court officer for submission to the magistrate. In all motor accident cases, however, no charge-sheet will be submitted without the orders of the Superintendent of Police. When prima facie case is made out in a case in which articles have been sent for chemical analysis, the charge-sheet should not be delayed till receipt of the Chemical Examiner's report. Lists of property stolen, lists of property found on parties arrested, reports on previous convictions, the bail-bonds, and the recognizance bonds executed under Section 170, Criminal Procedure Code (Forms XXV and XXVI of Schedule V, Criminal Procedure Code) and a map in cases in which the rules require it, should be attached to the charge-sheet. If a case in the first instance is reported in final report form, but subsequently by the magistrate's order or otherwise the accused person is placed on his trial; the final report, form should be cancelled and a charge-sheet submitted. If on transit from a police station to the court an accused person absconds, the charge-sheet should stand and the case should be kept pending until the absconder is arrested, or until his arrest is considered hopeless.

Charge-sheets in cases referred by the magistrates to the police for investigation must be put up by the court officers to the particular magistrates who directed investigation.

(For Section 170 Cr. P. C. see notes under Rule 34)

221. Instruction for sending up accused in riot cases and for binding down of witnesses.

(a) In riot cases all persons against whom the offence is proved must be sent up. The practice of sending up one or two persons only is forbidden. Similarly in proceedings under Section 110, Criminal Procedure Code, care must be taken that the principals and not only persons of minor importance are bound down.

(b) Unless the district magistrate otherwise directs, the witness should be bound down to attend before the magistrate as soon as they can reach his court, except when the occurrence of a gazetted holiday renders it improbable that the case can be heard at once in which case they should be bound down to appear on the morning of the next day after the holiday or holidays. Also in cases in which the majority of the accused or the more important individuals amongst them are absconding, but are likely to be soon arrested, the investigating officer may submit a charge-sheet without sending up all the witnesses, only sufficient evidence being sent to justify the postponement of the case and the remand of the accused to custody or on bail. In other cases if any delay is allowed for the convenience of the witnesses, or for any other special reasons, the circumstances must at once be reported to the magistrate.

NOTES

For full text of Section 110, Cr. P. C. see notes under Rule 123.

222. Instructions regarding the submission of final report - Form 149 of Schedule XL(A), Part I].

The final report form is also contemplated in Section 173, Criminal Procedure Code. It is submitted in all cases in which the accused is unknown or there is insufficient evidence to justify the trial of the persons accused or arrested, or in which the charge is false. The bail bonds taken under Section 169, Criminal Procedure Code, from the accused persons to appear before the magistrate if called on, should be sent with the final report form. Column 3 should show the amount of property reported by the complainant as having been stolen. In Column 8 the investigating officer should give a clear statement of the case and of the evidence pro and con together with his reasons for not sending the accused for trial, to enable the magistrate to judge whether his action has been correct and to decide how the case is to be entered on the statistical registers. The final report form must be submitted immediately on completion of the enquiry and the actual date of despatch must be clearly entered on it. All final report forms should be sent through the Circle Inspector.

Final reports in cases referred by the magistrates to the police for investigation must be put up by the court officers to the particular magistrates who directed investigation.

(For full texts of Sections 169 and 173 Cr. P. C. see notes under Rules 34).

223. Communication of action in investigated cases.

Under clause (b) of sub-section (1) of Section 173, Criminal Procedure Code, as amended by Act XVIII of 1923, the State Government has prescribed that –

(a) If the informant is present at the time when the report prescribed by clause (a) of sub-section (1) of Section 173 is prepared, the officer-in-charge of police station shall communicate to him orally the purport of the report, and note the fact of his having done so in the report.

- (b) If the informant is not present when the report aforesaid is prepared and if he has not been required to enter into a bond under sub-section (2) of Section 170, the officer-in-charge of the police station shall communicate by post or by hand briefly the purport of the report to the informant at the address where there is reason to believe that he will be found and note the fact of his having done so in the report - *vide* Assam Government Notification No. 2538 G.J., dated the 31st May, 1924.

The directions contained above should be strictly followed.

A report under Section 173 (1) (a) contemplates a charge-sheet as well as a final report, and in both cases the fact of communicating the purport thereof should also be noted in the foil and counterfoil of the forms.

(For full text of Section 173, Cr. P. C. *see* Rule 34).

224. When charge-sheet may be submitted after final report form.

If after sending the final report form in a case, a police officer obtains a clue and sufficient evidence to justify further proceedings he should immediately proceed to make a fresh inquiry and should the evidence then found warrant the sending up of the accused for trial, should submit a charge-sheet. If anyone is arrested but not sent up or if no one is arrested, the proceeding will be entered in the case diary in the usual way but no fresh form need be submitted.

225. Superior officer may not alter charge-sheets or final report forms.

The officer-in-charge of a police station is responsible for the result of any investigation made by an officer subordinate to him (Section 168, Criminal Procedure Code) and must decide how a case is to be sent up to the Magistrate. After a case has been sent up in charge-sheet or final report form no superior officer may detain, cancel or alter it, but he may order further enquiry pending the orders of the Magistrate.

NOTES

Section 168 of Cr. P. C. as referred to in this Rule reads as follows:

"168. *Report of investigation by subordinate police officer* - When any subordinate police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer-in-charge of the police station.

226. Communication of order of Magistrate.

(a) The Magistrate's final order whether on a charge sheet or final report form should be communicated by the court officer to the officer-in-charge of the police station in Form No. 118 of Schedule XL (A), Part I. This form should be attached to the copy of the first information report kept in the police station. The order will deal with the disposal of any property taken charge of by the police in connection with the case and with any person released by the police on bail. The officer-in-charge must take immediate action on these orders.

(b) Across the counterfoil of the charge sheet should be entered in red ink the number of the volume and page of the conviction and surveillance registers (if entered therein) in which the convict's name has been registered, and in all cases declared true, whether ending in conviction or not, the number of the entry in the property register if any should also be noted. These counterfoils will then be separated from the register and filed with the case diary to which they relate.

227. Procedure if Magistrate disagrees with final report form of police.

(a) If the Magistrate considers that the police have acted erroneously in not submitting a charge-sheet he will either order a further investigation, or direct that the case be sent up in charge-sheet for trial.

(b) When a further enquiry is thus ordered, it should be taken up and completed as soon as possible. If on the completion of such investigation, the police officer considers the charge proved, he will submit a charge-sheet, if not, he will again submit the former final report form after adding a further report showing the result of the second investigation.

(c) When the Magistrate, after receiving either an original report or the report of a further investigation in which the investigating officer still finds no reason to send up the accused, determines that a charge-sheet be submitted, he must issue a formal warrant for the arrest of the accused and should not direct the investigating officer to make the arrest under Section 54 of the Criminal Procedure Code.

NOTES

Section 54 of Cr. P. C. corresponds to Section 41 (1) of the 1973 Code and full text thereof - See notes under Rule 49.

228. Maliciously false cases.

When, after the investigation of a case, the information or charge on which the case is based is found to be maliciously false, the investigating officer's interest must not cease there but he should proceed to collect positive evidence with a view to prosecute the informant or complainant under Section 182 or Section 211, Indian Penal Code, When the evidence collected is found sufficient for the purpose, the investigating officer will set forth lucidly in the final diary of the case the grounds for considering the case as false and for prosecuting the informant or complainant. He will also furnish in the brief a list of the witnesses to prove the case together with the points each one will have to prove giving reference to the pages of the case diary. Alongwith the final report a written complaint should always be submitted giving briefly the facts of the case, the reasons for prosecuting the informant or complainant and the names and addresses of witnesses who are to be examined on behalf of the prosecution.

The Circle Inspector, through whom the final report is submitted will first satisfy himself that the materials are sufficient to warrant a conviction, after scrutinizing the complaint and the evidence available to prove the falsity of the charge and then send on the complaint with the final report through the court officer to the Magistrate. The diaries of the case must also be sent to the court officer. When the investigation has reached a stage at which the falsity of the charge is apparent from the diaries the Circle Inspector should, if possible, test the evidence by a local enquiry, care being taken that the final report is not necessarily delayed thereof.

Proceedings may be taken under Sections 182 and 211 of the Indian Penal Code. Each case should be considered on its own merits and in cases of a more serious nature involving a false charge it would be proper to proceed under the latter section.

Circle Inspectors will not pass the final report containing the expression "Case false, no evidence to prosecute the complainant" without thoroughly scrutinizing the case diaries thereof.

NOTES

Unnatural deaths
(Rules 229 to 230)

229. Enquiries into unnatural and suspicious deaths.

(a) On receipt of information of a death occurring in any of the circumstances mentioned in Section 174 (1), Criminal Procedure Code, the Sub-Inspector, Assistant Sub-Inspector or Head Constable receiving the information will fill up in duplicate the first information form prescribed for unnatural death cases [Form No. 151 of Schedule XL (A), Part I] recording the informant's statement, as far as possible in his own words, and will despatch the original to the court officer, through the Circle Inspector for submitting to the Magistrate.

(b) The aforesaid officers should then proceed to the place where the body of the deceased person is, and after holding the inquest prescribed in Section 174, Criminal Procedure Code, and making such further investigation as may be necessary, will submit his final report, signed by the police officer and two or more respectable persons, as required by Section 174 (2), Criminal Procedure Code, should be attached to the final report.

(c) Case diaries should be submitted in investigations into unnatural or suspicious deaths only if the investigation lasts more than one day. If however, the police officer making the investigation finds reason to suspect the commission of a cognizable offence, Section 157, Criminal Procedure Code, will apply and a case under the appropriate section of law will be registered and case diaries must be submitted. A completion report under Section 173, Criminal Procedure Code, should be submitted in such cases and the report thereof communicated to the informant in the manner laid down in the rule regarding communication of action in investigated cases.

(d) Where several persons meet their death by the same accident, there should be a separate inquest report on each body, but not necessarily a separate first information or final report.

(e) One copy of the first information report and of the final report should be kept at the police station. The number of the corresponding entry in the death register and register of persons killed by wild animal should be noted at the top.

(f) All police officers not below the rank of head constable are empowered to act under Section 174 (1), Criminal Procedure Code. Assistant Sub-Inspectors and head constables should not however be so employed when a sub-inspector is available nor should they make enquiries in any case in which the information or circumstances indicate the possibility of the death being the result of foul play.

A constable cannot make an enquiry, but when no other officer is present at the station the senior constable should proceed to the spot, take charge of the body, note its state (if literate), and make all preliminary arrangements for its despatch, in case the enquiring officer desires to send it for an autopsy.

(For Sections 157 and 174, Cr. P. C. See - under Rule 34).

230. Death of prisoners in police custody and of European army officers or soldiers.

(a) A police officer empowered to hold inquest on receipt of information relating to the death of a prisoner in police custody should send immediate notice to the nearest magistrate having

powers to hold inquests, and himself take up the enquiry under Section 174, Criminal Procedure Code. He should also inform the Superintendent of Police by the quickest means of communication available, who will in his turn inform the District Magistrate and the Deputy Inspector General of Police. These messages will be sent by telegraph, if available.

(b) When an officer of the Army, Navy, Air Force or Marine, or a European soldier, sailor or airman dies an unnatural or suspicious death the police officer receiving the information will similarly register the case, and inform by the quickest possible means to the Deputy Commissioner, the Superintendent of Police and the nearest local Magistrate having power to hold inquests [Section 174 (5), Criminal Procedure Code] who should be asked to hold the inquest.

The police officers will arrange to have the corpse guarded and take such other steps as may be desirable, and may take up the investigation pending the magistrate's arrival, but will not hold the formal inquest himself. He must hand over the investigation, to the magistrate on his arrival, and in any case may not close the investigation until the magistrate has arrived.

(For Section 174, Cr. P. C. See - notes under Rule 34).

CHAPTER IV
Prevention of crime
Village Crime Note Book
(Rules 231 to 248)

231. Village Crime Note Book described. [Forms No. 152 to 152-E of Schedule XL (A), Part I].

In order to deal effectively with crime, it is necessary to have a continuous record of the criminal history of individuals and localities. To secure this there will be maintained for each village or other administrative area which may be chosen as the unit for the purpose, a "Village Crime Note Book" which will contain information about crime and criminals including convicts and suspects. This note book will be kept in Forms No. 152 to 152-E of Schedule XL (A), Part I, in the manner described below:-

The village crime note-book is divided into five parts:-

- Part I- Village Directory will contain general information regarding the village.
 - Part II- Crime Register will deal with details of crime specially of a professional nature occurring in the area.
 - Part III- Will take the place of the conviction register and will contain details of the convictions of persons residing in the area.
 - Part IV- Village History will contain notes on crime in the village with special reference to factions, land or water disputes, presence of criminal tribes or gang, obstruction of or damage to railway line within the village limits, and special outbreaks of crime in the village, etc.
- Parts V and V-A will consist of history sheets of persons residing in the village area who are known or believed to be addicted to crime.

Before starting on the investigation of a case, the investigating officer must consult Parts I, II, III and IV of the village crime note-book, and note in his pocket book all facts which may be of assistance. He will also consult the crime map to ascertain the location of bad characters in the vicinity. The facts of his having done so will be noted as the first entry in the case diary.

In municipal towns and small towns a village crime note book will be opened for each ward, or if the wards do not coincide with the town police beats, for each beat. It will be kept up by the officer in charge of town police, one volume at each beat house in respect of the beats served by that beat house.

The headings in Parts I and IV will be adopted in each case to suit the circumstances, and in particular, full information recorded regarding –

- (i) surveilles, suspects, and receivers;
- (ii) hotels, *serais* and *dharamsalas*;
- (iii) disorderly houses and excise shops;
- (iv) steamer and railway stations.

The Town Sub-Inspectors (or officer-in-charge) will also keep up to date a confidential supplement in a sealed cover containing the names of persons who can be relied upon to give information or assistance to the police, religious and political societies and the leading members thereof, and any other useful formation in which it is desirable to keep confidential.

The object to be borne in mind is not only to maintain a history of crime in the town, but also to have available on record complete information so that in case of a change of officers, the new incumbent is able to start where his predecessor left off, instead of having to learn the town for himself from the beginning.

The Circle Inspector shall inspect the town village crime note-book and the confidential supplement quarterly and the Superintendent of Police twice yearly.

232. Village Crime Note Book - A confidential and privileged document.

The Village Crime Note Book is maintained under Section 12 of the Police Act (Act V of 1861), and comes under the category of an 'unpublished official record relating to affairs of State'. No member of the public has a right to see it or obtain copies of any part of it. The police authorities and the magistrates only can inspect it. As no Judge can compel its production without the permission of the head of the department - the Inspector General - the book is never to be exhibited in court without such permission, as it is a confidential and privileged document. When a court orders the production of any part of the village crime note-book in course of hearing a case, police officers concerned will act according to the provisions of Sections 123 and 162 of the Indian Evidence Act.

233. Village Crime Note Book how to be bound.

The first four parts will be bound so that each volume may contain the first four parts of the note-book for all the villages comprised (i) in the case of the Assam Valley districts, in one revenue mauza or in such portion of a revenue mauza as may fall within the jurisdiction of a police station and (ii) in the case of Cachar, and Goalpara in one panchayati circle. The forms will be provided with eyelet holes so that pages may be added when necessary. Within the volume the four parts belonging to each

village will be kept together and the villages will be arranged in alphabetical order. Thus if in panchayati circle Z there are 20 villages, A, B, C, D, etc., the note-book of Z circle would be bound as follows:-

Village A, Parts I, II, III and IV, pages 1 to 4.

Village B, Parts I, II, III and IV, pages 5 to 8.

Village C, Parts I, II, III and IV, pages 9. to 12 and so on.

Parts V and V-A of the note-book will not be bound, but will be eyeleted and fastened together in flat file containing all the history sheets for the *thana* or outpost. They will be given serial numbers and will be arranged, as far as possible, in the order adopted for the first four parts. These note books will be confidential documents, kept by the officer in charge of a police station who will be responsible for their contents and safe custody and will initial every entry made in them.

Note - The rules relating to the village Crime Note Book and surveillance of bad characters will, only with the sanction of the Inspector General, be applied to hill districts to suit local conditions.

234. Vagrants how to be registered.

Spare parts will be kept for homeless vagrants and persons convicted of offences committed on railways.

235. Alphabetical list of villages.

For facility of reference an alphabetical list of all the villages contained in the jurisdiction of a police station or outpost should be maintained in Form No. 153 of Schedule XL (A), Part I.

The revenue number of each village should be noted below the name of each village. In case of an outlying hamlet forming part of a village, the letter (H) should be noted against the name of the hamlet and the name of the main village should be noted in the last column (column 3) within brackets below the page number.

236. Part I, Village Directory [Form No. 152 of Schedule XL(A), Part I].

This will be a fly-leaf containing the names of the Village, the Village Headmen, the Village Defence Parties, together with the population and of the names of Village Chowkidars.

Assam Schedule XL(A), (Part I), Form No. 152.

VILLAGE CRIME NOTE BOOK PART I

Village Directory

Population by census of 19 Hindus Mahomedansothers Total.

Name of Post Office and nearest of Village
Telegraph Office.

Distance and direction of the Police Station,
village from the Police Station

Column 6 - In this column will be entered the name, aliases, parentage, caste and residence of every person accused or suspected either by the informant or others Or against whom suspicion has been aroused during the course of investigation. FULL GROUNDS FOR SUSPICION SHOULD BE NOTED. The names of persons who have absconded will be entered in red ink, and when arrested will be underlined with black ink. Cross reference, if any, to Parts III, IV and V will also be entered in this column.

Column 7 - Full name and rank of investigating officer, the name of the magistrate and date of disposal should also be noted in this column.

Schedule - (1) Offences under the Indian Penal Code:-

- (a) Offences under Chapters XII and XVII, Indian Penal Code, punishable with whipping or with imprisonment for three years or upwards and also offences under Sections 356, and 215, Indian Penal Code.
- (b) *Personating a public servant, etc* - Sections 170, 171, Indian-Penal Code.
- (c) *Murder and culpable homicide* - Sections 302 and 304, Indian Penal Code.
- (d) *Drugging* - Section 328, Indian Penal Code.
- (e) *Kidnapping* - Sections 363 to 369, Indian Penal Code.
- (f) *Swindling* - As defined in Section 415, Indian Penal Code.
- (g) *Mischief by killing at maiming animals* - Section 428, Indian Penal Code.
- (h) *Forgery* - Sections 465,466,467,468,469, Indian Penal Code.
- (i) *Offences relating to forgery of currency notes or bank notes* - Sections 489-A, 489-B, 489-C, 489-D, Indian Penal Code.
- (j) *Criminal conspiracy when the offence which is the object of the conspiracy is exclusively triable by the court of sessions –*

Section 120-B, Indian Penal Code.

Schedule (2) - Offences under Special and Local Laws:-

- (a) *The Public Gambling Act* - Sections 3 and 4, Act III of 1867.
- (b) *The Opium Smuggling Act* - Section 9, Act 1 of 1878.
- (c) *Excise Laws* - Offences punishable with fine of more than Rs. 200.
- (d) *The Indian Arms Act* - Sections 19(a), (c) and (f), and 20 Act XI of 1878, as amended by Act XX of 1919.
- (e) *The Indian Railway Act* - Sections 126, 127, Act IX of 1890.
- (f) *The Criminal Tribes Act (Act VI of 1924 as amended by Act XXXIII of 1925).*

- (g) *The European Vagrancy Act (Act IX of 1874)* - Section 23 where a European vagrant demands alms in a threatening manner, etc.
- (h) *Offences against Salt Acts (Act XII of 1882)* - Section 10 and Bengal Act VII of 1864, Section 34.
- (i) *The Cantonments Act (XIII of 1889)* - Section 14 - unauthorised possession of spirituous liquor within a cantonment.
- (j) *The Stage Carnages Act (XVI of 1861)* - Sections 7 and 8 plying unlicensed carriage, carrying a greater number of passengers, or having carriage drawn by less number of horses than contained in license.
- (k) *The Indian Forest Act (VII of 1878), as amended by Act I of 1918* - Section 42.
- (l) *The Poisons Act (I of 1904)* - Section 7.
- (m) *The Metal Tokens Act (I of 1889)* - Section 4.
- (n) *The Assam Labour and Emigration (VI of 1901) as amended by Act VIII of 1915* - Section 198.
- (o) *The Wild Birds and Animals Protection Act (VIII of 1912)* - Section 4 (i).

Convictions under Section 511, Indian Penal Code, in respect of any of the offences mentioned above, should also be entered, persons sent to a lunatic asylum from a jail irrespective of offences under which convicted should also find entry.

Schedule (3) - Bad livelihood (Sections 109 and 110, Criminal Procedure Code). (For full texts of Sections 109 and 110 see - notes under Rule 123).

Note - In case of non-cognizable offences in the above list the court officers will consult the magistrate's register every fortnight and send to the officer-in-charge concerned all information about convictions in such cases.

238. Part III, Conviction Register [Form No 152-B of Schedule XL (A), Part I].

This will contain the names of every person residing in the village who has been convicted of any of the offences specified in the schedules in the foregoing rule.

The convictions of homeless vagrants will be entered in the spare part kept under Rule 234 of this part for the Panchayati circle or Mauza in which the crime was committed. In cases of reconvictions, if the convict changes his residence, a reference to column 2, Part III, should be made against the fresh entry in that village and this should also be noted in the index register against the old entry.

The following instructions are given for writing up the register:

Column 1 - Should contain the serial number in this part of the persons convicted and the date of entry.

Column 2 - Will contain the name with alias, year of birth, descriptive roll, and residence, past and present and caste of convict. This can be obtained from the court officer's final memo.

Column 3 -Should contain names of father and other relatives, with their residences and occupation.

Column 4 - In this column will be entered the name of the district or sub-divisional court in which convicted with date of conviction as also the name of the convicting magistrate, or in the case of a person convicted in the sessions or High Court the name of the committing court and the name of the convicting officer.

Column 5 - The offence to be entered is that of which the accused is convicted, and not the section under which he was sent up by the police.

Column 6 - This column will contain the punishment awarded by the lower court and the result of appeal, if any.

Column 7 - The Police station and outpost in which the place of occurrence is situated should be given.

Column 8 - In case of re-conviction cross references should be given to the old and fresh entry. The name and number of the chaukidar (in the chaukidari districts) in whose beat the convict resides should be noted. Names of two indentifying officers should be given. The name of the identifying jail warder should also be noted on receipt of P. R. slip.

Column 9 – Remarks - This column will contain cross reference of Parts II, IV and V. In this the name of the investigating officer, number and date of first information report in connection with which conviction was obtained, the name and residence of the complainant with a brief history of the case should also be noted. On receipt of

release notice notes about P.R., P.R.T., ----- F. P., and the name of the jail from
P.R.T
565

which released should be put down. Result of annual enquiries of 'alive' dead'. in case of persons for whom history sheets have not been opened should be noted in pencil.

Most of the above information is obtained as the result of police investigation recorded in case diaries and for ready reference and convenience all information available on the submission of final forms in the investigations mentioned should be noted as indicated briefly on the case diary dockets by investigating officers. In case of conviction under Section 109 or 110, Criminal Procedure Code, in addition to non-first information report number the magistrate's number and year should be noted. The dockets will be completed on the receipt of final reports from the court office and the village crime note-book then written up.

(For full texts of Sections 109 and 110, Cr. P. C. See - notes under Rule 123).

239. Sending conviction rolls.

When the convicted person is not a resident of the station from which the case was sent up, the following procedure will be adopted:- A roll in the form of a loose sheet of the conviction register, will be sent to the officer-in-charge of the police station in whose jurisdiction the convict resides for entry in the register of that station. The date of despatch of the conviction roll should be noted in the last column of the crime register. The officer-in-charge of that station after making the entries and noting in the remarks column the number of the first information and the name of the station to which the

case belongs, will return the original papers to the officer-in-charge of the station from whom they were received. This procedure will be followed by the railway police when persons are convicted in cases sent up by them. The same procedure will be adopted when a convict leaves one station to reside permanently in another with the proviso that the number and date of despatch of the roll as well as the number of entry in the conviction register of the station concerned should be noted in the remarks column. When it is necessary to send the rolls, etc., to a station outside the district they should be sent through the Superintendent of Police's office. If a convict has resided for ten years in a village, and has his family with him, he will be regarded as a resident of that village and his name will be entered in the conviction register.

240. Action on receipt of release notice.

On receiving a notice of release of a convict from a jail or penal settlement through the sadar court office the station officer will note the necessary particulars in the conviction register, ascertain whether the released convict has returned to and intends to reside in his village or not; and if he does not return report the fact to the Superintendent of Police for issue of necessary orders and for the entry of his name in the station in which he may reside. When the date of release has been entered in Column 9 of the police station register, and the convict has returned home, the release notice should be returned to the Superintendent of Police's office with a report of these facts and the number of the entry in the register endorsed on it.

241. Juvenile prisoners to be escorted to their homes.-

All juvenile convicts should, on release, be taken to their homes by the police, and be given up to their relatives in the presence of two respectable residents of the neighbourhood.

242. Elimination of names from conviction register.

Names of deceased persons and of persons who have attained the age of sixty years and have not been convicted or suspected during the preceding ten years, and of persons who have attained the age of 50 years and have not been convicted or suspected during the preceding twenty years will be struck out under the orders of the Superintendent of Police. At the close of each year all station officers will submit lists of persons whose names have removed during the year to the headquarters court once, and the headquarters court officer will, after making the necessary correction in his index and conviction register, forward the lists to the Superintendent of Police who will satisfy himself that the conviction registers and indexes have been corrected.

243. Part IV, Village History [Form No. 152-C of Schedule XL (A), Part I].

The information to be entered in this part should be obtained from all reliable sources that are available, and should relate to as many years back as is possible. When once the note has been written up it should be added to from time to time by the station officer as fresh information is obtained or fresh events occur.

The information given on the form as to the information to be entered is not exhausted and no exhaustive list can be given, as the nature of the entries to be made will vary from place to place. Notes on the following additional points will be found generally useful:

- (a) Class of crime prevalent and the existence of any gang or criminals with brief particulars.
- (b) The existence of any party factions, with some-account of their origin and leaders.

- (c) Dispute between rival zamindars or between tenants and zamindars, and the names of any person concerned or suspected to be concerned in riots other than a party riot. If special police officers are appointed or village defence parties organized the fact should be noted.
- (d) An account of any notorious village tout and the cases with which he has been connected.
- (e) Any special outbreak of crime, the measures adopted to check it, and the success or otherwise of this measure. Any proceedings instituted under the preventive sections of the Criminal Procedure Code should be entered as also any matters of interest in connection with the prevention and detention of crime.
- (f) Names of persons living in the village suspected of committing crime in other villages of this or other stations with cross references to Parts II and V. Detail of cases in which they are suspected together with the grounds of suspicion should be noted.
- (g) Visits of criminals and suspects of other villages with date and name of person visited and reasons of such visits.
- (h) Suspects who have not been convicted or suspected in any case but are suspected or supposed to be addicted to crime.
- (i) Persons absconding for more than six months should be entered in this part in red ink with a brief summary of the case and the names, parentage and residence of the relatives. Serial number to be given to each entry which is to be signed in full and dated by the officer making it.
- (j) All Sabhas, Samitis, anjumans, associations, athletic clubs, volunteer organisations, Seva Samitis, Congress or Khilafat committees with names of office bearers.
- (k) Whenever any village is visited by an officer, the dates of visit, and any useful information collected should be entered. Even if no information worthy of note could be obtained, the fact of visiting the village should be noted. Every village should be visited by each Sub-Inspector of Police Station at least once a year (important villages at least twice) and the fact recorded in this part. The number of villages, visited by each officer should be shown in station statistics under head "Details of miscellaneous work". The entries in Part I should be examined and revised, if necessary. Enquiries regarding suspected or convicted persons of Parts II and III respectively should be made.
- (l) Any information regarding the village which should be useful to officers visiting the village for the first time should be entered.

N. B. - (1) Serial number to be given to each entry which is to be signed in full and dated by the officer making it.

(2) The Superintendent of Police may under political Branch Demi official No. 8814-36, S. B., dated the 13th November, 1909, direct the entry of the names of other suspicious persons in this Part.

244. Part V, History sheets [Form No. 152-D of Schedule XL(A), Part II.

History sheets will contain a short account of the life of the person to whom they relate and all facts likely to have a bearing on his criminal history. They will be prepared, for all persons believed to be addicted to crime, both those who have been actually convicted and those whose habitual criminality is not yet established by legal proof. The conviction of a person for a heinous offence, such as robbery, dacoity, serious burglary or receiving stolen property, would ordinarily be sufficient to justify the opening of a history sheet, unless there be reason to believe that although convicted of one of those offences, the man is not a habitual criminal. For instance a history sheet would not be opened for a man who, though convicted of house breaking, is believed to have committed the offence in order to carry on an intrigue with a woman and not for the purpose of theft; on the other hand if a person suspected of being a receiver of stolen property or of being concerned in systematic cattle-theft, a history sheet should be begun even if he has not been convicted. In no case should a history sheet be prepared of a person who has been dealt with as a first offender under Section 562, Criminal Procedure Code. Proceedings under Section 110, Criminal Procedure Code should ordinarily not be taken until a history sheet establishes a case of bad livelihood. But if security has, in any case been demanded from person under Section 109 or 110, Criminal Procedure Code, before the preparation of a history sheet, such a sheet should at once be opened.

Any officer completing a sheet of history should note on the succeeding sheet that the final entry in the previous sheet has been made by him.

In all cases history sheets will be opened on the orders of the Superintendent of Police or other gazetted officer duly empowered. If any information favourable to an individual whose name has been entered in the history sheet is obtained, it should be duly recorded.

There should be no regular watching over the movement of persons for whom history sheets are opened, unless their names have been also entered in the wall chart maintained under Rules 261-V mentioned in Rule 250 but the officer-in-charge of the police station should make confidential enquiries regarding the mode of life of such person, when he visits his village and note in the history sheets information, both favourable and unfavourable which he may obtain in this or any other way.

If the man has not been suspected of complicity in any case during any calendar year, the fact should be noted in his favour at the commencement of the next calendar year.

All persons suspected in three or more cases of robbery, burglary, theft or of receiving stolen property should have their history sheets opened.

NOTES

Section 562 of Cr. P. C. as referred to in this Rule corresponds to Section 360 (3) to (6) of 1973 Code, reading as follows:-

"360. *Order to release on probation of good conduct or after admonition* - (3) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code (45 of 1860) punishable with not more than two years' imprisonment or any offence punishable with fine only and no previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

- (4) An order under this section may be made by any Appellate Court or by the High Court or Court of Session when exercising its powers of revision.
- (5) When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law;

Provided that the High Court or Court of Session shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

- (6) The provisions of Sections 121, 124 and 373 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.

For full texts of Sections 109 and 110, Cr. P. C. - see under Rule 123.

245. Instruction for writing up history sheet.

Detailed instructions have been embodied in the columns, and headings of the form of History Sheet.

Relations and connections - This should include any known criminal associates, details of whose residences, etc., should be collected and given.

Property and mode of earning livelihood - This should include in addition to a detailed account of the property, the number of persons he has maintain and his occupation and approximate earnings shall be noted. Number of earning members in the family shall also be noted.

Convictions - Should be entered in chronological order, giving date, name of convicting court, and terms of punishment.

The history sheet consists of two parts, V, the criminal record and VA, the annual note sheet. The object of Part V is to provide a complete dossier of the man's criminal activities, with a view to facilitating action under the preventive section of the Criminal Procedure Code and in it only such facts will be entered as are likely to be of use in instituting such proceedings. Every entry will be made by the officer in charge and will show in the margin the nature of the entry, the section of law concerned and the preventive section and clause for proceedings under which the entry would be of use. Every entry will invariably contain the names parentage and necessary addresses of corroborating witnesses.

In the case of criminals bound down under Section 109 or 110, Criminal Procedure Code, the names and addresses of persons whose sureties have been accepted should be recorded in the history sheets.

Part VA, Form No. 152-E of Schedule XL (A), Part I, consists of a separate sheet, attached to Part V by eyelets and tags. It will contain all particulars of visits paid to bad characters, enquiries made and information obtained by any means. The date of the visit, etc., and the general diary reference will be given in column I and the entry signed by the enquiring officer. Any information likely to be of value In Instituting a case under the preventive sections will be concisely transferred by the officer-in-charge to Part V, and the transfer, together with the entry number in Part V, entered in red ink in the column provided.

Part V A will be checked at least every three month by the Circle Inspector, and this fact noted; at the end of each year the Inspector will finally scrutinize it to ensure that every entry of importance has been transferred to Part V and will certify to that effect at the foot. The completed Part VA will then be detached and filed, and a fresh one brought into use.

When the individual method of a criminal has been ascertained by arrest and prosecution or from the statement of his confederate or by any other means, the method of his *modus operandi* should be entered in his history sheet, giving reference to the case or cases if there be any.

(For text of Sections 109 and 110, Cr. P. C. See - under Rule 123).

246. Index of persons convicted and for whom history sheets have been opened.

In order to facilitate reference, an index must be kept in Form No. 154 of Schedule XL (A), Part I of all persons whose names have been entered in Part III (conviction register) of the village crime note-book and of all persons for whom history sheets have been opened.

In this the names of those convicted should be entered in red ink and of the suspects in black. If a suspected person is subsequently convicted his name should then be underlined with red ink. Whenever the name of a person is entered in the index, a reference to the page number on which his name is noted should be given in the connected parts of the village crime note-book.

In addition to the above index, there will be maintained in each district police office, circle Inspector's headquarters and police station either in register form or card index, list of known and suspected burglars residing or operating in the respective jurisdictions, arranged alphabetically according to *modus operandi*, thus "wall cutters". "Door openers", "Sindh diggers". "Window breakers," etc., with their residences and references to history sheets or cases in which they have been concerned.

247. Original entries of proper names to be in capitals.

All names, when first entered in the village crime note-book should be in capitals.

248. Register of persons for whom history sheet have been opened.

While there will be a separate note-book for each village, there will be one register of all history sheets for each police station to be maintained in Form No. 155 of Schedule XL (A), Part I. Entries will be made in the latter when the history sheet of any person is opened under Rule 24-V. This will be a confidential register, and will be kept by the officer-in-charge of the police station.

Instructions for the maintenances of history sheets are laid down in Rule 244-V.

Suspects and convicts need not be treated separately. Reputed receivers of stolen property are often not convicted but their history sheet should be opened and their movements watched.

Column 7 of the register will contain the order of the Magistrate or the Superintendent of Police. The signature should be that of the officer who makes the entry.

Columns 8 and 9 will be filled up by the Superintendent of Police at the time of passing orders. Whenever any history sheet is closed for any reason under orders of the Superintendent of Police it should be removed from the main file and kept in a separate file. The order should be noted in the register.

Whenever any person is placed under surveillance under Rule 250-V, the order of the Superintendent of Police should be noted in red ink in the remarks column and his history sheet shall be removed from the main file and kept in a separate file with an alphabetical index at the beginning. All names shall also be entered in the wall chart maintained under Rule 261-V, which will serve the purpose of a surveillance register. When a man is removed from surveillance, his history sheet shall be detached from this file and placed in its original place in the main file

When a surveille leaves the limits of one station and resides in another within or outside the state for over three months, his history sheet shall be sent to the station where he goes and the fact noted against his name in the index and also in the wall chart. When the police station is in another state the history sheet shall be sent to the Superintendent of Police concerned. The officer-in-charge of the surveille's new station shall acknowledge receipt of the history sheet and continue to treat the surveille as a surveille of his own police station until he goes back to his former residence, when his history sheet shall be returned.

Surveillance (Rules 249 to 273)

249. Persons to be placed under surveillance.

It is impossible to define with absolute precision the class of persons to be placed under surveillance and much discretion must be left to the Superintendent of Police in the matter. They should remember that although surveillance is to be exercised by the village authorities the efficiency of the surveillance will depend largely on the supervision maintained by the station staff, and the number of surveillances must be limited to what the staff is able to supervise effectively. The list of persons under surveillance must therefore be confined to the narrowest possible limits, and in the Assam Valley districts except Goalpara, the Superintendent of Police should invariably consult the Deputy Commissioner before placing any man under surveillance. It may, however, be laid down that all persons answering any of the following descriptions should be placed under surveillance:

- (a) convicts, persons who have at any time during the past five years been convicted of dacoity, serious house-breaking, serious highway (including mail) robbery, professional drugging, professional counterfeiting, murder for gain, or uttering of counterfeit coin, or bad livelihood.
- (b) suspects, persons who are known or suspected to have been concerned in any of the above offences during the same period or who are, or are believed to be professional, habitual or notorious cattle-lifters or burglars, thieves, gamblers, receivers of stolen property, harbourers or abettors of thieves or to belong to any criminal tribe or gang.

No person falling under clause (b) should be entered in the surveillance register unless a history sheet has been opened and the orders of the Superintendent of Police obtained in the manner laid down in the following rule. The fact that an ex-convict is not entered in the surveillance register must not be construed to exempt the police from all further responsibility in regard to his action, and it will still be necessary for them to acquaint themselves with his whereabouts and associations, and they should continue to look him up from time to time as opportunity occurs.

250. Superintendent of Police to order entry in Surveillance Register.

When the history sheet of any person gives rise to a reasonable presumption that he is living a life of crime, a statement of the fact will be submitted to the Superintendent of Police who will decide whether there are sufficient grounds for requiring the police to exercise a closer supervision. It is

desirable that whenever possible this decision should be based on enquiry at the station and not merely on a written report. Should this decision be in the affirmative, the Superintendent of Police will direct the entry of the names in the surveillance register of the police station, the history sheet will then be maintained in much greater detail, and if the surveillance is effective a comparatively short period of close supervision will either show that the suspicion of criminal livelihood was unfounded, or will furnish evidence sufficient for the conviction of a specified offence or to justify the taking of security for good behaviour.

N.B. - The Superintendent of Railway Police must not order the entry of a suspect in the surveillance register without previous consultation with the Superintendent of Police of the district in which the person to be placed under surveillance ordinarily resides.

251. Elimination and addition of names in surveillance register.

The Superintendent of Police and Circle Inspectors will scrutinize the entries in the history sheets and surveillance registers whenever they visit a police station or an outpost. They must not be content to accept always without enquiry the opinion of the officer-in-charge of the police station in the matter of the removal of existing names or the addition of new names. They must go to the village where the suspected or ex-convicts reside and personally make enquiries from their neighbours. When an outbreak of crime occurs, it is often due to the fact that while the persons under surveillance have ceased to be active criminals, other criminals have arisen who are unknown to the police. When such an outbreak occurs- it is the duty not only of the officer-in-charge of the police station but also of the Superintendent of Police and of the Inspector to go out into the village and endeavour to ascertain who are the active criminals. If a Superintendent of Police decides to order the name of any person to be placed in the surveillance register, it may sometimes be expedient for him to take an opportunity privately to inform the individual that his conduct has been suspicious, and that his movement will be closely watched by the police.

N. B. - A Superintendent of District Police should not eliminate from the surveillance register the name of a person who has been convicted of an offence on a railway and whom the Superintendent of the Railway Police has ordered to be placed under surveillance without previous consultation with the Superintendent of the Railway Police concerned.

252. Surveillance of persons not convicted.

No name of an unconvicted person (see Rule 248 above) should ordinarily be retained in the register for more than three years. But, if for any special reason, it is desirable to retain the name, the special order of the District Magistrate must be obtained and renewed at intervals of one year on proceedings drawn up, either by the District Magistrate himself or a sub-divisional Magistrate or by a Superintendent of Police showing in detail the grounds on which surveillance is necessary. Those proceedings with the District Magistrate's order thereon, will form the record of information to be summarised in Column 7 of the register. Proceedings drawn up under this rule are to be treated as "confidential records", and should be kept by the station officer.

253. Rules under Section 565, Criminal Procedure Code.

The following rules have been prescribed by Government for the notification of residence of convicts under Section 565, Criminal Procedure Code:-

- I - An order passed under Section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall be notified to the Superintendent of the prison by the attachment of a copy of it to the warrant issued under Section 383, Cr. P. C.

- II - A convict against whom an order has been passed under the Code of Criminal Procedure, 1898 (Act V of 1898), Section 565, shall, three months before the date fixed for his release, if resident outside the State and six weeks, if resident in the State give to the Superintendent of the prison, in which he is confined, a true statement of the place in which he intends to take up his residence after his release. Such statement shall be taken down in writing, and shall be read over to the convict and signed by him in the presence of the Superintendent of the prison, who will countersign it. The written statement signed by the convict and countersigned by the Superintendent of the Jail shall, in each case, be sent, in duplicate, to the District Superintendent of Police together with the release notice of the prisoner. The three following rules shall be also clearly explained to the convict before he leaves the prison, he shall be told for what period is required to observe them, and a copy of them in his mother-tongue shall be given to him.
- III - If the convict after release does not, within ten days take up his residence, in the place mentioned in such statement, he shall attend in person at the police station or outpost nearest to the place in which he has taken up his residence, and notify to the officer-in-charge his place of residence.
- IV - If, after residing in any place, the convict desires to change his residence, he shall attend in person at the police station or outpost nearest to his place of residence for the time being, and there notify to the officer-in-charge the place to which he intends to change his residence and the date on which the change will take place. Such information shall be given not less than two days before his departure, when he is moving to place within the same police station, not less than five days when he is moving to another police station within the district, and not less than ten days when he is moving to another district. If however for any reason, he does not, within seven days of the date on which he has notified that his change of residence will begin, take up his residence at the place notified; he shall at once notify, in the manner above set out, the place where he intends to reside.
- V - If the convict intends to be absent from his residence for one or more nights, he shall, not less than two days before his departure, similarly notify the places to which he intends to proceed, and the probable dates of his arrival at, and departure from, such places.
- VI - In applying the foregoing rules to the case of a wandering man having no residence in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under Rule II where he intends to stay and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.

N. B.- (Assam Government Notification No. 2558-G. J., dated the 30th April 1925).

NOTES

Section 565 of Cr. P. C. corresponds to Section 356 of 1973 Code.

254. Working of the rules made under Section 565, Criminal Procedure Code.

In giving effect to the above rules no unnecessary harassment of ex-convicts should be permitted. Any reasonable excuse for failure to report residence or any intended change of or absence

from residence, or delay in reporting any change of residence, should be accepted, and no prosecution under Section 176, Indian Penal Code, should be instituted without the orders of the Superintendent of district or sub-divisional Magistrate. When any breach of the rules comes to the notice of an officer of a police station and is reasonably explained, particulars must be entered in the general diary. If any such breach is not at once reasonably explained, the station officer should make any summary enquiry which may be required to ascertain the facts, and submit a report through the circle Inspector, to the Superintendent of Police for orders. Any breach of the rules must be recorded in the village crime note book at police stations. The original statement as to the residence mentioned in clause (II) of Rule 253 will be kept in the police station where the convict has to notify his residence. If the ex-convict does not return to the proposed place of residence within a reasonable time, and his whereabouts are not known, the statement in duplicate received from the jail should be sent to the Superintendent of the district where he was last convicted, one copy being kept in the Superintendent's office and the other in the thana from which the man was sent up.

NOTES

Section 565 of Criminal Procedure Code corresponds to Section 356 of 1973 Code.

255. Patrols.

At the end of each dark fortnight the Officer-in-charge of Police station will examine his crime map, burglary chart and note book and will arrange for night patrols for any locality showing signs of developing into a crime centre, or where it is suspected that a gang may be forming, or suspected culprits reside. No definite instructions can be laid down as to the method of patrolling. The Officer-in-charge should use his discretion in devising and drawing up his plans for patrols with reference to the modus operandi of any particular gang or individual members suspected to operate in any particular area. His schemes must be kept strictly confidential until the last possible moment. No advance patrol programme should be drawn up and the benefits of surprise must always be borne in mind. The reports of work done in this direction will be submitted at the close of each month to the Circle Inspector who will comment and advice after gauging results.

Patrolling should not be confined to only one method; but as many useful methods should be employed as possible. For instance, the same area might be patrolled two or three times on the same night by different parties; and then be left alone for 4 or 5 days and the process repeated. Again the same area may be visited two nights in succession.

In this connection the use of bicycles should be encouraged as facilitating rapid movement.

Patrols whenever possible will be in charge of a responsible officer usually an Assistant Sub-Inspector, or junior Sub-Inspector and should consist of not less than two Constables, one of whom must be experienced and Intelligent and normally not more than four. The Officer-in-charge should supervise personally the working of his patrol parties as often as, possible. Circle Inspectors should also themselves supervise the patrolling in each Police Station for a short time and watch the results.

Patrol orders should be written on the left page of a note book, to be carried by the patrol leader, who will enter on the opposite page all information collected in detail - in particular the hours of visiting , surveilles and suspects. On, return of the party to the Police Station, the Officer-in-charge will enter any facts of use in the Village Crime Note Book.

256. Surveillance by village headmen and watchmen.

Surveillance in towns must be exercised by the police but in villages it must be entrusted to the village headmen and village watchmen. All village headmen must be furnished by the officer-in-charge of the police station or outpost with a list (If bad character within their jurisdictions, whenever any name is removed or any name is added, due intimation should be given to the village headmen to enable him to fill up his list or make necessary corrections as the case may be. But in the Assam Valley districts except Goalpara the list of bad characters and any addition or alteration to it will be communicated to the Gaonburas through the Deputy Commissioner or Sub-divisional officer and not by the police direct.

257. Verification of the antecedents of labour imported into Assam.

All other labour imported into Assam from States where Act VI of 1901 is in force, passes through the hands of the local agents in the various recruiting areas. If therefore, a known or suspected criminal, who must, as a matter of course, be a Police surveille in his home district, is recruited for service in Assam, the fact would be known and particulars of the individual, together with the special class of crime to which he is addicted, *modus operandi*, etc., should be supplied by the local police to the Superintendent of Police of the district in Assam to which he has been sent. Particulars of his destination, usually a tea-garden, can be obtained from the local agent.

The Superintendent of Police in Assam will send to the Superintendent of the labourer's home district if a notified criminal leaves Assam to return his home for any purpose whatever.

258. Procedure for the supervision of bad characters in tea-gardens and industrial concerns.

When persons who reside on or work in teagardens as coolies are placed under surveillance by the Superintendent of Police or the Deputy Commissioner, they will be photographed under Section 3 of the Identification of Prisoners Act (Act XXXIII of 1920), one copy of the photograph being affixed to the history sheet, and one hung up in the police station to enable the staff to recognise the features.

Such *dagis* will be looked up monthly by two constables deputed in rotation and quarterly by a Sub-Inspector. Unless the matter is of extreme urgency, the police officer will not enter the coolie lines without previously obtaining permission to do so, on each occasion, from the garden manager or his representative. When constables are deputed for the purpose, they should be furnished with a letter to the manager for the purpose.

The managers should be asked also to co-operate by promptly reporting any case of absence of a *dagi*, and if possible, to assist in tracing the man's movements.

This procedure, adopted to suit the circumstances, will be used also in the case of bad characters employed in industrial concerns as resident coolies.

259. Duty of police in regard to surveillance.

The duties of the village headmen and watchmen in regard to surveillance are given in the above rule. The duty of the police will consist in visiting not less often than once a month each person under surveillance, Such visits should ordinarily be made by a Sub-Inspector but when owing to the pressure of work of other special reason no Sub-Inspector is available for the purpose the thana officer may depute an Assistant Sub-Inspector to make the visit, recording his reasons for so doing in the general diary. The main objects of these visits is to see that the surveille is being properly looked after by the *village choukidar* and all his movements and the visit to his house of strangers are being duly

reported to the police station. If the village authorities are not doing their duty in this respect the fact should be brought to the notice of the Superintendent of Police who will take such action as may be necessary.

Night enquiries by the police will not ordinarily be necessary. They will be needed only when the village authorities are not doing their duty, or when the activity of any special criminal or gang of criminals calls for special measures. Although the primary object of the visits of the police is to find out whether proper surveillance is being exercised by the village authorities the opportunity must of course be taken to obtain all possible information as to the method of life and antecedents of the surveilles.

Although the officer-in-charge of the police station must exercise supervision mainly by personal visits, he will also be liberty to send out Assistant Sub-Inspectors, Head Constables, and Constables from time to time to ascertain whether bad characters are present in their villages. He may also send constables to camping grounds, *serais*, *ferries*, and all places of public resort, to pick up information. But in such cases the constable should be given definite instructions as to where he is to go. and the enquiries he is to make, and the time of return to the police station should be definitely fixed. The beat system, under which constables used to be deputed to make regular visits to all villages has been abolished.

The fact that any enquiry has been made by a constable or officer of higher rank will be entered in the general diary and all the information obtained thereby will be recorded in the history sheets.

260. Domiciliary visit report, Form No. 156 of Schedule XL (A). Part I

[Deleted *vide* correction slip No. 76, dated 13th November, 1947].

261. Wall chart.

In every police station and outpost a wall chart will be maintained for all persons placed under surveillance. It will consist of a list of all bad characters living within the jurisdiction together with their respective residence, the distance thereof from the police station or outpost, and the history sheet numbers.

These particulars will be given in the first four columns of the sheet - the remaining space will be divided into twelve columns, one for each month. Each column should be least 1 ½" wide and will contain the General Diary entry number with date and initials of the visiting officer or the District number in case of a constable. The G. D. entry should contain the names of witnesses in whose presence the respective Bad Characters were visited. If the bad character is in jail or untraced during any month this fact should be noted.

The object of the wall chart is to act as a reminder to the officer-in-charge and to display to inspecting officers the frequency with which bad characters are looked up.

262. Rules for reporting movements of bad characters.

When a bad character, whose name is entered in the surveillance register, leaves his home it will be the duty of the headman of the village or village-choukidar immediately to inform the officer-in-charge of the police station or outpost of the departure of such person and his alleged destination, if known. The information should be conveyed personally by the village choukidar if the distance to be travelled does not exceed five miles but if the distance be greater, and should it be more convenient to send a written report by post, the *panchayat* or the village headman should send by post

bearing a written report enclosed in an envelope, the chaukidar (in the chaukidari districts), confirming the information when he goes to the police station or outpost on the next parade day.

263. Bad Character : Roll A [Form No. 157 of Schedule XL(A), Part 1].

(a) The officer-in-charge of a police station will at once on receipt of the information, fill in a bad character roll (A), and will add a brief précis of the habits and manners of such bad character and forward it by quickest means, whether by hand or by post to the officer-in-charge of the police station within or outside the State within which is situated the place to which the bad character is alleged or believed to have gone. If the destination of a bad character is not known a copy of the roll should be sent to every police station within or outside the state to which there is any likelihood of his having gone.

(b) A police officer who receives the roll will at once acknowledge the receipt of it and immediately take steps to ascertain whether the bad character has arrived within the limit of his jurisdiction. If the bad character is found, the police officer will note the date and hour of his arrival, the name of the person with whom he is staying, and the names of any persons with whom he associates and he will arrange to have his proceedings watched in the same way as if he were a registered bad character of his own station within or outside the state. If he has not been traced on the expiry of one week from the receipt of the roll, the officer receiving the roll should return it with a statement to that effect on the back of it to the police station of issue.

(c) When the bad character leaves the limits of the station for his home or elsewhere, the officer-in-charge will forward the roll to the officer-in-charge of the police station within or outside the State to which the bad character has gone, noting on the back of it all the information regarding the individual's movements which was collected while he was residing within the limits of the station. If the bad character goes to a police station other than that in which he is registered, the officer-in-charge of the latter should be informed of the fact.

264. Bad character : Roll B [Form No. 158 of Schedule XL(A), Part I].

(a) If the village headman or watchman hears of the advent of a suspicious stranger in his village it will be his duty to question the person regarding his antecedents and residence, and to send to the police station, with as little delay as possible, all the information obtained by him. The procedure laid down in Rule 262 should be followed if the enquiry shows that there is reason to believe that the stranger is a bad character.

(b) On receipt of such information it will be the duty of the officer-in-charge of the police station to send roll (B) with the utmost possible despatch to the police station within or outside the State within the limits of which stranger alleges that he resides.

(c) On receiving such a roll the officer-in-charge of a police station should at once return it with complete information regarding the individual in question, if he is a resident of that station; while, if he is not a resident, the roll should be returned with a statement to that effect. In such case the officer who issued the roll must take all possible steps to discover the identity of the stranger.

(d) The nature of the information received regarding the stranger will guide the police officer as to the steps that should be taken, whether to institute proceedings under Section 109 or 110 of the Criminal Procedure Code, or to watch the movements of the stranger. Bad character rolls (A and B) for reporting the arrival or departure of bad characters on their return and the acknowledgements on them on return to the issuing officer should be pasted on the foil of the roll book. They should be destroyed after three years.

(For text of Sections 109 and 110 - See Rule 123).

265. Reporting of absence of prisoners.

With a view to ensuring an effective supervision over the movements of professional poisoners the officer-in-charge of police station or outpost in whose jurisdiction a convicted or suspected poisoner resides will report immediately by post direct to the officers mentioned below the absence of any poisoner from his home:

- (a) to the Deputy Inspector General of Police-in-charge of the Criminal Investigation Department;
- (b) to the Superintendents, Government Railway Police, Howrah, Sealdah, Allahabad, Haflong and Saidpur;
- (c) to the Superintendent of Police of his district; and
- (d) to the officer-in-charge of the nearest railway police station. Station Officers will therefore be required to make such arrangements as will ensure their receiving accurate daily information of the presence or absence of any convicted or suspected poisoner. Postcards, Form No. 160 of Schedule XL (A) will be used for reporting absence.

The above procedure does not dispense with the necessity for a free use of enquiry slips for controlling the movements of poisoners, and officers-in-charge of police stations are directed also to make special enquires about absent poisoners in order to enable the Superintendent of Police to submit special reports weekly to the Criminal Investigation Department showing the measures taken to trace the absentees. On the arrest or return home of a poisoner postcard intimation should be given to all officers to whom the absence has been reported.

Every possible effort should be made to trace the movements of poisoners throughout the period of their absence and suitable rewards should be given for information leading to discovery of the whereabouts of any missing poisoner.

266. Surveillance of criminals belonging the gangs.

(a) Surveillance should be by gangs. If a member of a gang is found absent, an enquiry slip should be immediately issued to all police stations within whose jurisdiction any of the members of the gang reside, stating the facts and enquiring whether any of the other members were absent at the same time. Similar steps are to be taken on the occurrence of a crime in which a known gang is suspected of having been concerned. In cases of dacoity, there should be no delay in issuing these enquiry slips. They should be issued immediately after the first information has been recorded and that the fact noted in the general diary, giving the number and date of the slip and the officer and the name of the police station to which the slip has been issued. It will be the duty of the officer receiving the slip to take action without delay, and to inform the officer who issued the slip of the result of the enquiry. He should enter in his general diary the date and hour on which he received the slip and the date and hour on which he returned it. In the event of any of the members of the gang being found absent, the fact and the number of the enquiry slip will be noted in the history sheet. All slips should be carefully filed as evidence of absence of gangs of known criminals simultaneous with an outbreak of crime is valuable evidence in bad livelihood cases. As much use as possible should be made of village *panchayat* and *chaukidars* to assist in the surveillance over gangs, and they should be encouraged by liberal reward, from the *Chaukidary Fund* to report the absence of a member of a gang or of the visit of any strangers to members of a gang.

(b) At each police station extracts should be maintained of those cases recorded in the gang register which concern it.

267. Surveillance of Juvenile offenders.

Juvenile offenders sent to reformatory schools should not be placed under surveillance or their names entered in the register, except under the order of the District Magistrate passed on the report on the school authorities.

268. Action to be taken against bad characters and suspicious strangers under the serais and Puraos Act.

This Act is an effective check upon the movements of bad characters and suspicious strangers who reside in hotels, *serais* and lodging-houses, and prey upon the public at important steamer or railway stations, district and sub-divisional headquarters and other commercial centres. It is also useful as a means of prevention and detention of crime and facilitates the tracing of missing or suspected persons. Wherever the Act is in force the *serai-keeper* is required to keep a list of visitors in Form No. 40 of Schedule VI and literate persons are to be encouraged to enter their names and illiterate to give their thumb impressions in the register. Illiterate *serai-keepers* are to be assisted by literate police officer from the police station.

If any person refuses to give information concerning himself or if any suspicion arises against any particular person or persons, the *serai-keeper* should be encouraged to report the fact immediately to the police for enquiry with a view to proceedings under Section 109, Criminal Procedure Code, if necessary.

Station officers who will as a rule, be authorised as Inspectors under the Act, should work the provisions of the Act carefully and treat the *serai-keepers* with tact, courtesy and consideration.

(For text of Section 109. Cr. P. C.- See under Rule 123).

269. Proceedings under Section 109, Criminal Procedure Code.

(a) When circumstances arise which justify proceedings being taken against a man under Section 109, Criminal Procedure Code, he should be arrested under Section 55 of the same Code, and if unable to furnish bail, sent to the Magistrate at once with a report stating the circumstances of his arrest and requesting that proceedings be instituted. It is to be observed that the circumstances which justify an arrest are identical with those which justify proceedings and are described in practically identical terms in Section 55 (a) and (b) and Section 109 (a) and (b) of the Criminal Procedure Code. Witnesses should therefore be sent with the accused to prove the arrest and the circumstances which justified the arrest. Enquiry should, at the same time, be started to ascertain the men's antecedents, and all information obtained in the course thereof should be laid before the Magistrate.

(b) If the Magistrate decline to grant a remand or further remand in order that the previous history of the accused may be ascertained, when the circumstances justifying the arrest have been proved the prosecuting officer should then move the Magistrate to require the accused to enter upon his defence, and if the accused fails to give a satisfactory account of himself, to make an order under Section 118, Criminal Procedure Code.

NOTES

For full text of Section 109 of Cr. P. C. - See under Rule 123.

For full text of Section 55 corresponding of Section 41 (2) of 1973 Code - See under Rule 49.

Section 118 of Cr. P. C. corresponds to Section 117 of the 1973 Code reading as follows:

"117. *Order to give security* - If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:-

Provided that-

- (a) No person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under Section 111;
- (b) the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive;
- (c) When the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

270. Proceedings under Section 110, Criminal Procedure Code.

A Sub-Inspector having formed an opinion that there exists in any village a habitual thief or a gang of them will proceed to open a history sheet for them as laid down in Rule 244 and will quietly without making his object known, make enquiries to ascertain whether in fact the man or men are habitual thieves and whether evidence will be forthcoming against them. If he believes that evidence will be forthcoming he will report confidentially to the Inspector and the latter, after taking orders of the Superintendent of Police or Sub-divisional Police Officer will find out from the Sub-divisional Magistrate or other Magistrate who is to take up the case when he will be able to visit the place to make the enquiry. A fortnight or so before the date fixed by the Magistrate for going to the spot, the Sub-Inspector accompanied by the Inspector, if possible should go there examine witnesses, fill up the prescribed form, and if evidence is sufficient arrest under Section 55, Criminal Procedure Code, the person proceeded against. If he finds that evidence is not forthcoming (but this should not often occur if he has made his preliminary enquiries carefully) the proceedings will be dropped. The persons arrested will be sent to the Magistrate, who should be moved by the prosecuting officer to draw up proceedings, to read them over to the accused, and to pass an order as to bail and fix an early date for the hearing of the case. On the date fixed he will go to the spot and should usually be able to finish the case on the same day.

When instituting proceedings under Section 110, Criminal Procedure Code, all information received about suspects will be noted by the investigating officer in his note book on the spot, and promptly transferred by him on his return to the police station to Part VA of the suspect, Particular attention should be given to obtaining evidence of suspicion in specific acts, and distinct and convincing evidence of association. All entries must invariably contain the names, parentage and residence of the witnesses.

NOTES

For text of Section 109 - See under Rule 123.

For text of Section 55 (new 41 (2)) - See under Rule 49.

271. Evidence in proceedings under Section 110, Criminal Procedure Code.

In cases under Section 110, Criminal Procedure Code, evidence of general repute must form the main basis of the prosecution. Under Section 117 (3), Criminal Procedure Code, evidence of general repute is admissible to prove that a person is a habitual offender.

The points to bear in mind in connection with evidence of repute are:-

- (a) that the witnesses should themselves be of good repute and in a position to know the reputation of the accused;
- (b) that they should be drawn, if possible, from different classes of the community and not only from the village of the accused but also from the neighbouring villages;
- (c) that they should be free from any suspicion of grudge against the accused. In particular if party faction exists in the village, it must be made clear that the evidence against the accused is not due to faction;
- (d) that the witnesses should speak of their own belief and not that of other people and that their belief carries little or no weight unless it is based on some reasonable ground.

Evidence of general repute may be corroborated by proof of

- (i) Previous convictions.
- (ii) Want of any known means of livelihood or manner of living in excess of such means.
- (iii) Association of the accused with other bad characters.
- (iv) Absence of the accused from his home, especially at night.
- (v) Occurrence of crimes at or near the place visited by the accused coincidence with such absence.

Evidence as to the habitual or casual association with known criminals and bad characters is most important, the inference naturally being that the person who so associates is himself a bad character, and proof of association is necessary to justify more persons than one being tried together under Section 117 (4), Criminal Procedure Code. Equally important also is the inference to be drawn from dacoities and other crimes occurring at or near places visited by the accused and coincident with such visits [*vide* Section 11 (2) of the Evidence Act].

A statement in Form No. 138-B of Schedule XL (A), Part (I) should accompany a report under Sections 109 and 110, Criminal Procedure Code.

NOTES

For full text of Sections 109 and 110, Cr. P. C. - See under Rule 123 and for Section 117 – See under Rule 138.

272. Conditional release of persons imprisoned for failure to give security.

A. The State Government have prescribed the following as the conditions upon all or any of which the conditional discharge of a person imprisoned for failing to give security may be made, namely:-

Such person shall –

- (a) abstain from doing any act hazardous to the community or to any person;
- (b) abstain from conduct similar to that in respect of which he was ordered to give security;
- (c) reside with a person to be approved by the Magistrate who orders his discharge;
- (d) not enter any area which may be specified by the Magistrate who orders his discharge;
- (e) proceed forthwith to his home district; and
- (f) notify his residence and change of and absence from residence to the police in accordance with the rules prescribed by the State Government under Section 565 of the Code of Criminal Procedure, 1898 - *vide* Assam Government Notification No. 3491-G. J., dated the 8th June, 1925.

B. The district magistrate can discharge a person as above. When therefor such an order is passed it is the duty of the officer-in-charge of the police station to enquire from time to time whether the person discharged is abiding by the conditions. In case of breach the fact should at once be reported to the district magistrate, through the Superintendent of Police, who may then cancel his conditional order whereupon any police officer may arrest him without warrant.

273. Gang register.

In order to prevent action which has been taken under Section 110, Criminal Procedure Code, against groups of bad characters (not being wandering gangs) from being lost sight of, a gang register should be maintained in every police station, in Form No. 155(A) of Schedule XL(A), Part I.

Several pages should be allotted for one gang and an index of the gangs should be kept at the beginning of the register. Inspecting officers will examine the register regularly during inspection and Superintendents of Police may remove the name of any member from the register, for reasons to be recorded in the remarks column. When any member of the gang leaves the jurisdiction of the Police Station or becomes untraced, all action taken about him should be noted in the remarks column.

Any other information considered likely to be useful may be added in the spare pages.

When opening this register, particulars of all gang cases in the past, as far as they are traceable, should be entered, in order to make it as complete as possible.

Wandering gangs (Rules 274 to 279)

274. Classification of gangs.

For the purpose of these rules gangs may be divided into four classes:-

- Class I F - Foreign gangs.
- Class II C - Gangs known to be criminal.
- Class III S - Gangs suspected to be criminal.
- Class IV H - Gangs believed to be harmless.

275. Harmless gangs are not to be interfered with.

It is to be clearly understood that it is not the wish of Government that the movements of persons who are *bona fide* engaged in trade should be in any way interfered with. Preventive action is only necessary in order to protect peaceful inhabitants from the depredations of wandering gangs whose real object is rather plunder or larceny than legitimate trade.

276. Duties of Chaukidars and Officers-in-charge of police stations on the arrival of gangs.

(1) All chaukidars are required to report, without delay, at their police stations, the presence or arrival within or departure from their village of any wandering gang.

(2)(a) On receipt of such information the officer-in-charge of the police station will personally visit the place where the gang is located, and if such gang is known or suspected to be either criminal or troublesome and oppressive, place it under surveillance. If the gang is not known or suspected to be either criminal or oppressive, he should not place it under surveillance nor interfere with it in any way, except to report its arrival, vide clause (c)

(b) All information received at police stations regarding the movements of wandering gangs should be entered in the station diary, and it will be the duty of Circle Inspectors to see that action under these rules is promptly taken by station officers.

(c) As soon as a gang arrives in the jurisdiction of a police station the officer-in-charge thereof will submit a report to the Superintendent of Police in Form No. 161 of Schedule XL(A), Part I.

At the same time, intimation of its arrival should be sent to the officer-in-charge of the police station from the jurisdiction of which the gang has come and similarly, when a gang passes out of the jurisdiction, intimation must be sent to the officer-in-charge of the police station which it enters.

If the gang is under surveillance, the constables carrying on the surveillance may not be withdrawn until relieved by men from the, new police station even though this entails entering another jurisdiction.

Every week a report in the same form containing up-to-date information regarding the movements of the gang should be continued to be submitted so as to reach the Superintendent of Police's office not later than Wednesday till the gang leaves the jurisdiction.

For the consolidated weekly statement to be submitted by the Superintendent of Police to the Criminal Investigation Department, see Part II.

277. Mode of surveillance of gangs.

(a) For the purpose of surveillance an adequate number of constables and chaukidar (in chaukidari districts) should be told off with clear instructions as to their duties. These men must carefully watch the movements of the gangs, more particularly at night.

(b) At frequent but irregular intervals the officer-in-charge of the police station or a junior officer deputed by him should visit the encampment of every wandering criminal or oppressive gang under surveillance within his jurisdiction and satisfy himself that the surveillance exercised by the constables and chaukidars is really effective. Such visits should be made at night whenever possible. The officer making the visit should also enquire from the residents in the neighbourhood about the behaviour of the gang, and if complaints are made against its members, he should enquire into them

and take such other action as may be necessary in the circumstances of the case. Full details of these visits should be noted in the officer's mufassil diary.

278. Action to be taken against criminal gangs In general and the foreign gangs in particular.

(a) If the gang is found to be criminal or oppressive, whether it be a foreign gang or not, no effort should be spared to bring the offenders to justice for specific crimes and in default of this to deal with the members of the gang under the preventive sections of the Criminal Procedure Code.

(b) If the gang belongs to class I, that is, if it is a foreign gang, and if it cannot be suitably dealt with under the Indian Penal Code or the preventive sections of the Criminal Procedure Code or if for any other reason the Superintendent of Police considers its presence in the district undesirable, he will move the district officer to submit a report of the circumstances through the divisional Commissioner to Government with a view to, the deportation of the members of the gang under the Foreigners Act (Act III of 1864). This Act applies to foreign Asiatic vagrants only. Under Section 2 the onus of proof that he is not a foreigner and not subject to - the provisions of the Act lies with the person so charged.

Full list and descriptive rolls of the persons to be deported should be submitted together with the left thumb impressions of all the male members of the party. It is a common practice for headmen of gangs to visit superior servants of the Government and to endeavour to obtain safe conduct passes, licenses to carry arms and certificates of respectability or of good behaviour by imposing on their good nature. These are on no account to be granted by local officers to gangs of this type, or to any member of such gangs and if it is found that a gang is given to soliciting certificates, a warning should be issued to officers likely to be approached.

279. Action on splitting up of a gang and in case it evades supervision.

Should a gang split up, part proceeding on one direction and part in another, immediate information should be sent to the officer-in-charge of the police station concerned to enable him, to take steps to keep all portions under watch if necessary. A gang should be considered to divide for the above purpose when two or more of its members depart from the gang together.

In the event of a gang of class I or II evading supervision, and if all enquiry (which should in no case occupy more than a week) has proved fruitless, the fact that the gang has been lost sight of will be reported for publication in the Criminal Intelligence Gazette. Should subsequently the gang reappear intimation should be sent to the office of the Deputy Inspector General of Police, C.I.D.

In the case of a gang going by rail or steamer to another State or to a native or feudatory state the fact should be reported for publication in the Criminal Intelligence Gazette, the railway or river police being informed at once.

CHAPTER V TOWN POLICE AND CHOUKIDARS Town police (Rules 280 to 283)

280. Division into beats.

Every town, municipality or union for which town police are sanctioned should be divided into beats of suitable size according to the character and density of the population and other

circumstances. A town map, on a scale preferably of 16" = 1 mile, but in any case not less than 6"=1 mile; showing all roads, lanes and alleys, buildings of importance, streams, drains and street lamps, together with the boundaries of all beats, should be kept in every police station, town outpost or beat house in the town, and entries should be made on it in the same way as on a rural police station crime map.

281. Number of men to be allotted to each beat.

The number of constables allotted to each beat should be six, in those towns only and in those beats where night patrols are required, and in others four, and should be maintained at this strength, casualties being replaced at once from the reserve. Town police work is irksome, arduous, monotonous and heavy, and it is unfair to expect a less number to carry out these exacting duties efficiently.

Head constables and supervising officers will be allotted according to the strength of the force, and the number and size of beats.

282. Periods and hours of duty.

Periods and hours of duty, the number of men on duty at a time and the manner of their employment will be laid down by the Superintendents of Police in town police standing orders.

The normal routine should divide a 24-hours day into 16 hours "day duty" and eight hours "night duty", day duty being divided into four watches of four hours each, and night duty into four patrols of two hours each. The duties should be so allotted that each man will have at any rate one clear night in bed in three:

- (a) By day, one man should be on duty in each beat, stationed at some central and conspicuous point, which he should not leave except for the regulation of traffic in the neighbourhood, to prevent an offence, to arrest a Criminal, or to report an occurrence to, his superior officer at the beat house or elsewhere,
- (b) By night, each beat should be patrolled - a patrol consisting of a pair of constables. Each patrol before leaving the beat house will receive instructions as to the route to be followed, points to be looked for, houses to be visited, etc. A patrol will not leave its beat except to effect an arrest or when called upon to assist a neighbouring patrol. At the end of its period of duty it will wait at some pre-arranged spot until relieved by the next patrol.

Clause (b) refers only to towns and beats for which night patrol have been sanctioned and six men per beat are available.

Arrangements for supervision by round officers by day and night will be made according to the circumstances by the Superintendent of Police.

283. The "disc" system.

To ensure that patrols carry out their duty, and visit the whole of their beat, the "disc" system will be used.

In each beat, at places which should be visited by the patrols, hooked nails should be provided in any suitable situation. The number of these will obviously vary according to circumstances, but should not exceed a dozen for anyone beat.

Each pair of constables, immediately before going on duty should be provided with a corresponding number of tin discs. Those for the first patrol should be punched with one hole, for the second with two, the third with three, and so on, and the patrol will be instructed to hang one disc on each hook. Round officers will also carry discs of a different pattern (e.g., triangular, or oblong, or with square holes) and hang them on the hooks visited. They will also note the number of discs found on each hook, and the time and place of meeting the patrols and the number of discs in possession of the patrols.

Each morning, after the withdrawal of the last patrol, the officer-in-charge of town police should arrange to have all discs collected (this can conveniently be done by a cyclist) and will examine and investigate the reason, should it appear that any post has not been properly visited.

Chaukidars (Rules 284 to 300)

284. Responsibility of officer-in-charge of police station for work of chaukidars.

The village chaukidar is of great importance as an aid to police work. Without his assistance even the most active officer can not get to know what is going on in his jurisdiction.

The chaukidar is not a well-trained or highly intelligent agent, but he is capable of much good work and the results attained depend almost entirely on the care, attention and tact exercised by the officer-in-charge of a police station or outpost. No officer-in-charge of a police station can be regarded as efficient whose chaukidars are inefficient. From the point of view of police administration the primary use of the, chaukidar is as a source of information.

285. Gazetted officers and Inspectors to attend chaukidari parades.

The Superintendents of Police, sub-divisional police officers (where posted) and circle Inspector must give their attention to chaukidar's work. They must attend chaukidari parades as often as possible to ascertain whether station officers have the confidence of their chaukidars and succeed in obtaining from them timely intelligence. Rewards to chaukidars should be given freely so far as the Chaukidari Fund permits and no suitable occasion should be allowed to pass of rewarding with as much publicity as possible any chaukidar who has done good work or who has given valuable information. On the other hand failure to report crime, likelihood of riots and the movements of bad characters must be reported to the Deputy Commissioner with a recommendation for punishment.

286. Information received from chaukidars to be noted in proper registers.

All information obtained from chaukidars will be recorded in the general diary except that which under the rules is to be entered in the village crime note book. In the general diary also will be recorded the number of men present, the number absent with excuse and without excuse and the number who have sent substitutes. The hour at which the parade was held should also be noted and the name of the officer who superintended it.

287. Prompt reporting of crime to be insisted on.

(a) Officers in charge of police stations should insist on chaukidars (i) promptly reporting all cognizable crime, (ii) immediately reporting any likelihood of serious riot and (iii) giving regular information of all movements of bad characters and suspected persons in their villages.

(b) Chaukidars who delay bringing information of matters which they are required to report immediately render themselves liable to dismissal. If it is manifest that there has been deliberate delay

in reporting a serious occurrence or the likelihood of a serious breach of the peace or that information has been actually suppressed, the Superintendent of Police will apply for the prosecution of the chaukidar concerned and instruct the prosecuting officer to press for an exemplary punishment. Chaukidars are not bound personally to report occurrences to landholders or to their agents or to headmen village or panchayats and the plea that they did so should not be accepted, as an excuse for delay in reporting at the police station. In estimating whether a report has been unnecessarily delayed should be reckoned that a chaukidar when travelling by road should progress at a rate of not less than 21 miles an hour.

288. Neglectful chaukidars to be reported for punishment.

Police officers when investigating any robbery, burglary, theft or other offence will ascertain whether the chaukidar was present at his post when the offence was perpetrated; and if not, why he was absent and whether there is reason to believe that he was himself concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a chaukidar, the officer-in-charge of police station will forward a report to the Superintendent of Police recommending his punishment. The report should state clearly the nature of offence, and contain a record of the statements of any persons who may be acquainted with the particulars of the case, and of the defence of the chaukidar. If the chaukidar has been reported or punished on any former occasion, the fact should also be noted.

A serious riot, particularly one connected with the land seldom occurs suddenly and without previous preparation. When therefore such a riot occurs, as to the probability of which the chaukidar has given no previous information to the police, the chaukidar's explanation must be taken and submitted to the Superintendent of Police. If such riots frequently occur in any police station without the officer-in-charge having any previous knowledge of their likelihood to arise, it may be taken as an almost certain indication that the police officer is apathetic or incapable.

289. Appointment, status and function of chaukidar.

(a) Men of high caste are generally unsuited for the post of chaukidar. Small cultivators and labourers of good character should be chosen. Foreigners should not be appointed if local men are available.

(b) Police or other Government Servants are prohibited from employing chaukidars on their private concerns as servants or any duties of a menial or degrading kind. Superintendents of Police must see that the order is obeyed and will make it the special subject of enquiry when inspecting police stations or outposts taking disciplinary action if the rule has been disregarded.

(c) Chaukidars are not subject to the provisions of the Police Act, 1861 (Act V of 1861). They are not police officers except for purposes under the Cattle Trespass Act (Section 3, Act I of 1871). They are, however, subject to the orders of officers-in-charge of Police Stations and other superior police officers, and are public servants under Section 21 or the Indian Penal Code.

NOTES

Section 121 of I. P. C. provides for the details as to who are the public servant.

290. Chaukidars not to be detained unnecessarily at police stations and not, to be taken from their villages.

Chaukidars are not to be detained at a police station or outpost except in connection with the investigation of a case which occurred in their own village. They must not be taken away from their villages for miscellaneous or other work except in cases of special urgency, as when they are required to guard or escort prisoners.

When engaged on escort duty or on duty in connection with arrangements for guarding railway lines, or roads during the visit of the President or the Governor to any mufassil station or any other public service outside their ordinary duties, dafadars and chaukidars will be given the following allowances:-

- (a) A diet allowance of annas six for each day of halt at a place more than five miles away from their homes.
- (b) A daily diet allowance of annas six provided that the journey by road is performed to go to places not within a radius of five miles from their homes.
- (c) Single class fare admissible to Government servants of the fourth grade for journeys by rail or steamer and in addition a daily diet allowance of annas six for the duration of such journeys, provided that this allowance shall not be drawn in addition to the allowance under clause (a) above, when both the journey and the halt fall in the course of the same day.

These charges will be met from the grant under the head "Travelling allowance of force and Establishment" in the budget of the Superintendent of Police.

The payment shall be made in advance, and if this is not possible, arrangement should be made for payment in the next Chaukidar's parade day attended by the dafadar or chaukidar. Superintendents of Police shall exercise careful scrutiny in admitting the claims under clause (a) above, so as to ensure that a larger number of days' absence than reasonable is not allowed.

291. Chaukidar's sanad.

Each chaukidar will be given a *sanad* in Form No.5 of Schedule LIX (Part II). This *sanad* should stand in the place of the service sheet and be a record of his appointment and conduct, good and bad. Each should have in addition a tin or bamboo *chunga* in which to preserve his birth and death *hatchitas*, his *sanad* and his salary receipt book.

292. Register of village chaukidars.

For a register of village chaukidars the attendance register in Form No. 30 of Schedule LIX, Part II, will be used. The villages will be entered under their *panchayati* circles according to geographical order beginning from the north-west corner of the jurisdiction from the police station jurisdiction map which will show the situation of each *panchayati* circle. The register will be checked once a year with the villages in the revenue list. At the beginning of the register, pages will be allotted for an alphabetical index of villages and hamlets. The name of one chaukidar only will be entered on each page. If there is one chaukidar for two or more villages all the villages will be entered on one page under the name of the most important village.

In the last column of the register will be entered the date of first appointment of the chaukidar and his age at the time of appointment, particulars of all good or bad work appointments, dismissal, warnings, rewards, etc., with a note of the authority on which the entry is based. The District or Sub-divisional Magistrate will communicate to the officer-in-charge of the police station or outpost all necessary information on these points.

293. Duties of chaukidars.

Every chaukidar appointed under provisions of Act VI of 1870 shall perform the following duties (Section 39, as amended by Bengal Act I of 1892):-

- 1st - he shall give immediate information to the officer-in-charge of the police station within the limits of which the village is situated of every unnatural, suspicious or sudden death which may occur and of any offence specified in Schedule B* which may be committed within his village, and he shall further keep the police informed of all disputes which are likely - to lead to any riot or serious affray:

* Schedule B - offences to be reported and for which a chaukidar may arrest.

Murder, Culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping and all attempts and preparation to commit and abetments of the said offences.

- 2nd - he shall arrest all proclaimed offenders and any person who in his presence commits any offence specified in Schedule B*; and any person against whom a hue and cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within his village or outside it and shall, without delay, convey any person so arrested to the said police station;
- 3rd - he shall, to the best of his ability, prevent and may interpose for the purpose or preventing, the commission of any offence specified in the said schedule;
- 4th - he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrest without delay to the officer-in-charge of the said police station;
- 5th - he shall observe, and, from time to time report, to the officer aforesaid, the movements of all bad characters within his village;
- 6th - he shall report to the officer-in-charge of such police station the arrival of suspicious characters in the neighbourhood;
- 7th - he shall report to the officer aforesaid, in a form signed by one member of the panchayat the births and deaths, if any, which have occurred within his village at such intervals as the District Magistrate may determine;
- 8th - he shall report to the officer aforesaid the death or absence for more than two consecutive months of any member of the panchayati;
- 9th - he shall supply any local information which the District Magistrate or any police officer may require;

10th - he shall obey the orders of the Panchayat in regard to keeping watch within his village and other matters connected with his duties as chaukidar;

11th - he shall assist the person collecting the rate in making such collection.

Wilful omission to perform these duties is punishable under Sections 166, 176 and 202 of the Indian Penal Code.

In addition to the offences and other occurrences mentioned above chaukidars should forthwith report to the officer-in-charge of the police station the breaking out or existence of any sickness or epidemic; the occurrence of large fires, storms or inundations, and the amount of damage done; any damage to telegraph posts or wires, the state of the roads, rivers and crops and other important matters. They must also to the best of their ability assist the police in the execution of their duty, and should carry out all lawful orders issued by the police in the course of such duty.

They are also required to inspect and report on the condition of village boundary-marks in cadastrally surveyed areas, and report on their condition at the first parade held in the month of January each year.

NOTES

In this Rule Sections 166, 176 and 202 of I.P.C. have been referred to.

Section 166 of I.P.C. deals with the offence of public servant disobeying law, with intent to cause injury to any person, for which the punishment prescribed is simple imprisonment for a term which may extend to one year, or with fine, or with both. The ingredients of the offence are;

- (1) Must be public servant.
- (2) He disobeyed any express direction of law.
- (3) Knowingly disobeyed.
- (4) Intending to cause or knew that it will be likely to cause injury to any person.

For Section 176 of I.P.C. see notes under Rule 72. Section 202 of I.P.C. deals with the offence of intentional omission to give information or offence by person bound to inform, for which the punishment prescribe is imprisonment of either description for a term which may extend to six months, or with fine, or with both. The ingredients of the offence under this section are-

- (1) Offence which was not informed was committed.
- (2) Accused knew or has reason to believe that an offence was committed
- (3) He omitted to give information thereof.
- (4) Such omission was intentional.
- (5) Accused was legally bound to give such information which he omitted to give.

To sustain a conviction under this section prosecution has to prove (1) That the accused had knowledge or reason to believe that some offence had been committed, (2) that the accused had

intentionally omitted to give information respecting that offence, and (3) that the accused who legally bound to give that information. AIR 1979 SC 1232 (*Harish Chandra Singh v, Sajjan Singh Rathod*).

294. Rewards to chaukidars.

The following are the orders of Government in regard to rewards to chaukidars:-

"Rewards" should be given freely so far as the Chaukidari Fund permit. Such rewards should not ordinarily exceed the sum of Rs. 10 but the District Magistrate may, if the state of the Chaukidari Reward Fund justified it, sanction a reward of not more than Rs. 50. For the amount exceeding Rs. 50 the sanction of the Commissioner should be obtained. Rewards should, whenever possible, be paid by the Superintendent of Police in person, and in his absence, by an officer not lower in rank than an Inspector. They should, as a rule be presented at chaukidari parades and in all cases with as much publicity as possible.

Rewards should ordinarily be given for –

- (i) information leading to the prevention or detection of crime;
- (ii) seizure or recovery of stolen property;
- (iii) arrest of offenders or absconders;
- (iv) personal courage shown in resisting dacoits or ,in capturing thieves or other offenders;
- (v) meritorious conduct not included in the above clauses which the District Magistrate, with the concurrence of the Divisional Commissioner, considers deserving of a special reward.

295. Attendance Register of chaukidars.

On the chaukidars being paraded, all the columns of the attendance register, Form No. 30 of Schedule LIX (Part II), will be filled in with black ink in the case of those who present while red ink will be used for absentees, no space being on any account left blank. Chaukidars who show good reasons for absence may be allowed to send proxies provided the proxies are physically qualified, but the Superintendents of Police will see that this privilege is not abused. The names of all chaukidars absent from muster who have not sent substitutes and whose absence is unexplained and apparently wilful, should be entered in the general diary immediately after the parade is held and on the first Tuesday of the month their names should be reported in Form No. 20 of Schedule LIX (Part 1) for the orders of the Superintendent of Police, Sub-divisional Officer or District Magistrate according to the practice prevailing in the district. In the attendance register will be noted against each village:-

- (a) The section and date of every true case; (i) of any offence against property; (ii) of a serious offence against the person, i.e., an offence punishable under any section of Chapter XVI, Indian Penal Code, except Sections 323, 334, 336,337, 341, 352, 357 and 358; (iii) of riot and of unlawful assembly which may have occurred in the village;
- (b) births and deaths;
- (c) the names of men under surveillance or suspects;
- (d) the names of absconders from the village.

At the end of the year it will thus be a record of the criminality of group and of each village in that group.

NOTES

In this Rule reference has been made to Chapter XVI of the Indian Penal Code, which deals with the offences effecting the human body and effecting human life, from Sections 299 to 377, out of which Section 323 dealing with punishment for voluntarily causing hurt; Section 334 dealing with voluntarily causing hurt of provocation, Section 336 dealing with an act endangering life or personal safety of others; Section 337 dealing with causing hurt act endangering life or personal safety of others; Section 341 dealing with punishment for wrongful restraint; Section 352 dealing with punishment for assault or criminal force otherwise than on grave provocation, Section 357 dealing with assault or criminal force in attempting to wrongfully to confine a person and Section 358 dealing with assault or as criminal force on grave provocation, have been expected.

296. Muster Parades.

The following are the rules for holding chaukidari muster parades. The chaukidars within the jurisdiction of each police station and outpost will be separated into two classes:-

- (i) those belonging to villages within a radius of ten miles:
- (ii) those belonging to villages within a radius of more than ten

The former will attend once a fortnight and the latter once a month. These two classes will be further sub-divided into groups of twenty or any less number of chaukidars under a dafadar (where there is one). Each chaukidar will have his group number and his individual number in that group. The odd and even numbers of each group will attend on separate days in the week, to be fixed by the Superintendent of Police with reference to local conditions, such as *hat* days, etc., and will be attended by their dafadars, where these are appointed. When there are two or more chaukidars in a village, they should attend alternately, so that there may always be one chaukidar present in the village. The parade will be held at such an hour as to admit of chaukidars returning to their villages by sunset. Punctuality must be strongly insisted on.

The officer in charge must preside at the parade and must not delegate the duty to a subordinate except for very good reasons, which must be recorded in the general diary. Rewards will be distributed and punishments made known on parade days.

297. Questioning the chaukidars on muster parade.

(a) After recording the attendance, the officer holding the parade will read out the question given in paragraph (b) below and will satisfy himself that they are understood and properly answered. He will ask for such information as he may require. The question will be dealt with *seriatim*. All chaukidars having information to give under any particular question will stand up and remain standing until their information has been recorded. Chaukidars should be catechised to ascertain whether they are acquainted with the absconders, proclaimed offenders, released convicts, suspected characters and *lathials* residing in or having relations in their Village. Any important information that chaukidars may have to give should as a rule be communicated to the Sub-Inspector privately and after the parade is over.

(b) The following questions are to be put to chaukidars on parade:-

- (i) Has any convicted or suspected bad character who lives in your village been absent from his home?
- (ii) Has any person whom you known or suspect to be a bad character, or of whose antecedents you are ignorant, visited your villages?
- (iii) Have you heard of any dispute likely to lead to a breach of the peace having occurred about land, *jalkar*, right-of-way or marriages?
- (iv) Have any cattle been reported as lost or strayed from your village? Have any suspicious deaths of cattle occurred and has any person suspected of cattle poisoning visited your village?
- (v) Are the telegraph wires in or around your village in any way obstructed or is any injury caused to the survey pillars, government trees, bridges, etc. standing therein?
- (vi) Is there any outbreak of cholera, small-pox or other epidemic disease in your village?
- (vii) Have any fires broken out - if so - what are the details?

(in water districts)

- (viii) Have any suspicious boats been seen in your village ?

The information obtained in answer to (i), (ii) and (iii) will be entered in the village crime note book, and answers to questions (iv), (v), (vi), (vii) and (viii) in the general diary.

The questions specified above are intended to be of general application, and to meet the special requirement of particular areas. District Magistrates are at liberty to prescribe further questions subject to the approval of the Divisional Commissioner. It is desirable that the number of questions should be as few as possible, and to prevent such special questions being continued after they are no longer required, they should only be sanctioned for a limited time, after which they should be reconsidered.

The information obtained in answer to questions prescribed by the District Magistrate will be entered in the general diary.

Superintendents of Police will personally see that questions are properly put to chaukidars and that the answers are duly recorded. Information will be separately given in regard to the following matters for which separate register have been prescribed:-

- (i) births and deaths;
- (ii) deaths of men and cattle by wild animals and snakes;
- (iii) outbreaks of cattle disease;
- (iv) state of the crops.

Excise officers are allowed to attend the chaukidari parades and explain excise matters to chaukidars and to get from them information of any offence against the excise law.

298. Recording births and deaths.

When birth and death reports are called for, each chaukidar will hand in the Hathchita. These forms, whether containing entries or not, should be authenticated by the signature of a member of the Panchayat, and must be brought in by the chaukidar even when blank. Fresh entries will be transcribed into the registers by a police officer while the parade is going on.

299. Dismissal of parade.

Having recorded in the general diary and appropriate registers all information obtained, with the numbers and names of absentees and the exact time of muster and the duration of the parade, the officer holding the parade will dismiss the chaukidars without avoidable delay so as to enable them to reach their homes before nightfall.

300. Duty of dafadars.

The duty of a dafadar (dafadars are appointed in the Goalpara district only) is to keep all the other chaukidars in the village up to their work. Under Section 41 of Act VI (B.C.) of 1870, he must himself be under the general control of the panchayats, but his position is that of petty officer above the other chaukidars, and he will be the recognised intermediary between the thana police and the body of village watchmen.

N. B. - Dafadars will be paraded alongwith the chaukidars under them and not separately.

APPENDIX A

(Rule 70)

Books, registers and files to be kept up at Inspector's office, police stations and outposts

| No. | Name of register and file | Authority under which kept up | Orders with regard to preservation and destruction |
|-----|---|-------------------------------|--|
| 1 | 2 | 3 | 4 |
| 1 | Inspector's weekly diary. | Rule 24 | Part V Three years. |
| 2 | Inspector's note book. | 26 | " Ditto. |
| 3 | Register of receipt and issue of service stamps for telegram. | 48 | " Ditto. |
| 4 | General diary (To be kept at beat houses also). | 53 | " Ten years. |
| 5 | Register of first information reports. | 116 | " Counterfoils to be separated and filed with case diaries to which they relate. |
| 6 | Register of cases in which no first information report is used. | 123 | " Ten years. |
| 7 | Enquiry slip books. | 155 | " Three years after all enquiries have been replied to. |
| 8 | Register of charge sheets. | 217 | " rowspan="3">} Counterfoil to be separated and filed with case diary to which it relates. |
| 9 | Register of final report forms. | 222 | " |
| 10 | Register of unnatural deaths. | 229 | " Three years. |
| 11 | Village crime note book, Parts I, 231 II, III, IV, V and V-A. | 231 | " rowspan="4">} Permanently |
| 12 | Alphabetical list of villages. | 235 | " |
| 13 | Index of persons convicted and of persons for whom history sheets have been opened. | 246 | " |
| 14 | Surveillance register. | 248 | " |
| 15 | Domiciliary visit report book. | 260 | V (Rule 260 deleted). |
| 16 | Bad character roll A. | 263 | " rowspan="2">} See Rule 264. |
| 17 | Bad character roll B. | 264 | " |
| 18 | Attendance register of chaukidars. (To be kept at beat houses also). | 265 | " Three years. |
| 19 | Register of absconded criminals escaped offenders. | 71 | " Will be destroyed after all offenders entered in it are arrested or when a new register is made out in which all absconders of the old register still at large have been re-entered. |

| | | | | |
|----|---|-----|---|--|
| 20 | Counterfoil of receipt cheques. | 75 | " | Three years. |
| 21 | Thana and outpost khatian inspection register. | 76 | " | Permanently. |
| 22 | Register of papers received and, despatched. | 78 | " | Three years after action has been taken on all letters entered in it. |
| 23 | Inspection register. | 79 | " | Permanently. |
| 24 | Register of processes. | 82 | " | Three years |
| 25 | Register of fine warrants. | 86 | " | Will not be destroyed till all outstanding fines are realised or till a new book is opened in which all outstanding fines have been entered. |
| 26 | Daily register of births. (To be kept at beat houses also). | 90 | " | } Will be sent annually to Magistrate's record-room. |
| 27 | Daily register of deaths. (To be kept at beat houses also). | 90 | " | |
| 28 | Register of human beings and cattle killed by wild animals. | 93 | " | Three years |
| 29 | Register of property stolen and of all articles taken charge of by police. | 95 | " | Five years. |
| 30 | File of command certificate. | 40 | V | Three years. |
| 31 | File of mufassil diary. | 55 | " | Ditto. |
| 32 | File of original case diaries including all case papers. | 193 | " | To be dealt with according to instructions laid down in Rule 81. |
| 33 | File of certificate of despatch from police station and receipt at headquarters lock-up of prisoners; | 213 | " | To be kept with case diary after disposal of the case. In cases where no case diary is used the certificates may be destroyed at the end of three years. |
| 34 | File of released convicts statements under Section 565, Cr. P. C. | 253 | " | To be destroyed on expiry of the period for which the residence is to be notified. |
| 35 | File of report of non-payment of wages of chaukidars, | .. | " | Three years. |
| 36 | File of monthly cash account. | 73 | " | Ditto. |
| 37 | File of station statistics. | 76 | " | Permanently. |
| 38 | File of the list of persons licensed to carry arms. | 80 | " | To be destroyed on receipt of fresh lists. |
| 39 | File of pound forms, C. G. I. | 105 | " | Three years. |
| 40 | File of circular orders. | 89 | " | Permanently till withdrawn or cancelled. |
| 41 | File of translation. | .. | " | Ditto. |
| 42 | File of receipt of cash and property. | .. | " | Three years. |

| | | | | |
|----|--|----|---|--|
| 43 | File of unexecuted warrants. | 83 | " | Permanently till executed, withdrawn or cancelled. |
| 44 | File of original copies of periodical returns. | 89 | " | Will be filed separately and kept for three years. |
| 45 | File of miscellaneous returns. | 89 | " | Ditto. |
| 46 | File of discharge slips. | 89 | " | Permanently or till death of the discharged man. |
| 47 | File of crime maps. | 77 | " | See Rule 77. |
| 48 | File of original copies of telegrams. | 48 | V | Telegrams relating to investigation should be kept with case diaries. In other cases the file to be preserved for three years. |
| 49 | File of police gazette. | 86 | " | Ten years. |
| 50 | File of Criminal Intelligence | 86 | " | Fourteen years. |

N. B.- In subordinate outposts, all the above registers and files excepting Nos. 6, 9, 10, 11, 19, 29, 39 and 48 will be maintained. There will also be a "Register of all cases enquired into subordinate outposts" which will be preserved permanently. In places, where the subordinate outpost is more close to a telegraph office than to the parent police station register No.4 and file No. 48 will also be maintained there.

APPENDIX B

Sample Case Diary

(Rule 191)

Case diary No.1, dated the 1st November, 1929

| No. and hour of entry 1 | Place of entry 2 | Synopsis of entry 3 | 4 |
|----------------------------|---------------------|--|--|
| 1 10 A.M. | Police Station | Gist of first information report | Ramcharan Das of Harishpur, complainant came to the police station at about 9 A.M. and lodged an ejarah to the effect that on the previous night At about 1 A. M. some five or six men armed with lathis and swords broke open the eastern door of his main house, threatened the inmates and carried away utensils, ornaments and cash value at Rs. 1,000. Some of the utensils and ornaments contain distinctive marks of identification as detailed in the list of property given in the first information report. None of the culprits could be recognised by the complainant. All of them seemed to have put on whiskers. A case is started under Section 395, Indian Penal Code, and investigation taken up by me, the second officer in the absence of the officer-in-charge. The village crime note-book has been consulted regarding the suspects of the locality. (Here note the names and <i>modus operandi</i> of the suspects) |
| 2 10-30 A.M. | Police Station | Starting for place of occurrence | I, Sub-Inspector Mahamed Ali, started for the place of occurrence with two constables. |
| 3 1-30 to 3-30 P.M. | Harishpur | Arrival at the place of occurrence and commencement of investigation | Arrived at Harishpur, the village where the occurrence took place and visited the house of the complainant. Inspected the scene, found no foot or finger prints capable of comparison. Had a map of the place of occurrence drawn up by a draftsman named |
| 4 3-30 to 4-30 P.M. | Harishpur | Examination of the complainant and the Inmates of his house | Examined the complainant and his two brothers Jadu and Madhu who live in the same joint mess. All of them corroborated the facts stated in the ejarah. |
| 5 5-7 P.M. | Harishpur | Confidential enquiry | Made confidential enquiry regarding the movements of bad characters of this and the surrounding villages and started back for the police station. |
| 6 10 P.M. | Police Station | Return to police Station | Returned to police station. Received orders from the Circle Inspector to hand over the investigation to the officer-in-charge who has returned to station in the meantime. Made over the papers to the officer-in-charge Sub-Inspector Abdul Hamid and closed diary. |

MAHAMED ALI,
Sub-Inspector.

Case diary No.2, dated the 2nd November, 1929

| 1 | 2 | 3 | 4 |
|-----------------|----------------|------------------------------------|--|
| 1 8 A.M. | Police Station | Taking up of investigation | Having taken over the investigation from Sub-Inspector Mahamed Ali under orders of the Circle Inspector, I have gone through the diary No. 1 and discussed the case with the said Sub-Inspector. Left for the place of occurrence and commenced investigation. |
| 2 11-30 A.M. | Harishpur | Arrival at the place of occurrence | Arrived Harishpur, the place of occurrence and commenced investigation. |

| | | | |
|----------------------|-----------|---|---|
| <u>3</u> 1-4 P.M | Harishpur | Facts ascertained by examination of witnesses | Came to learn that bad characters A, B, C, D. and E. of the neighbouring village (Narayanpur) were seen at the house of one Narendra Das in village Harishpur at about 10 P.M., on the night of occurrence. They gave out that they had come from a distant place, appeared tired and sat and smoke till 11 P.M. Suresh Roy and Paresh Roy, neighbours of Narendra Das who were then smoking can prove this. I further ascertained that A,B,C, D and E were seen leaving Harishpur at about 2 A.M., carrying bundles and armed with swords and lathis. Nalini Kar and Pulin Kar who were resting on their return from a marriage ceremony can prove this. |
| <u>4</u> 6-7 P.M | Rampurbat | Facts ascertained by examination of witnesses | I visited Rampurhat, 6 miles from Harishpur and learned that C, D and E had enquired of Debendra Roy and Surendra Roy of Harishpur on the day following occurrence whether they had rumours of the Harishpur villagers suspecting them of the crime. They mentioned their uneasiness as they were on bad terms with several people of Harishpur. |
| <u>5</u> 9 P.M. | Harishpur | Engagement of chaukidars | Returned to Harishpur and called the chaukidars of that village and Narayanpur and instructed them to keep a close but unobtrusive watch over the houses of the accused at Narayanpur with a view to see that nothing is removed therefrom during the night. |
| <u>6</u> 9-30 P.M | Harishpur | Requisition of constables and halt | Sent a chit to the Police station to send ten constables in the early morning tomorrow. Halted at Harishpur and closed diary. |

ABDUL HAMID.
Sub-Inspector.

Case diary No. 3, dated the 3rd November, 1929

| | | | | |
|---------------------------|-----------------------|----------------------------|----------------|--|
| <u>1</u> 5 to 5-30 A.M | <u>2</u> Harishpur | <u>3</u> Grounds search | <u>4</u> of | From the fact that A,B,C, D and E of Narayanpur were seen late at night at Harishpur; that they were found going away from Harishpur armed with swords and lath is at about 2 A.M., carrying some bundles and that C, D and E had enquired of some people of Harishpur whether they were suspected by the villagers. I am led to believe that A, B, C, D and E committed the offence and have got the stolen properties ornaments, utensils and money in their houses. As these things cannot be obtained without delay by any means-other than an immediate search of the above named persons' houses, I now start for conducting the search. A copy of this entry is sent with the circle Inspector's copy of the diary with a request that he will forward it to the Magistrate as required by sub-section (5). Section 165, Criminal Procedure Code. |
|---------------------------|-----------------------|----------------------------|----------------|--|

| | | | |
|---------------------|----------------|--|---|
| 2 6 to 9-30 A.M. | Narayanpur | Search and seizure | At 6 A.M., arrived at Narayanpur about a mile and a half from Harishpur and made a simultaneous raid of the houses of A, B, C, D and E on the strength of information received yesterday, with the help of constables and chaukidars. The search was made in the presence of the occupants of the houses and two respectable men of the locality Sashi Acharya and Nishi Acharya after we had allowed our persons to be examined by the respective occupants. In A's house all the ornaments and cash stolen were found below the plinth which was dug up. The utensils were found in a macha inside a wooden box. Three big lathis and two swords were also seized from the macha. I took all the articles in my custody as the complainant who came with me identified the utensils, and the ornaments as his. The articles were labelled, marked and attested by the signatures of the search witnesses. A search list in duplicate was prepared by me in accordance with the provision of Section 103, Criminal Procedure Code, of all the properties seized in A's house, and it was signed by the two search witnesses-Sashi and Nishi Babu, and A himself. The carbon copy of the search list was given to A and he acknowledged the receipt in the original copy. |
| 3 10 to 11 A.M. | Narayanpur | Arrest of accused persons | Arrested A,B,C,D and E in their houses, searched their persons and took them into custody. |
| 4 2 to 4 P.M | Harishpur | Statement of accused persons. | Brought all the accused to Harishpur and examined them. B, C, D and E made no statement but A said that he with the others conspired together to commit the dacoity about seven days ago. They went several times to the village of the complainant to get an idea of the places in which the valuables were kept by the complainant, and also went to Harishpur and smoked tobacco in the house of Narendra Das but did not tell him anything about their object. After midnight he said, they committed the crime and all the properties were deposited in his house pending division amongst them. The lathis and swords were used for the commission of the crime. He further said that the whisksers used were subsequently burnt. |
| 5 7.30 P.M. | Police station | Return to police station with the accused persons. | Returned to police station and kept all the accused in the lock-up after searching their persons and the lock up. A, the confessing accused, was kept segregated from the others. He will be sent to Magistrate to-morrow for having his confession recorded, and further, enquiries will be made to find out corroborating evidence, if any, against the other accused persons. Closed diary for the day. |

ABDUL HAMID,
Sub-Inspector.

APPENDIX C

(Rule 122-A)

HINTS FOR DETECTING COUNTERFEIT COINS.

1. Two kinds of counterfeits are met with, namely, struck (or cast and struck) counterfeits and cast counterfeit. Casting is the easiest method of making counterfeits, and is much the most frequently employed.

2. Struck counterfeits are made by striking or pressing blanks between dies of steel or other hard metal which bear the impressions of the coin. The blanks thus struck may have been cast in suitable moulds to the approximate dimensions of the coins, or they may have been cut from sheet metal or otherwise made by hand.

3. The moulds for casting counterfeits are usually made of fine sand clay or similar material, the required impressions being taken from a genuine coin. The mould has a small hole, or "gate" cut in the rim through which the molten metal for casting the piece is poured. The metal which fills this gate, and solidifies with the rest of the casting thus forms a projection on the rim of the cast counterfeit, and has to be cut off to enable the rim at this point to be finished by hand, smooth or milled as the case may be. Signs of this finishing can usually be detected on the rim of the counterfeit.

4. It is generally much easier to see faults in a counterfeit if it is compared with one or more genuine coins of the same description. A suspected piece should, therefore, be compared in this way if possible, preferably with a magnifying glass. It may also be weighed against genuine coins showing the same amount of wear, as the majority of counterfeits not containing much lead are lighter than the genuine coins.

5. When rung on a stone slab or similar hard surface, genuine coins should give a high clear note, counterfeits do not as a rule ring well. This, however, is not a conclusive test, as counterfeits occasionally ring well while genuine coins sometimes are "dump" owing to small cracks or flaws in the metal these cracks are often visible on the periphery, and indicate that the coins are genuine.

6. The colour of a coin should be scrutinised. With a silver coin, the appearance whether dull or bright, should be silvery, and a brassy or leaden appearance, would generally point to the coin being counterfeit. Some counterfeits have peculiar glazed appearance. Counterfeits of nickel coins often have a yellowish appearance not unlike that of a genuine nickel coin which has been in use for a considerable time, but the genuine coin when polished with a cloth will at once become whiter and brighter while the counterfeit usually will not do so.

7. The thickness of a genuine coin is uniform, while counterfeits are sometime thicker at one side than at the other, and are often slightly bent or distorted so that they will not lie evenly between two other coins.

8. The rims of genuine rupees $\frac{1}{2}$ rupees and $\frac{1}{4}$ rupees silver are regularly milled all round with straight indentation at right angles to the faces. In counterfeits of these coins the milling is often at a slant, the spaces between the indentations irregular, and the indentations themselves uneven or broken. The milling can best be examined by placing the suspected coin between two good ones of the same description, when defects can readily be detected. A coin showing good milling is seldom counterfeit, but genuine coins of which the milling has become much worn, or which have been much used as ornaments or fraudulently dealt with and filed or otherwise touched up, so that a coin should not ordinarily be classed a counterfeit solely on account of bad milling.

9. The beading on the inner side of the rim of silver coins should be even and regular all round, the pearls being uniform in size and shape, and equidistant from each other. On counterfeits, the pearls are often badly shaped and uneven in size the enclosed spaces of letters and figures such as O. P. A. R. D. 8. 6. 9. 4. in cast counterfeits are sometimes filled with metal, in struck counterfeits, the pearls are often spaced as irregular intervals. and are sometimes very small and far apart.

10. The devices on the obverse and reverse should be clear and well defined, especially in outline. Blurred lines or edges and an imperfect impression (unless plainly due to wear and tear) are suspicious. Letters and figures of the inscription should be clear, well defined and sharp edged. Blurred, irregular, or double lines are to be regarded with suspicion. In some counterfeits the letters are much thinner than on genuine coins.

11. The table or plain surface of the coin (i.e., the portion not occupied by device or inscription) should be smooth, even and free from blemish. An uneven, spotted, or rough surface is suspicious.

12. All cast coins are counterfeit. In a cast coin the surface is usually rough or pitted with minute holes. The rim is usually defective, particularly at the "gate" or point where the metal was poured into the mould. The letters and figures of cast coins nearly always present a rounded appearance instead of having square sharp edges.

13. With struck counterfeits it is not unusual to find several counterfeits bearing identical marks or defects due to the pieces having been struck from the same dies. While with cast counterfeits of silver coins, the milling is often evenly spaced (though defective) except at the "gate" the milling of a struck counterfeit is usually very irregular.

14. Genuine coins which have suffered by the action of chemicals or fire may have rough and discoloured surfaces though they are generally distinguishable from cast coins.

15. Counterfeits made from tin or a mixture of tin and lead, are soft and easily bent, and will sometimes emit a cracking noise when bent between the fingers close to the ear.

16. Coins, the obverse and reverse of which are anachronistic, e.g., when the former bears the inscription "Victoria Empress" and the latter the date 1862 or "Victoria Queen" with the date 1878, are counterfeits.

17. A counterfeit will usually be found to exhibit at least two of the foregoing faults. A coin should not ordinarily be condemned for only one fault unless it is very marked.

APPENDIX D

(Rules 172-174)

DIRECTIONS FOR FORWARDING CASES TO THE CHEMICAL EXAMINER, BENGAL, FOR MEDICO-LEGAL EXAMINATION

I - HUMAN POISONING (FATAL)

A. Documents to be forwarded by post or through a messenger.

(1) Post mortem report in Form No. 24, Assam Schedule XLIII (Part I). This should invariably show dates and hours of death and post mortem examination. In cases where the body has been exhumed, the dates of burial and exhumation must be stated.

(2) Statement of symptoms supplied by the police to the forwarding Medical Officer with information on the following toxicologically important points:

- (a) Date and hour of onset of symptoms.
- (b) Nature of food last taken.
- (c) How soon the symptoms started after taking food?
- (d) Did the patient walk from the place where first taken ill? If so, how far?
- (e) Did the patient become unconscious? If so, how soon after the onset of symptoms?
- (f) Was the patient dizzy or faint?
- (g) Did convulsions or cramps occur?
- (h) Was tingling of the throat or skin complained of?
- (i) Was there any vomiting or purging?
- (j) Did the patient talk sensibly or incoherently?
- (k) Was any treatment adopted by the Medical Officer, Police or patient's friends? If so, what was its nature?
- (l) How soon did death occur after the illness started?
- (m) What was the poison supposed to have been used?
- (n) Other relevant history of the case including age, occupation, etc., which is likely to throw light on the medico-legal investigation.

N. B. - The history of the case and the signs and symptoms stated above should be carefully recorded by the forwarding Medical Officer. They should be obtained from the Police in those cases which were not treated by the Medical Officer. They are of enormous value to the analyst as "poisons are many and the material available for examination is limited."

(3) A copy of the police report (in English and not in vernacular) sent with the case to the forwarding Medical Officer.

(4) Forwarding memorandum and invoice list of articles forwarded for examination to the Chemical Examiner.

(5) Impression of seal (on sealing wax) used to seal the packages. The seal should be an authorised one and the same seal should be used throughout. The seal impression should be protected by a layer of cotton wool against breakage in transit.

N. B. - Under no circumstances should the original forwarding letter or any of these original documents be enclosed within the parcel containing the exhibits.

B. Articles to be forwarded by prepaid Railway Parcel (street delivery), by post or through a messenger.

(1) Entire stomach and its contents - Any suspicious substance found in the stomach contents should be sent in a separate sealed phial.

(2) A portion of the liver (not less than 16 ounces).

(3) One kidney.

(4) The urine, if available, in a separate sealed phial with an equal volume of rectified spirit as preservative' or with fine grains of Thymol if spirit is contra-indicated. [*Vide* N. B. Note under (8).]

N. B. - It is absolutely necessary to preserve the urine both ante and post mortem. *Many poisons are recoverable from the urine but are easily destroyed in a viscera-extraction.* In veronal poisoning, for example, about 75 per cent of the drug is excreted in urine and much of this is before death.

(5) In suspected *Datura* poisoning, a portion of the small intestines and their contents should also be sent.

(6) In suspected carbon monoxide poisoning (gas or "charcoal" poisoning) a sample of blood, *without any preservative*, should always be sent in a separate phial.

(7) The washings of the stomach or vomited matter, if available, should also be sent in a separate phial. It should always be noted if any emetic was used.

N. B. - Vomit is more available for analysis than any stomach-wash.

Only the first stomach-wash with plain water is useful. Washing the stomach with potassium permanganate, for instance, destroys the distinctive tests for opium and hence negative reports may be received in well defined cases of opium poisoning.

(8) About 4 ounces of the preservative (rectified spirit or saturated salt solution as the case may be) should invariably be sent in a separate sealed phial.

N. B. - Rectified spirit should always be used except in suspected alcohol, phosphorus, carbolic acid and other drugs of the phenol group and paraldehyde poisoning cases when saturated salt solution should be used. A sample of the preservative should be retained by the forwarding officer in a

sealed phial for subsequent analysis, if necessary. Methylated spirit (bazar spirit) should never be used as a preservative - it contains pyridine and other denaturing substances which interfere very much with analysis.

(9) Suspected articles of food (including ghee, oil etc.) and drugs when available, should be sent in their original containers properly packed and sealed.

C. Documents to be forwarded under cover of the box containing the articles sent for analysis.

- (1) A duplicate copy of the post mortem report.
- (2) A duplicate copy of invoice list of articles sent for analysis.
- (3) A duplicate impression of the seal (on sealing wax) used in the case.
- (4) A duplicate copy of the following memorandum.

Specimen of the forwarding Memorandum Form

From

THE CIVIL SURGEON,

To

THE CHEMICAL EXAMINER TO THE GOVERNMENT OF BENGAL, MEDICAL COLLEGE,
CALCUTTA

DATED..... 19

Case No

STATE

Versus

.....

son of caste, village police station, charged
under section I. P. C.

Sir,

At the request of the Magistrate of this district, I have the honour to forward to you by
..... the following:-

son

Portion of the vicera of son/daughter/wife of
..... occupation village

The bottles containing the above are numbered:-

- (1) contains
- (2) contains

- (3) contains
- (4) contains sample of preservative used.

The above articles were packed and sealed in my presence, the form of seal as prescribed being used and an impression is attached protected by cotton wool.

I enclose the following documents:-

- (1) *Post mortem* report.
- (2) Statement of symptoms obtained from the police.
- (3) A copy of the police Report sent with the case to me, and
- (4) Railway receipt No dated

I have the honour to be, etc.

N. B. - (i) Each of the articles sent for analysis should bear a label in English with number and description of its contents which should correspond exactly with the entries in the invoice list of articles and the copy of the label forwarded in the prescribed form.

(ii) The bottles for viscera should be sufficiently large with plenty of spirit and viscera should not be packed tightly. The specimen should almost float in the fluid.

(iii) The exhibits should be consecutively numbered and each case should always be sent in a separate parcel.

Under no circumstances should viscera or any other article, from two or more cases be packed in the same parcel.

(iv) Every forwarding letter should be numbered and dated. The date and reference number of the forwarding letter are to be noted on the outside of the exhibit box or packet to enable the office to connect the parcel with the forwarding letter. Hundreds of parcels are dealt with in the Chemical Examiner's Department and omission of this important procedure is likely to cause serious delay and inconvenience to both the parties.

(v) Reports, forwarding memorandums, etc., *should invariably be written in ink (pen carbon)*. A type written report is much more desirable.

(vi) The names of persons, places, plants, poisons, etc., should invariably be written by the investigating and forwarding officers in block letters to avoid serious mistakes in the reports.

II-HUMAN POISONING

(NON-FATAL)

A. Documents to be forwarded.

- (1) Statement of symptoms obtained from the Police [*See 1-A(2)*].
- (2) Notes of symptoms observed by the Medical Officer.

- (3) Note of any treatment adopted by Medical Officer, Police or patient's friends.
- (4) Forwarding memorandum (Medico-legal Form).
- (5) Invoice list of articles.
- (6) Impression of seal used.

B. Articles to be forwarded.

- (1) Vomited and purged matter.
- (2) Suspected articles of food or drugs in their original containers.
- (3) Stomach-wash with plain water, not with potassium permanganate or any other medicine [See I. B. (7)].
- (4) A sample of the patient's urine [See I. B. (4)].
- (5) A sample of the preservative if used in preserving any of the above articles [See I. B. (8)].

C. Documents to be forwarded under cover of the box containing the articles.

- (1) A duplicate copy of the invoice list of articles sent for analysis.
- (2) A duplicate impression of the seal used in the case.
- (3) A duplicate copy of the forwarding memorandum.

N. B. - See N. B. notes Nos. (i), (iii), (iv), (v) and (vi) above.

III - ABORTION CASES

(1) *Fatal* - In all fatal cases of abortion the exhibits and documents to be forwarded should be same as in cases of fatal human poisoning but in addition, the uterus with its appendages and upper part of the vagina should invariably be sent along with any foreign bodies found in the genital tract. The foreign bodies should be sent in a separate bottle.

(2) *Non-fatal* - As in non-fatal human poisoning cases but in addition any foreign bodies expelled or removed from the uterus or vagina to be sent in a separate bottle.

IV-BLOOD AND SEMEN CASES

A. Documents to be forwarded.

- (1) Medico-legal Form giving all relevant information.
- (2) *Section of the Penal Code and police history of the case (in English).*
- (3) Invoice list of the articles sent.
- (4) Impression of seal.
- (5) *Magistrate's certificate permitting removal of exhibits for analysis.*

B. Articles to be forwarded.

(1) The entire article or garment suspected to be stained with blood or semen should be sent.

N. B. - (i) For seminal stains, the garment and specially the stained portion *should be dried in air* kept flat (and not folded) and protected with a thin layer of cotton wool on each surface

(ii) All stains, specially the seminal stains, are to be carefully dried in air before they are kept in safe custody or packed for despatch for chemical examination. In the presence of moisture and bacteria the spermatozoa undergo decomposition and become unidentifiable under the microscope and are thus missed even in well-defined cases of rape. This is a very important point-to be remembered specially during the wet months of the year.

(iii) All labels on the stains should be stitched and not gummed.

(2) In cases of rape or unnatural offences, the materials for examination should not be collected on glass-slides unless special examinations for gonococci are required. A small piece of dry clean muslin or gauze (washed and unstarched) should be used in wiping the parts and then completely dried in air and forwarded in a dry wide-mouthed bottle carefully labelled and sealed.

(3) The materials for examination for gonococci should be thinly spread by the Medical Officer on two clean, grease-free microscope slides, dried in air, wrapped separately with tissue paper and labelled.

(4) The stains on knives and other weapons should be thoroughly dried before they are packed. In order to prevent deposits or stains being detached from or wiped out of the weapons and lost, they should be covered and secured with tissue paper and packed with cotton wool and waxed cloth in the usual way.

N. B. - (i) In a clasp-knife the stains on the blade or in the groove of the handle should be carefully protected by means of tissue paper and cotton wool and the knife must be sent in an unfolded condition.

(ii) The labels on the weapons should be tied to each separate article and not to be pasted over the supposed stains and the knots should be sealed.

(5) All labels should be properly numbered and give the description of the articles forwarded and correspond with the invoice list of articles and the labels forwarded in the prescribed form.

C. Documents to be forwarded under cover of the box or in the packet containing the articles.

(1) A duplicate copy of the invoice list of the articles.

(2) A duplicate impression of the seal.

(3) A duplicate copy of the police history of the case.

V - CATTLE POISONING CASES

A. Documents to be forwarded.

(1) The *post mortem* report and other reports by the Medical Officer in Medico-legal Form.

- (2) Statement, describing signs and symptoms.
- (3) Forwarding memorandum and invoice list of articles sent for examination.
- (4) Impression of the seal properly protected with cotton wool.

B. Articles to be forwarded.

- (1) Stomach and its contents [See I.B. (1)].
- (2) A portion of the liver (at least 16 ounces).
- (3) One kidney.
- (4) A portion of the mucous membrane of the nostrils, wind-pipe and lungs, if death is suspected to be caused by inhaling fumes of arsenic, etc.
- (5) In suspected cases of "sui" or "sutari" poisoning, a thorough search should be made for the "sui" of its fragments or any other foreign substance, which, if found, should be sent, in a separate phial and without any preservative. The punctured tissues in which foreign substance was found should also be forwarded in a separate phial.
- (6) In non-fatal cases dung, urine, vomit and fodder should be sent.

N. B. - In all cattle poisoning cases, the mouth, throat, rectum and vagina ,should be searched for foreign bodies

- (7) A sample of the preservative used.

N. B. - Rectified spirit should always be used. A saturated solution of common salt may be used if spirit is contra-indicated or not available. Methylated spirit should never be used.

C. Documents to be forwarded under cover of the box containing the articles sent for examination.

- (1) A duplicate copy of the invoice list of the articles sent.
- (2) A duplicate impression of the seal used in the case.
- (3) A duplicate copy of the forwarding memorandum.

VI-MISCELLANEOUS

Attention is directed to the following orders:-

(1) The suspected viscera should be sent in a new, clean glass-jar of sufficient size, fitted with a leak-proof stopper. If viscera are tightly packed and insufficient space is left for the spirit, they will necessarily arrive in a decomposed and probably useless state.

(2) The pieces of viscera lent should be slashed or cut in thin slices to ensure penetration of the spirit which should have access to every part of the specimen.

(3) Great care should be taken to see that the stoppers fit tightly and a ring of melted paraffin (not sealing wax) should be placed round the lip of the stopper to prevent leaks. It is advisable to invert and shake the containers before the final sealing and packing to see if it is leaky.

(4) A saturated solution of common salt is prepared by adding common salt to pure water (cold) and stirring until no more salt will dissolve. The solution may then be filtered through a plug of cotton wool. The solution should fill the bottle containing the viscera up to within $\frac{1}{4}$ inch from the stopper. In all cases in which salt solution is used a sample will be sent in a separate phial sealed and labelled as such and another sample (about 8 ounces) will be retained sealed in safe custody with the despatching officer.

(5) The stopper or cork of the bottle or jar will be carefully tied down with bladder or leather and sealed.

(6) The bottle, jar or container should then be placed in a strong wooden box (not in a tin box) which should be large enough to allow a layer of raw cotton or saw-dust, at least one inch thick, being put between the bottle, or jars and the box. Any impact on a box is easily transmitted to the bottle and breaks it.

(7) The box itself should be encased in common "motia" or "markin" cloth which should be sealed in accordance with the usual rules for postal parcels.

(8) Despatching officers will be held personally responsible that these instructions are carefully followed and such parcels should be packed under the immediate supervision of the Civil Surgeon or, at sub-division, the Medical Officer in charge. At all stations where there is a Civil Surgeon, the parcel should invariably be sent to the post office by that officer and, where there is no Civil Surgeon, they may be sent through the Sub-divisional Officer who will be responsible for their despatch but the responsibility for the packing devolves on the medical representative.

(9) The exhibits should be carefully numbered and each cases should always be sent in a separate parcel. The labelling and numbering of articles should be in English and not in vernacular.

(10) Civil Surgeons shall be held responsible for maintaining at headquarters a sufficient supply of new, clean, wide-mouthed glass-jars with well fitting stoppers, leathers, rectified spirit and other requisites for packing and despatching viscera and other articles liable to decomposition and for seeing that a sufficient stock of similar materials is kept by the Medical Officers in charge of each sub-division.

(11) If two or more post mortem examinations have to be made at the same time, the Medical Officer should complete one, and label and seal it before commencing the other.

(12) In cases of suspected arsenic poisoning special care should be taken to avoid the possibility of contamination on the post mortem table of knives, dishes, gloves, etc., which might be carried over to the next case.

(13) Plant tissues when sent in for examination should be in sufficient quantity and the leaves and flowering tops, should always be forwarded, otherwise the identification is usually impossible.

(14) In cases where the Police send a closed package through a Medical Officer and the latter has no occasion to open it in transmission, the parcel should be placed in a separate cloth cover and the duplicate forwarding memorandum and the invoice list with the duplicate seal-impression attached should be placed under the cover.

(15) In no cases should Medical Officers, attempt to apply chemical tests to endeavour to ascertain the presence of poisons in cases of suspected drugging, poisoning, etc.

(16) Civil Surgeons or Civil Medical Officers should forward substance for examination in connection with criminal enquiries direct to the Chemical Examiner, but at the same time they should invariably communicate either verbally or in writing, with the District Magistrate, or in his absence with the Senior Magistrate in the station before writing to the Chemical Examiner regarding the substances to be analysed. The packing and despatch of the articles themselves should not, however, be delayed.

(17) Great care should be taken in packing article sent to the Chemical Examiner to avoid any risk of the parcel becoming offensive to post office or railway officials (see Section 61 of the post office Act VI of 1898).

(18) A declaration of the contents of parcels for the information of the postal of officials is not necessary and should not be made.

(19) The attention of forwarding Medical officers is drawn to the fact that the safe custody of exhibits in medico-legal cases rests on them and if they are not satisfied with the local arrangements it is their duty to notify the District Magistrate on the subject.

(20) Expenditure incurred in despatching articles connected with criminal enquiries to the Chemical Examiner is a contingent charge belonging to law and justice and should not be met from the contingent allowance of the Civil Surgeon or Civil Medical officer. Such charges should be defrayed by the Magistrate who will meet them from his own contingent allowance.

(21) A special seal should be used in forwarding Medico-legal exhibits to the Chemical Examiner. This seal should bear the designation of the officer forwarding the exhibit (Civil Surgeon, Assistant Surgeon, Sub-divisional Officer, etc., as the case may be), the name of the station and the words "Medico-legal, Assam," and should be of about the size of an eight anna bit as shown in the accompanying sketch. It should not be larger as it would then be unsuitable for sealing small phials and packages.

| |
|--|
| CIVIL SURGEON MEDICO-LEGAL, ASSAM (DISTRICT) |
|--|

(Round Seal).

(22) When forwarding officers ask for a quantitative analysis on the poison-content of viscera or any other articles sent to the Chemical Examiner for analysis, they should give the full reasons for their requisition.

(23) The exhibits are, as a rule not returned by the Chemical Examiner unless he is requested by the forwarding officer to return the same after the examination is over.

(24) The time fixed by Government as the period for which viscera and other articles should be retained by the Chemical Examiner is 6 months after which they are destroyed. The request to retain them for a longer time should be made in the forwarding letter.

(25) Each case must have a separate forwarding letter duly numbered and dated. Under no circumstances should exhibits of different cases be sent under one forwarding letter.

(26) It is advisable to have a copy of these directions and orders hung up for reference in the office as any departure from them will be brought to the notice of Government.

CIRCLE INSPECTORS AND POLICE STATIONS

(V FORMS)

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| 19 | Warrant Report Form. |

- 20 Report of attachment of property under Section 88, Cr. P. C.
- 21 Thana and outpost khatian inspection register.
- 22 Register of warrants for the levy of fines.
- 23 File of discharge slips.
- 24 Chaukidar's birth chita or village register of birth.
- 25 Chaukidar's birth chita or village register of deaths.
- 26 Daily Register of births.
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- 28 Monthly Return of births and deaths.
- 29 Daily Report of epidemics for thanas.
- 30 Statement showing the results of measures adopted in with the view of exterminating wild animals and venomous snakes during the year
- 31 Register of property stolen and of all property and articles taken charge of by police.
- 32 Post card report of outbreak of animal disease.
- 33 Report of intestate movable property.
- 34 Account sates of intestate moveable property.
- 35 Challan of intestate movable property.
- 36 Receipt of sale proceeds.
- 37 Register of sale of cattle.
- 38 Pound Form G Account of cattle sold or delivered to the owner or agent under Section 16 of Act I of 1871.
- 39 First Information Report.
- 40 Register of cases in which first informations are not used.
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- 42 Hue and cry notice.
- 43 Burglary investigation.
- 44 Application for the suspension of remission of sentence under Section 401, Cr. P. C.
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- 47 Details of property seized by police officers acting under the provisions of Sections 103 or 165, Cr. P. C.
- 48 Form of requisition for despatch by rail of dead bodies for ,post-mortem examination.
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- 63 Village Crime Note Book, Part II - Crime Register.
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- 65 Village Crime Note Book, Part IV - Village History.
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- 67 Village Crime Note Book; Part VA - History Sheet - Annual Note Sheet.
- 68 Alphabetical list of villages in P.S./O.P.
- 69 Index of convicted persons and persons for whom History Sheets have been opened.
- 70 Register of persons for whom history sheets have been opened.
- 71 Gang Register.
- 72 Postcard Report of bad characters amongst tea garden coolies.
- 73 Bad character Roll A.
- 74 Bad character Roll B.
- 75 Prisoner's postcard reports.
- 76 Register of travellers taking shelter in a licensed sera or hotel.
- 77 Report on gangs.
- 78 Appointment sanad.
- 79 Register of attendance of village chaukidars.
- 80 List of Chaukidars absent from parade.

FORM No. 2

Weekly diary of Inspectors - [Assam Schedule XL (A), (Part I), Form No: 108]

Referred to in Rule 24

Diary of Inspector _____

Of _____

for week ending _____

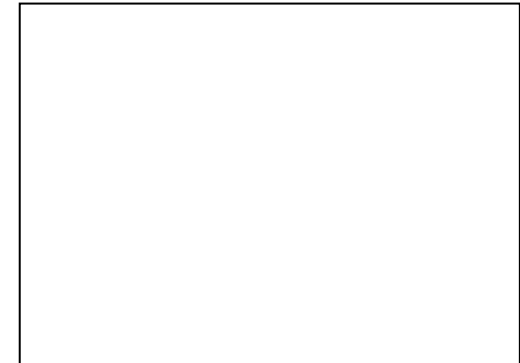
| Date | From | To | Miles | Daily notes: |
|------|------|----|-------|--------------|
|------|------|----|-------|--------------|

| | | | | |
|-------|--|--|--|--|
| _____ | | | | |
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| _____ | | | | |
| _____ | | | | |

(on reverse)

Notes to be made regarding - (1) Inspections made (2) Cases supervised. etc. (3) Domiciliary visit reports tested. (4) Excise shops inspected. (5) Ammunition shops, fireworks shops, petroleum depot inspected. (6) Pounds inspected. (7) Serais and hotels inspected. (8) Chaukidari parade attended. (9) Action taken against absconders. (10) Report on state of crime in the sub-division with notes of preventive measures taken or proposed. (11) Working of subordinates. (12) Price of food-grains and general remarks on condition or people, cattle and crops and programme for next week.

Remarks by Superintendent of Police



Inspector.

FORM No.3

Daily Report

[Assam Schedule XL (A), (Part I), Form No. 109]

Referred to in Rule 29.

Daily report of sub-division for the 19 ..

1. P. S., village and distance.
2. Section.
3. Date of occurrence and report at P. S.
4. Names of parties with crime, and details of case and cause of delay (if any) in reporting.
5. Orders of the S.P. and the magistrate.

The19 *Insp.*

Reverse

Forwarded to the ^{Deputy' Commissioner}----- of for information and return after perusal.
_{Sub-divisional Officer}

The 19 .

Superintendent of Police.

FORM No.4

Monthly return of inspections by Inspectors

[Assam Schedule XL (A), (Part I), Form No. 110]

Referred to in Rule 29-A

For form, see Part VI

FORM No.5

Register of cases for outposts

[Assam Schedule XL (A), (Part I), Form No. 134-A]

Referred to in Rule 30

1. Consecutive number of case (commencing fresh each year).
2. Number and date of first information report and date of occurrence.
3. Name and residence of complainant or informant.
4. Name and residence of accused.
5. Offence with section.
6. Property stolen.
7. Property recovered.
8. Final form in which the case is reported and name of investigating officer.
9. Magistrate's final order and result of trial.

FORM No.6

Command Certificate

[Assam Schedule XL (A), (Part I), Form No. 90]

Referred to in Rule 40

See Part III

FORM No. 7

Account of service stamps

[Assam Schedule II, Form No. 51]

Referred to in Rule 48

See Part II

FORM No.8

General Diary

[Assam Schedule XL(A), (Part I), Form No. 135]

Referred to in Rule 53

1. Date.

2. Particulars, divided into (a) Inspectors, (b) Sub-Inspectors, (c) Head Constables, and (d) Constables in order of their watches.

| | | |
|--------------------------------------|---|---|
| <i>Side headings under column 1.</i> | { | <ul style="list-style-type: none"> (i) Present and engaged in their duties at P. S. at (ii) Absent on duty in the mufassil (iii) Absent with and without leave. (iv) Sick at station. |
|--------------------------------------|---|---|

N. B. - The above information must show the state of the force at the hour the diary opens.

The above columns are given on the top of the form and below them the informations are entered in a tabular form with two columns, viz:-

(i) Date and hour.

(ii) Particulars.

FORM No.9

Mufassil Diary

[Assam Schedule XL(A), (Part I), Form No. 136]

Referred to in Rule 55

Mufassil diary of P. S. for the 19

Date Particulars of places visited and work done.

FORM No. 10

Thana charge report form

[Assam Schedule XL (A), (Part I), Form No. 226]

Referred to in Rule 52

Handing over}

Charge report.

Taking over

Police station

District

Date

With reference to demi-official No, dated the19 ., we the undersigned have the honour to report that we have this day of19 at O'clock in the noon respectively delivered over and received charge of police station, including cash in hand Rson account of with the reason for not disbursing the amount against each item in the Cash Account and stamps, service labels, post cards, etc., to the value of Rs vide stamp register.

Relieving officer.

Relieved officer.

Certified that I have carefully examined all the current Accounts books, registers, files, arms and ammunition, etc., as per accompanying list and found the signatures and initials of officers wherever given on them legible and satisfied myself of their correctness as far as lay in my power. I have received service stamps to the value of Rs. The amount of cash in hand to day is Rswhich has been received by me in full and is on the following accounts. I have checked the accounts with vouchers and found them agree.

I have also received Government property as per authenticated list, and other property shewn as undisposed of in the register of property stolen and of all articles taken charge of by the police, subject to the following remarks:-

I have also received the following papers, orders, etc., pending disposal, execution and action from the relieved officer.

Relieving officer.

I. ACTS OF THE INDIA COUNCIL

1. The Indian Penal Code, Act XLV of 1860.
2. The Police Act, Act V of 1861.
3. The Foreigners Act, Act III of 1864.
4. The Public Gambling Act, Act III of 1867.

5. The Serais and Puraos Act, Act XXII of 1867 .
6. The Press and Registration of Books Act, Act XXV of 1867 (as amended by the Press Law, Repeal and Amendment Acts-Act XIV of 1922 and Act XI of 1923).
7. The Cattle Trespass Act, Act I of 1871 (as amended by Act XVII of 1921).
8. The Indian Evidence Act, Act I of 1872 (as amended by Act X of 1914 and Act XXXI of 1926).
9. The European Vagrancy Act, Act IX of 1874,
10. The Dramatic Performances Act, Act XIX of 1876.
11. The Opium Act, Act I of 1878.
12. The Indian Arms Act, Act XI of 1878 (as amended by Act XX of 1919).
13. The Indian Emigration Act, Act XXI of 1883 (as amended by Act VII of 1922).
14. The Indian Explosives Act, Act IV of 1884.
15. The Telegraph Act, Act XIII of 1885.
16. The Indian Railways Act, Act IX of 1890.
17. The Prevention of Cruelty to Animals Act, Act XI of 1890.
18. The Assam Forest Regulation, Regulation No. VII of 1891.
19. The Epidemic Diseases Act, Act III of 1897.
20. The Indian Fisheries Act, Act IV of 1897.
21. The Reformatory Schools Act, Act VIII of 1897.
22. The Criminal Procedure Code, Act V of 1898.
23. The Post Office Act, Act VI of 1898.
24. The Indian Petroleum Act, Act VIII of 1899.
25. The Assam Labour and Emigration Act, Act VI of 1901 (as amended by Act VIII of 1915.)
26. The Indian Extradition Act, Act XV of 1903.
27. The Ancient Monuments Preservation Act, Act VII of 1904.
28. The Poisons Act, Act I of 1904
29. The Explosive Substances Act, Act VI of 1908.
30. The Indian Criminal Law Amendment Act, Act XIV of 1908.
31. The Registration Act, Act XVI of 1908.

32. The Whipping Act, Act IV of 1909.
33. The Prevention of Seditious Meetings Act, Act X of 1911.
34. The Indian Lunacy Act, Act IV of 1912 (Amending Acts XII of 1916, VI of 1922, XXXII of 1923 and V of 1926).
35. The Wild Birds and Animals Protection Act, Act VIII of 1912.
36. The Indian Motor Vehicles Act, Act VIII of 1914 (as amended by Act XXVII of 1920).
37. The Indian Steam Vessels Act, Act I of 1917.
38. The Indian Rifles Act, Act XXIII of 1920.
39. The Identification of Prisoners Act, Act XXXIII of 1920.
40. The Police (Incitement to Disaffection) Act, Act XXII of 1922.
41. The Indian Official Secrets Act, Act XIX of 1923.
42. The Criminal Tribes Act, Act VI of 1924 (as amended by Act XXXIII of 1925).
43. The Child Marriage Restraint Act (Sarda Act), Act XIX of 1929.
44. The Dangerous Drugs Act, Act II of 1930.

II. ACTS OF THE BENGAL COUNCIL

45. The Bengal State Prisoners Regulation, 1818 (Bengal Regulation, III of 1818).
46. The Bengal Births and Deaths Registration Act, Act IV of 1873.
47. The Bengal Cruelty to Animals Act, Act I of 1869.
48. The Bengal Cruelty to Animals (Arrest) Act, Act III of 1869.
49. The Village Chaukidari Act, Act VI of 1870.
50. The Private Fisheries Protection Act, Act II of 1889.

III. ACTS OF THE EASTERN BENGAL AND ASSAM, AND ASSAM COUNCILS

51. The Eastern Bengal and Assam Excise Act, Act I of 1910 (as amended by Assam Excise Amendment Act I of 1918).
52. The Assam Local Self-Government Act, Act I of 1915 (as amended by Act VIU of 1926).
53. The Assam Rifles Act, Act I of 1920.
54. The Assam Municipal Act, Act I of 1923.
55. The Assam Students and Juvenile Smoking Act, Act II of 1923.

N. B. - Many of the Acts referred to in the list are either repealed or being re-enacted after being repealed or many new Acts have since been enacted. So this cannot be said to be complete list.

IV. GOVERNMENT PUBLICATIONS

56. The Indian Arms Rules.
57. The Assam Police Manuals (six parts) with index.
58. The Explosives Act Rules.
59. The Assam Motor Manual.
60. The Assam Excise Manual.
61. The Indian Arms Act Manual (Assam).
62. The Government Servant's Conduct Rules.
63. The Half-yearly list of non-gazetted police officers (up-to-date).
64. List of police stations and outposts in Assam.
65. List of police stations and outposts in Bengal.
66. List of police stations and outposts in Bihar and Orissa.
67. A copy of the Gazette Notification defining the thana boundary.

V. OTHER PUBLICATIONS

68. A copy of Investigating Officers' Manual.
69. A copy of First Aid to the Injured.
70. A copy of Medical Jurisprudence.
71. A copy of Finger Print Clues.
72. A copy of Gayers "Detection of burglary in India."
73. A copy of Police Primer (T. V. S. Raghavachari, B. A.).

VI BOOKS AND REGISTERS General Diary.

Register of first information reports.

Register of cases in which no first information report is used.

Enquiry slip books.

Register of charge-sheets.

Register of final reports.

Register of unnatural deaths.

Village Crime Note Book Parts I, II, III, IV, V and V-A.

Alphabetical list of villages.

Index of persons convicted and of persons for whom history sheets have been opened.

Surveillance register.

Bad character Roll A.

Ditto ditto B.

Minute books.

Bill book for prisoners' diet.

Attendance register of chaukidars.

List of chaukidars absent from parade.

Register of absconded criminals and escaped convicts.

Counterfoil of receipt cheques.

Thana and outpost khatian inspection register.

Register of papers received and despatched.

Inspection registers, complete since establishment of the police station.

Register of processes.

Register of final warrants.

Ditto of births.

Ditto of deaths.

Register of human beings and cattle killed by wild animals.

Patrol register.

Register of gun licenses.

Ditto property stolen and of all articles taken charge of by the police.

Railway warrant book.

N. B. – Enter any other books or registers not entered above and note if they are-up-to-date.

VII. FILES

File of confidential reports.

Ditto command certificates.

Ditto Police Gazettes.

Ditto Criminal Intelligence Gazettes.

Ditto mufassil diaries.

Ditto original case diaries including all case papers.

Ditto certificate of despatch from police station, and receipt at headquarters lock-up of prisoners.

File of released convicts statements under Section 565, Cr. P. C.

Ditto report of non-payments of wages of chaukidars.

Ditto monthly cash accounts.

Ditto station statistics.

Ditto circulars of Inspector General of Police and Superintendent of Police's parwanas.

Ditto circular memorandums.

Ditto receipts of cash and property.

Ditto unexecuted warrants.

Ditto original copies of periodical returns.

Ditto Miscellaneous returns.

Ditto discharge slips.

Ditto crime maps.

Ditto original copies of telegrams.

Ditto hue and cry notices.

Ditto Jimmanamas.

Ditto A forms showing *modus operandi*.

Ditto history sheets of dacoity cases.

Ditto confidential papers and orders.

Ditto reports, sale accounts and chalans of intestate movable property.

Ditto authenticated list of Government property.

Ditto report of gangs.

Ditto daily report on epidemic.

Ditto medical history sheets and sick reports.

Ditto vandyked maps (district maps).

Ditto thana site-plan, with authority for occupation of the site.

Ditto town maps.

N. B.-Enter here any other files, map, etc., not enumerated above.

VIII. ARMS, AMMUNITION AND HANDCUFFS

Muskets (numbers).

Bayonets.

Ammunition (balls and buckshots).

Batons.

Manilla ropes.

Handcuffs (pairs numbered and keys).

Scabbards.

Frogs.

Ammunition pouch.

IX. CLOTHING

Great coats.

Water-proof coats and caps.

Blankets and bedding (for prisoners).

X. GENERAL

- Condition of
- | | | |
|---|-----|---|
| { | (1) | Government buildings. |
| | (2) | Officers' quarters. |
| | (3) | Compound. |
| | (4) | Boundary pillars and lands within. |
| | (5) | Young trees planted and other trees, fencings, etc. |
| | (6) | Thana lock-up for arrested and detained persons. |
| | (7) | Police boat for patrol, etc. |

There is no unauthorised buildings or places of worships within the compound.

REMARKS

Dated the 19 .

Relieving officer.
..... Police station
..... district

FORM No. 11

Register of absconded offenders and escaped convicts

[Assam Schedule XL(A), Part I, Form No. 163J

Referred to in Rule 71

1. Name, father's name, caste, village, thana, district.
2. Description of offender and supposed date of birth.
3. Details as to family and property in village.
4. Names of friends and relatives residing in other police stations specifying their residences.
5. Full details of circumstances under which escape effected.
6. Amount of reward offered, if any, for apprehension.
7. Number, date and description of case. Name of police station to which it belongs.
8. Date and number of order or arrest and Criminal Intelligence Gazette proclamation number.
9. Date of warrant.
10. Date of proclamation and attachment.
11. Date of recording evidence under Section 512, Cr. P. C.
12. Date of apprehension, surrender or death.
13. The names and residences of identifiers.
14. Remarks.

Reverse

DETAILS OF ENQUIRIES

Name of enquiring officer, date of enquiry and
number of entry in general diary

Brief details of enquiry and names of witnesses
present at the enquiry

FORM No.12

Monthly Cash Account

[Assam Schedule XL(A), Part I, Form No. 164]

Referred to in Rule 73

Money received

- 1. Date of receipt.
- 2. Number of receipt cheque.
- 3. From whom.
- 4. On what account.
- 5. Amount divided into money columns.
- 6. Signature of officer-in-charge of Station.

Disbursed or forwarded.

- 7. Date.
- 8. To whom paid.
- 9. On what account.
- 10. Amount divided into money columns.
- 11. Signature of officer-in-charge of Station.

Balance at the end of the month

- 12. Amount divided into money columns.
- 13. Explanation Why not disposed of.

FORM No. 13

Counterfoil Receipt Cheque

[Assam Schedule II, Form No. 50]

Referred to in Rule 73

No. _____
Received from _____
the sum of Rs. _____ Rupees _____
on account of _____
to be credited to _____

Signature of receiving officer.

Designation.

Dated _____ 19 ____ .

No. _____ Dated 19 ____
Received from _____
the sum of Rs. _____ Rupees _____
on account of _____
to be credited to _____

Signature of receiving officer.

Designation.

Dated _____ 19 ____ .

FORM No. 14
Station Statistics

[Assam Schedule XL(A), Part I, Form No. 166]

Referred to in Rule 76

P. S. quarter
----- statistics for the ----- ending the 19 .
O. P. Year

| Area | Population |
|---------------------|---|
| Sanctioned strength | Sub-Inspectors Assistant Sub-Inspectors including Head constables-constables. |
| Actual strength | 1. Name of investigating officers 2. Cases reported. 3. Charge sheet forms 4. Persons sent up. |
| Convicted | { 5. Cases. 6. Persons. |
| Acquitted | { 7. Cases. 8. Persons. |
| Final Report Forms. | 9. Refused under Section 157(b), Cr.P.C. { 10. Declared true by Magistrate. False { 11. Intentionally. 12. Mistake of fact and law. 13. Non-cognizable. |
| Property. | 14. Stolen. 15. Recovered. |
| Section of Law. | { 395 to 397 I.P.C. { 16. Number of cases 17. Convicted 18. Acquitted. |
| | { 392 to 394 I.P.C. { 19. Number of cases. 20. Convicted. 21. Acquitted |
| | { 457 to 460, I.P.C. { 22. Number of cases. 23. Convicted. 24. Acquitted |
| | { 454 to 456, I.P.C. { 25. Number of cases. 26. Convicted. 27. Acquitted |
| | { 379 to 382, I.P.C. { 28. Number of cases. 29. Convicted. 30. Acquitted |
| | { 411 to 414, I.P.C. { 31. Number of cases. 32. Convicted. 33. Acquitted |
| | { 143, 147 & 148 I.P.C. { 34. Number of cases. 35. Convicted. 36. Acquitted |

| | | | | |
|----------------|----------------|-----|------------------|------------------|
| Section of law | 302 I.P.C. | 37. | Number of cases. | |
| | | 38. | Convicted. | |
| | 304 I.P.C. | 39. | Acquitted. | |
| | | 40. | Number of cases. | |
| | Other sections | 41. | Convicted. | |
| | | 42. | Acquitted. | |
| | Coinage cases. | 43. | Number of cases. | |
| | | 44. | Convicted. | |
| | Arms Act | 45. | Acquitted. | |
| | | 46. | Number of cases. | |
| | Other Acts | 47. | Convicted. | |
| | | 48. | Acquitted. | |
| | | | 49. | Number of cases. |
| | | | 50. | Convicted. |
| | | 51. | Acquitted. | |
| | | 52. | Number of cases. | |
| | | 53. | Convicted. | |
| | | 54. | Acquitted. | |

Below the statement is given a comparative table with the following side headings under column 1.

| | | |
|---------------|---|-------|
| Last 5 years. | { | |
| | | |
| | | |
| | | |

The following is given below the comparative table as a foot-note:-

- (i) Number of prosecutions for false complaints.
- (ii) Number of charge-sheets found false and complainants punished.

Details of miscellaneous works

| | | |
|----------------------------------|---|---------------------------|
| Details of unnatural deaths. | { | 1. Months. |
| | | 2. Homicide. |
| | | 3. Suicide. |
| | | 4. Drowning. |
| | | 5. Snake bite. |
| | | 6. Wild animals. |
| | | 7. Railways accidents. |
| | | 8. Other cases. |
| Bad livelihood cases. | { | 9. Persons bound down. |
| | | 10. Persons sent to jail. |
| Cases under Chapter VIII Cr.P.C. | { | 11. Persons reported. |
| | | 12. Persons bound down. |
| Nuisance cases | { | Cases { 13. Convicted. |
| | | 14. Acquitted. |
| | { | Persons { 15. Convicted. |
| | | 16. Acquitted. |

| | |
|----------------|--|
| Judicial Fines | <ul style="list-style-type: none"> 17. Old fines. 18. New fines. 19. Total. 20. Amount realized. 21. Amount struck off. 22. Balance. 23. Names of officers. 24. Number of chaukidari parades attended, divided into three sub-columns. |
| No. of days | <ul style="list-style-type: none"> 25. Present at station, divided into three sub-columns. 26. Present partially divided into three sub-columns. 27. Present sick and off duty, divided into three sub-columns. 28. Absent at headquarters, divided into three sub-columns. 29. Absent on duty in mufassil divided into three sub-columns . 30. Total number of days present. 31. Total number of days entirely absent. 32. Remarks. |

FORM No. 15

Register of papers received and despatched

[Assam Schedule XL(A), (Part I), Form No. IA]

Referred to in Rule 78

| | |
|---|--|
| From whom received or to whom despatched. | <ul style="list-style-type: none"> 1. Serial number in register. 2. Date of receipt or despatch. 3. Designation. 4. Station. |
| If received | <ul style="list-style-type: none"> 5. Number. 6. Date. 7. Subject. |
| Number and date of reply or other mode of disposal. | <ul style="list-style-type: none"> 8. Number. 9. Date. 10. Remarks noting action taken. |

FORM No. 16

Inspection report book

[Assam Schedule XL(A), (Part II), Form No. 168]

Referred to in Rule 79

This register is bound with blank papers and no special form has been prescribed.

FORM No. 17

Register of gun licenses

[Assam Schedule (LIX), (Part I), Form No. 47]

Referred to in Rule 80

Register of gun licenses for police station district.

Period

1. Consecutive number.
2. Name of licensee.
3. Address.
4. Number of license.
5. Number and description of firearms
6. From.
7. To.
8. Remarks showing with dates of reports to magistrate, application for renewal and any subsequent action taken and order passed.

FORM No. 18

Register of processes served by police to be kept at P. Ss., and O. Ps.

[Assam Schedule XL(A), (Part I), Form No. 169]

Referred to in Rule 82

1. Serial number.
2. Number and nature of process, divided into (a) summons, (b) warrant, (c) other process.
3. Name of issuing Court.
4. Name and residence of person against whom process issued.
5. Section of law.
6. Date of receipt in P.S.
7. Name of officer deputed.
8. Date when process made over to officer.
9. Date of his return to P. S.
10. Method of service.
11. Date of return of process or of submission, of report to issuing Court.
12. Remarks

FORM No. 19

Warrant Report Form

(Assam Schedule VI, Form No. I)

Referred to in Rule 83

(To accompany warrant of arrest of accused)

Note - The officer-in-charge of the police station or the officer to whom the warrant has been made over for execution, shall, if the warrant be not executed, report on the back of this form the reasons for the failure to execute it and whether further time is required for execution. If the person against whom the warrant has been issued is absconding in order to avoid execution, this fact should be clearly stated, and, if necessary, a request made for an order of proclamation and attachment.

1. Serial number in general register, complaint register or miscellaneous register
2. Name of issuing Court.
3. Name of police station where sent for execution.
4. Name of complainant.
5. Name of accused.
6. Section and Act.
7. Name and residence of the person to be arrested.
8. Date fixed for hearing.
9. Date fixed for return of warrant.
10. Subsequent orders of the Court.
11. Action taken by police on the orders on heading 10.

Report of police officers on the next leaf.

FORM No. 20

Report of attachment of property under Section 88, Cr. P. C.,

(Assam Schedule XL (A), (Part I), Form No. 197)

Referred to in Rule 84

Note - (1) The original to be sent to the Magistrate issuing the order.

(2) Copy to be simultaneously sent to the Superintendent of Police.

1. Name of P. S.
2. Name and residence of absconder against whom attachment order under Section 88, Cr. P. C. issued, and number and date of case.
- Date of
3. Issue.
4. Receipt at P. S.
5. Attachment.
6. Return after execution.
7. Number, description and value of property attached.
8. Names and residence of witnesses.

9. Whether taken charge of by police and removed to P. S. or left in the village.
10. If left in village, signature of the party in whose charge property is left.
11. If no property attached, explanation of reason.

Dated

Signature of the officer executing the order

FORM No. 21

Thana and outpost khatian Inspection register

(Assam Schedule XL (A), (Part I), Form No. 167)

Referred to in Rule 76

To be filled up by the station officers at the close of each month and the entries checked by inspecting officers.

- A. No. of F. I. R.
- B. Time and date of F. I. R.
- C. Time and date of arrival of Police on the spot for investigation.
 1. (a) Number and date of submission of final form.
 2. Section under which reported.
 3. Section under which the case is disposed of by Magistrate with date.
 3. (a) Date of receipt of final memorandum.
 4. Stolen.
 5. Recovered.
 6. Charge-sheet form.
 7. True.
 8. False.
 9. Case in which the court did not accept the police Report as to the truth or falsity of the complaint.
 10. Refused enquiry.
 11. Sent up.
 12. Convicted.
 13. Acquitted.
 14. Pending.
 15. Absconding.
 16. Register of all property taken charge of by police.
 17. Conviction Register (Part III- Village Crime Note Book.)
 18. Surveillance Register.
 19. Absconders Register.
 20. Chaukidari Attendance Register.
 21. Crime Register (Part II- Village Crime Note Book).
 22. Number and date of bad character roll, if issued.

Property

Final Form

Final Report Form

{

Persons

No. of page entry in

23. Number of accomplices entered in history sheet (Part V of Village Crime Note Book).
24. Village of occurrence and distance and direction from police station and outpost.
25. Superintendent's order for preservation or destruction of records.
26. Remarks.

FORM No.22

Register of warrants for the levy of fine

(Assam Schedule VIII, Form No. 30)

Referred to in Rule 86

1. Consecutive number in year.
2. Number of warrant.
3. Officer issuing.
4. Name of offender and date of sentence.
5. Amount for which warrant is issued.
6. Date of warrant.
7. Date of its receipt.
8. Date of its return to headquarters.
9. Amount realised and remitted.
10. Date of remittance.
11. Balance of fine outstanding.
12. Remarks.

FORM No. 23

File of discharge slips

(Assam Schedule XL (A), (Part I), Form No. 74)

Referred to in Rule 89

(For form see discharge certificates - Part III)

FORM No. 24

Chaukidar's birth chita or village register of births

(Assam Schedule XLVII, (Part I), Form No. I)

Referred to in Rule 90

Name of chaukidar ----- gaonbura village police station or outpost ----- mauza

1. Date of birth.
2. Male or female.
3. Caste. .
4. Father's name (mother's name in case of illegitimate child).
5. Occupation of father.
6. No. of Thana or mauza register.
7. Signature of police officer, mauzadar or mandal.

FORM No. 27

Daily register of deaths

[Assam Schedule XLVII, (Part I), Form No. 5]

Referred to in Rule 90

Thana

Daily Register of death of Municipality, for the month of19 ..

Mauza

Place of registration District Month Year

1. Serial number.
2. Date of registration.
3. Date of death.
4. Name of informant.
5. Signature or mark (if illiterate of informant)
6. Name of deceased.
7. Father's or husband's name.
8. Address.
9. Christians.
10. Hindus.
11. Mahommedan.
12. Buddhists.
13. Other classes.
14. Cholera.
15. Small-pox.
16. Plague.
17. Malaria.
18. Enteric fever*.
19. Measles*.
20. Relapsing fevers.
21. Kala-azar.
22. Other fevers.
23. Dysentery.
24. Diarrhoea*.
25. Pneumonia*.
26. Pthisis*.
27. Other respiratory diseases.
28. Death from childbirth.
29. Suicide.
30. Wounds and accidents.
31. Snakes and wild animals.
32. Rabies.
33. Deaths from all other causes.
34. Under one month.
35. Between one to six months.
36. Between seven to twelve months.
37. One year and under five.
38. Five and under 10.
39. Ten and under 15.
40. Fifteen and under 20.
41. Twenty and under 30.

Death according to class.

Fever

Death from specified causes. Respiratory disease.

Death from specified causes. Injuries

Death according to age.

Death from
Small pox
amongst
children.

- 42. Thirty and under 40.
- 43. Forty and under 50.
- 44. Fifty and under 60.
- 45. Sixty and over.
- 46. Under one year.
- 47. One and under 10.
- 48. Still born.

*To be filled in by Municipalities.

Note. - By the terms "deaths from child-birth" in column 28 is meant "deaths during or within 14 days of labour".

Columns 9 to 47, both inclusive, are sub-divided into male and female columns.

Total under columns 7 and 8.

Death according to age

- Under 1 month 43. Male
- 44. Female
- Between 1 to 6 45. Male
- Months 46. Female
- Between 7 to 12 47. Male
- Months 48. Female
- One year and 49. Male
- Under 5 50. Female
- Five years & 51. Male
- Under 15 52. Female
- Ten years & 53. Male
- Under 15 54. Female
- Fifteen years & 55. Male
- Under 20 56. Female
- Twenty years & 57. Male
- Under 30 58. Female
- Thirty years & 59. Male
- Under 40 60. Female
- Forty years & 61. Male
- Under 50 62. Female
- Fifty years & 63. Male
- Under 60 64. Female
- Sixty years & 65. Male
- Over 66. Female
- 67. Male
- Total 68. Female
- 69. Total

| | | | | |
|---------------------------------------|------------------------|-----|------------|--------|
| Death from smallpox among Children | Under one year | { | 70. | Male |
| | | } | 71. | Female |
| | One year & Under 10 | { | 72. | Male |
| | | } | 73. | Female |
| | Total | { | 74. | Male |
| | | } | 75. | Female |
| | | | 76. | Total |
| | | 77. | Still born | |

The following statement is given below this statement.

Number of villages in which death has occurred on account of following diseases

1. Number of village in place of registration
2. Cholera
3. Small-pox
4. Plague
5. Fever
6. Kala-azar
7. Dysentery and diarrhoea
8. Respiratory disease

Form No. 28
Monthly return of births and deaths
 [Assam Schedule XLVII, Form No. 7]
 Referred to in Rule 90

-----Thana
 -----Monthly return of births and deaths. --
 -----Mauza

Place of registration --
 District --

| | | | | | |
|-----------------------------|--------------|-----------------------|---------------|----------------------|---------------|
| Death according to class | { | Birth | { 1. Male. | | |
| | | | { 2. Female. | | |
| | | | { 3. Total. | | |
| | | Christian | { 4. Male. | | |
| | | | { 5. Female. | | |
| | | Hindu | { 6. Male. | | |
| | | | { 7. Female. | | |
| | | Mussalman | { 8. Male. | | |
| | | | { 9. Female. | | |
| | | Buddhists | { 10. Male. | | |
| | | | { 11. Female. | | |
| | | Other Castes | { 12. Male. | | |
| | | | { 13. Female. | | |
| | | Total | { 14. Male. | | |
| Death from specified causes | { | Cholera | { 15. Female. | | |
| | | | { 16. Male. | | |
| | | Smallpox | { 17. Female. | | |
| | | | { 18. Male. | | |
| | | Plague | { 19. Female. | | |
| | | | { 20. Male. | | |
| | | Fever | { 21. Female. | | |
| | | | { 22. Male. | | |
| | | Kala-azar | { 23. Female. | | |
| | | | { 24. Male. | | |
| | | Dysentery & Diarrhoea | { 25. Female. | | |
| | | | { 26. Male. | | |
| | | Respiratory Disease | { 27. Female. | | |
| | | | { 28. Male. | | |
| | | Suicide | { 29. Female. | | |
| | | | { 30. Male . | | |
| | | | { 31. Female. | | |
| | | injuries | { | Wounds and Accident | { 32. Male. |
| | | | | | { 33. Female. |
| | | | | Snake bite or killed | { 34. Male. |
| By wild beasts | { 35. Female | | | | |
| Rabies | { 36. Male | | | | |
| | { 37. Female | | | | |
| Other Causes | { 38. Male | | | | |
| | { 39. Female | | | | |
| Total | { | | { 40. Male | | |
| | | | { 41. Female | | |
| | | | { 42. Total | | |

FORM No. 29

Daily report on epidemics for thanas, dated 19

[Assam Schedule XL (A), Part I, Form No. 170]

Referred to in Rule 91

- From the commencement of outbreak
1. Date of outbreak of the epidemic , and name of disease.
 2. Total number of cases attacked.
 3. Total number of deaths.
 4. Name of village.
 5. Distance and direction from P.S.
 6. Previous remaining (*i.e.*, columns 11 of the last report).
 7. Attacked.
 8. Total of columns 6 and 7.
 9. Cured.
 10. Died.
 11. Remaining.
 12. Total of columns 9, 10, and 11.
 13. Remarks.
- Total at the bottom of the form.

Police Station
Officer-in-charge of -----
Outpost

FORM No. 30

Statement showing the measures adopted inwith the view of exterminating wild animals and venomous snakes during the year 19 .

[Assam Schedule XL(A), Part I, Form No. 171]

Referred to in Rule 93

- | | | |
|--------------------------------------|------------------|--------------------|
| Number of persons killed | By wild animals | 1. Province. |
| | | 2. Elephants. |
| | | 3. Tigers. |
| | | 4. Leopards. |
| | | 5. Bears. |
| | | 6. Wolves. |
| | | 7. Hyaenas. |
| | | 8. Other animals. |
| | | 9. Total. |
| | | 10. By snakes. |
| | | 11. Grand total. |
| Number of cattle (a) killed. Outpost | By wild animals. | 12. Elephants. |
| | | 13. Tigers. |
| | | 14. Leopards. |
| | | 15. Bears. |
| | | 16. Wolves. |
| | | 17. Hyaenas. |
| | | 18. Other animals. |
| | | 19. Total. |
| | | 20. By snakes. |
| | | 21. Grand total. |

| | | | |
|--|---------------|---|---|
| Number of animals and snakes destroyed. | Wild animals. | } | 22. Elephants. 23. Tigers. 24. Leopards. 25. Bears. 26. Wolves. 27. Hyaenas. 28. Other animals. 29. Snakes. 30. Total number (excluding snakes) destroyed. 31. Remarks. |
|--|---------------|---|---|

(a) Cattle should be held to include horses, ponies asses, mules, oxen, cows and buffaloes.

Note - The column of remarks should show briefly the means adopted for the destruction of wild animals and snakes, and should give any other useful information available on the subject.

FORM No. 31

Register of property stolen and of all property and articles taken charge of by police

[Assam Schedule XL(A), Form No. 172]

Referred to in Rule 95

| | |
|------------------------------|---|
| Yearly consecutive number of | <ol style="list-style-type: none"> 1. Stolen property. 2. Intestate property. 3. Unclaimed property. 4. Suspicious property. 5. Exhibits and other property. 6. Description. . 7. Value. 8. Where, when, by whom, and the circumstances under which found with number and date of connected case, if any. 9. Date of receipt at the P. S. 10. How disposed of and signature of person to whom made over. 11. If sold, price realised and date of remittance. 12. Remarks. |
|------------------------------|---|

FORM No. 32

Postcard report of outbreak of animal disease

[Assam Schedule LII, (Part II), Form Nos. 1, 2 and 3]

Referred to in Rule 94

Report of cattle disease

Immediately on the outbreak of cattle disease in your vicinity, please post this postcard so that action may be taken at once. one day may result in a large mortality. The Veterinary Assistant. will come to the spot as soon as possible.

1. Thana

Mauza
2. Disease.
Village

3. Garden
4. No. of seizures.
5. No. of deaths.

Dated

Signature

Note - The Bengali and Assamese copies of the form are numbered 2 and 3 respectively.

FORM No. 33

Report of Intestate movable property

[Assam Schedule VI, Form No. 16]

Referred to in Rule 96

1. Annual number.
2. Date and place of death.
3. Name and residence of deceased, if known.
4. Names of claimant or claimants.
5. Particulars of each claim.
6. List of property.
7. Remarks

Memo No dated

Forwarded to the district Judge of for information and orders.

Signature of Magistrate.

Signature of Police Officer,

FORM No. 34

Account sales of Intestate movable property

[Assam Schedule VI, Form No. 17]

Referred to in Rule 96

1. Number and year of original report with name of deceased, if known.
2. Number and description of article as per original report.
3. Weight or measure (where possible).
4. Price at which sold, divided into money columns.
5. Remarks.

| <i>Side headings under columns 1 and 2</i> | | <i>Side heading under column 3</i> |
|---|-------|------------------------------------|
| Less cost of feeding livestock as per memorandum at foot. | | Total |
| No. | | Net proceeds forwarded. |
| | Rs. P | |
| Horse _____ days _____ at per day – | | |
| Cow or buffalo .. | | |
| Goat .. | | |
| Total .. | | |

The form will be signed by the police officer as well as the receiving officer, it is issued in triplicate.

FORM No. 35

Chalan of intestate movable property

[Assam Schedule VI, Form No. 18]

Referred to in Rule 96

1. Number and year of original report with name of deceased, if known.
2. Number and description of article as per original report.
3. Weight or measure.
4. Date of despatch.
5. Cost of despatch divided into money columns.
6. Remarks.

This chalan will be signed by the police officer transmitting it as well as by the receiving officer. It is issued in triplicate.

FORM No. 36

Receipt of sale proceeds

[Assam Schedule LIX, (Part I), Form No. 104

Referred to in Rule 105

POUND FORM C

Original

*Receipt for purchase money of cattle sold by
auction*

Serial No.

Name, father's name and residence of person
purchasing the cattle.

| Description of animals sold | Serial No. in Register E or H | Number of days impounded | Amount of purchase money |
|--------------------------------|----------------------------------|-----------------------------|-----------------------------|
| 1 | 2 | 3 | 4 |

Rs. P

Total Rs.

Received in full Rs. (in words).

Thana.

Dated the 19 . Officer-in-charge

POUND FORM C

Duplicate

*Receipt for purchase money of cattle sold by
auction*

Serial No.

Name, father's name and residence of person
purchasing the cattle.

| Description of animals sold | Serial No. in Register E or H | Number of days impounded | Amount of purchase money |
|--------------------------------|----------------------------------|-----------------------------|-----------------------------|
| 1 | 2 | 3 | 4 |

Rs. P

Total Rs.

Received in full Rs. (in words).

Thana.

Dated the 19 . Officer-in-charge

POUND FORM C

Triplicate

*Receipt for purchase money of cattle sold by
auction*

Serial No.

Name, father's name and residence of person
purchasing the cattle.

| Description of animals sold | Serial No. in Register E or H | Number of days impounded | Amount of purchase money |
|--------------------------------|----------------------------------|-----------------------------|-----------------------------|
| 1 | 2 | 3 | 4 |

Rs. P

Total Rs.

Received in full Rs. (in words).

Thana.

Dated the 19 . Officer-in-charge

FORM No. 37

Register of sale of cattle

[Assam Schedule LIX, (Par] I), Form No. 105

Referred to in Rule 105

| | | |
|-----------------------------|-------|--|
| | 1. | Description of animal. |
| | 2. | Serial number in register E or H. |
| Date | { 3. | of receipt from pound. |
| | { 4. | of sale. |
| Purchaser of cattle. | { 5. | Name. |
| | { 6. | Residence. |
| | { 7. | Signature. |
| | 8. | Number of days impounded. |
| | 9. | Price at which sold. |
| Amount of sale proceeds. | { 10. | Amount of fine. |
| | { 11. | Amount of feeding charges. |
| | { 12. | Amount paid to owner under Section 16. |
| | { 13. | Expenses of sale, if any. |
| | { 14. | Net sale proceeds of cattle after deduction of fine, feeding charges. |
| | { 15. | Total. |
| | 16. | Serial No. of receipt given in Form C. |
| | 17. | Date of remittance to pound keepers of fine and feeding charges. (Columns 10 and 11). |
| | 18. | Date of remittance to magistrate of net sale proceeds. (Column 14). |
| | 19. | Date of payment to owner or agent under Section 16. (Column 12). |
| | 20. | Signature of owner or agent (Section 16). |
| | 21. | Signature of pound keeper. |
| | 22. | Remarks. |

N. B. - Columns 9 to 13 both inclusive are divided into money columns. The amount of net sale proceeds shown in Column 14 should be remitted to the Magistrate, but the amount of fines shown in Column 20 should be credited to the District or Municipal Fund.

FORM No. 38

Pound Form G, Account of cattle sold or delivered to the Owner or Agent
under Section 16 of Act I of 1871

[Assam Schedule LIX, (Part I), Form No. 101]

Referred to in Rule 105

Foil

COLUMNS

1. Number and description of cattle seized.
2. Number of days impounded.
3. Amount of fine and feeding charges.
4. Number and description of cattle sold.
5. Auction sale proceeds.
6. Balance and unsold cattle made over to owner.
7. Signature of owners.

Counterfoil
(Same as foil)

FORM No. 39

First Information Report

[Assam Schedule XL (A), (Part I), Form No. 137]

Referred to in Rule 112

First information of a cognizable crime reported under Section 154, Cr. P. C. at P. S.....

Subdivision District.

No Date and hour of occurrence.

Below these a statement in the following three columns is given.

1. Date and hour when reported.
2. Place of occurrence and distance and direction from P. S.
3. Date of despatch from P. S.

N. B. - A First information must be authenticated by the signature, mark or thumb-impression of informant and attested by the signature of officer recording it.

Below this a statement in the following columns is given:-

1. Name and residence of informant and complainant.
2. Name and residence of accused.
3. Brief description of offences, with section, and of property carried off, if any.
4. Steps taken regarding investigation; explanation of delay in recording information.
5. Result of case.

Signed
Designation

(First information to be recorded below. The signature, seal or mark of informant should be affixed at the foot of the information.)

FORM No. 40

Register of cases in which First Information are not used

[Assam Schedule XL (A), (Part I), Form No. 138]

Referred to in Rules 112 and 123

..... Police Station.

COLUMNS

1. Consecutive number.
2. Date of institution.
3. Complainant with parentage and residence.
4. Accused with parentage and residence.
5. Section of law.
6. Date of submission of report.
7. Persons arrested if any (with date in each case).
8. Witnesses.
9. Magistrate's order with date.
10. Remarks.

Note - (1) In the column of remarks cross references to each entry in Parts IV and V of the Village Crime Note Book to be entered.

(2) In the column of remarks initials (with date) of officer ordering destruction of records to be given.

FORM No. 41

Statement to accompany a report under Sections 109 and 110, Criminal Procedure Code

[Assam Schedule XL (A), Form No. 138-B]

Referred to in Rules 123 and 271 COLUMNS

1. General repute.
2. Previous' convictions.
3. General manner of living and the ostensible means of subsistence.
4. Habits of the accused.
5. Associates of the accused.
6. Cases in which the accused has been suspected to have taken part.
7. Details of cases in which the accused has been known to have taken part.
8. Remarks.

(Reverse)

Explanations -

Column 1 - Evidence of repute must not be hearsay, but should be given by co-villagers and those living in the surrounding . village.

Column 2 - Requires no explanation.

Column 3 -The means of livelihood, caste, labour, trade, etc., the number of persons who are dependent on the accused and an estimate of his daily expenditure compared with his sources of income should be brought out.

Column 4 - The facts that the accused works regularly or intermittently, whether he is absent frequently from his home, and if so, whether in dark or moonlight night, what explanation has been given by him for his absence. Whether the chaukidars have watched to see when and under what circumstances he returns to his home, is the accused found sometimes with larger funds at his disposal than at other times-are all relevant points.

Column 5- The nature of the accused's associates is important - Whom does he visit, what persons come to his house, with whom he is on friendly terms. All these points are of value, but it must be shown that these men are themselves bad characters, if the evidence is to be of value. It is useless to say A associates with B and C unless you prove that Band C are bad characters.

Column 6 - Really comes under Column 1. (General repute)

Column 7 -Under this head much hearsay evidence is given. If the accused was seen by anyone running away when a cry of thief was raised, that person should testify to the fact. If the accused extorts money in any way the persons concerned should be produced as a witness. It is useless to call A to say that he knows B demanded *Punah* from C, but was not present when he did so, or, that B stopped C's son and frightened him into giving him money as he (C) himself told him.

FORM No. 42

Hue and cry notice

[Assam Schedule XL (A), Form No. 139]

Referred to in Rule 125

Hue and Cry Notice.

1. Station.
2. Village of occurrence.
3. Date of occurrence.
4. Nature of accused and his descriptive roll if available.
5. Nature of property stolen.
6. Nature of occurrence.

Date of despatch by station officer.

Signature of Officer despatching

(Reverse)

1. Date of receipt by station officer.
2. Date of reading over and explaining to the chaukidar and Dafadars at Muster parades.
3. Action taken by the receiving station officer.

Signature of receiving officer

FORM No. 43

Burglary Investigation

[Assam Schedule XL (A), (Part I), Form No. 142]

Referred to in Rule 136, (Form A)

[] - Deleted, *vide* correction slip No. 78, dated 13th November 1947.

FORM No. 44

Application for the suspension or remission or sentence under Section 401,

Criminal Procedure Code

[Assam Schedule XL (A), Form No.3-A]

Referred to in Rule 149

Columns

1. Number and address of convict.
2. Age.
3. Account of offence or offences in which he is implicated.
4. Copy of confession of convict and other papers showing a complicity (if necessary should be attached separately).
5. Period of imprisonment undergone.
6. Period of imprisonment which is still to be served out.
7. Period for which sentence is to be suspended or remitted.
8. Reasons for suspension or remission to be filled in by the Superintendent of Police.
9. Recommendation of District Magistrate.
10. Recommendation of the Inspector General of Police.

FORM No. 45

Enquiry slip

[Assam Schedule XL(A), (PART I), Form No. 141]

Referred to in Rule 155

Enquiry slip Serial No

Case (or other) references

Information noted in V.C.N.B. Volume page

From
Police Station

To
Police station

District

District

Date issued

Date received

Reply received

Reply despatched

Please enquire as indicated below and return with your reply.

Returned as requested with information on reverse.

Officer-in-charge Police Station

Officer-in-charge Police Station

Enquiry needed (continue on reverse if space insufficient).

FORM No. 46

Enquiry Slip

[Assam Schedule XL (A), Form No. 140]

Referred to in Rule 155

Enquiry slip to be used only in connection with enquiries from Calcutta. *

| | | | |
|-----------------------|---|-----------------------|--------------------------|
| <i>Foil.</i> | Serial No. | No. | REPLY |
| Calcutta Enquiry slip | Date | | Dated |
| Serial No. | From | From | |
| Date. | To | To | |
| From | <u>Nature of enquiry wanted</u> | | <u>Result of enquiry</u> |
| To | Particulars regarding persons to be enquired about. | | |
| | Name. | | |
| Nature of enquiry | Father's name | | |
| | Occupation or trade. | | |
| Signature of officer. | Reported to have gone to Calcutta on or about | | |
| | Object of visit to Calcutta. | | |
| | Address in Calcutta. | | |
| | Name of " <i>bariwalla</i> " or landlord. | | |
| | Name of " <i>para</i> " or " <i>bustee</i> ?" | | |
| | Name of street with number of premises. | | |
| | Name of P. S. or Post Office. | | |
| | Names and addresses of relatives, associates or countrymen in Calcutta. | | |
| | Signature of officer. | Signature of officer. | |

*To be used in connection with enquiries in large towns, such as Allahabad, Bombay, Cawnpore etc,

..... (No. in words) dead ^{body} ----- booked from to
_{bodies}

under P.W. Bill No of..... the total amount of freight to be recovered from the Deputy Commissioner (name of station) is Rs. _____ p, over a distance of miles at Rs. 0.50 per mile for each corpse subject to a minimum charge of Rs. 5 for each corpse.

Station

19 .

*Signature of Station Master
or Booking clerk.*

Date

Note - (1) This requisition should be properly filled in by the stationmaster and submitted to the Examiner of Accounts, N. F. Railway for realisation of freight due.

(2) This form only authorises carriage of corpses.

The stationmaster despatching corpses under this arrangement will see that other rules relating to the despatch of corpses by rail as shown in the N. F. Railway Coaching Tariff are complied with.

FORM No. 49

Chalan for use when a dead body is sent for examination

[Assam Schedule XL(A), (Part I), Form No. 140]

Referred to in Rule 167

1. Name and caste of deceased.
2. Sex and age.
3. Residence.
4. Where body was found.
5. Date and hour of despatch and distance from place of post mortem.
6. Means of despatch.
7. Name of identifying police officer and of the relations of the deceased accompanying the corpse.
8. Marks on the body.
9. Cause of death as far as known.
10. Remarks, noting what clothes and articles were sent in with the body.

FORM No. 50

Post mortem Report

[Assam Schedule XLIII, (Part I), Form No. 24]

Referred to in Rule 169

SIDE HEADINGS IN FOIL

| | |
|--|--|
| Name. | Date and hour of despatch from village. |
| Sex. | Date and hour of arrival at dead house. |
| Age. | Date and hour of examination. |
| Caste. | Information furnished by police. |
| Whence brought. | By whom identified before Medical Officer. |
| Village. | Opinion of Medical Officer. |
| Thana. | |
| Name of constable by whom brought and names of relatives accompanying. | |

COUNTERFOIL

1. Name, sex, age and caste.
2. Whence brought - Village and thana.
3. Name of constable by whom brought and names of relatives accompanying.
4. Despatch.
5. Arrival at dead house.
6. Examination.
7. Information furnished by police.
8. By whom identified before Medical Officer.

N.B. - Observe the state of all the organs and when no disease or injury is found write "Healthy".

1. EXTERNAL APPEARANCE

1. Condition of subject – stout, emaciated, decomposed, etc.
2. Wounds – position, size and character.
3. Bruises - position, size and nature.
4. Mark of ligature on neck dissection, etc.

II. CRANIUM AND SPINAL CANAL

1. Scalp, skull, and vertebrae.
2. Membranes.
3. Brain and spinal cord.

N.B. - The spinal canal need not be examined, unless any indication of disease or injury exists.

III. THORAX

1. Wall, ribs and cartilages.
2. Pleurae.
3. Larynx trachea.
4. Right lung.
5. Left lung.
6. Pericardium.
7. Heart.
8. Vessels.

IV. ABDOMEN

1. Walls.
2. Peritoneum.
3. Mouth, Pharynx and oesophagus.
4. Stomach and its contents.
5. Small intestine and its contents.
6. Large intestine and its contents.
7. Liver.
8. Spleen.
9. Kidneys.
10. Bladder.
11. Organs of generation, external and internal.

ON REVERSE

1. Injury.
2. Disease or deformity.
3. Fracture.
4. Dislocation.

More detailed description of injury or disease.
Opinion of Assistant Surgeon as to cause of death.

Signed

Assistant Surgeon of

Remarks by Civil Surgeon

Signed

Civil Surgeon of

The day of

FORM No. 51

Certificate to be forwarded with blood or seminal stained exhibits

[Assam Schedule VI, Form No. 23]

Referred to in Rule 174

Certificate to be signed by a magistrate or other Judicial Officer and forwarded with Blood or Seminal Stained Exhibits.

Certified that a Chemical Examiner to Government has permission of the court to remove, if necessary, portions of the exhibits connected with the case of State versus for the purpose of applying chemical tests.

(Signed)

Magistrate

Note - This certificate must be signed by a magistrate or other judicial officer and is to be appended by the Chemical Examiner to his report on the case and filed with the records.

FORM No. 52

Wound Report

[Assam Schedule XL(A), Part I, Form No. 211]

Referred to in Rule 177

No

From

The Superintendent of Police,

To

The Civil Surgeon of

Date the..... 19 ..

Sir,

I have the honour to request the favour examining..... sent to the hospital on theand of your furnishing me with a report on the reverse of the nature and the extent of the bodily injury by the said

Yours faithfully,

Superintendent of Police

| | | | | | | |
|---|---|---|------------------------------------|--|--|---|
| Date, hour and place of examination of deceased or wounded persons by the police officer. | Nature of injury whether cut, wound, bruise, fracture or dislocation. | Size of each injury in inches being length, breadth and depth | On what part of the body inflicted | Simple, serious or dangerous (state definitely in each case whether the definition of grievous hurt, vide footnote 1). | By what weapon alleged or supposed to have been inflicted. | Whether the weapon was dangerous or not, vide footnote 2. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Note 1. - Description of grievous hurt:-

Firstly - Emasculation.

Secondly - Permanent privation of the sight of either eye.

Thirdly - Permanent privation of the hearing of either ear.

Fourthly - Privation of any member or joint.

Fifthly - Destruction or permanent impairing of the powers of joint.

Sixthly - Permanent disfiguration of head or face.

Seventhly - Fracture or dislocation of a bone or tooth.

Eighthly - Any hurt which endangers life or which causes the sufferer to be during the space of 20 days in severe bodily pain or unable to follow his ordinary pursuits.

Note 2 - Description of dangerous weapon. Any instrument for shooting, stabbing or cutting, or any instrument which is used as a weapon of offence, is likely to cause death.

FORM No. 53

Case diary

[Assam Schedule XL(A), (Part I), Form No. 145

Referred to in Rule 188

Case No.

Case diary under Section 172, Criminal Procedure Code, in -----

Section

dated

P.S.

District

Case diary No.

Below these a statement in the following columns is given.

- (1) Arrested and sent up.
- (2) Arrested and released on bail.
- (3) At large.

Particulars of enquiry are to be written below this statement.

The left hand side containing the column "Particulars of enquiry" divided into.

- (a) No. and hour of entry;
- (b) place of entry; and
- (c) synopsis of entry.

(Reverse)

Diary ends

Forwarded to (Person)

From (Place).....

At (time).....

By (what means).....

Signature of Sub-Inspector of Police.

Statement under Section 161, Criminal Procedure Code, forwarded herewith.

| | | | |
|-----|------|---------------|----------|
| No. | Name | Father's name | Address. |
|-----|------|---------------|----------|

FORM No. 54

Identification of suspects

[Assam Schedule XL(A), (Part I), Form No. 146]

Referred to in Rule 195

Note. - Whenever it is necessary to submit any person suspected of having been concerned in any offence for identification, particular care should be taken, pending the arrival of the identifying witnesses to keep the suspect in some place where they cannot have access to him. On their arrival the suspect should be mixed up with 8 or 10 men similarly dressed; and of the same religion or social status, and the identification carried out whenever possible in the presence a magistrate or Sub-Registrar unconnected with the case, who should be asked to satisfy themselves that the identification has been conducted under conditions precluding the possibility of collusion. Care must be taken that the identification by each witness is done out of sight and hearing of the other identifying witnesses.

1. Date and time of conducting the identification.
2. Place where the identification is made.

3. Name of identifying witnesses with note as to which suspects were identified by each witness.
4. Name of the suspects.
5. Place where the suspect was detained or kept before he was brought out for identification.
6. Description of the manner in which the identification was effected.
7. Names of witnesses in whose presence the identification was made with their signatures.
8. Remarks and signature of the investigating officer.

FORM No. 55

Progress sheet

[Assam Schedule XL(A), (Part I), Form No. 227]

Referred to in Rule 198

PROGRESS SHEET

.....District.

.....Police Station.

Case No.....of.....19

State versus.....

Section.....I.P. C.

| Item. | Date |
|---|------|
| If S. R. case wired to Superintendent of Police | .. |
| Consulted V. C. N. B. | .. |

ABSCONDERS

| | |
|---|----|
| Verified absconding | .. |
| Prepared list of property | .. |
| Applied for warrant with list of property | .. |
| Applied for proclamation and attachment | .. |
| Attached property | .. |
| Applied for sale order | .. |
| Property sold | .. |

PROPERTY REGISTER

Entered property in Register ..

BREIF

Submitted Brief

“ “ Charge sheet ..

“ “ Final Report ..

Entered in Crime Map ..

Received Final Memo ..

V.C.N.B. Vol. Page.

Entered in Part II ..

“ “ III ..

“ “ IV ..

CHAUKIDARY REGISTER

Entered conviction ..

" suspects ..

SURVEILLANCE REGISTER

Entered P. R. Order ..

" in wall Chart ..

Informed Sarpanch ..

Signature of investigating officer.

Entered in Khatian

Signature of officer-in-charge.

FORM No. 56

Certificate of despatch. from P. S. and receipt at headquarters lock-up of prisoners

[Assam Schedule XL(A), (Part I), Form No. 150]

Referred to in Rule 213

1. Name of P. S.
2. Date and hour of despatch.
3. Names of prisoners.
4. Case in which concerned.
5. Name of police officer to whose custody sent.
6. Date and hour of arrival at sadar or sub-divisional station and receipt of O. C. of same.

Counterfoil

District Charge Sheet No. dated 19 .
P. S, in the First Information No. dated 19 .

Columns

1. Name, address and occupation of complainant or informant.
2. Names and addresses of accused persons not sent up for trial, whether arrested or not arrested, including absconders (show absconders in red ink).
3. In Custody.
4. On bail or recognizance.
5. Property (including weapons) found, with particulars of where, when and by whom found, and whether forwarded to magistrate.
6. Name and addresses of witnesses.
7. Charge or information. Names of offences and circumstances connected with it in concise details, and under what section of law charged.

Names and addresses of accused persons sent up For trial

The following is given below the form.

Despatched at-----on 19 .
A.M.
P.M.

Signature of investigating officer

(Certificates to be annexed to the charge sheet).

Certified that I have carefully examined the resister of persons convicted (village crime note book Part III), and have in all other respects made full enquiry whether the accused persons and absconders against whom the charge has been proved have given false names and addresses or have been previously convicted, and I find that -

Also certified that the accused is ----- in this jurisdiction.
identified
unidentified

Certificate to be signed by the Court Officer.

Certified that I have carefully searched the conviction Register and have found that-

FORM No 59

Final report under Section 173, Cr. P. C.

[Assam Schedule XL (A), (Part I), Form No. 149]

Referred to in Rule 222

Foil

Final report under Section 173, Cr. P. C.

Serial No Dated 19

No. and date of first information.

Name of informant and of the person aggrieved, if the informant is not such person.

Charge or information.

Property stolen, if any, with value.

Property found, if any, with value.

Accused person, if any.

Date and hour of arrest, if arrested.

Date and hour of release and whether on bail or recognizance.

Brief note of reasons for not proceeding further with investigation.

Final orders of magistrate with date.

Date and hour of despatch.

Whether purport of the report has been communicated to the informant.

Signature of Investigating Officer.

Counterfoil.

District Final Report No dated19 .

P. S. in First Information No dated19 .

Columns.

1. Name and address of informant and of the person aggrieved, if the informant is not such person.
2. Nature of charge or information.
3. Description and the value of property, stolen if any.
4. Names and addresses of accused persons, if any.
5. If arrested, date and hour of arrest.
6. Date and hour of release and whether on bail or recognizance.
7. Property (including weapons) found, with particulars of where, when by whom found, and whether forwarded to magistrate.
8. Brief description of information, action taken by police with result and reasons for not proceeding further with investigation. (Note here whether purport of the report has been communicated to the informant).

Below the Form

Signature of Investigating Officer.

B. N. - The magistrate should record his order on the back.

FORM No. 60

Final memorandum showing result of trial and magistrate's final order

[Assam Schedule XL(A), (Part I), Form No. 118]

Referred to in Rule 226

(For form, see Part IV)

FORM No. 61

First information of a reported case of unnatural death sent to the magistrate under

Section 174, Cr. P. C.

[Assam Schedule XL (A), (Part I), Form No. 151I]

Referred to in Rule 229

1. Station number.
2. Date and hour of information.
3. Name and residence of the person reporting.
4. Name, age and residence of the deceased.
5. Name of place where corpse was found, with distance and direction from station and outpost.
6. How caused and date and hour of death.
7. Steps taken by the O/C and date and hour of going to the spot.

Below the statement the following are given.

Date and hour of despatch of
First Information Report.

Officer-In-charge of -----
Police station
outpost

Informant's statement to follow here.

Counterfoil.

Final report of a reported case of unnatural death sent the magistrate under Section 174, Cr. P.C.

Station number.

Date of First Information.

Name of deceased.

Date and hour of despatch of final report.

Officer-in-charge of -----
Police station.
out post

Final Report

FORM No. 62

Village Crime Note Book, Part III – Conviction Register

[Assam Schedule XL (A), (Part I), Form No. 152]

Referred to in Rule, 231 and 236

VILLAGE CRIME NOTE BOOK

PART I

Village Directory

Population by Census of 19 . Hindus..... Mohamedans

Others Total.....of village

Names of outlying hamlets with number of Police station, houses, if any, in each.

Revenue District.

Name of Post Office and nearest Telegraph Office. Number of houses.

Market days..... Nearest Inspection

Fairs Bungalow.

Festivals

Distance and direction of the village from the police station.

Nearest railway station or steamerghat (with distance from village.)

Particular, to be entered as required by Rule V-236

FORM No. 63

Village Crime Note Book, Part II, Crime Register

[Assam Schedule XL(A), (Part I), Form No, 152-A]

Referred to in Rules 231 and 237

PART II - CRIME REGISTER

Columns

1. Serial number, date and section of first information report, name (and if necessary, address) of complainant.
2. Date and time of occurrence with phase of moon and day of week
3. Offence, modus operandi, cause or object of crime, nature of weapons and implements used.

| | |
|----------------------|---------------|
| Value of property | 4. Stolen. |
| | 5. Recovered. |

6. Names with *aliases*, parentage, caste and residence of persons accused or suspected, with full grounds for suspicion and cross references, if any to parts III, IV and V.
7. Full name and rank of investigating officer, result of cases with name of magistrate and date of disposal.

FORM No. 64

Village Crime Note Book, Part III-Conviction Register

[Assam Schedule XL (A), (Part I), Form No. 152-B]

Referred to in Rules 231 and 238

PART III - CONVICTION REGISTER

1. Serial number and date of entry.
2. Name, year of birth, descriptive roll and residence of convict.
3. Parentage and caste.
4. Place and date of conviction.
5. Offence.
6. Punishment awarded.
7. Place of crime if committed outside village.
8. Name of identifying officers and serial number of entry of previous convictions, if any.
9. Remarks. Cross references to Parts III, IV and V, and date of release.

FORM No. 65.

Village Crime Note Book, Part IV - Village History

[Assam Schedule XL(A), (Part I), Form No. 152-C]

Referred to in Rules 231 and 243

PART IV

Village History

Notes on crime in the village with special reference to factions, land or water disputes, presence of criminal tribes or gangs, obstruction or damage to railway line within the village, special outbreak of crime in the village, etc.

| Serial number of entry | Date of entry | Remarks | Signature of officer in full |
|------------------------|---------------|---------|------------------------------|
|------------------------|---------------|---------|------------------------------|

FORM No. 66

Village Crime Note Book, Part V-History Sheet

(Assam Schedule XL (A), (Part I), Form No. 152-D)

Referred to in Rules 231 and 244

(On the cover)

No

History sheet of

.....
.....
.....

Page 1:-

Probable dates of release from jail

.....
.....

Side headings:-

1. Type of criminal with modus operandi.
2. Member of Gang
Leader
3. Reference to Burglar's Register page.
4. Female acquaintances.
5. Areas in which he commits or is suspected of having committed crime.
6. Whether F. P. record slip is on record in the local Bureau or in other Bureau concerned.
7. F. P. classification number.
8. Number of entry in surveillance Register.
9. Left thumb impression.

Page 2:-

On the top -

Full face

Space for photo
divided into two columns

Profile

Photo taken on

Side headings:-

1. Name of bad character with *aliases* and caste.
2. Father's name with aliases.
3. Residence - Place of birth. Present. Former.

Village

If not born in the district, antecedents must be verified and verified residence should be noted.

Police Station

Name and number of chaukidar or

District

Gaonbura should also be noted,

4. Descriptive roll:-

Date of birth Lips Particular marks of
Height Teeth identification, peculiarities
Build Fingers of manner, habits, speech and
Head Chin gait
Hair Bars
Eyebrows Face
Forehead Complexion
Eyes Beard
Nose Moustache.....
Mouth Deformities

Page 3:-

On the top
Early History

(A short account of his birth and up-bringing to the time when first suspected of any crime).

Page 4:-

On the top
Relations and connections

Columns:-

| | | |
|---|---|--------------------|
| Relations | } | Blood Relations |
| Name | | |
| Father' name | } | Relations marriage |
| Residence | | |
| Whether dependent on the bad character. | | |
| Occupation | | |
| Cross reference to V. C. N. B. | | |
| Parts II, III and IV and H. S. if any. | | |

Page 5:-

On the top –
Associates

Columns:-

| | | |
|-------------------------------------|---|--------------------------------|
| Name | } | Associates in committing crime |
| Father's name | | |
| Residence Occupation | } | Receivers |
| Cross reference to V. C. N. B. | | |
| Parts II, III, IV and H. S. if any. | | |

Page 6 -7 combined:-

On the top

Property and mode of earning livelihood.

N. B. - Enquiries to be made when had character is looked up and entries to be made, as a general rule every six months.

Columns :-

1. Date.
2. Source of income.
3. Total income of household.
4. Number of family members (adults and children to be shown separately).
5. Number of earning family members.
6. Does mode of living agree with monthly-income?
7. Remarks.
8. Signature of officer making the entry with date.

Page 8-9 combined:-

On the top

Convictions

Columns:-

1. Serial No.
2. *Modus operandi*.
3. Case No. and police station.
4. Date of conviction.
5. Section of law.
6. Sentence.
7. Place of conviction with name of trying Magistrate.
8. Names, parentage and residence of identifying witnesses.
9. Release with the name of jail of last incarceration.
10. Arrival at home.
11. Date of expiry of 565, Criminal Procedure Code order.
12. Reference to V. C. N. B. Parts II and III.
13. Remarks. (Name and parentage under which convicted).

Date of

Page 10:-

On the top

Criminal Record

Note - Here note the circumstances and details of each case, reported or unreported, in which it is learnt that the bad character has taken part or is suspected to have taken part: Give *modus operandi* and names of witnesses in all cases. Cases in which conviction is obtained are to be entered in red ink. Only reasonable grounds of suspicions are to be entered. Entries are to be made in chronological order.

If the bad character becomes untraced, the date of his becoming untraced with the number and date of C. I. G. in which his roll is published should be entered in red ink and when he is subsequently

traced, this fact should also find entry with particulars whether he absented himself for committing crime and what action was taken against him in case he violated the condition of his bond under Section 565, Criminal Procedure Code.

(Entries should be signed in full and the designation of the officer given.)

Remember this record must be always up to date and continuously under preparation. It is to provide a complete brief for an officer prosecuting a bad livelihood case.

Columns:

Serial number and date of entry.

Details of occurrence with case and G. D. entry number, Name, parentage and addresses of corroborating witnesses.

Pages 11 – 15:-

On the top –
Criminal Record

Columns:-

Serial number and date of entry.

Details of occurrence with case and G. D. Entry number, Name parentage and addresses of corroborating witnesses.

FORM No. 67

Village Crime Note Book, Part VA-History Sheet-Annual Note Sheet

(Assam Schedule XL (A), (Part I), Form No. 152-E)

Referred to in Rules 231 and 245

| Name | Residence | History sheet, member, year |
|----------------------------------|--------------------|---|
| Date and general diary reference | Notes of enquiries | Reference if entered in the criminal record, Part V |
| 1 | 2 | 3 |

FORM No. 68
Alphabetical list of villages in

P. S.

----[Assam Schedule XL(A), (Part I), Form No. 153]

O. P.

Referred to in Rule 235

1. Name of village
2. Name of ^{Panchayeti circle}----- and number of volume.
Mouza
3. Page number.
4. Name of village,
5. Name of ^{Panchayeti circle}----- and number of volume.
Mouza
6. Page number.

FORM No. 69

Index of convicted persons and of persons for whom history sheets have been opened

[Assam Schedule XL(A), (Part I), Form No. 154]

Referred to in Rule 246

1. Names of persons convicted or entered in History Sheets.
2. Name of father.
3. Village and unit of residence.
4. Number of History Sheet.

FORM No. 70

Register of persons for whom history sheets have been opened

[Assam Schedule XL(A), (Part I), Form No. 155]

Referred to in Rule 284

1. Number.
 2. Name.
 3. Parentage and caste.
 4. Residence.
 5. Number of history sheet.
 6. Date of entry.
 7. Brief reasons for entry and signature of officers.
 8. Date.
 9. Brief reasons and signature of officer.
- Name {
Struck off {

FORM No 71

Gang Register

[Assam Schedule XL(A), (Part I), Form No. 155-A]

Referred to in Rule 273

Side heading :-

1. Name of the gang.
2. Name and address of the leader of the gang.
3. Names and addresses of the supporters of the gang.
4. Names and addresses of persons assisting the Police to suppress the activities of the gang.
5. Areas in which crime is committed.
6. Nature of crime committed by members of the gang.
7. Connections, if any, with other gangs.

Columns :-

1. Serial number.
2. History Sheet number.
3. Name of member, father's name, residence, year of birth.
4. Cases in which concerned with places of occurrence - 16 sub-columns.
5. Remarks.

Note - The result of cases against each member should be shown as follows :-

"C" for convicted.

"D" for discharged.

"A" for acquitted.

"5" for suspected.

[*Authority* - Assam Government letter No. C.P. 249/823-0.J., dated the 8th March, 1937].

GANG REGISTER.

1. Name of the gang
2. Name and address of the leader of the gang
3. Names and addresses of the supporters of the gang
4. Names and addresses of persons assisting the Police to suppress the activities of the gang
5. Areas in which crime is committed
6. Nature of crime committed by member of the gang
7. Connections, if any, with other gangs

| Serial number | History Sheet number | Name of member, father's name, residence, year of birth | Cases in which concerned with places of occurrences | Remarks |
|---------------|----------------------|---|---|---------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Note - The result of cases against each member of the gang should be shown as follows:

"C" for convicted.

"D" for discharged.

"A" for acquitted.

"S" for suspected.

FORM No. 72

Post card report of bad character amongst tea garden coolies

[Assam Schedule XL(A), (Part I), Form No. 259]

Referred to in Rule 158

Post card

1. Name of coolie.
2. Father's name.
3. Caste.
4. Whether absent since last report was submitted.
5. If absent :-
 - (a) Date and period of absence.
 - (b) Place or places visited.
 - (c) Causes of absence.

Address

}

(Signature)

On reverse

To

The officer-in-charge of _____ Police Station

FORM No. 73

Bad character Roll A

[Assam Schedule XL(A), (Part 1), Form No. 151]

Referred to in Rule 263

FORM A - ROLL FOR REPORTING THE ABSENCE OR DEPARTURE OF A BAD CHARACTER
State

1. Police station.
2. District.
3. Serial number of roll.
4. Name, parentage, caste and descriptive marks of bad character.
5. Number in Surveillance Register and particulars of previous convictions.
6. Class of offences he commits.
7. Place to which he may have gone or is alleged to have gone and for what purpose, with information as to his relatives and associates in such places.
8. Date and hour at which he left his village.
9. Date and hour of despatch of this roll and whether sent by hand or post.

Signed

Designation

Date

9. Date on which he alleges to have left his village.
10. Date and hour of departure of stranger, with name of reporter.
11. Whether stranger is returning to his home or going elsewhere.
12. Date and hour of despatch of the roll and whether sent by hand or post.

Signed

Designation.....

Date

ACKNOWLEDGEMENT OF RECEIPT

Bad character roll (Form B) number of police station district was
 received by me at ----- on the of 19 .
A.M.
P.M.

Signed

Designation.....

Date

(Reverse) Reply

If the stranger is identified, full particulars regarding him should be entered here and the roll should then be returned to the police station of issue.

FORM No. 75

Prisoner's post card reports.

Assam Schedule XL(A), (Part I), Form No. 160

Referred to in Rule 265

Police station Dated the 19

District

Name (with *aliases*)

Father's name

Residence in full

Absent since

Particulars of interest and probable where abouts

Officer-in-charge.

FORM No. 76

Register of travellers taking shelter in a licensed serai or hotel

[Assam Schedule VI, Form No. 40]

Referred to in Rule 268

Schedule showing the particulars of travellers who take shelter at -----^{serai} situated at and registered in
-----_{hotel}
the name of under Section 8 of Act 22 of 1867.

COLUMNS

- (1) Serial No.
- (2) Name of travellers.
- (3) Father' name.
- (4) Home address.
- (5) Profession.
- (6) Date of arrival.
- (7) Names of places from where they have come.
- (8) Date of departure.
- (9) Where to go next.
- (10) Remarks.

FORM No. 77

Report of gangs

[Assam Schedule XL(A), (Part I), Form No. 161]

Referred to in Rule 276

Particulars of men, women and children who -----^{arrived in} the jurisdiction of Thana
-----_{left}
district for

- 1. Name of tribe or caste.
- 2. Name of particular division of tribe or cute.
- 3. Number of men, women and children.

4. Number and description of headman and of one or two other members of gang. (If ascertainable, note if any member has his finger prints taken).
5. Original home or headquarters of the IUI.
6. Religion.
7. Language.
8. Clothing.
9. Horses, donkeys, goats, sheep and cattle.
10. Ostensible profession.
11. Date of arrival.
12. From where.
13. Particulars of any suspicion or charges against them.
14. Destination and date of departure.
15. Purpose of journey.
16. Route proposed to be taken.
17. Measures taken to watch the gang.
18. If they purchase women for prostitution, if the women practise such, if they intermarry, etc.
19. Finger impression (Left thumb) of headman.

Dated the

19 .

Officer-in-charge.

FORM No.78

Appointment Sanad

[Assam Schedule LIX, (Part II), Form No. 5]

Referred to in Rule 291

..... son of caste village P. S
O. P.

..... district at present resident of village P. S
O. P.

..... district is hereby appointed under the provisions of Section 35, Act
VI (B. C.) of 1870, as amended by subsequent enactments, chaukidar of village P. S
O. P. district

Dated

Magistrate

FORM No. 79

Register of attendance of village chaukidars

[Assam Schedule LIX, (Part II), Form No. 30]

Referred to in Rules 295 and 84

1. Chaukidar's number.
2. Distance and direction of village from P. S.
3. Number of houses.
4. Names of chaukidars and villages.
- 5 to 17. Names of months from January to December.
18. Annual total.
19. Absconders and bad characters living in each beat with number in Surveillance Register and History Sheet of the latter, and class and number and part of the former.

N. B. - Deaths indicated thus X

Births „ „ ---

Attendance date to be entered in the black ink.

Date of absence „ „ „ red ink

FORM No 80

List of chaukidar absent from parade

[Assam Schedule LIX, (Part II), Form No. 20]

Referred to in Rule 295

1. Number divided into -
 - (a) of circle,
 - (b) of chaukidar.
2. Name of the absentee.
3. Date of absence.
4. Previous punishment for absence.
5. The chaukidar's explanation.
6. Remarks on the explanation, whether true or false. The number of previous defaults during the year.
7. Order.

CIRCLE INSPECTORS AND POLICE STATIONS

Index of correction slips to Part V of the Assam Police Manual.

| Number of correction slip with date | Rule added to or corrected | Number of correction slip with date | Rule added to or corrected | Number of correction slip with date | Rule added to or corrected |
|---|-------------------------------|---|-------------------------------|---|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

CIRCLE INSPECTORS AND POLICE STATIONS

| Number of correction slip with date | Rule added to or corrected | Number of correction slip with date | Rule added to or corrected | Number of correction slip with date | Rule added to or corrected |
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