

CONTENTS

PART I
POWERS AND DUTIES OF OFFICERS

Para *Page No.*

CHAPTER I
SUPERIOR OFFICERS
DIRECTOR GENERAL OF POLICE

- | | | |
|----|---|----|
| 1. | Powers and status of Inspector General-cum-Director General of Police | 34 |
|----|---|----|

ADDITIONAL INSPECTOR-GENERAL/ZONAL INSPECTOR GENERAL

- | | | |
|------|--|----|
| 1-A. | Powers and responsibilities of Additional Inspector General of Police..... | 36 |
|------|--|----|

DEPUTY INSPECTOR-GENERAL

- | | | |
|----|--|----|
| 2. | Powers and responsibilities of Deputy Inspectors-General as the incharge of ranges | 36 |
| 3. | Duties of Deputy Inspector General of Police in his range | 37 |

DEPUTY INSPECTOR-GENERAL, GOVERNMENT RAILWAY POLICE

- | | | |
|----|--|----|
| 4. | Powers of Assistant to the Inspector-General, Government Railway Police..... | 38 |
|----|--|----|

COMMISSIONER

- | | | |
|----|------------------------|----|
| 5. | Powers of Commissioner | 38 |
|----|------------------------|----|

DISTRICT MAGISTRATE

- | | | |
|------|---|----|
| 6. | Powers of District Magistrate of the district..... | 39 |
| 7. | Information to District Magistrate of all serious crimes
And of any sudden increase in volume of crime | 39 |
| 7-A. | Powers of D.M. to ask the S.P. to institute an enquiry
in case of any instance of inaction, corruption,
harassment, abuse of authority and wrongful
detention of police..... | 40 |

7-B.	40
8. Instructions to DM in the exercise of his power of control.....	40
9. Inspection of Police Stations by D.M.....	40
10. To obtain sanction of the DM to the expunction of a Crime from the crime register	41
10-A.	41
11. The powers of a Superintendent in licensing and Regulating prosecutions.....	41

SUPERINTENDENTS OF POLICE

12. Status of Superintendent of Police	42
13. Responsibilities of Superintendent of Police	43
14. To follow the directions contained in M.G.O's, when a district officer giving over a charge of a district	44
15. Entries in English Order Book (presently known as Hindi Order Book).....	44
16. Entries of all cognizable crimes reported at police Stations in Crime Register.....	44

ASSISTANT AND DEPUTY SUPERINTENDENTS OF POLICE

17. Powers and duties of Assistant and Deputy Superintendents of Police.....	45
17-A. [Omitted].....	46

CHAPTER II RESERVE INSPECTORS AND RESERVE SUB-INSPECTORS

18. Responsibilities of Reserve Inspector (R.I.).....	46
19. Responsibilities of Reserve Inspector regarding safe custody of arms, ammunition and stores.....	47
20. Responsibilities of Reserve Inspector for the training of recruits.....	47
21. Duties of R.I. for weekly kit inspection and annual	

firing.....	47
22. Inspection of all guards and sentries by R.I. at headquarters deputed from reserve lines.....	47
23. Employment of R.I. to command escorts and guards on special occasions.....	48
24. Duties of Reserve Sub-Inspector (R.S.I.).....	48

CHAPTER III PUBLIC PROSECUTORS AND THEIR SUBORDINATES

25-39.[Omitted].....	49
----------------------	----

CHAPTER IV CIRCLE INSPECTORS

40. Principal duties of Circle Inspectors.....	49
41. Other duties of Circle Inspector.....	50
42. Responsibilities given to Circle Inspector by the Inspector General	51

CHAPTER V SUB-INSPECTORS AND UNDER OFFICERS OF THE CIVIL POLICE

Officer-in-charge of a Station

43. Officer-in-charge of a police station.....	52
44. Abilities of Officer-in-charge of a police station	52
45. Confidential Note Book of Officer-in-charge.....	53
46. Duties of Officer-in-charge of a police station	53
47. Powers of S.O. to allow his subordinates to go off duty.....	53
48. Miscellaneous Important duties of a Station-officer-in-Charge	53
49. Definition of Officer-in-charge.....	54
50. Charge Certificate of Station Officer	54

Subordinate Sub-Inspectors

51.	Duties of the Second Officer.....	55
52.	If no Second Officer is in police station, junior to the Second Officer to perform duties of Second Officer.....	55
53.	[Omitted].....	55
54.	[Omitted].....	55

Head Constable Station writer

55.	Duties of Head Constable-Station writer.....	55
56.	Literate police officer will give assistance to head Constable-station writer.....	56
57.	Head constable as in-charge of the station.....	56

Head Constable in-charge of Outpost

58.	Responsibility of Head Constable as-in-charge of Outpost.....	57
59.	Duties of Outposts.....	57
60.	[Omitted].....	57

Constables

61.	Constables of civil police.....	57
62.	Duties of Sentry.....	58
63.	Division of Police station circle into beat and duties of beats constables.....	58
64.	District Police entitled to appear and to remain on Railway platforms.....	59

**CHAPTER VI
ARMED POLICE**

65.	Works of Armed Police.....	59
66.	Sub Inspectors of Armed police : works and duties.....	59
67.	Head Constables of Armed Police : works and duties	60

68.	Orders of Magistrate in a Riot or affray.....	60
69.	Deputation of Armed forces on various duties.....	60
70.	Use of force by the police against the crowd.....	61
71.	Requisition of Armed police	65
72.	Constables of Armed police as bicycle orderlies to the Governor.....	65
73.	Reserve of armed police	66
74.	Time limit for the service in armed reserve.....	26
75.	Limits of leave of the men in armed reserve.....	66
76.	Deputation of armed police for special duty.....	67
77.	Restriction of duties for the member of reserve.....	67
78.	Maintenance of armed training reserve.....	67

CHAPTER VII MOUNTED POLICE

79.	Duties of mounted police.....	68
80.	Formation of mounted police.....	68
81.	Duties of Sub-Inspectors and Head Constables in mounted police.....	68
82.	Roaster of duty at troop headquarters.....	69
83.	Inspection before forces deputed to other districts.....	69

Training of Mounted Police

84.	Training of mounted police.....	69
85.	Other trainings of members of mounted police.....	70
86.	Three months' advance course of selected constables.....	70
87.	Training of troop horses.....	71
88.	Training for treatment of horses.....	71

CHAPTER IX VILLAGE POLICE

89.	Chief duty of village chowkidar.....	71
90.	Freeships of Chaukidar.....	71
91.	Attendance of village Chaukidars.....	71
92.	Crime record book of village chaukidars.....	72
93.	Assistance for escort duty by village police.....	73
94.	Rules for the watch and ward of camps of officers on Tour.....	73
95.	Supply of printed forms for written reports of cognizable offences to village Chaukidars.....	74
96.	Appointment of village Chowkidars.....	74
96-A.	Provisions of Para 50 are applicable to village Chaukidars.....	74

PART II
PARTICULAR DUTIES
CHAPTER X
REPORTS MADE AT POLICE STATIONS

97.	Process for information relating to the commission of a cognizable offence.....	75
98.	Entries of crimes in registers and diaries should be clear	75
99.	Substance of F.I.R. in G.D.....	76
100.	Process for Oral Information of Cognizable offence to Station officer.....	76
101.	Special Report cases.....	76
101A	Copy of Special Reports to DM and SP	77
102.	Process for report of a non-cognizable offence.....	77
103.	Responsibility of S.O. for the correct recording of all Reports of crime.....	77

CHAPTER XI
INVESTIGATIONS

104.	Decision for Investigation of a report of cognizable Offence.....	77
------	--	----

105. Process, when a cognizable case will not be Investigated.....	79
106. Completion of an Investigation.....	79
107. Duties of an Investigating Officer.....	79
108. Steps for Investigating Officer to investigate the case.....	80
109. Entries of the case diaries.....	80
110. Proceedings after arrests of a suspected person.....	81
111. Search conducted by a police officer.....	81
112. Inquiries from a person.....	82
113. Inquiries from public or railway servants.....	82
114. Plan of the scene of occurrence should be made by I.O.....	83
115. Dying declaration of seriously injured person to be recorded immediately.....	83
116. Identification parade of suspects.....	83
117. Identification of articles of property recovered from suspects	84
118. Cognizable offence done by a person in a second state of mind get no relaxation by the police.....	84
119. Process for confession recorded by the Magistrate.....	84
120. Who can record the confession.....	84
121. Remand for police custody.....	85
122. Completion of Investigation and submission of final report or charge sheet should be as soon as possible.....	85
123. Previous convictions should be recorded in charge Sheet.....	86
124. Complaint of cognizable or non-cognizable offence before the Magistrate	86
125. Process of Investigation when an Indian is killed by British soldiers.....	87

126. No analysis of the work of Investigating Officers.....	87
127. Production of records of post office before the police.....	87
128. Process when there is an outbreak of thefts from goods trains.....	88

CHAPTER XII

REQUESTS, POST-MORTEM EXAMINATION AND TREATMENT OF WOUNDED PERSON

129. Any sudden or unnatural death to be reported by village Chaukidar to the police station.....	88
130. [Omitted].....	89
131. All sub-Inspectors and head constables empowered to make inquiries u/s 174 Cr. P.C.....	89
132. Inquest report by police.....	89
133. [Omitted].....	89
134. Known or suspected dead bodies related to cognizable offence to be sent for post-mortem examination.....	89
135. Recording of finger prints of unidentified corpses	89
135A. Process when an unclaimed or unidentified body is recovered by police.....	90
136. Steps taken by I.O., when medical officer making examination of dead bodies.....	91
137. Dead Bodies for examination should be sent to district Headquarters.....	94
138. Process, when dead body sent for examination by G.R.P.....	94
139. Procedure, when a body is sent for post-mortem Examination.....	94
140. Objects of examination should be clearly explained in Inquest report.....	96
141. Public Prosecutor to directly correspond with Civil Surgeon when sending any article for examination.....	96
142. Exhibits connected with the commission of an offence should be sent to Public Prosecutor or to Magistrate	

for required testing in Forensic laboratory.....	96
143. In case of dangerous injuries wounded persons to be Conveyed to headquarters	97
143A. First-aid given by the Medical Officer in Medico-legal Case.....	98
144. Injury or post-mortem report made by the medical officer.....	98
145. A shell for conveyance of corpses provided to police Stations.....	98
146. No person may be sent for medical examination against this will.....	99

CHAPTER XIII ARREST, BAIL AND CUSTODY

147. Powers of arrest of a police officer	99
147A.....	99
148. Powers of Police Officer to arrest any offender in whole of India.....	103
149. Process for arresting a Railway personnel	103
150. Powers of arrest should not be exercised in case of a Known person	103
151. Process when an accused is arrested by a private person.....	103
152. Restrictions imposed on police for arrest of a person.....	103
153. Process when any person is arrested in the course of an	103
154. The search of an arrested person.....	104
155. Arrested person should not be subjected to any unnecessary hardship.....	105
156. Conditions for granting bail to accused person by the station officer-in-charge.....	105
157. Proper care of undertrial prisoners confined in police lock-ups.....	106

158. Maximum number of persons accommodated in lock-up	106
159. Instructions regarding scale of daily diet for healthy Prisoners.....	107
160. Under trial prisoners should not be kept at Courts so late.....	107
161. Lunatics never to be confined in cells with other persons	107
162. Minor girls should not be kept in the custody of police	107
163. Seriously sick person to be kept in custody, where he is	108
164. Rules for guidance of the police in dealing with Juvenile Offenders.....	108

CHAPTER XIV CUSTODY AND DISPOSAL OF PROPERTY

165. Rules for disposal of movable property.....	108
166. Property worth more than Rs.100 should be kept in The custody of Malkhana Moharrir	112
167. Duty of Malkhana Moharrir attached to Courts.....	112
168. Responsibility of Public Prosecutor to give certificate regarding the disposal of property carried out.....	112
168A. Rules to destroy illicit firearms and weapons after the decision of the court.....	112
169. Duty of Public Prosecutor to inform the Court about Unclaimed property lying in <i>Malkhana</i> for more than 6 Months.....	113
170. Monthly inspection of <i>Malkhana</i> by Public Prosecutor.....	113
171. Police Officer attached to the Court of a Magistrate will observe the rules laid down for the guidance of the Public Prosecutor.....	113
172. Personally property of persons dying interstate must not be treated as unclaimed property in the Province of Agra.....	113

173. Process after deposition of any arms, ammunition in Police Station.....	114
--	-----

CHAPTER XV SPECIAL CRIMES

174. The information of Robbery or Dacoity be sent to other neighboring police stations immediately	114
175. Guidelines in a case of professional poisoning.....	115
176. Duties of S.O. after a report of disappearance of any boy under 14 years of age or girl under 16 years of age.....	116
177. Duties in case of direct cattle positioning	116
178. The poison used to destroy cattle be sent for chemical examination to the F.S.L.....	117

Thefts of Bovine Cattle

179. Reported strays of cattle shall be at once recorded as Thefts and investigated	118
180. Investigations shall be made in every case of cattle theft	118
181. Directions to S.O.'s for thefts of cattle.....	118
182. Cooperation between police stations for the suppression of cattle theft	120
183. Rules for the voluntary registration of sales of cattle.....	121
184. One literate police constable should be sent to attend Important cattle fairs.....	121
185. Duty of S.O. to check the registers of owners of private cattle markets.....	121

CHAPTER XVI CRIMINAL TRIBES, FOREIGNERS AND VAGRANTS

186. Rules regarding the registration and surveillance of resident and wandering criminal tribes.....	122
187. Instructions for dealing with suspicious foreigners.....	122
188. Orders relating to European vagrants	122
189. Deputation of a police officer for a foreigner who gets	

order of removal from India	122
-----------------------------------	-----

CHAPTER XVII PATROLS AND PICKETS

190. Rules for the patrolling of roads.....	122
191. Duties of Patrols.....	123
192. Information of thefts of copper telegraph wire.....	123
193. Cooperation of district and railway police for suppression and detection of thefts of copper telegraph wire	124
194. Six-beat system of Patrolling in towns.....	124
195. Pickets in town and rural areas.....	125

CHAPTER XVIII SPECIAL GUARDS AND ADDITIONAL POLICE

196. General instructions concerning guards and escorts	126
197. Patrolling party from reserve lines	126
198. Requests for supply of guards from other Departments.....	126
199. Supply of police for private entertainments.....	127
200. Rule for charges for special police protections in fairs or melas	127
201. Charge taken for police for private <i>mela's</i> or fairs	127
202. Rules regarding the supply of police protection to railways	128
203. No orderly may be employed without the special sanction of the D.I.G.....	128
204. Guard provided for the Commissioner of a division.....	128
205. Armed police guard for Magistrates.....	128
206. For additional police, S.P. should consult the D.M.	129
207. Proposal for additional police force by the D.M.	129
208. Command certificates given to the forces sent on duty to other districts	131

209.	Charges for under trial prisoners sent to other districts under police escorts	131
210.	Rules regarding the cost and charges of escort over convicted persons	131
211.	Assistance by local and railway police, to police guards escorting prisoners under deportation from Indian States	132
212.	Conditions to travel in a goods train or travel in the break-van	132
213.	Concessions obtainable when escorting treasure by rail	132
214.	Responsibilities of Jail authorities for guarding prisoners	132

CHAPTER XIX ABSCONDED OFFENDERS

215.	Action against proclaimed offender	133
216.	Absconded offender.....	133
217.	Types of absconded offenders.....	133
218.	Register at every police station for absconded offenders.....	133
219.	Public Prosecutor shall maintain a register of whole district for absconded offenders	134
220.	Power of Superintendent to expunge the names of absconded offenders	134
221.	Power of DM to expunge the names of absconded offenders.....	135
222.	Recording of evidence by the Court against the accused person who has absconded.....	135

CHAPTER XX REGISTRATION AND SURVEILLANCE OF BAD CHARACTERS

223.	The village Crime Note Book	136
224.	Entries in Part-I of the village Crime Note Book.....	136
225.	Entries in Part-II of the village Crime Note Book	136

226.	Entries in Part-III of the village Crime Note Book.....	137
227.	Entries in Part-IV of the village Crime Note Book.....	140

HISTORY SHEETS & SURVEILLANCE

228.	History sheets, Part V of the village Crime Note Book	140
229.	Classification of history-sheets	141
230.	History sheets of A-Class.....	141
231.	Subjects of history sheets of A-Class	142
232.	Continuity of B-Class history sheets	142
233.	Discontinuance of surveillance	142
234.	Discontinuation of History sheet of Class-A	143
235.	Knowledge of History sheeters to local police	143
236.	Methods of surveillance of history sheeters	144
237.	Starred and unstarred history sheeters	144
238.	Surveillance of B-class history sheeters	145
239.	Maintenance of history sheet of both classes and desired entries in the history sheet	145
240.	History sheets of both classes when to be opened ?.....	147
241.	Importance of P.R. slips.....	149
242.	Principles which could guide S.P. in deciding whether a history sheet should be opened and in what category should be placed.....	150
243.	Preparation of history sheet in case of juveniles	151
244.	Procedure of action under section 110 Cr. P.C	152
245.	Names of history sheeters will be entered in beat book of constables and crime record book of village chaukidars	152
246.	Entry of an accomplice belonging to another police Station shall inform the police of that police station	153
247.	When the history sheeters changes his address, the	

history sheet should or should not be sent to the police station to which he has gone.....	153
248. The district police will keep up history-sheets of persons addicted to crime on railways	153
249. Class A and Class B list will be maintained separately in each and every police station	154
250. Lists of bad characters and history sheeters are confidential	154
251. Responsibility of Circle Inspectors in the matter of surveillance	155
252. Surveillance of persons whose criminal personal files are maintained by C.I.D.	155

Gang Register

253. Entries in the gang register	155
254. Examination of headquarters gang register by Public Prosecutor on the conclusion of every dacoity case	156
255. Maintenance of the headquarters gang register.....	157
256. Procedure for the registration of gang under the Criminal Tribes Act Manual	157

Rules for reporting and verifying the movements of bad characters

257. Movement of history sheetter should be informed by beat constable or village chaukidar to S.O.	157
258. Inquiry Slip-A for verification	157
259. If destination of history sheetter is not clear, Inquiry slip-A is sent to all police stations of possible destinations	158
260. Visit of history sheetter within circle, be verified by Inquiry through beat constable.....	158
261. Reports made by chaukidars of departure of bad characters.....	158
262. Procedure after receiving an inquiry slip-A.....	158

263.	Difference of date or time in inquiry slip-A to be informed to the officer, who sent it	159
264.	Procedure if the bad character does not arrive within a reasonable time	159
265.	When bad character person returns to any destination other than his home, the S.O. of the police station will issue an inquiry slip-A	159
266.	If H.S. absence is found to be suspicious, a brief note should be entered in history sheet	159
267.	Duty of village chaukidar when he hears of the arrival of a suspicious stranger in his village	160
268.	Issuing of inquiry slip-B	160
269.	Procedure of receiving an inquiry slip-B	160
270.	Arresting of a suspicious stranger	160
271.	Returning of inquiry slip-B	160
272.	Issuing of inquiry slip-A for that suspect whose inquiry slip-B is issued	161
273.	Where a telephone is available inquiry slips will not ordinarily be despatched	161
274.	Responsibility of S.O. for correct and regular use of Inquiry slips	161
275.	Rules for convicts against whom an order is passed under 356 Cr. P.C.	162
276.	Conditions under which convicts may be released before the expiry of their sentence	163

CHAPTER XXI EXECUTION OF PROCESSES

277.	Recovery of fine	165
278.	Execution of warrants of recovery	166
279.	Process after payment of money into a treasury	166
280.	Service of summons outside the local limits of the jurisdiction of the issuing court	167

281. Time for keeping warrant of arrest in a non-cognizable case	167
282. Police will refuse to accept irregular process	167

CHAPTER XXII RECORDS AND CONFIDENTIAL DOCUMENTS

283. List of registers to be kept in police stations	168
284. The Police Gazette and the Criminal Intelligence Gazette	168
285. Annual preparation of certain lists	168
286. Lists of documents to be kept on file in every police station	168
287. Set up of Notice Board at every police station	169
288. Map of police station	170
289. A list of forms should be kept at police stations	170
290. Preparation of Inspection book at every police station	170
291. Maintenance of G.D. and C.D.	170
292. Numbering on G.D. and C.D. and a note on last page showing the number of pages	172
293. Index of a case diary	172
294. Method for writing General Diary	172
295. Recording of matters in General Diary	173
296. Entries in General Diary	174
297. Closing of General Diary	174
298. Any entry in the G.D. coming to the notice of D.M., S.P. may send the diary in original to D.M.	174
299. Procedure for production of G.D. before Court	174
300. Identity of sources and agents will be confidential	176

CHAPTER XXIII ACCOUNTS KEPT AT POLICE STATION

301. Entry of received and disbursed amount in cash book	
--	--

in police station	177
302. The Description of cash received in police station should be entered in G.D. by head constable station writer	177
303. Keeping of undisbursed balance	178
304. The receipt and expenditure of postage service should be shown in the cash book	178
305. Permanent advance for various works	178
306. The book of cheques	180
307. Submission of cheques issued by S.O.	182
308. Maintenance of accounts in Reserve lines	182

CHAPTER XXIV INDIAN STATES

309-321 [Omitted]

CHAPTER XXI REPORTING AND REGISTRATION OF BIRTHS AND DEATHS

322. Registration of births and deaths	183
323. [Omitted]	
324. [Omitted]	
325. Reports of death or disappearance of a pensioner should be entered in the general diary	183
326. On receiving information regarding the death of any Indian non-commissioned officer, S.O. shall immediatly report to S.P.	183
327. On receiving information regarding the death of a foreigner, the S.O. shall immediately report to S.P.	183

CHAPTER XXVI DIRECTION FOR THE GUIDANCE OF POLICE OFFICERS IN TIME OF FAMINE

328. Direction for guidance of police office in the time of famine	184
329. Duty of police officer when a wanderer in distress Comes or is brought to a police station	184
330. Every S.O. of a police station should send weekly Report to S.P. in form E-VI	185
331. Police may be employed in guarding treasure chest on Relief	185
332. Money received from collector should be disbursed promptly	186
333. Unclaimed bodies should be burnt or buried by the police according to the religion of the deceased	186
334. If famine relief seriously increases the duties of the Police S.O. may apply to S.P. for extra force	186
335. Balance money of relief operations should be deposited in treasury	186
336. Periodical reports should be submitted from police station to S.P.	186
337. S.O. should assist the officer-in-charge of famine relief	187

CHAPTER XXVII

338. A list of Acts or portion of Acts should be kept in police office and S.P. office	187
339. If European deserter is arrested, he must be taken before a Justice for peace	187
340. When a person subject to military law deserts the officer commanding will immediately inform local and railway police	188
341. Reward for appreciation of deserter	188
342. Procedure, when a deserter is apprehended by the police	188
343. When deserter is made over to military authorities by police a form of certificate u/s 91-A is sent to the police for completion	189

344. Deserters from the forces should not be surrendered to the Durbar	189
345. Rules regarding emigration	190
346. Under Indian Factories Act, notice of an accident resulting in death must be sent by the factory authorities to S.O.	190
347. Commissioner of the division empowered to make rules under the Ferries Act	190
348. Rules made under the Fisheries Act	190
349. S.P. should bring to the notice of S.O. about local forest rules	190
350. Execution of warrants u/s of the Public Gambling Act	191
351. Permission to play games in public	191
352. Application of Glanders and Farcy Act	191
353. Police are required to give information to Municipal boards of offence against the Act	191
354. The register of persons resorting to a <i>sarai</i>	192
355. Rules regarding stage carriages	192
356. Rules regarding treasure trove	192
357. S.P. required to give immediate information to D.M. of any case of a serious nature in which soldiers are believed to have been concerned	192
358. Rules prescribing the duties of police at fairs	192
359. Police have no authority to make formal inspections of cattle pounds	192
360. Record of all the great trigonometrical survey stations in districts shall be kept in the office of S.P.	193
361. Duty of village police to protect ancient structures and preventing unauthorized excavations	193
362. Rules regarding the escape of prisoners from district or central Jails	193
363. The duties of police in respect of excise offences	194

364. The powers and duties of police regarding opium and morphia offences	194
365. Excise Inspector and Police Officers both responsible for excise offences	194
366. The offence of illicit distillation of spirit cannot be Carried on for any length of time	195
367. The Village headman should promptly report to D.M. about the illicit manufacture of any excisable article	195
368. Appointment of special police officers	195
369. Appointment of traffic police	196
370.	



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**CHAPTER XXVIII
MISCELLANEOUS**

370. No private sweepers may be employed by the police Department for police lines	197
371. Restriction imposed on government servants in their private affairs	197
372. Police officers may have no private money Transactions with police accountants	197
373. Police officers are strictly prohibited from aiding in the supply of labour	198
373A. Members of the police force are strictly forbidden to Consume intoxicants during the course of their duty	198
374. Procedure followed to the defalcation or loss of public money	198
375. When police officers are going outside the district as detectives, S.P. shall provide them with written credentials	198
376. Powers of police to make inquiries regarding the character verification	199
377. Chests of post office may be fixed at police stations	199
378. Maintenance of motor lorries and light vans at district police headquarters	199
379. At least one horse should be provided to all gazetted Officers	200
380. The hospital establishment is under control of the medical department	200
381. In writing intention is incumbent on all applicants for medical leave	201
382. Under officers and constables who fall ill when on duty, must apply admission to the district police hospital	201
383. Any under officer or constable, who on discharge from a police hospital other than that of his district of posting is recommended leave by the civil surgeon	202

384. Every officer-in-charge of a police station is responsible for reporting cases of sickness among men under his command	202
385. Every head constable or constable suffering from venereal disease must report the fact to his immediate superior	202
386. A medical history-sheet will be maintained in duplicate for every officer	203
387. All police officers of and below the rank of Head Constable are liable to compulsory medical Inspection	203
388. Police officer and men of other provinces who need hospital treatment may be treated at police hospital of these provinces	204
389. The S.P. may re-allocate the non-gazetted provincial Police force of the district temporarily to meet sudden emergencies	205
390. Re-allocation of rural police	205
391. Power of DIG (range) to increase police force of one of his district temporarily	205
392. The number and scale of sanctioned fixed guards are shown in the police allocation	205
393. Reader of the S.P.	206
394. Police Training School, Sitapur set for training of under-officers	206
395. The information of a body of military police has been Sanctioned by the provincial Government	206

PART III
INTERNAL ADMINISTRATION
CHAPTER XXIX
APPOINTMENT

396. Bodies of the police force	206
397. The Gazetted officers of the police force	207
398. The non-gazetted officers of the police force	207

399.	Appointment of S.P. and officers of higher rank	207
400.	Appointment for probation of Assistant Superintendent	207
401.	Appointment of Deputy Superintendents	207
402.	Rules for salary of directly recruited Deputy Superintendents	207
403.	Appointment to the rank of Reserve Inspector	208
404.	Rules regarding British army reservists	208
405.	[Omitted]	
406.	Civil, armed and mounted police	208
407.	Appointment of head constables in civil and armed police	209
408.	Appointment of mounted police constables	209
409.	Enlistments of constables for the Armed and Civil police	209
410.	Rules for ex-soldiers, who are enlisted as constable in U.P. Police	210
411.	Physical requirement for a recruit	211
412.	Medical examination of a recruit	212
413.	Register of candidates for recruitment	212
414.	All enrolled candidates furnish a certificate of having been successfully vaccinated	212
415.	All recruits must possess the minimum physical Qualifications	213
416.	S.P. is authorized to re-enlist men	214
417.	Man dismissed for misconducts from any department may not be enlisted in police	214
418.	As Man's name is entered in the register of candidates, his character, antecedents and age must be verified	214
419.	Process, when a candidate is passed by the civil surgeon	215

420. Procedure for verification of military service personnel	215
421. Instructions regarding uniform	215
421A.....	215
422. S.P. must not appoint to any post under his control any person already in Government service	217
423. Certificate of appointment	217
424. Rules on the declaration of ownership and acquisition of landed property	217
425. Rules for the appointment of clerical staff	217
426. Rules on cases in which officiating appointments may be made in temporary vacancies	217
427. No man may be appointed to act temporarily as a constable	217

CHAPTER XXX PROMOTIONS

428. Promotion on Gozatted ranks of the force	218
429. Determination of seniority for officers of the Indian police	218
430. The seniority of Dy. S.Ps will be according to the date of appointment	219
431. Consideration of seniority	220
432. The calculation of the pay the officers of the provincial police	220
433. Maintenance of the confidential personal files of gazette officers	223
434. The advancement of Inspectors	223
435. Procedure for promotion to the rank of reserve Inspector	224
436. Procedure for promotion to the rank of police prosecutor and circle inspector	225
437. Filling up of temporary vacancies in the rank of inspector	226
438. Annual addition of number of names for permanent promotion to the rank of public prosecutor	226

439. In annual tour inspection, D.I.G. (Range) will require to inquire about all sub-Inspectors	226
440. [Omitted]	227
441. Regulation of advancement of sub-inspectors	227
442. DIG must give a note for reasons for supersession	228
443. [Omitted]	228
444. List of all Sub-inspectors shall be submitted to D.I.G.	228
445. Criteria for constable and head constable to be promoted as Sub-Inspector	228
446. [Omitted]	231
447. Procedure for recruitment to the rank of Sub-Inspector (Armed police/ Platoon commander)	231
448. Training schedule for candidate selected under para 447	232
448A. Consideration of seniority of the Sub-Inspectors (Armed Police)	232
449. Promotion of head constable mounted police done by DIG	232
450. Permanent promotion to the rank of head constable in the civil and Armed Police	233
451. [Omitted]	
452. [Omitted]	
453. [Omitted]	
454. Eligibility criteria for constables to be promoted as head constables	233
455. Promotion of constable as head constable by the approval of DIG (Range)	234
456. Promotion of constables to the rank of head constables will be made by seniority	235
457. Selection of 'Y' student in training	235
458. List of mounted police constables maintained by P.H.Q.	235

459. List of mounted police head constables approved for the promotion of the Sub-Inspector will be maintained by PHQ	236
459A. Probation of head constables and sub-Inspectors of mounted police	236
460. Conditions for the advancement of constables in all branches	237
461. Promotion of Nominal Rolls	238
462. Promotion and reversion rolls	238
463. Orders relating to increments of pay of Sub-Inspectors	238
463A. Conditions of service of subordinate ranks of the police force enrolled under police Act will be decided by Governor	239

CHAPTER XXXI REWARDS

464. Kinds of Rewards	239
465. Rewards of Class (a)	240
466. Rewards of Class (b)	241
467. Rewards of Class (c)	242
468. Payment of Rewards	243
469. Procedure for those rewards, on whom the sanction of DIG or other higher authority is required	243
470. Rewards of Class (d)	244
471. Procedure for receiving rewards from private persons or companies	245
472. Halting allowance to police on duty at a fair	246
473. Procedure if reward of Class (a) is offered in any case of more than local importance	246
474. Eligibility of rewards for members of clerical staff	246

475. Good conduct stripe	246
476. Rules for granting good conduct stripes to village chowkidars	246

**CHAPTER XXXII
DEPARTMENT PUNISHMENT AND CRIMINAL
PROSECUTION OF POLICE OFFICERS**

477. Punishment Rules	247
-----------------------	-----

Punishments

478. Departmental punishment for all police officers Appointed under Section-2 of the Police Act	248
478A. Punishment may be awarded after departmental Proceedings	248

Powers of Officers

479. Powers of officers for punishment	249
--	-----

Reprimand

480. Reprimand	250
----------------	-----

Dismissal and removal

481. Dismissal and removal of an officer	250
482. Rules that govern reduction	250
482A. Order of upholding increment as a punishment	252

Procedure

483. Proceeding against police officer	253
--	-----

A – Inquiry

484. Nature of inquiry	253
485. Procedure, when a magisterial inquiry is ordered	254
486. Inquiry, when the offence alleged against a police officer amounts to an offence only u/s 7 of the Police Act	254

487. Proceeding, when a police officer negligently or willfully lets a prisoner escape 257

B – Judicial Trial

488. Judicial trial of a criminal charge against a Police Officer 258

C – Departmental Trial

489. Departmental trial of police officer u/s 7 of Police Act 258

- 489A. Proceeding under Section of 7 Police Act done by a Gazetted officer 258

490. Special provisions relating to cases in which police officers are dealt with departmentally as the result of judicial trials or magisterial enquiries 258

491. Procedure followed by officer, when conducting departmental trials 262

492. The result of judicial trial of a police officer should be Awaited 263

493. When a police officer tried judicially, the S.P. has no Power to re-examine 263

494. Procedure, when an inquiry of the conduct of a police officer held by a D.M. or S.D.M. 264

Orderly Room

495. Orderly room for constables and head constables 264

Suspension

496. Suspension of police officers 265

497. Head constables and constables under suspension may be required to live in lines 266

498. Payment after reinstatement of a police officer 266

499. No conveyance allowance may be paid for the period of suspension 267

500. Censuring the conduct of a police officer 267

501. Defence of the Act of police officer done in his official capacity, will be defended at the expense of the State	268
502. Procedure, when a medal winner police officer is Convicted	273
503. Procedure, when a police officer is arrested on a criminal charge	274
504. Certificate of discharge to every officer leaving the Force	274
505. Resignation of a police officer	274
506. The police officer, whose conduct is under inquiry, may not be granted leave	274
507. Conditional resignations should be ordinarily not be accepted	275

Construction of reference

507A. Construction of reference	275
---------------------------------	-----

**CHAPTER XXXIII
APPEALS, REVISIONS, PETITIONS AND COPIES
OF OFFICIAL DOCUMENTS**

Appeals

508. Rules, regulating appeals by gazette officers	275
509. Procedure, when the appeal admitted	278
510. Declaration of appellate authority in cases of successful appeal	278

Revision

511. Procedures of Revision	279
512. Procedure, when appeal is rejected	279
513. Enhancement of punishment	279
514. Rules for presenting a petition	280
515. Police officers of all ranks are forbidden to approach officials of other departments	281

516. Police officers of all ranks are forbidden to petition for promotion	282
<i>Copies of official documents</i>	
517. Issuing free of charge copies of official documents to an officer against which an application for revision or petition lies under the rules	282
518. An officer is entitled on payment of the rates given to copies of all papers material to an appeal	283
519. Rule for payment of copies to private individuals	283
519A. Construction of reference	284

CHAPTER XXXIV TRANSFERS

520. Transfer of gazette officers	285
521. Transfer by D.G. (P)	285
522. Mutual exchange of constables and head constables	286
523. Rules of joining time after transfer	286
524. Transfer by S.P. within district	286
525. Transfer of constables in Armed and Civil police	287
526. Transfer of village chowkidars	287

PART IV TRAINING CHAPTER XXXV TRAINING OF GAZETTED OFFICERS, INSPECTORS AND RESERVE SUB-INSPECTORS

527. Knowledge of drill to police officers	288
528. Course of instruction for probationary Asstt. Superintendents of Police	288
529. Probation of Dy. S.P.'s	291
530. R.I. must have knowledge of drill	291

531.	[Omitted]	
532.	Qualification for the public prosecutor	292
533.	Training of Circle Inspectors	292

CHAPTER XXXVI TRAINING OF SUB-INSPECTORS

534.	Training of Sub-Inspectors	293
535.	Probation of Sub-Inspectors	293
536.	Programme for probationer Sub-Inspector	294
537.	Extension of period of probation	295
538.	Selection of 'Z' cadets	295

CHAPTER XXXVII TRAINING OF HEAD CONSTABLES AND CONSTABLES

539.	Training of recruits	296
540.	Selection of X recruits from constables	296
541.	Probation period of recruits	296
542.	Instruction in law and regulation to recruits	297
543.	Classes of constables	297
544.	Training of drill will be taught in reserve lines	298
545.	Training of drill of mounted police	298
546.	Training of platoon drill	298
547.	S.P. shall command a general parade of the force once a week in reserve lines	298
548.	Practice of musketry and revolver	299
549.	Inspection of kits, arms and clothing etc. in police lines	299
550.	Instruction in "First aid to the injured" to probationary Police officers and recruits	299

551. Selection of Burglers from recruits	300
552. Daily class of Drill instructors	300
553. Employment of trained S.I. teachers	300
554. Posting of trained teachers to give primary teaching to The children of police officers	300

APPENDIX 1-5

THE POLICE ACT, 1861

THE POLICE ACT, 1888

THE POLICE ACT, 1849

U.P. A.P.O. (PREL.) EXAMINATION

POLICE (U. P. AMENDMENT) ACT, 2001 (33 OF 2001)

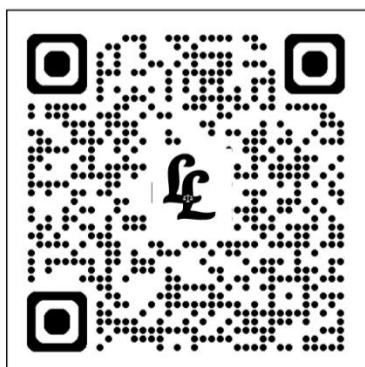
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THE
UTTAR PRADESH POLICE REGULATIONS

PART I
POWERS AND DUTIES OF OFFICERS

CHAPTER I
SUPERIOR OFFICERS

DIRECTOR GENERAL OF POLICE

1. Powers and status of Inspector General-cum-Director General of Police.-

The Director-General is the head of the Police Department and the adviser of the Governor in Council on all questions of police administration. All orders from the Governor in Council to a member of the police force are issued through him, except in cases of urgency when copies of any orders issued direct to subordinate officers are sent to him. No police officer may correspond with the Governor in Council except through him, unless specially authorized by rule. As a matter of administrative routine he is concerned only with gazette officers, the general allocation of staff and the general distribution of funds, complete responsibility in regard to the non-gazetted staff being delegated to Deputy Inspector-General, except in regard to the posting, transfer and grant of leave to inspectors in certain cities and stations and to the posting, transfer and promotion of the clerical staff, which can most conveniently be regulated by him.

Director General

	Post	H. Qr./Place
1.	D.G. (P)	Lucknow
2.	D.G. (Homeguard)	Lucknow
3.	Chairman-cum-Director Police Awas Nigam	Lucknow
4.	D.G. Fire Service	Lucknow
5.	D.G. Training	Lucknow
6.	D.G. Prosecution	Lucknow
7.	D.G. C.I.D.	Lucknow
8.	D.G. U.P. Police Academy	Moradabad

Additional Director General

1.	A.D.G., P.H.P.	Allahabad
2.	A.D.G., Vigilance	Lucknow
3.	A.D.G., / Principal / P.T.C. – II	Moradabad
4.	A.D.G., Training	Lucknow
5.	A.D.G., Intelligence and Security	Lucknow
6.	A.D.G., Anti-corruption	Lucknow
7.	A.D.G., Law and Order	Lucknow
8.	A.D.G., P.A.C.	Lucknow
9.	A.D.G., C.B.C.I.D.	Lucknow
10.	Housing and Welfare, P.H.Q.	Allahabad
11.	A.D.G., Co-operative Cell	Lucknow
12.	A.D.G., Economic Offences Wing	Lucknow
13.	A.D.G., Technical Services	Lucknow
14.	A.D.G., Personnel	Lucknow
15.	A.D.G., Human Rights	Lucknow
16.	A.D.G., Railways	Lucknow
17.	A.D.G., Special Intelligence	Lucknow
18.	A.D.G., Security	Lucknow
19.	A.D.G., Modernisation	Lucknow
20.	A.D.G., / Principal P.T.C. III	Sitapur
21.	A.D.G., U.P. – India – Nepal Border Police	Lucknow

Inspector General (Zones)

1.	I.G. (Zone)	Lucknow
2.	I.G. (Zone)	Varanasi
3.	I.G. (Zone)	Kanpur Nagar
4.	I.G. (Zone)	Meerut
5.	I.G. (Zone)	Gorakhpur
6.	I.G. (Zone)	Bareilly
7.	I.G. (Zone)	Allahabad

Inspector General (Sector) P.A.C.

1.	I.G. Eastern Zone P.A.C.	Lucknow
2.	I.G. Western Zone P.A.C.	Moradabad

- | | | |
|-------------------------------------|--------------------------|-----------|
| 3. | I.G. Central Zone P.A.C. | Lucknow |
| Inspector General (Railways) | | |
| 1. | I.G., Lucknow Zone | Lucknow |
| 2. | I.G., Allahabad Zone | Allahabad |

ADDITIONAL INSPECTOR-CENTRAL/ZONAL INSPECTOR GENERAL

1-A. Powers and responsibilities of Additional Inspector General of Police.- The Additional Inspectors-General of Police will be the incharge and supervising officer of the region under them and will give appropriate guidance to the Deputy Inspectors-General of their region. Their duty / powers in relation to the employees / officers of their region will be as under:

- (1) To transfer non-gazetted officers of the region under them. The inter-region transfer will be done at the Police Head Quarter's level, as done earlier, but the procedure in respect to them will be that these orders will now be passed in accordance with the recommendation of the concerned Additional Inspector-General of Police;
- (2) To dispose of the representations, appeals, revisions and petitions of employees posted in the region under them;
- (3) To grant casual leave to the gazetted officer of the region under them, which was granted by the Inspector-General of Police till now;
- (4) To make available their opinion, concerning the work of the gazette officer of their region, to the Inspector-General of Police for annual entries. The Deputy Inspector-General will also be in these offices;
- (5) Such other work / acts / functions that may be entrusted to them from time to time, by the Administration or the Inspector-General of Police.

DEPUTY INSPECTOR-GENERAL

2. Powers and responsibilities of Deputy Inspectors-General as the incharge of ranges.- Certain Deputy Inspectors-General are incharge of ranges of districts. Each of them is responsible for the efficiency of the police in

his range, and must see that a proper level of district administration is maintained. He must always be in close touch with his Superintendents and be ready to aid, advise or control them. He must inspect the work of the Superintendent of each district at least once a year, and prepare an inspection report in the form prescribed. He need not, however, record observations under any of the printed headings of the form except VIII "Crime Working" and IX "General" if everything is in order and no action is required, and should mention in his report only matters which can most suitably be entered there for the guidance of the district staff or the information of his successor. On completing his inspection, he will at once take all such action as his powers permit to remedy defects, and will refer to the Inspector-General grave defects or questions of principle with which he himself has not the power to deal.

3. Duties of Deputy Inspector General of Police in his range.- The Deputy Inspector-General is responsible for the general supervision of crime in his range; he must see that proper measures are taken to deal with serious outbreaks, and must effect co-operation between districts. For this purpose he must keep up registers of (1) dacoity, (2) murder, (3) robbery, (4) poisoning and (5) miscellaneous cases in Inspector-General's form No. 138. He will submit to the Inspector-General a fortnightly report of crime which will include any matters relating to his range of which he considers that the Inspector-General should be informed. To this will be attached a statement of dacoities giving very brief particulars of each case. He will forward to the Inspector General special reports of crime in exceptional case. Superintendents must report direct to the Inspector-General as well as to the Deputy Inspector-General matters of specially important character regarding which Government may require immediate information e.g., serious breach of the peace, collisions between Europeans and Indians and important matters of a political nature; but so far as possible, the Deputy Inspector-General will be the channel through which the Inspector-General will receive information. On receipt of district annual administration reports, the Deputy Inspector-General will be the channel through which the Inspector-General will receive information. On receipt of district annual administration reports, the Deputy Inspector-General must prepare and submit to the Inspector-

General a review for the whole of his range with a note on cases which deserve special mention in the provincial report.

The Deputy Inspector-General of Police, Education and Training will be responsible for supervision and co-operation of work in the Range Training Centres which he will inspect from time to time. Apart from this, he will keep in touch with the latest methods of training introduced elsewhere and adopt them for use in the Police Training Institutions.

He will also supervise training at the Police Training College, Moradabad the Armed Police Training Centre as well as the Police Motor Transport Workshop at Sitapur and the Wireless Station at Lucknow, all of which excepting the Police Motor Transport Workshop at Sitapur will remain under his administrative control. He will undertake the revisions of the various Police Training Manuals and draft manuals when necessary.

DEPUTY INSPECTOR-GENERAL, GOVERNMENT RAILWAY POLICE

4. Powers of Assistant to the Inspector-General, Government Railway Police.- The Assistant to the Inspector-General in-charge of the Government Railway Police has the powers, duties and responsibilities of a Range Deputy Inspector-General in regard to the railway police sections in his charge, except the power of dismissal of an Inspector or Sub-Inspector which vests in the Deputy Inspector-General of Police Headquarters and Railway.

COMMISSIONER

5. Powers of Commissioner.- The term “Commissioner” wherever it occurs in Police Regulations include a Collector, or Deputy Commissioner incharge of a division.

The Commissioners of divisions exercise general power of supervision over the District Magistrates of their respective division in matters relating to the Police as in other branches of the administration. For their duties regarding the Annual Administration Report (see paragraph 62 of the Office Manual).

DISTRICT MAGISTRATE

6. Powers of District Magistrate of the district.- The District Magistrate is the head of the criminal administration of the district, and in the capacity controls and directs the action of the police. He has special powers with reference to the allocation of village chaukidars in his district. He has departmental powers in connection with the punishment of village chaukidars; his approval is necessary to the transfer of inspectors and officers incharge of police stations (paragraph 524) and he may recommend rewards and entries in service and character rolls (paragraph 296 of the Office Manual). Such part of the Superintendents' correspondence with the Inspector-General as relates to buildings, and as concerns or affects the general administration of the district by the District Magistrate as Chief Executive Officer, must pass through the office of the District Magistrate.

Provided that in the districts where the Collector/Deputy Commissioner is Collector / Deputy Commissioner incharge of the division, his functions in regard to the transfer of inspectors and Officers-in-charge of police stations will be exercised by Additional District Magistrate (Executive).

7. Information to District Magistrate of all serious crimes and of any sudden increase in volume of crime.- The District Magistrate should be promptly informed by the Superintendent of the occurrence of all serious crimes and of any sudden increase in the volume of crime generally and should receive a fortnightly review of the crime in the district, its localization and causes. Similar review of crime generally either fortnightly or monthly will be sent to the Deputy Inspector-General in accordance with range orders. The Superintendent should also keep the Magistrate informed of all events that are of importance from a police point of view, and should frequently seek an opportunity of discussing matters with him personally. When both officers are not at headquarters or on tour together frequent demi-official correspondence should take the place of oral discussion. If the Superintendent is on tour and the District Magistrate is at headquarters, the police officer-in-charge at headquarters should

give the District Magistrate all important information which might otherwise not reach the Magistrate quickly enough through the Superintendent.

7-A. Powers of D.M. to ask the S.P. to institute an enquiry in case of any instance of inaction, corruption, harassment, abuse of authority or wrongful detention by police.- Whenever any instance of inaction, corruption, harassment, abuse of authority and wrongful detention by the police comes to the notice of the District Magistrate, he shall have the authority to ask the Superintendent of Police to institute an enquiry promptly and report the result to him along with all relevant records and papers. If any member of the police force is found at fault as a result of the inquiry, the District Magistrate shall have the power to ask the Superintendent of Police to take disciplinary action against him. He will also advise the Superintendent of Police about the adequacy or otherwise of the punishment awarded as a result of the disciplinary proceedings. The District Magistrate and the Superintendent of Police shall jointly review every month all such complaints and the action taken thereon.

7-B. Whenever a situation likely to have a bearing on the general law and order situation arises in the district the superintendent of Police will immediately inform the District Magistrate by the quickest means available and seek his instructions in regard to the steps to be taken to meet the situation, unless circumstances make it impracticable to do so. Further action to meet the situation will be taken according to the instructions of and in close and continuous consultation with the guidance from the District Magistrate.)

8. Instructions to DM in the exercise of his power of control.- The District Magistrate in the exercise of his power of control should avoid doing anything to weaken the Superintendent's authority. Differences of opinion should be adjusted privately and no friction between the two officers should be apparent.

9. Inspection of Police Stations by D.M.- The District Magistrate should normally inspect each Police Station once during a financial year. However, in those districts in which an Additional District Magistrate

(Executive) is posted the District Magistrate may entrust the inspections of less important police stations to him. The District Magistrate should also see that the Sub-Divisional Magistrates make at least one detailed inspection and one surprise inspection of each police station in their Sub-divisions, during a financial year. He must also impress on them that their duty is two-fold to support the police in enforcing law and order, and to prevent injustice. He may direct any of his subordinate Magistrates to inspect police stations, but third class Magistrates should not ordinarily be directed to inspect them unless it is necessary as part of their training. An inspection book with blank pages will be kept at every police station to be used by Magistrates. A summary of crime in Form No. 390 should be pasted on the inside of the cover of every such inspection book. This book must be sent to the Superintendent of Police whenever an inspection note is made in it and will be forwarded by him to the District Magistrate for information.

10. To obtain sanction of the DM to the expunction of a crime from the crime register.- The sanction of the District Magistrate is necessary to the expunction of a crime from the crime register, except railway police cases, for the expunction of which the sanction of the Deputy Inspector- General of Police incharge of the railway police must be obtained.

10-A. In the district in which the Collector / Deputy Commissioner is Collector-in-charge or Deputy Commissioner-in-charge of the division, his functions under this paragraph will be exercised by the Additional District Magistrate (Executive).

11. The powers of a Superintendent in licensing and regulating prosecutions.- The powers of a Superintendent or Assistant Superintendent under Section 30 of Act V of 1861, in licensing and regulating prosecutions, must be exercised subject to the control of the District Magistrate.

In most places where religious processions and public ceremonies such as the Moharram are permitted, the route and the procedure to be followed are fixed by custom of long standing or have been prescribed by competent authority. In such cases it is the duty of the police to see that order is kept, and that no

deviations are made from the route and procedure hitherto followed or prescribed. If any section or individual member of the community decline to carry out their processions or ceremonies at the time and in the manner prescribed, they should be informed that they will not be allowed to carry them out after the prescribed time, by any other route, or in any other manner.

In special cases not provided for by established custom or existing orders, the police should apply for and follow the instructions of the District Magistrate or in his absence, of the Sub-divisional or other Magistrate empowered to pass an order under Section 144 of the Code of Criminal Procedure. Where owing to the absence of a Magistrate, this is impossible, the officer-in-charge must use his own discretion, basing his action on previous practice so far as this can be ascertained.

SUPERINTENDENT OF POLICE

12. Status of Superintendent of Police.- The Superintendent is the head of the police force in the district; he is responsible for its efficiency and discipline and for the proper performance of its duties. He must see that the orders of Courts and other competent authorities are promptly carried out.

All communications between magistrates and the police force must be conveyed through him; all orders and instructions issued to the police must come from him.

All magisterial Courts which are not situated at district headquarters may, when issuing summonses, warrants or other processes under Chapter VI, VII and X and Section 421 of the Code of Criminal Procedure, 1973 (2 of 1974), for service within the sub-division in which the Court is situated, send them direct to the police station concerned and not through the office of the Superintendent of Police. Such processes will, after service, be returned direct to the Court concerned and will not be sent through the office of the Superintendent of Police.

13. Responsibilities of Superintendent of Police.-The Superintendent when at headquarters should attend his office on all working days. He should ordinarily transact in his office all official businesses, except such confidential matters as he thinks it proper to dispose of at his residence.

At his residence he should be readily accessible to members of the public who wish to visit him. He should encourage them to call on him and to communicate their ideas freely. The more sources of information that he has outside the force, the more efficient will he be as a police officer.

He should keep in touch with police pensioners residing in the district.

The Superintendent of Police must see that each police station in his district is fully inspected by a gazette officer annually, in the manner laid down in the memorandum on the inspection of police stations by gazette officers, and he must himself visit every police station at least once a year.

Touring need not be confined to the cold weather, and, where inspection houses are available, outlying police stations should be visited during the hot weather and rains.

The Superintendent of Police should himself make a full inspection of each police station at district headquarters in accordance with the memorandum, if possible, once a year, but in any case at least once in every three years.

The Superintendent must make an annual inspection of his reserve lines between July 1 and the cold weather inspection of his district by the Deputy Inspector-General. In making this inspection he should be guided by the headings given under Head V of the form of district inspection report by Deputy Inspector-General (Police Form No. 327). Lines inspection reports should be entered in the English office inspection book.

The personal attendance of the Superintendent of Police at the yearly conference on excise matters is essential.

Superintendent of districts bordering on other provinces of Indian States should arrange to meet the officials of neighbouring districts at least once a year, and, if possible, more frequently. A record of these meetings should be prepared by the Superintendents and forwarded to the Range Deputy Inspector-General for information.

14. To follow the directions contained in M.G.O.s, when a district officer giving over a charge of a district.- The directions contained in the Manual of Government Orders, regarding the preparation of a confidential memorandum by a district officer giving over a charge of a district, should be followed by Superintendent of Police. The subjects prescribed for the memorandum should be changed to meet police requirements.

15. Entries in English Order Book (presently known as Hindi Order Book).- The English order book will be written up daily by an officer not below the rank of Inspector, and signed daily by the Superintendent, or, in his absence, by the officer in-charge at headquarters. The Superintendent will on return to headquarters, examine the entries and certify that he has checked them for the period of his absence. The book will be retained for forty-five years after its completion., in it will be entered every executive order concerning the internal economy of the constabulary, e.g., orders regarding appointment, punishment, transfer, leave, posting, and the supply and relief of guards and escorts.

In orders concerning escorts, the number of prisoners or amount of treasure to be escorted should invariably be stated.

16. Entries of all cognizable crimes reported at police stations in Crime Register.- All cognizable crimes reported at police stations must find entry in the English crime register. A separate portion of this register shall be assigned to each police station, and, within that portion, to each of the six classes of crime specified in Statement 'A' attached to the Annual Administration Report. If any particular crime, e.g., cattle theft is rife the Superintendent may assign separate papers within the class to which it belongs.

The Superintendent may direct his reader to fill up the first eight columns of the register, the column of remarks he must fill up with his own hand; provided that he may direct an Assistant or Deputy Superintendent incharge of a sub-division to keep up the portion of the register relating to that sub-division, in which case such officer must fill up all columns with his own hand. Entries in all columns must be made punctually as case diaries and other material papers become available. When the trial, or, if there is no trial, the investigation in any case of importance, has come to an end the Superintendent must decide, on a complete review of the facts, what, if any, notice favourable or otherwise, the conduct of the police deserves, and must make a suitable final entry in the column of remarks. He must also note in red ink in this column the names of all persons suspected in case when in his opinion regarding suspicion is reasonable.

ASSISTANT AND DEPUTY SUPERINTENDENT OF POLICE

17. Powers and Duties of Assistant and Deputy Superintendent of Police.- Assistant and Deputy Superintendents may perform any of the Superintendent's work which he is not obliged by law or rule to do personally. They may make inquiries and recommendations even when they are not empowered to pass final orders. They should go on tour and make inspections. Their services should be used freely in the supervision and direction of important investigations. An officer who has obtained the certificate required by paragraph 528 must be placed in charge of part of the district under the Superintendent's control.

An Assistant Superintendent who has qualified for the charge of a district will hold charge of headquarters during the absence of the Superintendent. When no such officer is available, the senior gazette officer-in length of service in the gazette ranks will normally hold charge. If the Superintendent proposes a departure from the normal, a reference must be made to the Range Deputy Inspector-General.

When no gazette officer is present at headquarters, the Superintendent should place incharge of his office one of the English-knowing Inspectors at headquarters.

Certain Assistant Superintendents and Deputy Superintendents of Police enumerated in paragraph 479 (f) are empowered, subject to certain restrictions (see paragraph 491), to perform the duties of a Superintendent of Police under Section 7 of the Police Act in so far as they relate to officers below the rank of Inspector.

Other Assistant Superintendents and Deputy Superintendents who have been confirmed in their appointments are empowered under certain restrictions to perform the duties of Superintendent of Police under Section 7 of the Police Act in so far as they relate to the suspension of police officers and to the award to police officers of the punishments specified in Section 7 (b) of the Act [see paragraph 479 (g)].

All Deputy Superintendents of Police are empowered to perform the duties of a Superintendent of Police under Sections 30 and 30-A of the Police Act.

All Assistant and Deputy Superintendents of Police officiating incharge of district shall, until exempted by the Deputy Inspector-General of their range, submit to the latter for approval copies of all standing circular orders that they may propose to issue, together with explanations, where necessary of the reason for these orders.

17-A. Senior Public Prosecutor.- [Omitted]

CHAPTER II

RESERVE INSPECTORS AND RESERVE SUB-INSPECTORS

18. Responsibilities of Reserve Inspector (R.L.).- The Reserve Inspector is the officer-in-charge of the reserve lines. He must tell off and inspect

all guards and escorts required from the reserve lines and see that the officers in command are thoroughly acquainted with their duties. He shall parade any party of police about to be sent out of the district kit with them. He shall see that the daily roll-call is held. He must see that the roster of duties (Form No. 97) is correctly maintained by company commanders for all officers and men of the armed police, and for such of the civil police as are posted in the reserve lines, and he is personally responsible that the duties of all men in the reserve are correctly and fairly distributed. He must write the first two columns of the roster in English or have them written by a Reserve Sub-Inspector, and he must initial and date the roster daily. He must daily submit to the Superintendent a morning report in Form No. 30. He is entitled to an orderly peon, but not to a police orderly or a guard on his house at night.

19. Responsibilities of Reserve Inspector regarding safe custody of arms, ammunition and stores.- He is responsible for the safe custody of the clothing, accoutrements, arms, ammunition, tents and stores in the reserve, and for the correctness of the registers maintained for them.

20. Responsibilities of Reserve Inspector for the training of recruits.- He is responsible for the training of recruits (see Chapter XXXVII) and for the instruction and exercise of the whole force in drill.

21. Duties of R.I. for weekly kit inspection and annual firing.- He shall hold the weekly kit inspection, and be present at the firing of the annual musketry and revolver course on occasion when he is not relieved of these duties by the Superintendent, Assistant or Deputy Superintendent.

22. Inspection of all guards and sentries by R.I. at headquarters deputed from reserve lines.- He shall occasionally visit by day and night all guards and sentries at headquarters deputed from the reserve lines, reporting such visits to the Superintendent on the same or the next day; he must daily visit the treasury magazine and lock-up guards, and enter a note of each such visit in the book provided for the purpose.

He shall command guards attending executions of capital sentences and should accompany European troops on the march when he can be spared. For his duties in these respects (see Rules for Guards and Escorts).

23. Employment of R.I. to command escorts and guards on special occasions.- He may be employed to command escorts and guards on special occasions, when his presence is considered necessary on account of the danger of a disturbance or the importance of the charge, or for ceremonial purposes. He may be entrusted for the maintenance of law and order or for administrative purposes, with any executive duties which the Superintendent thinks fit to assign to him. A European Inspector should be employed, if possible when action has to be taken against Europeans, and if, the circumstances of the case require his agency, when process have to be served on them, or communications made to them. European Inspectors may be directed to investigate cases in which Europeans are concerned, but should not be employed in other investigations except in every special circumstances.

24. Duties of Reserve Sub-Inspector (R.S.I.).- The Reserve Sub-Inspector must give to the Reserve Inspector any assistance which the latter requires in the management of the reserve and may be told off by the Superintendent to command escorts and guards, to regular traffic, to maintain order at places of resort to patrol roads, to visit guards and sentries and to perform any of the duties mentioned in this chapter. The Superintendent may allow the Reserve Inspector to tell off the Reserve Sub-Inspector for duties.

CHAPTER III

PUBLIC PROSECUTORS AND THEIR SUBORDINATES

25-39. [Omitted Vide by Government Order No. 2302/VIII-2-10 (10)-74 dated 27-3-74 from Police Regulation]

(Para 17-A and Chapter III (Paras 25 to 39) pertaining to the Senior Public Prosecutor, Public Prosecutor and their subordinate. The Government Order No. 2302/VIII-2-10 (10)-74, dated 27-3-74 from Home (Police) furnished the appointments of these officers under the Police Act No. V of 1861 and deleted the provision of their being police officers under the Police Regulations.

The provisions of Police Regulation relating to P.P. and their subordinates remained no more applicable. Thus the para 17-A and Chapter III (para 25 to para 38) is deleted from the immediate effect and its of no use.

Presently Prosecution Officers are governed by U.P. Assistant Public Prosecutors Appointment Rules, 1974 which were applicable by the G.O. No. 2303/VIII-2-10 dtd. 22-3-74 by Home (Police) Anubhag-2. Prosecution Officers are presently governed by aforesaid rules as amended from time to time and the directions issued by the Government or the Director of Prosecution. The immediate disciplinary control over the A.P.P. shall be exercised by the D.M.

CHAPTER IV

CIRCLE INSPECTORS

40. Principal duties of Circle Inspectors.- The principal duty of the Circle Inspector is to supervise the investigation and prevention of crime, to co-ordinate preventive and detective work in police circles, co-operating with other circle inspectors for this purpose and to see that the police, and more particularly the station officers subordinate to him, perform their duties honestly and efficiently. His energies must not be dissipated in unnecessary clerical work in connection with his office or with the inspection of police stations.

He will maintain a crime register for his circle and will receive copies of all first information reports of cognizable crime direct from police stations, but his notes in the register should be an index of action taken for the detection and prevention of organized and serious crime, and the register should not be swamped with details regarding petty offences. He will inspect each police station in his circle once a year, following the instructions given in the memorandum on the inspection of police stations by Circle Inspectors, paying attention chiefly to matters connected with the prevention and detection of crime. He should visit the scene of occurrence and guide investigation in all important cases, and may be deputed by the Superintendent to conduct investigations himself. Whenever he attends an investigation he will not only sign the case diary for the time of its attendance, but must also record therein in detail all instructions which he may find it necessary to give to the investigating officer regarding the future conduct of the case.

The Circle Inspector will also draw up monthly survey of crime in his circle in which he will show what measures he has initiated during the month for the prevention and detection of crime and any further action still required. This survey should be police station-wise and should go through the circle officer to the Superintendent of Police.

Details of his duties in regard to surveillance, to which he should devote particular attention, are given in paragraph 251. He must make himself acquainted with the people and acquire local knowledge of every part of his circle.

41. Other duties of Circle Inspector.- It will also be the duty of the Circle Inspector:

- I. To keep the Superintendent informed of every occurrence in the circle which the Superintendent or the District Magistrate ought to know of, in the interest of the administration. It is especially his duty to report any feeling of disaffection towards the measures of Government, and the spreading of

any movement, scare or rumour which may cause trouble, if not checked.

- II. To take command of a police force employed in suppressing a riot or otherwise actively maintaining order, when he is the senior police officer present.
- III. To keep a diary in Form No. 3, recording his movements, also a confidential note-book recording notes on all matters which he has to bring to the notice of the Superintendent, but cannot suitably mention in his inspection reports.
- [IV. To inspect shops licensed under the Arms and Explosives Act (see pages 61-62 of the Explosive Manual (1908) and paragraph 28 (4), Indian Arms Rules, (1924)].
- V. To keep the Superintendent informed of the conduct of the subordinate police of his circle and of the manner in which they perform their duties and to make such preliminary inquiries in departmental cases as the Superintendent may direct.

42. Responsibilities given to Circle Inspector by the Inspector General.- In districts where the number of police stations is in the opinion of the Inspector-General too great in proportion to the number of Circle Inspectors for the latter to exercise the full control required by paragraphs 40 and 41, the Circle Inspector will be relieved of certain responsibilities, as follows:

- (1) He will receive first information reports of offences only of the classes enumerated in paragraph 101 and of such others as the Superintendent of Police may direct and his crime register will be maintained for offences of these classes only;
- (2) The orders requiring every Circle Inspector to make a complete inspection of each police station in his circle annually will not apply to him;
- (3) His responsibility for surveillance for preventive action for keeping his superior officers informed of important occurrences and movements [paragraph 41(1)] and for the co-ordination of measures for the suppression of

crime of the classes for which he has been made responsible under clause (1) above, will be maintained. For these purposes he will tour and visit villages and police stations. He will also continue to be bound by para (II, III and IV). Otherwise his principal duties will be to make or supervise such investigation and enquiries in criminal and departmental cases and to inspect such police stations as his Superintendent of Police may from time to time direct.

CHAPTER V

SUB-INSPECTORS AND UNDER OFFICERS OF THE CIVIL POLICE

Officer-in-charge of a Station

43. Officer-in-charge of a police station.- The officer in-charge of a police station is a Sub-Inspector. Within the limits of his charge he conducts the police administration and has authority over all branches of the force. He is responsible for the efficiency of his subordinates, for the proper performance of their duties and for the correctness of all registers, records, returns and reports prepared by them. He is responsible for the safe custody of all Government moneys and valuable property at the police station and for the correct maintenance of his account books. He must instruct them in their work, keep them under control and maintain discipline.

44. Abilities of Officer-in-charge of a police station.- He must acquire a thorough local knowledge of his charge and become acquainted with all the principle people in it. He should treat village headman with courtesy, and try to secure their cordial assistance. He must be considerate to village chaukidars and encourage them to give him information. He must keep a strict watch on bad characters to prevent them from committing offences either within or without the limits of the station. He will communicate intelligence promptly to his superiors and to officer-in-charge of other police stations, using the telephone or telegraph, if available, and the U.P. Police Telegraphic Code, for the prompt dissemination of important information.

45. Confidential Note Book of Officer-in-charge.- He must keep a confidential note-book in the prescribed form and record therein useful information which will not find a place in any official register, e.g., the names of persons who will give secret intelligence, confidential remarks about subordinates and others. He shall make this note-book over to his successor.

46. Duties of Officer-in-charge of a police station.- He shall drill his subordinates to the extent prescribed by Paragraph 546.

He shall examine his constables periodically in their knowledge of their beats and duties as laid down in the “Guide for Training of Constables.”

Once a week he shall make a thorough inspection of the kit of the police stationed at or near his headquarters including the tahsil guard, if any, and report any deficiencies. He shall periodically satisfy himself that all his subordinates, of every branch of the force, who cannot attend the weekly kit inspections, have all their proper uniform and equipment.

The fire-arms with their bayonets, pouches and stores and all other weapons at the police station, shall be in his personal charge. They shall be given out of store for specific duty only, and be returned to store when no longer required for immediate use.

He shall keep all his subordinates, including the rural police, acquainted with as much of the *Police Gazette*, *Criminal Intelligence Gazette*, and other information received at the station as concern them.

47. Power of S.O. to allow his subordinates to go off duty.- He may allow his subordinates to go off duty and leave the station house, when they can be spared, but if he allows any officer to be absent for the night he must record the reason in the general diary.

48. Miscellaneous Important duties of a Station-Officer-in-charge.- During his presence at the station house he shall personally open the post and

receive all orders, communications and reports sent or made there, he shall sign the general diary, arrange for the duties of the day, and give any directions that may be required; he shall inspect the *Malkhana* daily. He shall check the account books, compared them with relevant entries in the general diary and verify the cash balance, daily. Money transactions and entries made in his absence must be checked by him on his return and the result of the check must be noted in the cash-book. When he deposes a subordinate officer to make an investigation under Section 157 of the Code of Criminal Procedure, 1973 (2 of 1974) he must see, before forwarding the report required by Section 173, that the investigation has been properly made.

49. Definition of Officer-in-charge.- For the definition of the term “officer-in-charge of a police-station” – See Section 2 (o) of the Code of Criminal Procedure, 1973 (2 of 1974). The local Government have empowered the senior literate constable present to hold charge of the station within the meaning of that section, when no officer above the rank of constable is present at the station house, but he may not make investigations.

The making and taking over charge of the station officer’s duties shall be recorded in the general diary; the entry shall signed by both officers.

When the officer temporarily incharge of a station is a head constable, he should not exercise the powers of an officer-in-charge of a station under Section 157 of the Code of Criminal Procedure except in a case of extreme urgency.

50. Change Certificate of Station Officer.- Whenever permanent charge of station officer takes place, a formal charge certificate shall be submitted by the relieving officer to the Superintendent in Form No. 299.

A copy of the list of all Government property including arms and ammunition at the police station shall be attached to the certificate and the relieve officer must explain any deficiencies or damage that may have occurred during his tenure of office.

Subordinate Sub-Inspectors

51. Duties of the Second Officer.- The Second Officer at a police station is a Sub-Inspector. His duties are-

- (1) to assemble the morning parade;
- (2) to tell off subordinates for duty according to the directions of the officer-in-charge, to give them instructions, and to see that their duties are properly performed;
- (3) to report to the officer-in-charge, all defects or omission in the performance of duties by subordinates;
- (4) to investigation cases made over to him by the officer-in-charge, and to report to him the result of his investigations;
- (5) to drill the police attached to the station;
- (6) to obey the orders of the officer-in-charge, and to see that these orders are obeyed by the subordinate police.

52. If no Second Officer is in police station, junior to the Second Officer to perform duties of Second Officer.- There can be no Second Officer at a station where the officer-in-charge is the only Sub-Inspector. Where there are more than two Sub-Inspectors those junior to the Second Officer will perform such duties, as are made over to them by the officer-in-charge.

53. [Omitted]

54. [Omitted]

Head Constable Station-writer

55. Duties of Head Constable-Station writer.- The head constable station-writer is the office clerk, record-keeper and accountant of the police station. His duties are-

- (1) to write up general diary and the first information reports of crime (see paragraphs 294 to 296 and 98, 99 and 102);
- (2) to maintain the vernacular cash-book (Police Form No. 224) and other account books and to be responsible along with officer-in-charge of the police station, for the safe custody of



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all Government moneys and valuable property at the police station;

- (3) to bring every morning to the notice of the officer-in-charge all orders pending execution;
- (4) to record on their boards the attendance of village chaukidars when they make their periodical visits to the station and to make entries in their books when entries are required;
- (5) to read aloud to constables notification in the *Police Gazette* and *Criminal Intelligence Gazette* and such other papers as the officer-in-charge may select;
- (6) to complete returns, acquaintance rolls, and pay abstracts; prepare registers and do any other clerical work which may be assigned to him by the officer-in-charge;
- (7) to keep all books and records;
- (8) where there is no Second Officer, to perform the duties mentioned in paragraph 51, except (4);
- (9) to hold inquests under Section 174 of the Code of Criminal Procedure if specifically empowered by the Superintendent of Police to do so.

56. Literate police officer will give assistance to head constable-station writer.- Other literate police officer attached to the station will give the station writer such assistance in the discharge of his duties as the officer-in-charge may direct.

57. Head constable as in-charge of the station.- When the head constable is in-charge of the station (*see* paragraph 49) and has to make investigation under Section 157 of the Code of Criminal Procedure, 1973 (2 of 1974), he shall make over his clerical duties, and if he leaves the station, station-in-charge, to the next senior literate head constable or constable and carry on the investigation until he is relieved by a Sub-Inspector or the work is finished. On no other occasions may a constable (other than an investigation head constable) make an investigation.

The making over and taking over charge of the station-writer's duties shall be recorded in the general diary and the entry shall be signed by the relieved and reliving officers.

Head Constable in-charge of Outpost

58. Responsibility of Head Constable as-in-charge of Outpost.- The head constable of an outpost is responsible for the orderly conduct and discipline of the constables under his charge. He shall inspect them at daybreak and at sunset every day; he shall tell them off for duty and see that they do their work properly. He shall be in constant communication with the officer-in-charge of the station, shall immediately report to him cognizable crimes and important occurrences, and shall make at intervals fixed by the Superintendent, periodical reports on the discipline of his subordinates and the performance of their duties. He may not make investigations but may hold inquests when specifically empowered by the Superintendent of Police to do so.

59. Duties on Outposts.- The sphere of action and the special duties of the police of each outpost will be determined by the officer-in-charge of the station under the orders of superior authorities. The system of patrolling will be prescribed.

60. [Omitted]

Constables

61. Constables of civil police.- Constables of the civil Police will not be armed except on special occasions. Their principle duty is the prevention of crime.

They must be courteous and considerate to the public whose servants they are.

Every constable on duty, except when deputed on special detective work requiring disguise, shall wear the prescribed uniform.

62. Duties of Sentry.- There shall be a sentry for night and day at each police station, it shall be his duty to guard the prisoners in the lock-up, the treasure chest, and *malkhana* and all property in the station.

The Officer-in-charge will allot the sentry duty, distributing brass tokens, numbered consecutively, among the men told off. Sentry duty will be distributed twice a day in the morning and evening. The term of sentry duty will be three hours. Sentries must be posted and relieved by a sub-inspector or head-constable during the day time and also at night unless there are no prisoners in the lock-up and no important case property and less than Rs..500 in the *malkhana*. Whether sentries are posted and relieved by a superior officer or not, each sentry, on being relieved, will exchange token with the relieving sentry. Under this system the sentry on duty will always hold token No. 1, as this token will be given to the first sentry and passed on from sentry to sentry, on relief. The relieving sentry shall invariably examine the lock of the treasure chest and count the prisoners in the lock-up in the presence of the relieved sentry. The keys of the treasure chest and the lock-up shall be kept by the senior officer present in the station.

When it is necessary for an officer to post and relieve sentries at night, the evening report of distribution of duties must show which officer will do so.

When prisoners are to be admitted or removed from the lock-up the senior officer present will open it himself or have it opened in his presence.

The duties of each station should be allotted fairly every day, so that each man may have in turn his portion of night and day duty, and of hard and easy work.

63. Division of Police station circle into beats and duties of beat constables.- Police station circles shall be divided into beats and one more constable appointed to each beat. A constable shall not be sent out unless charged with some specified duty, but when sent he should be instructed to make inquiries on his way about persons under surveillance, absconded offenders,

wandering tribes and passing events, on return to the station house he should make a report to the officer-in-charge.

Ordinarily a constable should not be away from his station house or outpost for more than three days and two nights consecutively, the officer who sends him out should fix the time of his absence subject to any extension required by unforeseen events.

64. District Police entitled to appear and to remain on Railway platforms.- District police are entitled when on duty to appear and to remain on the platforms of railway stations. A station master has no power to order the removal of district police constable who may be on duty at his railway station. Even plain clothed constable of the district police sent on duty to railway station shall carry a written general order from the sub-inspector deputing him, and must produce it before the station master if required.

CHAPTER VI ARMED POLICE

65. Works of Armed Police.- The armed Police are intended for the protection of treasuries, tahsils and lock-ups, for the escort of treasure, prisoners and Government property, for service of magazine and quarter guards, for the suppression and prevention of disorder and crimes of violence, and for the pursuit and apprehension of dangerous criminals.

This Branch of the force is under the special charge of Deputy Inspectors General who are responsible that Superintendents maintain discipline and efficiency.

66. Sub Inspectors of Armed police : works and duties.- Sub-Inspectors of the armed police command, important guards and escorts, maintain discipline and order in the police lines, give instructions in drill, musketry and

guard duties, visit guards and sentries by day and night, take the roll-call of men in the lines, and act generally under the orders of the reserve inspector.

67. Head Constables of Armed Police: works and duties.- Head constables of the armed police are employed to command guards and escorts, to give instructions in drill, and generally to perform the duties which could devolve on non-commissioned officers in the army. When incharge of outposts they will follow the instructions given in paragraph 58.

68. Orders of Magistrate in a Riot or affray.- Magistrates who have occasion to give discretions, in a riot or affray, to police, should communicate their orders to the police through the police officer in command.

69. Deputation of Armed forces on various occasions.- (1) On occasions of important processions or religious ceremonies when armed police are deputed at headquarters, unless there are good reasons to the contrary the Superintendent of Police will be responsible for the police arrangements and a gazette officer, or an inspector should, when possible, be placed in command of the armed police employed. In the rural area also a gazette officer or inspector should be placed incharge when there is reason to apprehend serious trouble.

It is invariably the duty of the Superintendent to satisfy himself that the officers who will have control over or who will command the armed police are sufficiently responsible and competent.

(2) Police armed with firearms should ordinarily not be used on occasions of processions or other ceremonies, except as a reserve force to deal with a possible disturbance. The position such a reserve force should take will be governed by special circumstances and instructions below:

(3) Bodies of Armed Police should never escort processions. They should be at point where there is danger of disturbance or should be held in reserve as a moving picket either in front or in rear of the procession where they are in least danger of being thrown into confusion by the mob, and can be kept

under the control of the officer-in-command and of their under-officers. As far as possible, the armed detachments should consist of both Hindus and Mohammedans in normal proportion and the proportion should be served out for use on such occasions.

(4) It is the duty of the Superintendent of Police on the occasion of all such deputations of both armed and civil police, to assign the duties which officers and men have to perform. Clear, general and special orders should be drawn up and communicated, showing definitely the positions of each body of police and the duties they have to perform. Such orders should be made out for all such occasions when police are employed, and should remain on record for future guidance. When for any reason, it is found necessary to depute police for the first time, or to augment the strength usually employed, it is imperative that special orders on such lines should be prepared and issued.

70. Use of force by the police against the crowd.- Instructions regarding the use of force by the police against the crowd are as follows :

Section A – Legal Authority

The legal provisions regulating the use of force by the police are contained in Chapter V (especially Section 6 and 49) and Chapter X and Section 129 (1) and (2) of the Criminal Procedure Code, 1973 (2 of 1974). These legal provisions apply to the use of force in the dispersal of an unlawful assembly and also of an assembly of five or more persons which, though not an unlawful assembly within the meaning of Section 141, Indian Penal Code is such as is likely to cause a disturbance of the public place.

Any officer-in-charge of a police station or police officer of higher rank has power, independently of the authority of a Magistrate, to call upon an assembly as specified above to disperse, and to use force to disperse it (See Section 129(1), Criminal Procedure Code, 1973 (2 of 1974).

Note.- In Section B, C and D of this paragraph “Magistrate” means –

(a) If a gazetted police officer is present “any first class Magistrate.”

- (b) If no gazette police officer is present “any Magistrate other than an honorary or special Magistrate.”

Section B – Action when Attendance of Magistrate can/cannot be secured

When a Magistrate is present or can be communicated with, without such delay as would prejudice the situation, assembly shall not be called upon to disperse nor shall force be used to disperse it without the orders of such Magistrate. If the presence of a Magistrate cannot be secured without such delay as would prejudice the situation, the senior police officer present, having the powers of an officer-in-charge of a police station or higher powers, shall act on his own responsibility, but shall, as soon as possible, communicate with and report his action to the nearest Magistrate and to the Superintendent of Police.

Section C – Main principles governing the use of Force

The main principles governing the use of any kind are-

- (1) the Magistrate, if present, and the senior police officer should act throughout in co-operation,
- (2) all attempts to disperse a crowd by warnings and exhortation shall be made before it is ordered to disperse,
- (3) once the order to disperse has been defied or when, after the order has been given the attitude of the crowd remains defiant, force shall be used,
- (4) if a Magistrate is present, the responsibility for using force shall rest with him and it is from him to direct the senior police officer to use force. If no Magistrate is present the responsibility rest with the senior police officer.
- (5) the Magistrate if present, or if no Magistrate is present, the senior police officer is responsible for seeing that the minimum force necessary for the effective dispersal of the crowd and the making of necessary arrest is used.
- (6) the kind and duration of the force used shall, subject to the reservation in Clause 7, be decided by the senior police officer and the least deadly weapon, of which the circumstances permit,

shall be used. No ulterior object, such as punitive or repressive effect, shall be taken into consideration.

- (7) the use of force must cease immediately the object has been attained. The Magistrate, if present, has power to decide when sufficient force has been applied. He should make this decision after consultation with the senior police officer.

Section D – Rules governing the use of Firearms

(1) Fire shall be opened only if the Magistrate, or if no Magistrate is present, the police officer-in-charge deems it absolutely necessary to open fire for the protection of life or property.

(2) If a Magistrate is present, the responsibility for ordering the use of firearms will rest with him and he will direct the senior police officer present to open fire.

(3) When the Magistrate has ordered the senior police officer to open fire, he shall not fetter the discretion of that officer by prescribing the number of rounds to be fired. The senior police officer will invariably give the order to fire and be responsible for controlling such fire.

(4) The order to stop firing shall be given by the senior police officer as soon as the crowd shows a disposition or retire to disperse.

The Magistrate, if present, has power to order the senior police officer to stop firing. Such order should be given after consultation with the senior police officer.

(5) Whenever firing has taken place, the senior police officer present shall unless the duty is taken over by a Magistrate, record detailed information of the events leading to the firing, the reasons why firing was considered necessary the consequences of the firing with particulars of the dead and injured persons and all other relevant details.

Section E – Form detailed instructions for the guidance of Police Officers

When the use of Firearms is necessary

In order that the decision to open fire may be promptly acted upon without loss of control or confusion, the senior police officer shall, as soon as it appears

like that the use of firearms will be necessary, tell off a detachment of armed police to be held in readiness. When fire is opened, the senior police officer shall decide the minimum volume necessary to be effective in the circumstances and shall accordingly give precise orders as to the particular men or files who are to fire and whether volleys or independent aimed shots are to be fired, and shall ensure that his orders are not exceeded and that no firing contrary to or without orders takes place, unless under-officers and men find themselves obliged to fire in the exercise of their right of private defence. Only one volley should be ordered at a time, except in cases of extreme urgency, and firing shall cease the instant it is no longer necessary. The objective should be clearly indicated and whatever volume of fire is ordered, it shall be applied with the maximum of effect. The aim must be kept low and directed against the most threatening parts of the crowd. Firing must never be in the air or over the heads of or at the fringes of the crowd, as thereby the crowd will merely be encouraged to further violence. For the same reason blank cartridges must never be served out to police employed or likely to be employed against a crowd. After the command "Stop firing, unload" a careful check should be made of fired and missing cartridges and the number of rounds fired and the result must be noted. This should be done by each under-officer for his section at once and he should ascertain further that all men are present directly firing ceases. The senior officer present should satisfy himself personally that this has been done. Each under-officer should be made responsible for his men, and indiscriminate firing or independent action, should in ordinary circumstances, be severely dealt with.

To ensure proper control of these lines, constant practice is required in the Police Lines and the matter will receive attention from Deputy Inspector General at their inspections.

After any disturbance necessitating firing by the police, as soon as order has been restored, action will immediately be taken (a) to secure the maintenance of order by the posting of pickets or the organization of patrols, and (b) to remove the dead for post-mortem examination and to secure medical and other attention for the wounded and injured. If the senior police officer present is not the

Superintendent of Police, he will immediately send a report of the occurrence to the Superintendent of Police and District Magistrate.

71. Requisition of Armed police.- A requisition for armed police in excess of the district allocation should, if possible, be made to the Deputy Inspector-General at least six weeks before the date on which the additional force is required, and will be sent through the District Magistrate and the Commissioner provided that in case where this will cause delays application may be made semi-officially after consultation with the District Magistrate. Armed police should not be paraded as a demonstration on very slight occasion, but used only when, the civil police are obviously unable to cope with a situation. Armed police must be restricted to their proper duties, and not dispersed in small outposts where they are of little use.

72. Constables of Armed police as bicycle orderlies to the Governor.- Six constables of armed police are supplied by the Superintendent of Police, Lucknow, as bicycle orderlies to the Governor. When the Governor is on tour away from Lucknow, urgent application for short leave from these orderlies will be dealt with by the Military Secretary. If he sanctions leave and requires a relief he will apply to the local Superintendent of Police. Similarly, if a bicycle orderly falls sick when on tour, he will be sent to the police hospital of the district where he is at the time, and the Superintendent of Police will be informed and if a relief is required, will be asked to obtain one. In either case the local Superintendent of Police should request the Superintendent of Police, Lucknow, to send a relief immediately. Relief will accompany the Governor's camp until returned by the Military Secretary. On the conclusion of a tour which ends in the Governor's departure to Naini Tal, the Military Secretary will send the bicycle orderlies to the reserve lines at the headquarters of the district in which the tour ends, and will request the Superintendent of Police concerned to return them to Lucknow. The Superintendent of Police of any district visited by the Governor will, at the request of the Military Secretary, have tents for the bicycle orderlies pitched in the Governor's camp.

In certain districts and the Police Training College the sanctioned allocation provides for the appointment of armed police constables as bicycle orderlies at the rate of 2 constables to each machine; and where two machines have been allotted 5 constables, including one for the contingent reserve, have been provided.

CHAPTER VII

ARMED TRAINING RESERVE

73. Reserve of armed police.- A reserve of armed police is maintained in every district. Its strength is fixed for each district.

74. Time limit for the service in armed reserve.- Service in the armed reserve must be assigned by roster so as to pass every member of the armed police through the reserve in turn. The period of service should not exceed two months. The reserved should be relieved *en bloc*, but for special reasons the Superintendent may order a man to serve in the reserve for a second consecutive period.

75. Limits of leave of the men in armed reserve.- The Superintendent may assign men on leave to the reserve, but the proportion of such men must not exceed $1\frac{1}{8}$ th of the reserves. Leave may be granted to a member of the reserve only when it is very urgently needed on account of illness or specifically urgent private affairs.

Recruits with not less than a year's service may be assigned to the reserve but the proportion of recruits must not exceed the actual proportion of recruits with not less than a year's service to the total sanctioned strength of the armed police.

When the total number of vacancies in the armed police exceeds 20 per cent of sanctioned strength and the number of recruits with less than one year's service exceeds the number of recruits with more than one year's service, recruits with more than one year's service may be regarded as efficient constables for the

purpose of assignment to the reserve. Recruits with more than six month's service may then be posted to the reserve in the proportion specified in the first clause of this paragraph. Exceptional arrangements under this clause require the previous approval of the Deputy Inspector General of the range.

76. Deputation of armed police for special duty.- When armed police are deputed for special duty in another district, they should be supplied from this reserve unless the officer who orders the deputation directs otherwise.

The reserve may be employed within the district on special dacoity duty, to keep order at fairs and other large gatherings, or to assist in preventing a serious breach of the peace. Detailed information of the employment of the reserve on such duty must be sent to the Deputy Inspector-General without delay. Permission to employ the reserve is restricted to special occasions, but there is no objection to the employment of portion of the reserve on night patrol duty headquarters; this may be regarded as part of the ordinary training of the reserve and need not be reported to the Deputy Inspector-General.

77. Restriction of duties for the member of reserve.- Member of the reserve may not be employed on routine duty, such as guard or-escort duty, unless the occasion is urgent and the requisite police cannot otherwise be provided. A call on the reserve should be avoided whenever civil police are available and can safely be employed, to supplement the armed police. Whenever any member of the reserve is employed on routine duty, the Superintendent must immediately send a detailed report to the Inspector-General explaining the reasons. If the Superintendent is not at headquarters, and if orders cannot be obtained from him before members of the reserve are detailed for routine duty, this report should be prepared and despatched by the senior officer at headquarters, who must submit a copy to the Superintendent.

78. Maintenance of armed training reserve.- The armed training reserve must, in each period of training be put through a complete course in drill, musketry, observation, the general duties of armed police, elementary law and

such other portions of the lines school curriculum as the Superintendent considers suitable.

CHAPTER VIII

MOUNTED POLICE

79. Duties of mounted police.- The following are the duties prescribed for the mounted police :

- (1) Patrolling roads,
- (2) Escorting prisoners and treasure
- (3) Conveying communications of special urgency
- (4) Following up criminals
- (5) Suppressing organized dacoity or other disturbances
- (6) Ceremonial escorts
- (7) Traffic control duty.

Two mounted orderlies are allowed to each of the members of the Board of Revenue while on tour in the plains, and to Commissioners while on tour in their divisions.

Mounted orderlies will be given at all times on the requisition of Commissioners and District Magistrates to carry communications of special urgency.

80. Formation of mounted police.- Mounted police are formed into troops at certain headquarters. They are required to keep up a thorough knowledge of the duties enumerated in paragraph 84 and 85 and to keep their horses in good condition and their uniforms, arms and accoutrements clean, smart and serviceable. A trumpeter shall be attached to each troop.

81. Duties of Sub-Inspectors and Head Constable's in mounted police.- The duties of sub-inspectors and head constables of the mounted police are similar to those of Indian officers and non-commissioned officers in

the Army, they must be competent cavalry drill instructors, and are responsible for the efficiency of the men and horses in their troops.

A mounted head constable must be told off at headquarters as day officer-in-charge of horses. Sub-Inspectors of the mounted police will take their turn with sub-inspectors of the armed police as day officers for the whole reserve. The mounted police will supply a quarter guard under a head constable over their lines.

82. Roaster of duty at troop headquarters.- At troop headquarters the reserve inspector shall keep up a roster of duty (Form No. 95) for all men proceeding on outstation duty. All should be treated fairly in this respect. The troop-sub-inspector shall keep up a daily roster for all men told off for duty at headquarters.

83. Inspection before forces deputed to other districts.- The Superintendent at troop headquarters will have all forces deputed to other districts carefully inspected before they leave. Superintendents and reserve inspectors of districts to which mounted police are deputed from the headquarters of troops are responsible that horses, accoutrements, horse-furniture and stable gear are kept in good condition. A parade should be held as soon as a force arrives, and deficiencies should be reported to the Superintendent of Police at troop headquarters. The Superintendent of Police at troop headquarters should hold a parade on the return of the force. A command certificate must be given to every force proceeding to or returning from an outstation.

Training of Mounted Police

84. Training of mounted police.- All mounted police recruits, including men transferred from the foot police, will be trained in accordance with orders contained in paragraph (45) and will be on probation for two years. Constables transferred from the foot police to the mounted branch may count towards this probationary period any period of service they may have already had in the foot police up to a maximum of 16 months, but no constable transferred from the foot police to the mounted police will be on probation for less than 8

months in the mounted police, whatever his length of service. At the end of the probationary period, mounted constables will be confirmed if they have succeeded in qualifying at the recruits course of instruction and provided that their conduct has been good.

They must be so trained-

- (1) that they can ride well and handle a horse in a troop on parade efficiently;
- (2) that they can saddle and unsaddle horse properly, that they can take the whole of their horse's equipment to pieces and put it together again, and that they can groom their mounts;
- (3) that they are proficient both mounted and on foot, in the sword and lance exercise and in troop drill.

85. Other trainings of members of mounted police.- Members of the mounted police must also be trained in scouting and must be taught to carry out their duties singly and in sections. Horse must be taught to stand fire.

86. Three months' advance course of selected constables.-

Under the orders of Range Deputy Inspector-General of Police, selected constables of the Mounted Police will be sent for a three month's advance course of training prescribed by the Inspector-General of Police in the subjects and duties of Mounted Police at the Police Training College, Moradabad. The

Inspector General of Police will, from time to time, decide the number of constables to be sent for this training by each Troop Headquarters. Only those constables, who qualify at this Advance Course of Training will be eligible for promotion to the posts of head constable in the Mounted Police subject to the provisions of paragraph 45, Police Regulations.

Candidates for this Advance Course of Training will be selected by Range Deputy Inspector General of Police on the basis of Central test. Only those who

have completed five year's service in the Mounted Police and have been nominated by the Superintendent of Police may compete at this test.

A constable of the mounted police who qualifies at a course of instruction in Remount Training but who has not already obtained his cavalry drill certificate, will be sent on the next course for which he can be made available, after he obtains his Remount Training Certificate.

87. Training of troop horses.- Troop horses should be trained to enter truck and horse-boxes.

88. Training for treatment of horses.- With the sanction of the Inspector-General previously obtained, members of the force may occasionally be sent to the Veterinary School at Lucknow for instructions in the treatment of horses.

CHAPTER IX VILLAGE POLICE

89. Chief duty of village chaukidar.- The village chaukidar is a village servant, whose chief duty is the watch and ward of the villages in his charge. He is required to carry reports for the village headman to assist him in tracing offenders, and to make arrests as authorized by law. He is responsible to the District Magistrate for the due performance of his duties. The rules relating to village headman are in the Manual of Government Orders.

90. Freeships to Chaukidar.- Village Chaukidars are not prohibited from cultivating land; they must reside in one of the villages for which they are responsible. They must be employed on menial duties by members of the constabulary force.

91. Attendance of village Chaukidars.- Village chaukidars must attend at their police station on fixed dates twice a month (*see* Chapter XXV) for

the purpose of reporting births, and deaths; on one of these dates they must be given their pay.

92. Crime record book of village chaukidars.- Each village policeman shall be provided with a crime record book, an attendance board (made of wood), and a printed register of births and deaths; he shall keep all these three in the leather wallet supplied to him which he must carry it whenever he goes to the station.

The record book is for the entry by the station writer of occurrences of crime, or of reports that the chaukidar may have to make at the station, and of his rewards, punishment and good services; all entries regarding rewards, punishments and good or bad services must be signed by the officer-in-charge of the station. A list of all persons in chaukidar's beat who are on history sheets will be entered in this record book and all reports made by the chaukidar of their absence from home will be noted therein.

Note.- Only crime of a kind requiring entry in the village crime note-book should be shown in the record book.

The attendance board is for the record of attendance at the station, and shall be written up at the time attendance by the station writer. The board must show every attendance since the last annual inspection of the station by a gazette police officer. For this purpose each side of the board will be ruled into six columns, one for each month. The rules for the reporting of births, deaths and epidemics by village chaukidars will be found in Chapter XXV.

For the duties of village chaukidars in the matter of inquests held by village panchayats (*see* Chapter XII). For their duties in regard to surveillance (*see* Chapter XX).

93. Assistance for escort duty by village police.- Village police must assist in police escort duty, when required to do so by a member of the constabulary force.

94. Rules for the watch and ward of camps of officers on tour.- The following rules limit the supply of village policemen for the watch and ward of camps of officers on tour:

I.- The number of chaukidars allowed shall not be less than two; for large camps the number may be increased, but shall not exceed six.

II.- No chaukidar shall serve more than two days in any week, or for more than one night at a time, on this duty.

III.- Chaukidars should be selected from the neighbourhood of the camp in such a way as to leave as few villages as possible without chaukidars.

IV.- The special allowance due to chaukidars who leave their beats to guard escort camps of touring officers must be promptly paid by the touring officers concerned. Station officers must report to the Superintendent any instances of neglect on the part of touring officer in this respect.

When village chaukidars are deputed to guard the Railway line for Presidential special trains and special trains in which the Prime Minister travels or when they are employed on other duties in connection with Presidential visits or the visits of the Prime Minister, they will be paid daily allowance at the rate of six annas a day from the grant for the rewards for village chaukidars in addition to their pay, provided that no substitutes are entertained for them.

The Inspector-General of Police can create temporary posts of chaukidars on daily allowance not exceeding Re. 1 per diem (inclusive of pay) of permanent chaukidars who are deputed for duty in connection with Presidential visits or visits of the Prime Minister when such duty entails their absence from their villages for more than six days. In such cases it will be for the Superintendent of Police to consider whether substitutes should be appointed and if he considers it necessary to employ substitutes he should obtain previous sanction to their appoint from the office of the Inspector General of Police. In that case the

ordinary pay of the chaukidars will be paid to the substitutes, while the permanent chaukidars who are on deputation will be paid Re. 1 a day, inclusive of pay and reward, from the head 'Chaukidars' subordinate to 'village Police' in the budget.

95. Supply of printed forms for written reports of cognizable offences to village Chaukidars.- Village chaukidars should be furnished with a supply of printed Form No. 44 for written reports of cognizable offences and for lists of stolen property, and should be instructed to give a form to every person who requires one for use and to take the form, after it has been filled up and signed by the complainant, to the police station, if requested by the complainant to do so. It should also be explained to village chaukidars that complainants are not competent to make their reports in writing. Whenever a chaukidar brings a written report to the police station, he should take back to the complainant the duplicate copy of the check receipt.

96. Appointment of village chaukidars.- (1) Village chaukidars are appointed by the District Magistrate under Section 3 to 6 of the North-Western Provinces Village and Road Police Act, 1873 (Act XVI of 1873), or under Sections 29 to 32 of the Oudh Laws Act, 1876 (Act XVIII of 1876). They may be dismissed by the District Magistrate under Section 10 of Act XVI of 1873 or Section 36 of Act XVIII of 1876. They are also liable to prosecution under Section II of Act XVI of 1873 or Section 37 of Act XVIII of 1876.

(2) Good conduct stripes awarded to and allowances granted to village chaukidars may be withdrawn as a disciplinary measure. [See Paragraph 476(v)].

96-A. Provisions of Para 50 are applicable to village Chaukidars.- The provisions contained in Paragraph 501 are applicable to village chaukidars against whom Civil or Criminal proceedings have been instituted otherwise than by Government.

PART II

PARTICULAR DUTIES

CHAPTER X

REPORTS MADE AT POLICE STATIONS

97. Process for information relating to the commission of a cognizable offence.- Whenever information relating to the commission of a cognizable offence is given to an officer-in-charge of a police station the report will immediately be taken down in triplicate in the check receipt book for reports of cognizable offences (Police Form No. 341). The step will on no account be delayed to allow time for the true facts to be ascertained by a preliminary investigation. Even if it appears untrue, the report must be recorded at once. If the report is made orally, the exact words of the person who makes it, including his answers to any questions put to him should be taken down and read over to him; he must sign each of the three parts, or if he cannot write, he must make his mark or thumb-impression. If a written report is received an exact copy must be made, but the signature or mark of the messenger need not be taken. In all cases the officer-in-charge of the station must sign each of the three parts and have the seal of the station stamped on each. The triplicate copy will remain in the book; the duplicate copy will be given to the person who makes the oral or brings the written report; the original will be sent forthwith through the Superintendent of Police to the Magistrate having jurisdiction with the original written report (if any) attached.

The practice of delaying first information reports until they can be sent to headquarters attached to special or general diaries is contrary to the provisions of Criminal Procedure Code and is prohibited.

If there is an Assistant or Deputy Superintendent incharge of the sub-division, and stationed at a place other than the headquarters of the district, the original should be sent through him to the Magistrate.

98. Entries of crimes in registers and diaries should be clear.- It is essential that all reports and entries in registers and diaries should be written clearly and legibly. These documents may have to be provided later in courts of

law, and much delay and difficulty may be caused if the original writing is not clear and indisputable.

99. Substance of F.I.R. in G.D.- As soon as the report has been written-in the first information book, the substance of the report must be briefly recorded in the general diary. The entries in the first information report and the general diary must be made at once, even, if the report is received at night. The village crime notebook, crime register, and the register of property should be written up within 24 hours if the report entails the making of entries in these registers.

100. Process for Oral Information of Cognizable offence to station officer.- If an officer-in-charge of a station receives an oral report of a cognizable offence when he is away from the station house, and wishes to begin the investigation at once and cannot dispense with the attendance of the person who made the report, he should take the report down in writing and, after having it signed or marked by the person who made it, should send it to the police station to be treated as a written report.

101. Special Report cases.- Whenever the occurrence of an offence of any of the following kinds is reported-

- (1) dacoity,
- (2) robbery except unimportant cases such as snatching ear-rings,
- (3) torture by police,
- (4) escape from police custody,
- (5) forging of currency notes
- (6) manufacture of counterfeit coin,
- (7) serious defalcations of public money including theft of notes or *hundis* from letters,
- (8) important cases of murder, rioting, burglary and theft, breaches of the peace between different classes, communities or political groups and other cases of special interest.

copies of the report will be sent immediately in red envelopes to the Superintendent, the District Magistrate, the Sub-Divisional Magistrate and the circle inspector by post or hand whichever may be the quicker method of conveyance. The telephone or telegraph when available, and the department telegraphic code, copies of which have been supplied to all police stations near telegraph offices should also be used to give the Superintendent early news of such offences.

101-A. Copy of Special Reports to DM and SP.- Copies of reports shall be sent to District Magistrate and Superintendent of Police in all important cases or categories of cases in which they may require special reports to be sent.

102. Process for report of a non-cognizable offence.- When a report is made of a non-cognizable offence, the important portion of the report should be recorded in the check receipt book for reports of non-cognizable offence (Police Form NO. 347). The informant should be required to sign or affix his mark to each of the two copies. The duplicate copy should be given to him, the original remaining in the book. The substance of the report should be entered in the general diary, and, if the report is in writing, the proper containing should be attached to the diary. The informant should also be referred to the Magistrate, as required by Section 155 of the Code of Criminal Procedure, 1973 (2 of 1974).

103. Responsibility of S.O. for the correct recording of all reports of crime.- The responsibility imposed on the officer-in-charge of police station by Section 154 and 155(1) of the Code of Criminal Procedure, 1973 (2 of 1974) or non-cognizable, will be enforced, and he must countersign all reports of either kind recorded.

CHAPTER XI INVESTIGATIONS

104. Decision Investigation of a report of cognizable offence.- When a report of a cognizable offence is received, the officer-in-charge of the station must decide whether an investigation is desirable. In exercising the discretion

allowed by Section 157(1) (b) of the Code of Criminal Procedure, 1973 (2 of 1974), he should consider whether the case is for the civil rather than for the criminal Courts and whether action by the police is necessary in the interest of the administration or expedient for the preservation of law and order.

No investigation should be made if the subject-matter of the complaint appears to fall within the scope of Section 95 of the Indian Penal Code, or if the complainant appears to be setting up a technical offence or exaggerating a trivial occurrence in order to obtain the help of the police in prosecuting a quarrel.

No investigation should be made in the following circumstances, except on the order of the Superintendent of Police, in any particular case, or with the concurrence of the Deputy Inspector General, in respect of any particular area :

- (1) In cases of petty theft or burglary, unless there is reason to believe that professional criminals have been concerned, or the criminal has been arrested and the complainant desires a prosecution.
- (2) In cases under Section 324 and 325 of the Indian Penal Code.
- (3) In cases under Section 147 of the Indian Penal Code, unless grievous hurt has been caused or there is danger of a further serious breach of the peace.
- (4) In cases under Section 341 to 344, (unless the confinement continues at the time when the report is made) 454, 347 and 448 of the Indian Penal Code.
- (5) In cases under Section 406 and 420 of the Indian Penal Code, when there is *prima facie* evidence that case is of a civil nature.

Note.- In all cases of hurt, inflicted with a deadly weapon, the officer-in-charge of the station should consider whether the circumstances are such as to justify the registration of a case under Section 307 or 308 of the Indian Penal Code. Cases registered under either of these sections must be promptly investigated as a matter of course without waiting for the order of the Superintendent of Police or the report of the medical officer.

105. Process, when a cognizable case will not be investigated.-

Whenever the officer-in-charge of a police station decides that a cognizable case will not be investigated, he must, in order to comply with the provisions of Section 157 (2) of the Code of Criminal Procedure, 1973 (2 of 1974) enter on the original and triplicate copies of the first information report his reasons for not investigating the case. He must also note on the duplicate copy which will be given to the person who has made the report, the fact that no investigation will be made. Whenever he makes or orders an investigation otherwise than on the order of the Superintendent of Police into any case or any of the classes enumerated in Clause (3) of paragraph 104 he must record in the general diary his reasons for doing so.

106. Completion of an Investigation.- Investigation should ordinarily be carried out and completed on the spot, except in cases falling under Section 157(1)(a) of the Code of Criminal Procedure, 1973 (2 of 1974). If, however, the scene of the offence is close to the police station, as in towns, and the case is not covered by Section 157(1)(a) the investigating officer may, after visiting the spot, return to the police station to complete the investigation. Any police officer proceeding on an investigation of a serious offence is permitted by the railway authorities to travel by the first available train, passenger or goods but he may not stop it out of course.

107. Duties of an Investigating Officer.- An investigating officer is not to regard himself as a mere clerk for the recording of statements. It is his duty to observe and to infer. In every case he must use his own expert observations of the scene of the offence and of the general circumstances to check the evidence of witnesses, and in cases in which the culprits are unknown to determine the direction in which he shall look for them. He must study the methods of local offenders who are known to the police with a view to recognizing their handiwork, and he must be on his guard against accepting the suspicions of witness and complainants when they conflict with obvious inferences from facts. He must remember that it is his duty to find out the truth and not merely to obtain convictions. He must not prematurely commit himself to any view of the facts

for or against any person and though he need not go out of his way to hunt up evidence for the defence in a case in which he has satisfactory grounds for believing that an accused person is guilty, he must always give accused persons an opportunity of producing defence evidence before him, and must consider such evidence carefully if produced. Burglary investigations should be conducted in accordance with the special orders on the subject.

108. Steps for Investigating Officer to investigate the case.- The first step of the investigating officer should be to note in the case diary prescribed by Section 172 of the Code of Criminal Procedure, 1973 (2 of 1974) the time and place at which he has received the information on which he acts and to make in the diary a copy of the first information report. When beginning his investigation he must note in the diary the time and place at which he begins. He should then inspect the scene of the alleged offence and question the complainant and any other persons who may be able to throw light on the circumstances. At an early stage of the investigation he should consult the village crime note-book to learn of any matter recorded there which may have a bearing on the case.

109. Entries of the case.- The case diary must contain the particulars required by Section 172 of the Code of Criminal Procedure, 1973 (2 of 1974) in sufficient detail to enable the supervising officer to appreciate the facts. Variations in the statement of the complainant from the first information report and the substance of supplementary statement, if any, should be recorded.

The investigating officer is not bound to reduce in writing any statement made to him in the course of an examination under Section 161 of the Code of Criminal Procedure, 1973 (2 of 1974). But if he does so, he shall make a separate record of the statement of each such person whose statement he records. The statement shall be recorded in the first person and shall contain such detail as are likely to be helpful in the prosecution of the case.

The law contemplates that the statement, if recorded, must be recorded separately. It will, therefore, not be sufficient compliance of the law if it is merely recorded that a witness substantiates, corroborates or verifies the statement of

the complainant or another witness and as such the use of such phrases should be avoided.

The statement of the accused person must, however, be recorded in full. When investigation is closed for the day, the time and place at which it is closed must be noted, and throughout the investigation the diary must be sent daily to the Superintendent on all days on which any proceedings are taken. If the investigating officer is not himself in charge of station, the diary must be sent through the officer-in-charge except when this will cause delay. All changes of investigating officer must be recorded in it. If more officers than one are investigating the same case independently at the same time each should keep a separate diary. The provisions of Section 162 and 173 of the Code of Criminal Procedure, 1973 (2 of 1974) must be carefully studied. In petty cases a very short case diary will ordinarily be sufficient.

110. Proceedings after arrests of a suspected person.- The stage of the proceedings at which the investigating officer arrests a suspected person Section 44 of the Code of Criminal Procedure, 1973 (2 of 1974) is left to his discretion, he may watch a suspect, but may not restrict his movements without arresting him nor compel him to remain in attendance as a witness.

111. Search conducted by a police officer.- A police officer about to conduct a search under the Code of Criminal Procedure or any other law must, before entering the place to be searched satisfy the owner, or occupier of the premises, if present, and the witnesses called under Section 100 (4) or (8) of the Code of Criminal Procedure, 1973 (2 of 1974), that neither he nor any other member of the search party, including the informer if present, has anything incriminating concealed about his person. No informer should be allowed to enter a place which is to be searched unless it is impossible to dispense with his assistance. Searches made under the Arms Act, Excise Act, Section 19 of the Opium Act (I of 1878) or Code of Criminal Procedure, 1973 (2 of 1974), may be made by day or night. Searches under the Salt Act (XII of 1882) and Section 14 of the Opium Act (I of 1878), may be made only by day.

112. Inquiries from a person.- Persons from whom inquiries are made by the police should not be unnecessarily harassed or detained. If any person summoned under Section 100 or 160 of the Code of Criminal Procedure, 1973 (2 of 1974) requests that the period of his attendance be put on record, the investigating officer shall comply by making an entry on the foil and counterfoil of the order form No. 7.

113. Inquiries from public or railway servants.- Inquiries in which public or railway servants are concerned either as accused or witnesses should be so conducted as to interfere as little as possible with their official duties. Although Section 66 of the Code of Criminal Procedure, 1973 (2 of 1974) does not compel a police officer to give notice to the official superiors of such servants when requiring them either under Section 100 (4) to (8) to attend as witnesses before Courts or under Section 160, be given; and no police or railway servant should ordinarily be required to leave his duties for the purpose of an investigation until reasonable opportunity has been allowed to his official superior to arrange for his relief.

Police officer should attend Court on the dates fixed for their appearance. Absence from Court should not be taken lightly. The controlling officers granting permission to their subordinates to attend court should ensure that summonses are returned to the Court well before the date of hearing. The Superintendents of Police will maintain a register in which will be entered the names of the officials who did not attend court on the dates fixed. These names will be entered on the basis of reports received from Courts. The Superintendents of Police will immediately call for the explanation of the defaulting officer and will submit a copy of the explanation to the Court concerned for information within 15 days of the receipt of such complaint. If the explanation is not submitted within this period, the Court will report the matter to the District Magistrate for necessary action. Entries in this register must be taken into account at the time of recording annual remarks. It will be the duty of the Deputy Inspector General of Police to examine the register at the time of their inspections.

114. Plan of the scene of occurrence should be made by I.O.- A plan of the scene of occurrence should be made by the investigating officer in every case of murder, dacoity or important burglary and in any other case in which such a plan will help a Court or a supervising police officer to a proper understanding of the facts. If the investigating officer is unable to prepare a plan with the necessary accuracy, he should if possible, have one made by a Patwari. A plan should always be signed by the person making it.

115. Dying declaration of seriously injured person to be recorded immediately.- The officer investigating a case in which a person has been so seriously injured that he is likely to die before he can reach a dispensary where his dying declaration can be recorded, should himself record the declaration at once in the presence of two respectable witnesses, obtaining the signature or mark of the declarant and witnesses at the foot of the declaration.

116. Identification parade of suspects.- In all cases in which there is any likelihood that suspects will at any stage have to be paraded for identification by witness, the investigating officer must take steps from the very beginning of his investigation to ensure that witnesses are given no opportunity of seeing the suspects before identification proceedings are held. Such proceedings should whenever possible, be postponed until they can be held in the jail under the provisions of the Manual of Government Orders and Paragraph 31 of these regulations, for the due observance of which, as far as the police are concerned, the Public Prosecutor will then be responsible. When identification proceedings cannot be held in the jails, owing to there being no sufficient evidence on which the suspects can be arrested for any other reason, the instructions referred to above must be followed by the investigating officer as far as they can be made applicable. In such cases the proceedings should take place before a Magistrate, as they would if they were held in the jails or if no magistrate is available before two respectable and impartial persons who should be asked to satisfy themselves that the proceedings are fair both to witnesses and to accused. In any case of importance, when no Magistrate is available to conduct identification

proceedings not held in the jails, a gazetted police officer should arrange to attend.

117. Identification of articles of property recovered from suspects:-

In important cases the practice of having articles of property, recovered from suspects and suspected to be stolen, mixed up with other articles of a similar nature when the property is shown to complainants for identification may often be followed with advantage. In such cases precautions should be taken similar to those laid down for observance in the case of identification parades of accused persons, the person before whom the identification is held must be above suspicion, and it will be essential to prove that neither the property suspected, nor that with which it has been mixed could have been seen by the witnesses beforehand.

118. Cognizable offence done by a person in a second state of mind get no relaxation by the police.- When it is established that a person has committed an act which would be a cognizable offence if done by a person in a second state of mind, it is not for the police to determine whether a defence can be made out on the ground of insanity. This question will be determined by the Court. The accused should be sent for trial and his mental condition should be mentioned in the diary.

119. Process for confession recorded by the Magistrate.- When a confession is to be recorded under Section 164 of the Code of Criminal Procedure, 1973 (2 of 1974), the Magistrate should be asked to put question to the person making it with a view to eliciting as many details as possible by which its truth can be verified. Unless independent corroborative evidence can be obtained of its truth in material particulars, it will be of little use in Court. The primary use of true confession is to determine the future line for the investigations.

120. Who can record the confession.- Every confession which a person in police custody wishes to make shall be recorded by the highest

Magistrate other than the District Magistrate who can be reached in a reasonable time. Only Magistrates of the first class and Magistrate of the second class specially empowered by the local Government are authorized to record confession. Confessions in important cases of dacoity, and in other serious cases whenever possible, should be recorded by the District Magistrate or by a Magistrate of standing, preferably the Joint Magistrate, without regard to the part of the district in which the case occurred.

121, Remand for police custody.- A remand to police custody should not be applied for or given unless the officer making the application is able to show definite and satisfactory grounds. A general statement that the accused may be able to give further information should not be accepted. Application for remand to police custody must be made through the Superintendent of Police or gazetted police officer incharge of a sub-division, and may be addressed only to Magistrates of the status required by Section 167 of the Code of Criminal Procedure, 1973 (2 of 1974). Suspects must not be made over by the police to zamindars or other non-officials for the purpose of inducing confessions.

122. Completion of Investigation and submission of final report or charge sheet should be as soon as possible.- (i) An investigation should be completed as soon as possible and when complete the investigating officer must comply with the provisions of Section 161-171 and 173 of the Code of Criminal Procedure, 1973 (2 of 1974). The report prescribed by Section 173 must under that section be submitted by the officer incharge of the police station under intimation to the Superintendent of Police and should be in the form of charge-sheet (Police Form No. 339), if the case is sent for trial and in the form of final report (Police Form No. 340), if the case is not sent for trial. The charge-sheet with the final diary in the cases shall be submitted to the Court through the Circle Officer and the Public Prosecutor and should reach the Court within four weeks of the date of lodging of the first information report in summons and warrants cases and eight weeks in Sessions cases. None of the Circle Officer and the Public Prosecutor should normally retain the charge-sheet for more than a week and the latter should submit it to the Court concerned within the time-limit

prescribed. The prescribed time-limit should not be allowed to exceed except for very special reasons.

(ii) As soon as possible but in any case not later than a month of the expiry of each quarter, the Superintendent of Police shall submit to the District Magistrate, in the prescribed form and in duplicate, a quarterly list of cases in which charge-sheet could not be submitted within the prescribed time-limit of 4/8 weeks. The District Magistrate will forward it to the Range Deputy Inspector General of Police endorsing the other copy with his comments to the Commissioner of the Division. The Range Deputy Inspector General of Police will thereupon compile in the prescribed form, a statement of delayed cases and submit it to the Inspector General of Police who will forward the same to Government in Home Department (Police A) with his comments.

(iii) The final report must in all cases be submitted through the Superintendent of Police.

(iv) The information as the result of investigation must, as required by Section 173 (i) (b), Criminal Procedure Code, 1973 (2 of 1974) be sent by the officer in charge of the police station to the complainant if any in Police Form No. 47, at the time he submits the charge-sheet or the final report, as the case may be.

123. Previous convictions should be recorded in charge sheet.-

Particulars as to any previous convictions of an accused should be noted in Column 7 of the charge-sheet. If the accused resides in another police station of the same district, the officer-in-charge of that station should be asked to give details of previous convictions (if any) and to send them to the Public Prosecutor direct if time is short.

124. Complaint of cognizable or non-cognizable offence before the Magistrate.- When any complaint of an offence, cognizable or non-cognizable of which a Magistrate has taken cognizance under Section 190(a) of the Code of Criminal Procedure, 1973 (2 of 1974), is referred by him under Section 202 to the officer-in-charge of the sub-division must satisfy himself before forwarding the complaint to the police station concerned that the provisions of Section 200

and 202 of the Code of Criminal Procedure, 1973 (2 of 1974) have been fully observed. No case in which the statement of the complainant has not been taken on oath by the Magistrate under Section 200 or in which the Magistrate has not, under Section 202 recorded his reasons for holding that police investigation is necessary can legally be sent to the police for investigation. All such cases and all case in which, the reasons recorded for sending the complaint to the police are *prima facie* invalid should be brought to the notice of the District Magistrate by the Superintendent of Police before any further action is taken. Investigation which the police are justifiably ordered by Magistrates to make into complaint case under Section 202 should be made as promptly as circumstances allow; but in so far as it is question of finding time for such investigations, cases which are registered and investigated by the police under section 197(1) of the Code of Criminal Procedure, 1973 (2 of 1974) will ordinarily take precedence of complaint cases which are sent to them by Magistrates.

125. Process of investigation when an Indian is killed by British soldiers.- All cases in which there is any reason to suspect that an Indian has been killed, or wounded by British soldiers must be investigated by the Superintendent of Police himself unless a magisterial inquiry is made by an officer of not less than four year's standing as a Justice of the Peace. (*Compare* also Paragraph 357 of these regulations).

126. No analysis of the work of Investigation Officers.- Any analysis of the work of investigating officers by the application of statistical tests is objectionable and encourages dishonesty. The Superintendent of Police should impress on officers of all ranks subordinate to him that their efficiency will not be judged by statistical tests, but by the manner in which they perform their duties.

127. Production of records of post office before the police.- The following instructions have been given by Government to the Postal Department (*see* Police Gazette of March 18, 1891) :

“Production of records before the police”:

Records of a post office should be produced, and information available in them should be given, on the written order of any police officer who is making an investigation under the Code of Criminal Procedure : but only those entries in the records should 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 should, without delay, refer for orders to the Postmaster-General, who will decide whether or not under Section 124 of Indian Evidence Act (1 of 1872), the information asked for should be withheld.

Note.- When the information asked by a police officer is not available in the records of the post office, the police officer should be informed accordingly, irrespective of the question whether the information, if available, might not be given under the foregoing rule.

128. Process when there is an outbreak of thefts from goods trains.-

In any locality in which there is an outbreak of the thefts from goods trains the Superintendent of the Government Railway Police will inform the Superintendent of Police of the districts concerned and concerted measures will be taken.

CHAPTER XII

INQUESTS, POST-MORTEM EXAMINATION AND TREATMENT OF WOUNDED PERSONS

129. Any sudden or unnatural death to be reported by village Chaukidar to the police station.- Under Section 40 of the Code of Criminal Procedure, 1973 (2 of 1974) the village chaukidar is required to report at the police station the occurrence in or near his village of any sudden or unnatural death under suspicious circumstances or the discovery in or near his village of any corpse or part of a corpse in circumstances which lead to reasonable suspicion that such a death has occurred.

When such a report is made, a police officer empowered to make an investigation under Section 174, Criminal Procedure Code, 1973 (2 of 1974) must immediately taken action indicated in this section.

130. [Omitted]

131. All sub-inspectors and head constables empowered to make inquiries u/s 174 Code of Criminal Procedure, 1973 (2 of 1974).- All sub-inspectors and such head constables as may be specifically selected by the Superintendent of Police, are empowered by the local Government to make inquiries under Section 174 of the Code of Criminal Procedure, 1973 (2 of 1974).

132. Inquest report by police.- Investigation by the police under Section 174 of the Code of Criminal Procedure, 1973 (2 of 1974) should, if possible, be made before the body is touched or moved. The inquest report should be in Form No. 211. In cases in which there is doubt that death was due to an accident or suicide and in which inquiry is concluded in one day, this form may be used both as the inquest report under Section 174, Code of Criminal Procedure, 1973 (2 of 1974) and as the case diary prescribed under Section 172.

133. [Omitted]

134. Known or suspected dead bodies related to cognizable offence to be sent for post-mortem examination.- When death is known or suspected to be due to the commission of a cognizable offence, or when for any other reason the investigation officer considers it expedient so to do, he shall send the body for postmortem examination if the state of the weather and the distance admit of its being forwarded without risk of such putrefaction on the road as would render examination useless.

135. Recording of finger prints of unidentified corpses.- The finger impressions of all unidentified corpses should be taken on search slip forms and sent to the Finger Print Bureau for search. Similarly, where death is known or suspected to be due to the commission of a cognizable offence, and where there is any possibility that finger impressions if subsequently found on the scene of the crime may become material to the investigation of the finger impressions of an identified corpse should be taken on a search slip in order that

they may be compared with any finger impressions found at the scene of the crime before time is wasted in using the latter as a basis of search for the culprit.

Ordinarily there is not much difficulty in taking impressions from the fingers of a corpse, but sometimes the skin of the finger is contracted and wrinkled that decipherable prints cannot be obtained. In such cases the medical officer holding the post-mortem should be asked to remove the skin from the fingers. He should place each piece in a separate sealed envelope, making on the outside the finger to which it belongs. These envelope should then be sent to the Finger Print Bureau for opinion.

The finger prints of corpse should invariably be taken under the supervision of an officer not below the rank of Sub-Inspector. Prints of all fingers must be taken, and the supervising officer will certify by his signature on the search slip that the impressions have been correctly taken in his presence. The supervising officer will note in the remarks column of the search slip the condition of the body, whether in all advanced stage of decomposition or otherwise.

135-A. Process when an unclaimed or unidentified body is recovered by police.- When a corpse recovered by the police is unclaimed or cannot be identified the police officer making enquiry under Section 174 of the Code of Criminal Procedure, shall arrange to give the fact of discovery the widest possible publicity with a view to its identification as also to the tracing out of the deceased's relations, friends or acquaintances to whom it can be made over for disposal. In rural areas such publicity shall be made by beat of drum and in urban areas the police officer may also take the help of the local press, broadcasting station, if any, and voluntary organizations like the Sewa Samiti.

The police officer making the enquiry shall also, as far as possible endeavour to ascertain correctly the faith to which the deceased belonged in order to ensure proper disposal, if eventually necessary, of the corpse according to the customary rites of the faith to which the deceased belonged. With this end in view the officer concerned shall, besides making other enquiries, carefully examine the corpse to see if it has got any distinguishing features, such as might

be held to establish the deceased's, denomination and make an entry to this effect in the general diary and the inquest report.

If after due publicity a dead body remains unclaimed the Superintendent of Police of district may hand it over to recognized Medical College for purposes of anatomical examination and dissection at their own expense. The officer-in-charge of such college shall furnish to the Superintendent of Police a certificate to the effect that after anatomical examination and dissection the corpse was disposed of according to the customary rites of the faith to which the deceased belonged.

136. Steps taken by I.O., when medical officer making examination of dead bodies.- The following steps shall be taken by investigation officers to assist medical officers in making examinations of dead bodies and injured persons :

I. – In cases of suspected poisoning

A.- The following substances and articles should be collected and dealt with as prescribed in Paragraph 139 :

- (1) Any food or drink taken by the person supposed to have been poisoned.
- (2) Any omitted matter which may be on the person or bed; this should be carefully swabbed up with a rag.
- (3) Any clothing, matting, wood, mud or other substance into which any omitted matter has soaked.
- (4) The contents of any vessel containing vomited matter; this should be carefully put into a bottle.
- (5) The ashes of the funeral pyre in the event of cremation.

B.- Information on the eight following points should be elicited as early as possible and entered in the case diary in due order :

- (1) The interval between the last time that the person who is supposed to have been poisoned ate or drunk anything or took any medicine and the first appearance of symptoms of poisoning.
- (2) The interval between the last time of eating or drinking either food or medicine and the occurrence of death (if death occurred).

- (3) Whether the person moved from the place where the first symptoms were noticed, and, if so, how far he went.
- (4) What were the first symptoms of poisoning.
- (5) Whether vomiting or purging occurred.
- (6) Whether the person fell asleep or became drowsy.
- (7) Was there vomiting?
Whether the patient complained of tingling of the skin or throat.
- (8) Any other symptoms noticed.

In cases of suspected human poisoning a short account of the facts of the case should be given in the following form for the guidance of the Chemical Examiner when the substance is transmitted for analysis :

- (1) Name, sex and age of patient.
- (2) Nature of food last taken.
- (3) How soon after his meal did the symptoms of poisoning begin?
- (4) Did the patient walk from the place where he was first taken ill? If so, how far?
- (5) Did the patient complain of pain or discomfort?
- (6) Was there purging?
- (7) Was there omitting?
- (8) Did the patient become unconscious? If so, how soon did this occur after the onset of the symptoms?
- (9) Was the patient dizzy or faint?
- (10) Did convulsions or cramps occur?
- (11) Did the patient complain of tingling of the skin or throat?
- (12) Did the patient talk sensibly or foolishly?
- (13) Did the patient pick at objects on the ground or bed?
- (14) Was any treatment adopted? If so, what was its nature?
- (15) Did death occur, and; if so how soon after the illness began?
- (16) What poison is supposed to have been used?

Information on the above points should be forwarded to the District Magistrate before the latter officer sends the substance for chemical analysis.

N.B.- Wherever possible, a report by a medical officer who has seen the case should be added, which should contain his opinion as to the nature of the poison used. An information given by friends and neighbours should also be noted.

II.- In case of hanging or strangulation

(1) If possible, before the body is cut down or removed, the means of strangulation should be noted and 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 the direction of its flow.

(2) When the body *is* cut down, or the means of strangulation removed, the state of the neck should be noted, whether bruised, along the line of strangulation, and the direction of the mark, whether circular or oblique, and the state of the thumbs, whether crossed over the palm :

(3) The materials by which hanging or strangulation has been effected should, if possible, be obtained, and dealt with as prescribed in Paragraph 142.

III.- When a body found in a tank or well, the following points should be noted

(1) Any mark of flood around the mouth of the well or tank or on the sides,

(2) When the body is removed, any external marks of injury, especially about the head and neck.

(3) Whether the skin is smooth or rough.

The hands should be examined and anything they may hold should be carefully removed.

IV.- In the case of a body found murdered

(1) The number, character and appearance of any injuries should be noted.

(2) If a weapon is found, it should be wrapped in paper and sealed; any marks of blood on it and any adherent hairs should be noted and preserved.

(3) In the case of an exposed infant, the state of the cord, especially whether it is tied, and any marks of violence, should be noted.

V.- In the case of presumed murder, and burial or cremation of the remains

(1) Any marks of violence, especially about the skull, should be sought for and noted.

(2) Any indications of sex should be noted; and a jaw and the bones of the pelvis at least brought away.

(3) If there is any suspicion of poisoning, the earth from the place in which the stomach was found should be carefully taken up and dealt with as in Paragraph 142.

(4) 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 dealt with as in Paragraph 142.

VI. In case in which an opinion on the nature of stains on clothes is required, the stains should be allowed to dry before the clothes are folded up

In the case of blood stains or spots on mud floors or hard earth, etc., the piece containing the suspected stains should be cut out and wrapped in cotton wool before it is disposed of as in Paragraph 142.

137. Dead bodies for examination should be sent to district headquarters.- All dead bodies of which an examination is required shall be sent to the headquarters of the district, except from the places enumerated in Appendix V of these Regulations.

138. Process, when dead body sent for examination by G.R.P.- In the case of body sent for examination by the Government Railway Police of the headquarters of a district, it shall rest with the Superintendent of Police of the district concerned to decide whether a post-mortem examination is actually necessary,

139. Procedure, when a body is sent for post-mortem examination.- The following procedure shall be observed when a body is sent for post-mortem examination:

(1) The body shall be laid in the shell in the state in which it has been found. No substance should be applied to it in the hope of delaying decomposition.

(2) The body shall be accompanied by a police constable and a chaukidar. If the thana is over 20 miles distant from the medical officer, the constable and chaukidar may be relieved at one or more intermediate stations; but the number of reliefs should be kept as low as possible.

(3) The names of the police constable and chaukidar and of relieving constables and chaukidars, if any, shall always be entered in Police Form No. 13 and 33.

(4) The constable accompanying the body shall be given from the permanent advance of the station a sum sufficient to pay the coolies and other necessary expenses, and a cheque in Form No. 11 for the realization of the money at headquarters, if the body is being sent there.

(5) The constable be instructed by the officer sending in the body to make it over to the medical officer with the usual requisition; he will remain in charge of the body until the medical officer has completed the examination, and will arrange for the disposal of the remains in the absence of relatives of the deceased.

(6) The investigating officer shall prepare in duplicate a descriptive roll of the body, containing particulars of identification distinct from any injuries that may be apparent. He shall give one copy of this roll to the constable accompanying the body, and send the other by post to the police officer in charge of headquarters.

(7) Besides this descriptive roll, there shall be sent with the body a statement in Form No. 13, which must be prepared with the utmost care. From this, if the body is sent to headquarters or to any other place where there is an English police officer, a statement in English, also in Form No. 13 will be prepared in that office and will be forwarded to the medical officer, with a requisition for post-mortem examination in Form No. 33 and a detailed translation of the investigation officer's report on the appearance and situation of the body and on the cause of the death as far as the investigating officer has been able to ascertain it. If there is no English police officer, at the place to which the body is sent, the only papers delivered to the medical officer will be those sent with the body by the investigating officer.

Note.- The Superintendent is authorized to call on the Civil Surgeon to make post-mortem examination.

(8) The constable and chaukidar shall identify the body in the presence of the medical officer before the post-mortem examination is made.

(9) A translation of the Civil Surgeon's report should be made in the Superintendent's office as soon as possible, and a copy of the translation despatched to the officer-in-charge of the police station.

140. Objects of examination should clearly explained in Inquest report.- When a police officer sends a person for examination by a medical officer, he should clearly explain the objects of such examinations (unless for special reasons examination appears undesirable). Superintendents of Police should as far as possible take steps to prevent cases being sent to medical officers unnecessarily.

141. Public Prosecutor to directly correspond with Civil Surgeon when sending any article for examination.- The Public prosecutor will correspond direct with the Civil Surgeon when sending an article or substance to him for examination.

142. Exhibits connected with the commission of an offence should be sent to Public Prosecutor or to Magistrate for required testing in Forensic laboratory.- (1) All substances or articles connected with the commission of an offence which may be required as evidence at a trial should be sent with an invoice by the investigating officer to the public prosecutor who shall sign the invoice to show that he has received the parcel and shall make an entry for it in his register. The invoice should show the name of the constable who has brought the sealed cover.

The labels attached to exhibits which may subsequently be sent for blood analysis should be pasted to the exhibits with flour-paste and not with gum.

(2) If no medical or chemical examination of the article is required, the public prosecutor shall keep it until it is wanted for production in Court.

(3) If examination by the Civil Surgeon or Chemical Examiner appears to be necessary, the public prosecutor shall send it, to the Civil Surgeon with a

letter requesting him to examine it. The Civil Surgeon must be informed of the details of the case, as a full medico-legal history must accompany articles sent to the Chemical Examiner or Imperial Serologist. He must also be informed if blood group tests are required. There must not be asked for unless really essential to the case. The public prosecutor shall note in his register, the agency by which the parcel is sent and shall obtain the Civil Surgeon's receipt for it.

(4) On receiving the parcel, the Civil Surgeon will open it and inspect the contents. If he finds that he can examine them, he will do so, and unless they consist of offensive matter such as stomach washing, vomit or viscera, he will return them with the report of his examination to the Public Prosecutor, who will produce the report and the contents of the parcel, if returned, when required by the Court to do so. If the contents are of such a nature that chemical examination appears desirable, the Civil Surgeon shall inform the Court to that effect and return the contents until orders from the Court are received.

(5) On receipt of orders from the Court requiring him to send the contents to the Chemical Examiner, the Civil Surgeon shall proceed as laid down in Chapter XV of the Medical Manual.

(6) If the Court intimates that it does not consider an examination by the Chemical Examiner necessary, the Civil Surgeon shall return the contents of the parcel to the Court for disposal, obtaining a receipt for it from the Court.

The Civil Surgeon shall be the custodian of substances of an offensive nature as long as the medical analysis is under consideration. Once the analysis has been made and the report and the substances have been presented in Court, the police should take charge of the exhibits, which should be kept in the *malkhana*.

143. In case of dangerous injuries wounded persons to be conveyed to headquarters.- Wounded person shall be conveyed to headquarters, or in certain district to the places mentioned in Appendix V, if their injuries are very severe or dangerous and they are able to bear the journey, otherwise they may be sent to a mufassil dispensary if there is one nearer. If the wounded person is sent to the headquarters of the district or to a place where there is an English Police

Officer, Form No. 34 will be prepared there; otherwise Form No. 34-A will be prepared by the officer-in-charge of the station.

In large towns the Superintendent of Police should prepare the route to be followed when a corpse is taken to the mortuary; a copy of these orders should be kept at every police station in the district.

143-A. First-aid given by the Medical Officer in Medico-legal case.-

When a Medico-Legal case is brought by the police to an outlying dispensary, the Medical Officer of that dispensary should give the necessary first-aid and decide whether it is a fit case to be transferred to the Sardar Hospital or whether the required treatment is available at the outlying dispensary. In the former case, the Medical Officer will advise the police officer-in-charge of the escort to take the patient to the Sardar Hospital by the quickest possible means of transport and the patient will be given the necessary treatment there.

144. Injury or post-mortem report made by the medical officer.- (i)

The Medical Officer shall prepare an injury or post-mortem report in triplicate. The original copy of the report will be forwarded to the Superintendent of Police through the normal channel, the duplicate copy will be handed over in a sealed cover to the constable accompanying the injured or the dead body, and the third copy will be retained by the Medical Officer as the office copy.

(ii) If in the course of investigation, it becomes necessary to seek information on certain points pertaining to the injury or post mortem report, the Superintendent of Police may depute an officer not below the rank of Sub-Inspector of Police, with a written letter of request, to obtain such information from the Medical Officer who had prepared the injury or post-mortem report. The Medical Officer shall supply the information and keep a record of such replies.

145. A shell for conveyance of corpses provided to police station.-

A shell for the conveyance of corpses and a covered stretcher for carrying wounded persons are provided for each police station, including all railway police stations. The shells for the dead bodies must never be used for carrying wounded persons.

The covered stretcher should be a common country *charpai* and *duli* poles attached in the usual way, and a blanket thrown over the pole for shade.

146. No person may be sent for medical examination against his will.-

No person may be sent by the police for medical examination against his will. If a woman in a police case declines to be examined by a male Medical Officer she should be sent to the Lady Doctor in charge of the local Dufferin Hospital, who shall personally examine her and give evidence in Court, if and when required to do so. This work will form part of her regular duties for purpose of Paragraph 422 of the Medical Manual and the Lady Doctor will not be entitled to any fee for the work. She will, however, receive the travelling and halting allowance for giving evidence in the Court as admissible to her under Paragraph 741 of the Medical Manual.

CHAPTER XIII

ARREST, BAIL AND CUSTODY

147. Powers of arrest of a police officer.- Any police officer may cause any person whom he is empowered to arrest under Section 41 (2) of the Code of Criminal Procedure, 1973 (2 of 1974) to be arrested by giving to any other police officer enrolled under the Police Act (V of 1861) the information which will justify that officer in making the arrest in the exercise of his own powers under that section. For the purpose of Section 41(2) a telegram may be considered to furnish credible information of a person having been concerned in a cognizable offence. The officer-in-charge of a station or any officer making an investigation under Chapter XII of the Code of Criminal Procedure, 1973 (2 of 1974) may also cause any person whom he is empowered to arrest under Section 41(1) to be arrested by issuing an order in writing under Section 55 to any officer subordinate to him. The officer-in-charge of a station may similarly issue an order in writing under Section 55 against any person whom he is empowered to arrest under Section 41 (2).

147-A (i) According to the Rules of Procedure and Conduct of Business in the Lok Sabha and the Rules of Procedure and Conduct of Business of the U.P.

Vidhan Sabha, when a member of the Lok Sabha / Vidhan Sabha is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order, the committing Judge Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the members in the prescribed forms. The same rules also provide that when a member is arrested and after conviction released on bail pending an appeal or otherwise released such fact shall also be intimated to the Speaker by the authority concerned in the prescribed form. A similar procedure is also required to be followed and the same forms, with necessary modifications are to be used in respect of members of the Rajya Sabha or the Vidhan Parishad.

(ii) It shall be the duty of the officer-in-charge of the police station, in whose jurisdiction such an arrest has been effected, or a superior Police Officer making the arrest of any such member to intimate forthwith the prescribed details about the arrest and, if the member has been released on bail, the necessary information in respect thereof as well, to the Magistrate, Judge or the executive authority under whose orders such arrest is made, for communicating the required information to the Speaker/Chairman of the House concerned.

(Note.- If the Magistrate having jurisdiction or the Judge or the executive authority under whose orders the arrest has been made, is not available the nearest Magistrate available should be contacted by the Police Officer personally giving the reasons in writing for not contacting the Magistrate having jurisdiction or the Judge or executive authority ordering the arrest, and necessary information laid before him for onward transmission. A recourse to this procedure should, however, be taken in exceptional cases only).

(iii) When the officer-in-charge of the police station concerned or any other Police Officer makes the arrest of a member otherwise than under the orders of a Magistrate, Judge or executive authority, e.g. for committing a cognizable offence, for preventing breach of peace, etc. a special report should be sent by the officer-in-charge of the police station having jurisdiction, to the S.P., D.M., etc. as provided in para 101 of the Police Regulations. The S.P. should on receipt of information through Special Report or otherwise, communicate the required

information to the Presiding Officer of the House concerned, forthwith through a telegram, sending the details through a report by post. Copies of the communications should be sent to District Magistrate.

(iv) Where the Police arrest a member pursuant to a warrant issued under Section 79 of the Cr. P.C., 1973 (2 of 1974) the Police Officer making the arrest should immediately after effecting the arrest, lay the necessary information before the authority before whom the arrested member is produced in terms of Section 86 *ibid* with the request that the same may be forwarded to the Presiding Officer of the House concerned.

(v) When a member under arrest is transferred by Police from one place to another while still in their custody, the fact of transfer should also be reported by the Superintendent of Police of the district from where he is being transferred to the Presiding Officer of the House concerned. Such information should also be communicated by the Superintendent of Police in cases where a member remanded to the Police custody is transferred to another place. He should also inform the Magistrate issuing the remand accordingly.

(vi) Where intimation of arrest or detention of a member is sent by telegram or a radiogram, the information on all the points mentioned in the appropriate forms should be given succinctly, but clearly.

(vii) The rules referred to in sub-para (i) above also provide that no member of the House shall be arrested and no legal process, civil or criminal, shall be served on him / her within the precincts of the House, without obtaining the permission of the Speaker. A similar procedure is required to be followed in the case of the Member of Rajya Sabha / Vidhan Parishad. When making a request for such an arrest the warrant should be accompanied by a brief and concise statement containing a well reasoned request setting out the grounds therefor and explaining why it is desired to effect the arrest within the precincts of the House and why the matter cannot wait till the House adjourns for the day; so as to enable the Speaker / Chairman to decide whether he should grant or withhold permission for arrest within the precincts of the House.

Note.- The term 'Precincts of the House' as defined in the Rules of Procedure and Conduct of Business of the U.P. Vidhan Sabha and the direction of the Speaker is as follows :

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“Precincts of the House” means and include, the Chamber, the Lobbies, Galleries and approaches leading these to and all other accommodation in possession of the Speaker or the officers of the Assembly Secretariat in the Vidhan Bhawan and such other places as the Speaker may from time to time specify :

Direction

“Precincts of the House” means clearly the Assembly Hall, Lobbies, the rooms in occupation of Legislature Secretariat, Speaker’s Room, Deputy Speaker’s room, Committee room, Library, Party rooms and approaches thereto.”

The terms ‘Precincts of the House’ as defined by the Chairman of the U.P. Vidhan Parishad is as follows :

“Precincts of the House” means and includes, the Chamber, the Lobbies, the Galleries Reading room and Legislature Library and approaches leading thereto, and all accommodation in possession of the Chairman or officers and the Council Secretariat in the Vidhan Bhawan and such other places as the Chairman may from time to time specify.

(viii) It must also be noted that notwithstanding the provision contained in Section 135-A, Code of Civil Procedure, the immunity of a Member of Parliament / State Legislature from arrest pursuant to a Civil process would, in terms of Article 105 (3) 194 (3) of the Constitution of India, extend to a period of 40 days before or after a meeting of the House.

(ix) Except when in Judicial or Jail custody all communications addressed by a Member of Parliament / State Legislature who is under arrest or detention to the Speaker or Chairman of the House of which he is a member or to the Chairman of a Committee of both the Houses of Parliament / State Legislature shall be immediately forwarded by the Superintendent of Police to Government in Home Department (Police-B) so as to be dealt with by them having regard to his right and privileges as a member of the House of which he belongs.

N.B.- Such communication from Members while in Judicial or Jail custody would be dealt with by the Court or Jail authorities, as the case may be.

148. Powers of Police Officer to arrest any offender in whole of India.-

A police officer may follow to any place in British India an offender whom he is empowered to arrest. For the procedure to be observed where Indian States are concerned, *see* Chapter XXIV.

149. Process for arresting a Railway personnel.- When a railway servant, whose removal from duty would disorganize the working of the railway, has to be arrested, his arrest should ordinarily be deferred until he is relieved, but he may be arrested and allowed to carry on his duties under guard, if it is advisable to place him under restraint at once.

150. Powers of arrest should not be exercised in case of a known person.- The power of arrest given to police officer by Section 34 of Act V of 1861 should not be exercised in the case of a person whose name and address are known. Such a person should be called upon to execute a bond to appear before a Magistrate, if required.

151. Process when an accused is arrested by a private person.- When an accused person is arrested by a private person and brought to the police station, he must be re-arrested by the officer-in-charge of the station or released in accordance with the provisions of Section 43 of the Code of Criminal Procedure, 1973 (2 of 1974).

152. Restrictions imposed on police for arrest of a person.- The restrictions imposed by Section 57 and 167 of the Code of Criminal Procedure, 1973 (2 of 1974) on the period of which persons arrested without warrant may be detained in police custody must be strictly observed. The report required by Section 58 of the Code of Criminal Procedure, 1973 (2 of 1974) must be made within 24 hours of the arrest, in the charge-sheet or final report, or separately, as may be most convenient.

153. Process when any person is arrested in the course of an investigation.- When any person is arrested in the course of an investigation, the investigating officer shall, at the first step in the investigation subsequent to the

arrest, ask him whether he has any complaint to make of ill-treatment by the police and shall record in the case diary both question and answer. He shall also then and there, subject to consent of prisoner, examine the prisoner's body to see whether there are any marks of ill-treatment and shall record the result of this examination, certifying in his diary investigation whether to the best of his knowledge and belief the prisoner has suffered ill-treatment or not, and whether he has marks of ill-treatment on his person. Should be prisoner refuse to allow his body to be examined, the refusal and reasons given for it shall be recorded. If an allegation of ill-treatment is made or if makes of ill treatment are found on the prisoner's person, the investigating officer shall so far suspend the investigation on which the prisoner has been arrested, as to forward the prisoner with his complaint, the record of corporal examination, any other evidence available, and, if possible, the police officers implicated by the prisoner's complaints, to the nearest Magistrate having jurisdiction to inquire into the case. Whenever such action is taken the Superintendent of Police must be informed immediately.

The same procedure shall be followed by the Officer-in-charge of a station in the case of persons arrested otherwise than in the course of police investigation. In such cases question and answer shall be recorded in the general diary of the police station.

Note.- The examination required by this paragraph shall be made, when the prisoner is a female, by another woman, with strict regard to decency under provisions of Sec. 51 (2) Cr. P.C. the medical examination of a female should be done by a Registered Medical Practitioner only by the prior consent of the woman according to the provisions of Sec. 53 (2).

154. The search of an arrested person.- The search of an arrested person under Section 51 (1) of the Code of Criminal Procedure, 1973 (2 of 1974) should be made in the presence of two witnesses unconnected with the police, whenever such witnesses are available. All property of which police take possession should be marked and entered in a list. Searches should be made with consideration and in such privacy as may in each case, be possible, undue exposure of the person should be avoided.

155. Arrested person should not be subjected to any unnecessary hardship.- A person arrested should not be subjected to any unnecessary hardship or indignity. The instructions regarding handcuffing and fettering of convicted and under trial prisoners, contained in Rules for Guards and Escorts will apply, as far as possible, to all arrested persons on their way to police stations and from outlying police stations to headquarters.

Visits of friends and legal advisers should be permitted subject to any precautions which may be necessary to prevent the prisoner from escaping or otherwise defeating the ends of justice.

When handcuffs are used a pair should be selected which will fit the prisoner's wrists; the key should be carried in the breast pocket of the police officer-in-charge of the prisoner.

For journeys by road prisoner or arrested person who wishes to travel in a hired conveyance should be allowed to do so, provided he is willing to pay both for himself and his escort.

When travelling by rail, arrested persons or prisoners will ordinarily travel in a third class compartment. But if a prisoner or arrested person is willing to pay for a higher class fare, including the fare of the police escort, he should be allowed to travel by the class of his choice.

156. Conditions for granting bail to accused person by the station officer-in-charge.- Whenever an accused person is arrested the investigating officer or officer-in-charge of the station must consider with reference to Section 169 and Chapter XXXIII of the Code of Criminal Procedure, 1973 (2 of 1974) whether bail should be allowed. Bail cannot be refused unless there are reasonable grounds for believing that the accused has been guilty of a non-bailable offence, and even in such circumstances the grant of bail by the officer-in-charge of a police station is not prohibited unless the offence is punishable with death or transportation for life. An investigating officer not in charge of a station may not take bail, except under Section 169 of the Code of Criminal Procedure, 1973 (2 of 1974) when there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused person to a

Magistrate. In cases covered by Sections 436 and 437, Code of Criminal Procedure, 1973 (2 of 1974) he should send accused person to the officer-in-charge of the police station with his recommendations. In case where there are reasonable grounds for believing that a person has been guilty of a non-bailable offence, an officer-in-charge of a police station should, before releasing him on bail according to the special provisions of Section 437, Criminal Procedure Code, 1973 (2 of 1974) consider his past history, if known, and also the possibility of his absconding, should be released.

157. Proper case of undertrial prisoners confined in police lock-ups.-

Officers-in-charge of police stations are responsible that proper care is taken of undertrial prisoners confined in station lock-ups or in transit to Courts, blankets, *lotas*, and conservancy utensils are supplied to all station lock-ups by the Superintendent of Police from the grant provided.

Lock-ups should be supplied from the police contract grant, with *tatpurdhas* or other contrivances for the protection of prisoners from the inclemency of the weather.

158. Maximum number of persons accommodated in lock-up.- The Superintendent of Police will determine for each police station lock-up (male and female) the maximum number of persons who may be accommodated therein at the same time. This number will be marked in a conspicuous place on the exterior of the lock-up. The basis of calculation is 36 square feet of floor and 540 cubic feet of space for each person.

Prisoners may not be kept in a lock-up in excess of its specified capacity. When people under arrest at a police station number more than the maximum capacity of the lock-up, the excess must either be housed in a neighbouring jail or in quarters in vicinity if available, safe and suitable and which may be rented temporarily, if necessary, or, if no such accommodation is available in the vicinity be sent to the nearest lock-up where there is room. Superintendent of Police will lay down for each police station where prisoners in excess of lock-up accommodation shall be housed or despatched at the same time passing orders for the guarding of prisoners housed elsewhere than in lock-ups.

159. Instructions regarding scale of daily diet for healthy prisoners.-

Detailed instructions regarding the scale of daily diet for healthy prisoners and the diet for sickly prisoners in transit, and regarding prisoners undertrial in the Court of a Magistrate in camp, will be found in Rules for Guards and Escorts.

160. Under trial prisoners should not be kept at Courts so late.- According to the Manual of Government Orders, undertrial prisoners should not be kept at Courts so late as to necessitate their admission to jails and lock-ups after lock-up time. Every effort will be made by Magistrates to ensure that the above directions are observed by subordinate Courts. Undertrial prisoners, however, who cannot arrive before lock-up time should be sent to jail except under the special orders of the Magistrate concerned. It is unnecessary and impracticable to specify the circumstances in which such an order should be passed. The question for consideration in each case will be whether there are circumstances which render it undesirable in the interests of justice or security that a prisoner should remain in police custody. As to the existence or otherwise of such circumstances, the Magistrate concerned must exercise his own discretion subject to the general control and supervision of the District Magistrate. The Inspector General of Prisons has issued instructions to all jail Superintendents to arrange for the admission of undertrial prisoners to Jail after lock-up time, provided that the necessary warrant is produced at the jail gate. District magistrates have been directed by Government to designate a Magistrate whose duty it will be to sign the remand forms of prisoners who arrive for the first time at headquarters after lock-up time. Superintendents of Police will see that their public prosecutors understand these orders and assist in their execution.

161. Lunatics never, confined in cells with other persons.- Officer-in-charge of police station will be held personally responsible that lunatics, or persons suspected to be such, are never in any circumstances confined in cells with other persons.

162. Minor girls should not be kept in the custody of police.- As a rule, minor girls, especially those termed as ‘strayed’ should not be kept in the

custody of the police. In all cases where a hospital or dispensary with female accommodation exists, such girls should be made over to the hospital authorities as dieted patients.

The period for which it will be necessary for the dispensary to keep such girls will not exceed fifteen days save with the consent of the district board concerned.

163. Seriously sick person to be kept in custody, where he is.- When a person arrested has to be kept in custody but is in such state of health that he cannot be moved without serious risk to himself or to others, the officer making the arrest must make suitable arrangements to keep him in custody where he is.

164. Rules for guidance of the police in dealing with Juvenile Offenders.- Rules for the guidance of the police in dealing with juvenile offenders will be found in Rules for Guards and Escorts.

Juvenile convicts released from the Bareilly Juvenile Jail, will not be escorted to their home by the police. The police shall ordinarily have nothing to do with them after release except when history-sheet have been prepared for them in accordance with the orders in paragraph 234 of these Regulations. Juvenile convicts released from other jails shall be escorted to their home by the police in accordance with paragraph 336 of the Jail Manual (Revised edition 1941).

CHAPTER XIV

CUSTODY AND DISPOSAL OF PROPERTY

165. Rules for disposal of movable property.- The following rules govern the disposal of movable property of which the police take possession :

- (i) An abstract list of the property will be made in the general diary. A separate extract of every entry relating to such property will be prepared at the police station and forwarded to the Magistrate concerned.
- (ii) Bulky property, other than livestock, taken possession of under Section 25 of the Police Act V of 1861 attached, distrained or seized

under Sections 83/84, 422 or 457 of the Code of Criminal Procedure, 1973 (2 of 1974) shall ordinarily, pending the orders of the Magistrate, be left at the place where it was found in the charge of some land-holder or other respectable person willing to undertake responsibility for its custody and to produce it when required by the Court.

- (iii) (a) Pending the orders of the Court, livestock shall ordinarily be made over to the pond-keeper, and while the animals are in his charge any person who claims to be the owner or other person on his behalf, may if he so desire be permitted to arrange for feeding and watering them.
- (b) Instead of making the animals over to the pond-keeper, the officer-in-charge of the station may, if he thinks fit, appoint one or more herdsmen to look after them; on an application being made to him by any person, he may if this can be done with safety make them over to such person on his executing a bond with or without sureties to produce when required.
- (c) The cost of the custody, feed and transport of livestock will in almost all cases be realized from the sale price of such as are sold, or from the person to whom the stocks are delivered by order of the Court and should be so realized subject to any order passed by the Court.
- (d) If the livestock are sold, the officer-in-charge of the station where they are seized and the police Muharrir attached to the Court which orders the sale, will be responsible for bringing to the notice of the officer conducting the sale the amount of the expenditure incurred on them order that the account may be adjusted. Should the expenditure exceed the sale-proceeds the difference must be paid from the Superintendent's contract grant.
- (e) If the livestock are ordered by a Court to be delivered to any person the police Muharrir attached to the Court apply to the Court for orders as to the payment of expenses. If the Court

orders expenses to be paid by the person to whom the animals are to be delivered, they must not be delivered to him until he had paid. If he fails to pay, the Court must be asked for orders.

- (f) If the Court orders the cost to be paid by Government, payment will be made from the Superintendent's contract grant.
- (iv) When the police take possession of movable property of person dying intestate, a list in duplicate of all such property containing full and accurate description must be prepared in the presence of and signed by two respectable witnesses of the locality. Property falling under the following heads should not be forwarded to headquarters but should be sold by auction by station officers on the spot after sanction has been obtained in each particular case, from the Judge's Court through the District Magistrate in the Province of Agra, and from the District Magistrate in the Province of Oudh :
 - (a) Property subject to speedy and natural decay;
 - (b) Articles worthless than 8 annas each.
 - (c) Property of which the cost of keeping and conveying to the District Courts will exceed its value.
 - (d) Property not included under the foregoing heads when its total value is not less than Rs.5.
- (v) Property forwarded to headquarters should be sent direct to the public prosecutor, numbered and labelled (if not livestock), and accompanied by a full and accurate description in triplicate. The label should show the person from whom it was taken, or the place where it was found, and the date. If the property corresponds with the description, the public prosecutor shall before sending the paper to the Magistrate cause to be entered by the *malkhana* Muharrir-
 - (1) unclaimed property or property seized under Section 457 of the Code of Criminal Procedure, 1973 (2 of 1974) in his *malkhana* register of unclaimed or case property;

- (2) weapons and other articles sent under Section 170 of the Code and movable property seized as liable to confiscation or forfeiture in his *malkhana* register of impounded property;
- (3) all movable property belonging to an accused person, or to a convict, or attached under Section 83 / 84 of the Code, or distrained, in default of payment of fines, penalties or fees in his *malkhana* register of miscellaneous property;
- (4) intestate property in his register of intestate property (*Lawaris*). He will then, on the triplicate copy of the description received from the police station, endorse a receipt for the property and the number of the entry in the *malkhana* register and return this copy to the officer who brought the property from the police station. The original copy of this list should be kept by the officer-in-charge of the *malkhana* and the second copy sent to the Court concerned with other relevant papers. The copy kept by the officer in charge, *malkhana* should be referred to by the officer checking the *malkhana*.

Note.- Property that is subsequently to be identified should be sealed by the investigating officer in the presence of the search witnesses, who should sign or affix their impressions on the wrapper containing the property in attestation that the seal was affixed in the presence. The seals should be broken only by the Magistrate who conducts the identification of their property. If such property is sent to the public prosecutor he should make an entry in his register as to the seals on the package being intact, and should not break the seals or enter particular in his register until the identification proceedings are over.

- (vi) When the property consists of gold, silver, jewellery or other valuables it must be sent in a sealed packet after being weighed and its weight must be noted in the general diary and on the list which accompanies the packet. A set of weights and scales should be kept at each police station.

- (vii) The *malkhana* Muharrir, who should be an officer of not less than 15 years standing will sign the receipt in token of his having received the property intact in the *malkhana*.

166. Property worth more than Rs. 100 should be kept in the custody of *Malkhana* Moharrir.- Unless the Magistrate otherwise directs, property of every description except cash exceeding Rs.100 and property of equal value and property pertaining to cases of importance, which will be kept by the public prosecutor in a separate box under the lock and key in the treasury, will remain in the custody of the *malkhana* Muharrir under the general control and responsibility of the public prosecutor until it has been finally disposed of.

167. Duty of *Malkhana* Moharrir attached to Courts.- It will be the duty of the *malkhana* Muharrir to deliver over to and receive back from police attached to Courts, property required during the day. He will be responsible for seeing that such property is received back intact.

168. Responsibility of Public Prosecutor.- The Public Prosecutor is responsible that the Court orders, regarding the disposal of property carried out, and when satisfied that this has been done, will give a certificate to this effect in the *malkhana* register. Before giving such a certificate the Public Prosecutor should (a) in the case of property returned to a thana for disposal, examine the station officer's report attesting recipients' signature, (b) in the case of property made over to a party in Court, see the Magistrate's certificate on the list of property, (c) in the case of property sent to the treasury for deposit, see the treasury officer's receipt before sending the list of property to the Court concerned, and (d) in the case of property ordered to be destroyed in the Magistrate's presence, see the Magistrate's signature on the list of property certifying that this has been done.

[168-A. Rules to destroy illicit firearms and weapons after the decision of the court- Illicit firearms and weapon recovered by Police that are to be destroyed after the decision of the Court, should be destroyed in presence of members of a committee consisting of (a) an Executive Magistrate nominated by

the District Magistrate, (b) a Police Officer not below the rank of Dy. Superintendent of Police, nominated by Superintendent of Police (c) a respectable person who is not Govt. Servant, nominated by District Magistrate.]

169. Duty of Public Prosecutor to inform the Court about unclaimed property lying in *Malkhana* for more than 6 month- It is the duty of the Public prosecutor to bring to the notice of the Magistrate concerned all cases in which unclaimed property has been lying in the *malkhana* for more than six months, all cases in which perishable property is deteriorating owing to orders being delayed, and all cases in which apparently avoidable delay is taking place.

170. Monthly inspection of *Malkhana* by Public Prosecutor- The Public Prosecutor should inspect the *malkhana* monthly. A gazetted officer should inspect it quarterly and check and sign the registers, maintained for it.

171. Police Officer attached to the Court of a Magistrate will observe the rules laid down for the guidance of the Public Prosecutor- The police officer attached to the Court of a Magistrate who is in camp or located elsewhere than at the headquarters of the district, will observe the rules laid down for the guidance of the Public Prosecutor, in so far as such rules can be made applicable. He shall maintain the register of arms and ammunition and military stores prescribed in paragraph 36. The register shall be checked periodically by circle inspectors and gazetted officers when on tour may be sent or brought to headquarters to be checked by the Public Prosecutor there.

For further order regarding custody and disposal of property see the Manual of Government Orders.

172. Personal property of persons dying intestate must not be treated as unclaimed property in the Province of Agra- In the Province of Agra, the personal property of persons dying intestate must not be treated as unclaimed property under Section 25 of Act V of 1861, but must be dealt with under the Manual of Government Orders. The procedure is the same in both cases up to the stage at which the Public Prosecutor receives and registers the property and makes a report to the District Magistrate. After this, in the Province of Agra, the

Public Prosecutor must forward a copy of his own report and of the District Magistrate's order through the District Magistrate to the District Judge for orders. All expenses incurred in maintaining intestate property and in conveying it to the District Judge's Court are recoverable from the Court.

173. Process after deposition of any arms, ammunition in Police Station- When any arms, ammunition or military stores have been deposited at a police station under Section 16 of the Arms Act, 1959 (54 of 1959), the officer-in-charge of the Police Station shall affix to each weapon or article a ticket showing the name of the depositor, the date of deposit, and a description of the weapon or article deposited. He shall also hand over to the depositor a duplicate of this ticket signed by himself, as a receipt, and inform him that Government will be responsible only for the safe custody of the articles and not for their preservation from rust and decays.

At the end of fourteen days, if the owner has not obtained a licence authorizing him to possess them, the arms, ammunition and military stores shall be forwarded to the headquarters of the district and shall there be kept in the District Magistrate's *malkhana* or in that of the Superintendent at the discretion of the District Magistrate. If they are deposited in the District Magistrate's *malkhana* the Nazir will be responsible for their custody; if in the Superintendent's *malkhana*, the Public Prosecutor will be responsible.

Further instructions will be found in the Arms Rules, 1962.

CHAPTER XV SPECIAL CRIMES

174. The information of Robbery or Dacoity be sent to other neighbouring police stations immediately.- As soon as possible after occurrence of a dacoity or gang robbery, the officer-in-charge of the station shall send information by the speediest method to neighbouring police stations, and dispatch police to watch ferries and canal and railway bridges, railway stations, *sarais* and other likely places in the direction in which the offenders are supposed to have gone. Suspected persons should be stopped and should be brought to the

police stations; they may be arrested, if necessary. The same steps should be taken by officers incharge of other stations to which information is sent.

The Superintendent of a district in which dacoity or gang robbery occurs should send immediate information for neighbouring districts.

Descriptive rolls of the offenders, if procurable, should be sent to neighbouring stations by the investigating officer, and to other stations and headquarters of districts by the Superintendent.

Superintendent on receiving information of a dacoity in another district should order the police of their own districts to be on the alert, and should send instructions to any station where special precautions are necessary.

It is important to spread the news as widely as possible when dacoities are being committed by a wandering gang.

For the action which may be taken in Indian States *see* Chapter XXIV.

175. Guidelines in a case of professional poisoning- When a case of professional poisoning occurs, action should be taken on the lines indicated in the proceeding paragraph, but on a smaller scale. The Superintendent and the officer-in-charge of the station should exercise their discretion as to the places to which information should be sent and places which should be watched.

Great care should be taken in recording the descriptive roll of the offender, full particulars of his appearance can generally be ascertained, as a poisoner spends some time with his victim.

To secure corroborative evidence in anticipation of the poisoner's arrest, it will sometimes be useful to take the complainant to places where he say he has been in the poisoner's company, and to confront him with any persons, such as *sarai*-keepers, grain sellers and others who may have seen them travelling together. The complainant should not be compelled to remain with the police in the expectation of the poisoner's return.

176. Duties of S.O. after a report of disappearance of any boy under 14 years of age or girl under 16 years of age- When the disappearance of any boy under 14 years of age or girl under 16 years of age is reported, and the circumstances point to an offence of kidnapping, the officer-in-charge of the station shall inform neighbouring stations and forward to the Superintendent a descriptive roll of the minor, together with any information which may have been collected as to the direction in which the child has probably gone and a descriptive roll of any person suspected of having taken away the child. The Superintendent will take such action as he considers best for the recovery of the minor.

Village policemen should be instructed to report the disappearance of any minor or the arrival of any unknown minor.

177. Duties in case of direct cattle poisoning-In case of direct cattle poisoning, the mortality among cattle should be watched and inquiries made whenever a number of sudden deaths occur especially if the price of hides is high. Village policemen should report any unusually high death-rate. When there is a high mortality of cattle not due to disease, it is important to trace the movements of contractors who have been purchasing the skins. It is sometimes noticed that a contractor visits a village, that cattle die after his departure, and that he returns shortly to purchase the skins.

Zamindars should be urged to destroy the skins of all cattle dying in suspicious circumstances.

When chemical analysis is desired, portions of the deceased animal's kidney, liver and stomach, and the contents of the stomach should be sent, steeped in salt and water, to headquarters for the orders of a Magistrate.

In cases of suspected cattle poisoning a short account of the facts should be given in the following form for the guidance of the Chemical Examiner when substances are sent for analysis :

(1) Species of animal and name of owner.

- (2) Nature of food last taken.
- (3) How soon after this food did symptoms of illness appear?
- (4) Did the animal appear to be in pain?
- (5) Did purging occur?
- (6) Was there discharge from mouth or nostrils?
- (7) Were convulsions observed?
- (8) Did the animal appear to be unconscious? If so, how soon after the onset of the symptoms?
- (9) It is suspected that the poison was administered by the mouth rectum or hypodermically ('sui' poisoning?)
- (10) Was any foreign matter present in the rectum?
- (11) Did death occur?

Information on the above points should be furnished to the District Magistrate before the latter officer sends the substance for chemical analysis.

178. The poison used to destroy cattle be sent for chemical examination to the F.S.L. – The poison used to destroy cattle is often Arsenic and sometimes Acconite. A common method of administering Arsenic to an animal is to mix common white Arsenic in rough power with flour dough and then to wrap up the poisoned dough in fresh grass or stems of the gram plant.

Sometimes a rag impregnated with snake poison is inserted in the anus of an animal. When a case of this kind is detected the rag should be sent for chemical examination. In such a case the poison may be expected to be greasy substance of diary white colour, like putty.

A common form of poisoning is by pricking the animal, generally in the back, with spike composed of dhatura opium, gunchi seeds and onion, the ingredients being worked into a paste with spirit, made into spikes and then dried and hardened in the sun. A few hours after the animal has been pricked with one of these spikes a swelling appears and slowly extends over a portion of the body. But until the animal drops and cannot move, which it does three or four days after the swelling has appeared, there are no symptoms except the swelling, abstinence from food and disinclination to sit down. The swelling should be carefully

examined to discover the puncture which is so small that is not easily seen. Cases are on record which show that poison has been administered in this fashion to human beings also.

Thefts of Bovine Cattle

179. Report strays of cattle shall be at once recorded as thefts and investigated – Reported strays of cattle from within inhabited sites or cattle sheds in the districts of Saharanpur, Meerut, Muzaffarnagar, Bulandshahr, Aligarh, Agra, Farrukhabad, Moradabad, Budaun and Shahjahanpur shall be at once recorded as thefts and investigated; other reported strays should not be so recorded or investigated unless the owner, when reporting the strays, has expressed doubts and asked for an investigation or unless from the special circumstances of the case, the officer-in-charge of a police station has reasons (which must be recorded) for believing that theft has occurred.

180. Investigations shall be made in every case of cattle theft – Investigations shall be made in every case of cattle theft whatever be the value of cattle stolen, although the owner may not wish for an investigation.

181. Directions to S.O.'s for thefts of cattle – The following directions apply to all districts :

- (1) Officer-in-charge of stations shall send early reports of the occurrence of cattle thefts, with descriptive roll of the stolen cattle, to all neighbouring stations of their own and other districts. They shall also send notices of all reported strays to the poundkeepers, if any, within the limit of their stations, and shall post notices of strays on the notice boards of their stations.
- (2) Cattle in pounds should be carefully compared with the descriptive rolls of stolen cattle. Careful inquiry should be made in the cases of cattle impounded by persons other than agriculturists of the neighbourhood, or reclaimed by persons living at a distance from the pound.

- (3) Constables should be furnished with lists of strays reported from their beats during the year and should ascertain from chaukidars and villagers whether strays have been recovered, and, if so in what circumstances. Village chaukidars should also be questioned on these points when they visit the police station.
- (4) When village chaukidars visit the station the officer-in-charge shall cause to be read out and explained to them any reports of cattle theft or strays which have been made at the station.
- (5) Every officer-in-charge of station should keep himself well informed of the names and addresses of *thangdars* of cattle and should endeavour to discover whether stolen cattle are habitually taken in any particular direction and whether there are in his circle any villages, most of the inhabitants of which are in sympathy with cattle chieves, or any tracts such as *dhak* jungles and river *khadir* where stolen cattle can be temporarily detained. At each police station in the districts of Saharanpur, Muzaffarnagar, Meerut, Bulandshahr, Aligarh, Moradabad, Agra, Farrukhabad, Budaun and Shahjahanpur the station officer will keep with his village crime note-books, a list showing the names of *thangdars*, and of the villages in which they live. No other particulars need be given on these lists as the village crime note-book will contain detailed information. If any village is so full of *thungdars*, that is not worthwhile to specify particular persons (as in some Gugar villages), it will be sufficient to put the name of the village only on the list. The list will serve as an index to the village crime note-book and will show a new station officer or an inspecting officer at a glance to what extent cattle theft is prevalent.

Superintendents of Police of the other districts may extend this order to all or any of their police station at their discretion.

- (6) Rewards should be freely given not only for the actual arrest of cattle thieves, and for the recovery of the cattle, but also for good information regarding the residence, customs and routes of cattle

thieves and their associates. In this matter village chaukidars should be intelligently encouraged to assist.

- (7) All offices relating to cattle, which fall under Section 411, 412 or 414 of the Indian Penal Code should be registered in and set up for trial from the district and station within the limits of which the theft was committed. The offence will be registered there as theft.

Note - Superintendents of Police of Uttar Pradesh should not insist on the police of other States following this rule.

- (8) Station officers and circle inspectors of the Uttar Pradesh whose circles border on police circles of the Punjab should arrange to meet the station house officers and circle inspectors of the Punjab circle concerned once a month to discuss police border problems, with special reference to cattle theft and criminal tribes. At each meeting they should make a brief record of the subjects discussed and the action proposed, and forward it to the Superintendent for orders.
- (9) Superintendents of Police of the following districts in the Uttar Pradesh should keep Superintendents of Police of the following districts in the Punjab informed regarding tribes in their districts registered under the Criminal Tribes Act. They should at the same time ask the Superintendents of Police of the Punjab districts concerned to supply them with similar information :

<u>PUNJAB/HARYANA</u>	<u>UTTAR PRADESH</u>	<u>UTTARAKHAND</u>
Gurgaon	Meerut	Dehra Dun
Karnal	Moradabad	Shahranpur
Rohtak	Bulandshahr	
Ambala	Bijnor	
Faridabad	Muzaffarnagar	

182. Cooperation between police stations for the suppression of cattle theft- Circle inspectors must satisfy themselves by comparing notes with one another and by inspecting police stations that the history-sheet of every cattle thief of every station in their circle shows the connection between that cattle thief

and cattle thieves of the other stations, whichever such connection can be traced. It is one of the man duties of the circle inspector to effect co-operation between stations for the suppression of cattle theft.

All cattle strays must be reported at the police station by the village police.

183. [Omitted]

184. One literate police constable should be sent to attend important cattle fairs- One constable – if possible literate – should be sent from every neighbouring police station to attend important cattle fairs and markets with the object of scrutinizing sales of cattle, making inquiries in the case of any sale of any animal which he may suspect to have been stolen, and generally gathering information as to the character and honesty of cattle dealers, butchers and other buyers and sellers. He should bring with him from his police station a list of all animals stolen within the past six months. This list should include as full a description as possible of such animals, and the constable should carefully compare these lists with the animals that are being sold, with a view to detecting the sale of a stolen animal.

185. Duty of S.O. to check the registers of owners of private cattle markets- It shall be the duty of the station officer to check periodically the registers maintained by the registering clerk, employed by the owners of private cattle markets within his jurisdiction either personally or through any officer subordinate to him not below the rank of head constable. Such registers may also be checked by any officer not below the rank of head constable specially authorized by this purpose by the Superintendent of Police. It shall be the duty of every registering clerk appointed under Rule II (I), (2), (4) and (5) of paragraph 183 of these Rules to allow free inspection of his registers by any police officer authorized under this paragraph or who may require to consult such register in connection with the prevention of crime.

CHAPTER XVI

CRIMINAL TRIBES, FOREIGNERS AND VAGRANTS

186. Rules regarding the registration and surveillance of resident and wandering criminal tribes- For the rules regarding the registration and surveillance of resident and wandering criminal tribes *see* the Criminal Tribes Manual.

187. Instructions for dealing with suspicious foreigners- Instruction for dealing with suspicious foreigners and gangs of foreign Asiatic vagrants are contained in the Manual of Government Orders. Such gangs should not be passed on under police or other guards to other districts or other provinces or to Indian States. If it is desirable to deport them, the order of the District Magistrate should be obtained.

188. Orders relating to European vagrants- For the orders relating to European vagrants *see* the Manual of Government Orders. *See* also Criminal Investigation Department Manual, Part I, Chapter VI.

189. Deputation of a police officer for a foreigner who gets order of removal from India- Whenever a foreigner is directed by a written order under Section 3 of the Foreigners Act III of 1964, to remove himself from British India, a police officer shall be deputed to travel in the same train as the foreigner to see that the terms of the order are strictly obeyed. The police officer shall be provided with a copy of the order and in case of its infringement shall under Section 4 of the Act at once arrest such foreigner and take him in custody before the nearest local authority unless the foreigner on being arrested satisfies the police officer that he is prepared to comply with the order and proceed at once to his destination. For the power of district authorities to arrest and detain foreigners in anticipation of orders of removal under Section 3, *see* Section 3 (a) of the Act.

CHAPTER XVII

PATROLS AND PICKETS

190. Rules for the patrolling of roads- The following rules govern the patrolling of roads:

- (i) Civil Police shall ordinarily be employed; armed and mounted police may be used in special circumstances; village chaukidars may not be used.
- (ii) Where constables can be spared for the regular patrol of roads the officer-in-charge of each station will choose a word daily as a parade and will record it at the beginning of the general diary for the day. He will write the word over his signature on slip of a paper which he will give to the patrol; the officer-in-charge of the station at which this paper is delivered will attach it to the copy of his general diary which he sends to headquarters. Advantage may be taken of any public day, except escort of prisoners or treasure for the conveyance of the patrols. The time at which patrols are sent out should vary and they should be sent out at the hour or on the occasion when they can be most useful; for instance, carts containing property of value may be accompanied. Patrols should see that order is maintained along the road, and watch over the security of travellers. No regard should be paid to district and police station boundaries. The patrol of the road between two police stations devolves upon the police of those stations, whether situated in the same or different districts.
- (iii) Constables employed on night duty as road patrols may be armed with spears or muskets.

191. Duties of Patrols- Patrols should prevent and report cases of injury to road-side trees and encroachments on the road. If there is telegraph line along the road the patrol should look out for and report any damage to poles and wires; information of such damage should be sent immediately by the officer-incharge of the police station to the nearest telegraph office.

192. Information of thefts of copper telegraph wire- In order to ensure that police shall receive sufficiently prompt information of thefts of copper telegraph wire, it has been arranged with the Telegraph Department that the linesman who is sent to repair a break after wire has been stolen shall, if possible, take a police officer with him. Any officer of the district or railway police who

is requested to accompany a linesman on such an occasion should comply with the request, and if the theft has not occurred in his jurisdiction, should take such steps as may be necessary for the detention of the thief and should communicate with the officer-in-charge of the station concerned.

193. Cooperation of district and railway police for suppression and detention of thefts of copper telegraph wire- All officers of the district and railway police are expected to cooperate with each other and with the Telegraph Department in the suppression and detention of this form of the crime. Officer-in-charge of the police stations should not wait to hear from the linesman, if they receive information of a theft otherwise than through him, but should go to the spot immediately. Special measures should be taken to watch a telegraph line for some days after the theft of wire in view to catching the culprits in the act. Information should be sent to the neighbouring police stations through which the telegraph line runs.

194. Six-beat system of Patrolling in towns- In towns, patrol should be carried out on the 'six-beat system', the essential features of which are that every man should have two nights' rest in every six, that there should always be one man on duty in the beat by day and two men at night (from 10 p.m. to 6 a.m.) and that no man should have more than four hours' night work at a time)

The following table gives an example of the distribution of beat duty according to the system, which may be varied to suit local requirements :

Scheme of beat duty in towns

HOT WEATHER									
Day						Night			
Hours						Hours			
	6-8	8-10	10-1	1-4	4-6	6-8	8-10	10-2	2-6
1 st	A	B	C	D	A	B	CD	EF	AB
2 nd	C	D	E	F	C	D	EF	AB	DC
3 rd	E	F	A	B	E	F	AB	CD	EF
4 th	etc.	...	...	...	...	...	...	...	...

COLD WEATHER

	Day					Night		
	Hours					Hours		
	6-8	8-11	11-2	2-5	5-8	8-10	10-2	2-6
1 st	AB	C	D	E	F	CD	EF	AB
2 nd	CD	E	F	A	B	EF	AB	CD
3 rd	EF	A	B	C	D	AB	CD	EF
4 th	etc.	...	...	...	...	...	...	...

Notes.- (1) The men on patrol duty at night should be constantly on the move and should pay special attention to places when burglars are likely to operate. Half the men off duty during the day must be present at the station or outpost. All the men off duty must be present at night.

(2) Where the force is large enough, beats should be arranged in circles each circle being in-charge of sub-inspector or head constable. If chaukidars are used for watch and ward, this supervisory duty may be performed by a constable. The officer should go his rounds with a special night patrol to see that the men on beat duty are doing their work properly and to look out for thieves. This special patrol may with advantages wear plain clothes occasionally. Men on beat duty and on special night patrol in towns should be provided with spears bludgeons.

(3) Constables on patrol duty should be made responsible for the surveillance of registered bad characters at night.

195. Pickets in town and rural areas- To supplement, or as an alternative to night patrol, pickets may be posted in town and rural areas-

- (1) to watch the houses or approaches to the houses of registered bad characters (compare paragraph 236);
- (2) to intercept criminals on their way to or from the scenes of crimes.

Two men will ordinarily form a picket, but in special circumstances e.g., if dangerous criminals are likely to be met, this number must be increased. Pickets should take up their positions without attracting attention. They must not move about or make noise, and must be well concealed. Each member of a

picket should watch in turn while his companions sleep. Should a bad character, whose house is picked, leave it during the night, the picket should not ordinarily follow him but should watch for his return. The picketing system should be used as a means of controlling bad characters who are suspected to be temporarily active, and in areas where dacoity or burglary is rife.

CHAPTER XVII

SPECIAL GUARDS AND ADDITIONAL POLICE

196. General instructions concerning guards and escorts- For general instructions concerning guards and escorts, reference must be made to 'Rules for Guards and Escorts' 1928.

197. Patrolling party from reserve lines- Every night a patrolling party from the reserve lines shall visit all the police guards at headquarters deputed from the lines : provided that the Superintendent, with the sanction of the Deputy Inspector General, may direct that any guard which is far from lines be visited frequently or occasionally instead of nightly. The patrolling party shall visit all public buildings on or near their route to see that they are secure.

198. Requests for supply of guards from other departments- Requests received from officers of other departments of Government for the supply of guards can be supplied without unduly weakening the reserve. The strength of the guard should be determined by the Superintendent with reference to departmental rules if they apply to the case or at his own discretion if there are no rules to guide him.

It is necessary in each case for the Superintendent to determine or when in doubt to ascertain from the Inspector General whether the guard shall be charged for or not. The Superintendent must be guided by the following instructions :

- (a) No charge should made for guards supplied to other departments of the Local Government with the exception of commercial departments such as the Irrigation Department.

A list of the Central and State Departments and undertakings at present recognized by Government as commercial is given in Annexure to Appendix IX of the Financial Handbook, Vol. V, Part I.

- (b) The Government of India have accepted liability to-
- (i) charges on account of travelling and other incidental expenses of the police escorts provided for treasure remittances in the Uttar Pradesh, and
 - (ii) charges on account of the pay, supervision charges, and pensionary contribution of the police, guards applied to the Currency Office at Kanpur, and to the Opium and Survey Departments.

It may be assumed in the absence of specific instructions to the contrary that guards supplied to other departments of the Central Government e.g., the Postal Department, will be charged for as indicated in Clause (b) (ii) above.

199. Supply of police for private entertainments- Police may be supplied for private entertainments, but must be paid for at the rates given in paragraph 158, Office Manual.

200. Rule for charges for special police protections in fairs or *melas*- District and municipal boards and notified areas are not as a rule liable to pay for special police protection afforded on the occasion of fairs or *melas* which are in the nature of an established public function. Police deputed for duty at district exhibitions are supplied under Section 13 of the Police Act and recoveries from the exhibition authorities are made under the same section. The detailed rules regarding these charges will be found in Chapter XIV, Office Manual.

201. Charge taken for police for private *melas* or fairs – Private associations or individuals should be charged for the police supplied at fairs or *melas* organized by them, at the rates laid down in the Office Manual.

202. Rules regarding the supply of police protection in railways- The rules regarding the supply of police protection to railways and recoveries therefor are detailed in paragraph 157, Office Manual.

The rules regarding the supply of police escorts on the requisition of an Agent of the State Bank of India, except where the treasury officer certifies that the remittance is on Government account, will also be found in paragraph 157, Office Manual. These escorts are supplied under Section 13 of Act V of 1861.

203. No orderly may be employed without the special sanction of the D.I.G. – Except as provided in paragraphs 72 and 79 of these Regulations, no orderly may be employed or furnished by the Superintendent of Police without the special-sanction of the Deputy Inspector General.

A separate staff of orderly peons is maintained for the use of gazetted police officers and of reserve inspectors and for service in the offices of Superintendents of Police. The sanctioned scale must not be exceeded.

204. Guard provided for the Commissioner of a division- A guard of one head constable and three constables will be provided for the Commissioner of a division, the Inspector General of Police, and the Deputy Inspector-General of Police, when on tour. A similar guard may also be provided at places other than Allahabad and Lucknow for an Hon'ble Judge of the High Court and the Members of the Board of Revenue other than Judicial Members when they visit such places during the course of their tour of inspection.

Such guards may be supplied by the Superintendent of each district which the officer on tour visits. The Superintendent of Police of such district will, if necessary, apply to the Deputy Inspector-General of Police for relief from his range reserve in which allowance for such claims have been made.

205. Armed police guard for Magistrates- Every Joint Magistrate and Assistant Magistrate and every Deputy Magistrate in charge of a sub-division shall have a civil police constable deputed from the reserve lines to his camp during his tour, to preserve order. District Magistrates, Superintendents of Police and Joint Magistrates in charge of the sub-divisions of Karwi (Banda) and Lalitpur (Jhansi) are allowed an armed police guard of one head constable and

three constables each for their houses; they may take these guards or any part of them, with them when they go on tour to guard their camps and to preserve order.

206. For additional police, S.P. should consult the D.M. – If there is time for a reference the Superintendent should consult the District Magistrate before supplying additional police under Section 13 of the Police Act, V of 1861, except a small guard required for very short period.

The guard supplied should always be large enough to enable its duties to be performed efficiently without undue hardship to the men. A guard for day and night work should never consist of less than four men. Without the sanction of the Deputy Inspector General of the range, firearms should not be issued to guards supplied to private persons.

207. Proposal for additional police force by the D.M. – (1) When the District Magistrate is of the opinion that additional police should be imposed under Section 15 of the Police Act (Act V of 1861), on any area within his jurisdiction which has been found to be in disturbed or dangerous state, he should as soon as possible, after the occurrence of the event, submit his proposals which should incorporate the written view of the Superintendent of Police to Government simultaneously through the Commissioner of the Division and the Inspector General of Police. To avoid delay demi-official correspondence may be employed in the initial stages and the District Magistrate should not postpone his proposal for want of detailed information as to the class of inhabitants from whom he proposes to recover the cost of the additional police. The preliminary proposals, however, should invariably specify-

- (i) the reasons for the imposition of the force;
- (ii) the proposed strength and class of police to be employed;
- (iii) the period for which the additional police are to be imposed;
- (iv) the appropriate (not detailed) cost of the additional Police recommended together with a rough estimate of the incidental charges (if any which are expected to be involved, in the assessment and collection of the cost of the additional Police;

- (v) the class or classes of inhabitants in general who will meet the cost and their ability to pay; and
- (vi) the area on which the additional police are to be imposed.

When forwarding an application for additional Police under Section 15 of the Police Act (Act V of 1861) Para 154 of the Official Manual, the Commissioner should consider whether the sum required can be levied without pressing too hardly on the assesses.

(2) Under Section 5 (3) read with Section 15 (2) of the Act the cost of additional police cannot be recovered from the inhabitants of a disturbed areas in respect of any period prior to the issue of a proclamation under Section 16 (1) but will fall upon Government. It is, therefore, essential that the preliminary demi-official proposals should be submitted immediately the necessity for additional police becomes apparent.

(3) It is also essential that in the demi-official proposals care should be taken that the area on which additional police are to be imposed should cover all areas from which it is likely that the cost will have to be recovered since should it become necessary to increase the area covered by the original proclamation under Section 15 (1) of the Act, the cost of additional police will have to be recovered with effect from one date in respect of the area originally notified and from another date in respect of the additional area notified.

(4) If Government are satisfied that the imposition of additional police is necessary, they will issue a proclamation under Section 15 (1) of Act V of 1861.

(5) Whether or not the District Magistrate had made the preliminary demi-official proposals contemplated above he should as soon as possible submit formal proposals simultaneously through the Commissioner of the Division and the Inspector General of Police. In this formal proposal he should report fully on all the matters specified in sub-paragraph (in above), and in addition should be his recommendations regarding the class of inhabitants to be exempted and the area, if any, which was covered by the original proposals but which further consideration may indicate should be excluded. A *proforma* statement of cost in quadruplicate should also be submitted, but if the completion of this statement

would delay the formal proposals those proposals should be submitted with a report to the effect that the statement of cost will follow as soon as possible.

(6) Whenever it is considered desirable to extend the period for which additional police have been imposed under Section 15 of the Police Act (Act V of 1861), a report giving the reasons for the proposed extension and its duration should be submitted to Government by the District Magistrate simultaneously through the Commissioner of the Division and the Inspector General of Police so as to reach Government at least one month before the period expires.

(7) Additional police may not be retained without the sanction of Government beyond the term for which they were originally imposed.

208. Command certificates given to the forces sent on duty to other districts- All forces sent on duty to other districts should be given command certificates, and should be instructed to report themselves in the police lines, if no other place has been specified in requisition.

Good men should be elected when a force has to be despatched to another district on special; duty.

Last pay and charge certificates should be prepared and forwarded in form No. 232 in all cases of transfer.

209. Charges for undertrial prisoners sent to other districts under police escort- Charges on account of railway fare and diet of undertrial prisoners or lunatics sent to other district under police escort should be paid in advance from the permanent advance and afterwards recouped from the grant for 'Transport of dead bodies, wounded and accused persons.'

210. Rules regarding the cost and charges of escort over convicted persons- For the rules regarding the cost and charges of escorts over convicted prisoners whose presence is required by Courts, *see* the Manual of Government Orders.

Any sum paid by a Court under these rules for the cost of conveying a prisoner should be credited to Government under the head 'Receipts under Prisoners Testimony Act'.

211. Assistance by local and railway police, to police guards escorting prisoners under deportation from Indian States- Police guards, escorting prisoners under deportation from Indian States should be assisted, as far as possible, by the local and Railway Police.

212. Conditions to travel in a goods train or travel in the break-van- On the East Indian Railway a party of not more than two police officers of any rank with one prisoner are authorized to stop a goods train out of course and travel in the brake-van if-

- (a) there is danger that an attempt to release the prisoner will be made;
- (b) the prisoner is in need of medical attendance which cannot be obtained on the spot;
- (c) the prisoner cannot be confined in a lock-up before dark, if a passenger train is waited for;

Superintendents of Police must impress on all officers and men concerned that these concessions must not be abused.

213. Concessions obtainable when escorting treasure by rail- Use should be made of the concessions obtainable when escorting treasure by rail. These concessions will be found in the coaching tariffs of railway and are in nature of free travel for one or more men according to the weight of the consignment of treasure.

214. Responsibilities of Jail authorities for guarding prisoners- The Jail authorities are responsible for the guarding of prisoners and convicts sent to hospitals outside jails. A police guard may be deputed for the purpose only in emergency when the number of prisoners sent to a civil hospital necessitates the reduction of the jail staff by more than 25 per cent. The circumstances should be reported forthwith to the Range Deputy Inspector General.

CHAPTER XIX

ABSCONDED OFFENDERS

215. Action against proclaimed offender- Whenever an officer-in-charge of a police station, or an officer making an investigation under Chapter XII of the Code of Criminal Procedure, 1973 (2 of 1974) is satisfied that a person whom he is empowered to arrest under Section 41 (1) of the Code has absconded or is concealing himself so that he cannot be arrested, he must apply to the Court having jurisdiction, successively, for a warrant of arrest, a proclamation under Section 82 of the Code of Criminal Procedure, 1973 (2 of 1974) and an order of attachment under Section 83/84. All these applications should be made as early as may be desirable in the particular case; they need not be delayed for the conclusion of an investigation; and a warrant of arrest, a proclamation and an order of attachment may all legally be issued one after the other in their proper order on the same day. The officer who asks a Court to issue a proclamation must be prepared to produce legal evidence to prove that the person whose arrest desired has absconded, and must not accept the mere statement or report of an officer who has no personal knowledge of the absconding to satisfy the Court. When an order of attachment is issued he must satisfy himself that it is efficiently executed.

216. Absconded offer- Any person for whose appearance a proclamation has been issued under Section 82 of the Code of Criminal Procedure, 1973 (2 of 1974) is an absconded offender within the meaning of this Chapter.

217. Types of absconded offenders- Absconded offenders shall be divided into two classes : A and B; class A will include all absconders whose names, caste, residence, and antecedents have been verified beyond all possibility of doubt; class B consists only of those persons whose real names, residence and antecedents have not been ascertained.

Note- All escaped transmarine convicts should be registered automatically as absconded offenders of class A.

218. Register at every police station for absconded offenders- At every police station a register shall be maintained in Form No. 214, in which shall be entered the names and full particulars of all absconded offenders in both cognizable and non-cognizable cases, persons, coming under A and B being

separately shown. Every absconded offender of class A shall be shown in the register of every police station in which he has a wife, father, mother, son, daughter, brother or sister living, as well as in the registers of the police stations (1) in which he was living himself and (2) in which the offence for which he is wanted was committed. It is the duty of the Superintendent of the district in which the offence was committed to inform the Superintendent of other districts in which the offender sought to be registered on account of residence or relationship; and it shall be the duty of those Superintendents to register the names of the absconders in their districts on receiving such information. Absconders of class B need be registered only at station where the offences in which they were concerned were committed.

Column 17 of this register should be kept up-to-date, and the station officer must inform the Superintendent whenever a relation or associate of an absconded offender changes his address. The Superintendent will pass on his information to all other districts or police stations concerned, if the offence for which the offender is wanted was committed to his district; otherwise he will inform the Superintendent in whose district the offence was committed, and the latter officer will then inform all concerned.

219. Public Prosecutor shall maintain a register of whole district for absconded offenders- The Public Prosecutor shall maintain at headquarters in English a register for the whole district in the same form as the station register, separate parts being allotted to each class and B. His register shall contain the names of only those absconded offenders who are triable in the district, other than those wanted by the Government Railway Police for whom Railway Police Public Prosecutor maintains a register.

In the column of remarks of the district annual return of absconded offenders should be shown the number of absconder non-residents of the district concerned, who figure on the Public Prosecutor's register.

220. Power of Superintendent to expunge the names of absconded offenders- The Superintendent may order names of absconded offender to be expunged for any of the following reasons :

- (1) arrest;
- (2) ascertained death;
- (3) when, owing to the death or disappearance of all important witnesses, and in absence of proceeding under Section 299, Criminal Procedure Code, 1973 (2 of 1974) or for any other reason the evidence against an absconded offender is found to be insufficient for successful prosecution;
- (4) the lapse of 30 years in the case absconders of class A and of 5 years in the case of absconders of class B, after the absconder was last heard of alive.

221. Power of DM to expunge the names of absconded offenders- The District Magistrate may also order the name for any offender triable in his district to be expunged, although the conditions mentioned in the preceding paragraph have not been fulfilled whenever he considers that owing to the insignificance of the offence it is unnecessary to continue the search for the absconder; provided that he shall not thus expunge the name of an offender whose offence is triable exclusively by the Court of Sessions.

The District Magistrate shall consider once a year either in connection with the inspection of police stations or by examining the list of absconded offenders, whether any names should be expunged. When the name of an offender has been expunged by the District Magistrate or the Superintendent, he shall not be prosecuted for the same offence otherwise than on complaint, without the sanction of the District Magistrate.

222. Recording of evidence by the Court against the accused person who has absconded- In all cases in which an accused person has absconded, except those of an exceeding trivial or petty nature or when special circumstances exist, which make the procedure unnecessary or undesirable, the Court should be asked to record the evidence against him under Section 299 of the Code of Criminal Procedure, 1973 (2 of 1974). The police must, however, register the names of absconders without waiting for proceeding under Section 83 / 84 and 299 to be taken against them. All cases in which for special reasons, evidence

has not been recorded under Section 299) must be put up before the Deputy Inspector General at the time of his inspection.

In order to render the evidence, recorded under Section 299 admissible at a future trial it must be provided and put on record that the offender has absconded and there is no immediate prospect of arresting him. The provisions of Section 299) should be carefully studied.

CHAPTER XX

REGISTRATION AND SURVEILLANCE OF BAD CHARACTERS

223. The village Crime Note Book- The village crime note-book is a confidential record kept at every police station and contains information about the crime and criminals of each village in the circle. The officer-in-charge of the police station is responsible for its safe custody and contents. In cities and towns which are too large for a single note-book there should be a separate note-book for each muhalla or other division.

Entries in Part I, II and III may be made by a subordinate under the supervision of the officer-in-charge of the police station. Entries in Part IV will be made by the officer-in-charge. Entries in Part V will be made in accordance with the instructions in paragraph 228 below.

224. Entries in Part-I of the village Crime Note Book- In Part I will be shown particulars of the population, outlying hamlets, revenue market days, principal castes and tribes, headman, chief landowners other leading men and watchmen of the village. Under the heading 'Other leading men' only residents of the village will be shown.

225. Entries in Part-II of the village Crime Note Book- In Part II will be entered particulars of all offences committed within the limit of the village area which are)1) cognizable and reported to the police, (2) fall under the following sections of the Indian Penal Code or other laws, whether originally reported to or dealt with by the police or not :

Sections 121, 121-A, Indian Penal Code – Offences against the State.

Sections 465 to 469, Indian Penal Code – Forgery.

Sections 489-A to 489-D, Indian Penal Code – Forgery of currency and bank notes

Sections 109 and 110, Criminal Procedure Code – Bad livelihood.

Sections 3 and 4 the Public Gambling Act III of 1967 – Keeping or gambling in a common gaming house.

Sections 60, 62, 63 and 65, Act IV of 1910 – Offences under the Excise Act.

Section 9, Act I of 1878- Offences under the Opium Act.

Sections 25 and 26, Act 54 of 1959 – Offences under the Arms Act.

Sections 21, 22, 24 and 25, Act VI of 1924 – Offences under the Criminal Tribes Act.

All offences enumerated in the schedule of the Criminal Tribes Act, VI of 1924, of which the members of a tribe declared to be a criminal tribe under Section 3 of the Act are convicted.

All crimes will be entered, whether truly or falsely reported; if a case is expunged the fact will be noted in the last column; the entries in the other columns will stand.

226. Entries in Part-III of the village Crime Note Book- In Part III will be entered particulars of all residents of the village convicted of any of the following offences.

A

For the purpose of Section 75, Indian Penal Code.

Chapter XII, Indian Penal Code – All offences except those punishable under Sections 241, 254 and 262.

Chapter XV II, Indian Penal Code :

Sections 379 and 382 – Theft of all kinds.

Sections 384 and 382, except Section 385 – Extortion of all kinds.

Sections 392 to 394, 397 and 398 – Robbery of all kinds.

Sections 395, 396, 399 and 402 – Dacoity of all kinds.

Sections 400 and 401 -Belonging to a gang of thieves of dacoits.

Sections 406 to 408 – Criminal breach of trust.

Sections 409 – Criminal breach of trust by public servant.

Sections 411 to 414 – Receiving stolen property.

Sections 418 to 422 – Cheating.

Sections 429 to 433 and 435 to 440 – Serious mischief.

Sections 449 to 452 – House trespass in order to commit an offence.

Sections 454 to 457 -Lurking house trespass or house-breaking other than simple.

Section 458 – All attempts at house-breaking.

Sections 459 and 460 – Grievous hurt or death caused in house-breaking.

Section 462 – Fraudulently opening a closed receptacle held in trust.

B

For the purpose of Section 3 and 4 of the Whipping Act IV of 1909 :

Section 376, Indian Penal Code – Rape.

Section 377 – Unnatural offence.

C

For the purposes of Section 2 and 23, Criminal Tribes Act, conviction of members of a tribe declared to be a criminal tribe under Section 3 of the Criminal Tribes Act, for any offence under Sections 21, 22, 24 and 25 of the Act or included in the schedule of the Act.

D

Other offences:

Sections 121, 121-A and 124-A, Indian Penal Code – Offences against the State.

Section 170 – Impersonating a public servant.

Sections 212, 213, 216 and 216-A, Indian Penal Code – Harboursing and other offences against public justice.

Section 311 – Being a thug.

Sections 363 to 369 – Kidnapping.

Section 465 – Dishonesty breaking open a closed receptacle.

Sections 465 to 469 – Forgery.

Sections 489-A to 489-D – Forgery of bank and currency notes.

Sections 109 and 110, Code of Criminal Procedure – Bad livelihood.

Sections 3 and 4, Act III of 1867 – Keeping, or gambling in a common gambling house.

Sections 60, 62, 63 and 65, Act IV of 1910 – Offences under the Arms Act.

Sections 9 of Act I of 1878 – Offences under the Opium Act.

Sections 25 and 6, Act 54 of 1959 – Offences under the Arms Act.

Names of persons convicted under the following sections of the Indian Penal Code will be entered in Part III only by special order of the Superintendent of Police :

Sections 143 to 153 – Rioting; unlawful assembly.

Section 30 – Murder.

Section 304 – Culpable homicide.

Section 307 – Attempted murder.

Sections 324 to 327 – Hurt and grievous hurt.

In the remarks column of Part III will be shown the nature of the offence committed, e.g. Cattle theft, ‘dropped jewellery trick’. If an ex-convict is a member of a known gang this fact will also be noted. The *modus operandi* of men sentenced for burglary should be described. If an ex-convict permanently changes his residence the new residence will be noted in the last column and his name will be entered in Part II of the register of the village to which he has gone.

The names of ex-convict who have been convicted only once and for whom no history-sheets have ever been opened will be expunged 20 years after expiry of their sentence. The names of other convict will be expunged only on their death.

An alphabetical index to Part III of the village crime note-books will be maintained at every police station classified under the following heads to each of which a separate register or part will be allotted ; Dacoity, cattle theft, pick pocketing, railway passenger theft, goods wagon theft, cycle theft, miscellaneous theft, poisoning, cattle poisoning, bad livelihood, coining, forgery, cocaine and opium smuggling, cheating, kidnapping for immoral purposes, offences against the State, telegraph wire cutting, and other miscellaneous offences entered in Part III.

The last may be further sub-classified by order of the Deputy Inspector General or Superintendent of Police. If a person is convicted for offences falling under more than one of these heads his name will be entered under each.

227. Entries in Part-IV of the village Crime Note Book- Part IV will contain entries regarding religious festivals and disputes, disputes over property, factions offences affecting the railways, canals or telegraphs, the presence of criminal tribes, the prevalence of organized crime such as cattle-theft, the fact that any member of a gang registered in the gang register resides or operates in the village, and similar matters which are of importance from a police point of view. Narratives of all specially important outbreaks of crime will also be entered in some detail. A brief note showing the subject of each entry will be made against it in the margin. Entries will be submitted to the Superintendent for approval before they are made.

HISTORY SHEETS & SURVEILLANCE

228. History sheets, Part V of the village Crime Note Book- Part V consists of history sheets. These are the personal records of criminals under surveillance. History-sheets should be opened only for persons who are or like to become habitual criminal or abettors of such criminals. There will be two classes of history-sheets :

- (1) Class A history-sheets for dacoits, burglars, cattle-thieves, railway-goods wagon thieves, and abettors thereof.
- (2) Class B history-sheets for confirmed and professional criminals who commit crimes other than dacoity, burglary, cattle-theft, and theft from railway goods wagons, *e.g.*, professional cheats and other experts for whom criminal personal files are maintained by the Criminal Investigation Department, prisoners, cattle poisoners, railway passenger thieves, bicycle thieves, expert pick-pocket, forgers, coiners, cocaine and opium smugglers, hired ruffians and goondas, telegraph wire-cutters, habitual illicit distillers and abettors thereof.

History-sheets of both classes will be maintained in similar form, but those for class B will be distinguished by a red bar marked at the top of the first page. No history-sheet of class B may be converted into a history-sheet of class A, though should be the subject of a history-sheet class B be found to be also addicted to dacoity, burglary, cattle-theft or theft from railway goods wagons. A class, as well as B class, surveillance may under paragraph 238 be applied to him. In the event of a class A history-sheet man becoming addicted to miscellaneous crime his history-sheet may be converted into a class B history-sheet with the sanction of the Superintendent.

229. Classification of history sheets- This classification of history-sheets as A and B is based on the principle that, whereas there is always hope of a dacoit, burglar, or cattle thief or railway goods wagons thief mending his ways, the expert miscellaneous crime criminal is as a general rule incapable of reform. The classification, therefore, solely on the kind of crime to which suspects are addicted and is designed to regulate only-

- (1) the *length of time* for which a suspect should ordinarily remain, under surveillance in the absence of complaints against him,
- (2) the *kind* of surveillance which his activities require.

The *degree* of surveillance of the appropriate kind to be exercised over a suspect will depend not on his classification, but on the event to which he is believed to be active at any particular time.

230. History sheets of A-Class – If the suspect of an A class history-sheet is thought to be so dangerous or incorrigible as to require more protracted surveillance than the generality of his class, he may be ‘starred’ by the order of the Superintendent. Here, again, the fact that a history-sheet man is starred will necessarily indicate only that he is to be kept under continuous surveillance for a longer period. It will not necessarily indicate that his surveillance while it lasts is to be more intense. The aim is to concentrate the most intense surveillance on the criminal, whether starred or unstarred, who is believed to be temporarily active.

Superintendents of district police may not give orders for the starring of or discontinuance of surveillance over any history-sheeter of a railway police suspect without the concurrence of the Superintendent of Government Railway Police.

231. Subjects of history sheets of A-Class- The subjects of history-sheets of class A will unless they are 'starred' remain under surveillance for at least two consecutive years of which they have spent no part in jail. When the subject of a history sheet of class A whose name has not been 'starred' who has never been convicted of cognizable offence and has not been in jail or suspected of any offence or absented himself in suspicious circumstances for two consecutive years his surveillance will be discontinued, unless for special reasons to be recorded in the inspection book of the police station the Superintendent decides that it should continue.

When the subject of a history-sheet of class A is 'starred' he will remain starred for at least two consecutive years during which he has not been in jail or been suspected of a cognizable offence or had any suspicious absence recorded against him. At the end of that period if he is believed to have reformed he will cease to be 'starred' but will remain subject to surveillance which will be discontinued only if during that period no complaints have been recorded against him.

In closing the history-sheets of an 'un-starring' ex-convi8cts and especially ex-convict dacoits great care should be exercised.

232. Continuity of B-Class history sheets- History-sheet of B class will be continuously open records and the subjects of these sheets will, except for every special reasons remain under surveillance until death. This being so it is unnecessary to 'stare' suspects of this class.

233. Discontinuance of surveillance- This discontinuance of surveillance of the subject of a history-sheet does not entail closing that history-sheet. A history-sheet which is only a record of information need never be considered closed. In the case of persons whose surveillance is discontinued a note should be made to this effect in the history-sheet, and thereafter no periodical

or other entries need be made unless something comes to notice which is desirable to enter in the sheet. Sheets persons whose surveillance has been discontinued should remain in the village crime-note book but if the number is as much as to make the volume too bulky, they should be kept in a separate volume attached to the note-book. They will only be destroyed on the death of the subject of the sheet, or if, on opinion of the Superintendent their further retention is not likely to be of any value.

234. Discontinuation of History sheet of Class-A- No history-sheet of class A may be discontinued without the sanction of the Superintendent of Police. If it is denied to discontinue the surveillance of the subject of a history sheet of class B, the sanction of the Deputy Inspector-General or Superintendent, Railway Police, must be obtained. Proposals from station officers for the discontinuance of history-sheets and for the 'starring' or 'unstarring' of a class suspects must be made through the circle-inspector unless dealt with directly by a gazetted officer in the course of an inspection.

235. Knowledge of History sheeters to local police- Without prejudice to the right to Superintendents of Police to put into practice any legal measures, such shadowing in cities, by which they find they can keep in touch with suspects in particular local ties or special circumstances, surveillance may for most practice purposes be defined as consisting of one or more of the following measures :

- (a) secret picketing of the house or approaches to the houses of suspects;
- (b) through periodical inquiries by officers not below the rank of sub-inspector into reputations, habits, associations, income, expenses and occupation;
- (c) the reporting by constables and chaukidars of movements and absences from home;
- (d) the verification of movements and absences by means of inquiry slip;
- (e) the collection and record on a history-sheet of all information bearing on conduct.

236. Methods of surveillance of history sheeters.- Without prejudice to the right to Superintendents of Police to put into practice any legal measures, such shadowing in cities, by which they find they can keep in touch with suspects in particular local ties or special circumstances, surveillance may for most practical purposes be defined as consisting of one or more of the following measures :

- (a) secret picketing of the house or approaches to the house of suspects;
- (b) through periodical inquiries by officers not below the rank of sub-inspector into repute, habits, associations, income, expenses and occupation;
- (c) the reporting by constables and chaukidars of movements and absences from home;
- (d) the verification of movements and absences by means of inquiry slip;
- (e) the collection and record on a history-sheet of all information bearing on conduct.

237. Starred and unstarred history sheeters- All history-sheet men of class A ‘starred’ and ‘unstarred’ will be subject to all these measures of surveillance. It will be for the station officer, subject to the control of the Superintendent and circle inspector, to regulate the intensity with which they are applied in each particular case according to the believed temporary activity of the suspect. Thus the movement and absences of all men of class A must be reported at the police station but they need not be verified by means of inquiry slip when they do not appear to be suspicious. Similarly while a thorough local inquiry into general repute, habits, associations, income, expenses and occupation in the case of men, whether ‘starred’ or ‘unstarred’ who are believed to be quiescent, need be made only once a year by the station officer or by a subordinate sub-inspector under his direction, such inquiries should be made half-yearly or with even great frequency in the case of men, whether ‘starred’ or ‘unstarred’ who are believed to be temporarily active.

238. Surveillance of B-class history sheeters- History-sheet men of class B will be subject to measures (c) (d) and (e) but not to measures (a) or (b) unless the nature of the particular crime to which they are addicted requires that these measures should be applied to them. Thus, while it might be necessary to have a telegraph wire-cutter visited, or to have his house picketed at night, the application of these methods of surveillance to a professional cheat would be futile.

Similarly, though the absences from home of all history-sheet men of class B must be reported at the police station, and though, all such men will be liable to have their movements verified, this verification need not be made when it would clearly serve no useful purpose. It would almost invariably be essential, for instance to verify the movements of a prisoner or a pick-pocket, but rarely necessary to verify those of a local bulky. In such matters station officers be expected to exercise an intelligent discretion having regard to the circumstances of the criminal's absence and the nature of the crime to which he is addicted.

239. Maintenance of history sheet of both classes and desired entries in the history sheet- History-sheet of both classes will be maintained as directed in this paragraph and those already in use in the old form will be drawn up to conform with these directions.

Entries regarding relations, associates, dependents, property, occupation, income and convictions will be made in the appropriate columns on the first page and must be kept up-to-date and checked by circle inspectors and all inspecting officers. The remainder of the history-sheet will be maintained as a series of paragraphs containing facts in chronological order with marginal headings.

The first paragraph will be written when the history-sheet is opened and will give brief details of the suspect's previous record and of all the reasons which have led to the opening of a history-sheet for him. All these initial entries in a history-sheet must be submitted to the Superintendent for approval before they are made.

Subsequent paragraphs will be filled up at the police station without reference to the Superintendent and will contain –

(a) details of all suspicious absences;

- (b) details of all reports made to the police, and of all cases, cognizable or non-cognizable, instituted against the bad character;
- (c) results of periodical inquiries made into the bad character's habits and general repute;
- (d) details of cases in which the bad character has been suspected.

Reports of absences will not be entered unless they are suspicious. Reports of picketing and domiciliary visits will not be entered unless they are productive of information of the kinds detailed above. As 'cases in which the character has been suspected' will be shown only those cases in which the Superintendent, Assistant Superintendent or Deputy Superintendent has passed suspicion as reasonable.

Each paragraph should quote the number and date of the daily diary or other document on which it is based but should be full enough to be complete in itself. The nature of the information contained in each paragraph should be clearly shown against it in the margin, e.g., Local inquiry by circle Inspector, 'suspicious absence', 'complaint of marpit', 'suspicious of burglary'.

Entries regarding habits and general repute should be based on inquiries from respectable inhabitants of the suspect's village and neighbouring village and should show whether the suspect is reported to be committing crime or to be earning an honest livelihood, the amount of his earnings, his expense, whether he is in regular work and the character and identity of his associates. Vague generalities should be avoided.

The station officer is personally responsible for all entries in history-sheet and these must be made by him or by a subordinate sub-inspector under his direction.

When a suspect has been convicted of an offence or bound over under Section 109 or 110, Code of Criminal Procedure, 1973 (2 of 1974) and sentenced to imprisonment for six months or more, a line will be drawn in red ink across his history-sheet below the last paragraph. Below this red line will then be noted the date of conviction, the nature of the sentence and the probable date of release. When surveillance is discontinued a similar line will be drawn in black ink, the date and number of the Superintendent's order being given below it. Whenever a history sheet is transferred to another police station a line in black ink will

similarly be drawn and a brief note of the transfer will be written across the sheet by the officer dispatching it.

240. History sheets of both classes when to be opened? History-sheets of both classes may be opened (1) on suspicion or (2) on conviction or acquittal. No history-sheet may be opened without the orders of the Superintendent of Police.

(1) *On suspicion.*- Whenever as a result of investigation into a case of dacoity, burglary, cattle theft from railway goods wagons or into a case of miscellaneous crime of a professional type, the officer-in-charge of a police station applies for the name of any person to be entered in the crime register as reasonably suspected, he must at the same time report whether the suspect is under surveillance, and if not, whether a history-sheet should in his opinion be opened for him. Should the gazetted officer-in-charge of a sub-division on receiving such a report and after such further inquiry as he may think necessary consider that a history-sheet is required, he will forward the report to the Superintendent who if he accepts the proposal will define the class of history-sheet to be opened and pass orders as to whether the suspect should be 'starred'. Similarly whenever an officer-in-charge of a police station finds reason to believe, otherwise than in the course of an investigation, that any resident of his circle is addicted to crime, or whenever a gazetted officer or circle inspector for any reason believes that a history-sheet for any person is necessary a report must be submitted to the Superintendent, who will pass orders on it as laid down above.

(2) *On conviction or acquittal.*- Whenever any person is sent for trial on a charge of dacoity, burglary, cattle theft or theft from a railway goods wagons or of miscellaneous crime of a professional type, the officer-in-charge of the police station must state in his diary whether accused has a history-sheet and if not, whether he recommends that a history-sheet should be opened for him. It will be the duty of the Public Prosecutor, if the accused is acquitted to inform the Superintendent, in his report on the acquittal or otherwise, whether in his opinion a history-sheet is required. On this the Superintendent will pass any orders to the station office that may be necessary. If the accused is convicted, the Public

Prosecutor must, in the remarks column of the daily report of convictions and acquittals (Form No. 107) enter in red ink the words, 'On H.S.' if a history-sheet is already open, or the letters 'H.S.' if he recommends that one should be prepared. In either case he must prepare and attach to the daily report of convictions and acquittals a P.R. slip (Form No. 313). If a history-sheet is already open or if the Superintendent agrees that a history-sheet should be opened he will sign this P.R. slip and initial the letters 'H.S.' or 'On H.S.' on the daily report of convictions and acquittals. The Public Prosecutor will then communicate the Superintendent's orders for the opening of a history sheet to the police station concerned and will forward the P.R. slip to the Superintendent of Jail. If no history-sheet is opened and if the Superintendent does not agree that one should be prepared, he will not sign the P.R. slip, which will be cancelled.

If the accused is a resident of another district or State or has been sent for trial by the railway police, the same will be followed except that the Superintendent of Police will not order a history-sheet to be opened. If the accused is convicted and the Superintendent considers a history-sheet to be desirable the P.R. slip will be signed and sent to the Superintendent of Jail and the Superintendent of Jail shall furnish the Superintendent of Police with a receipt for the P.R. slip. In column 10 Form No. 148 (conviction roll) the Public Prosecutor will note in red ink that this has been done and in column 15 of the same form a note will be made recommending that a history-sheet should be opened : Any conviction roll on which a recommendation for the opening of history-sheet has been made must on receipt in the district of the convict's residence be put up before the Superintendent of Police of that district who will decide whether a history-sheet should be opened or not, and will address the Superintendent of Jail regarding the cancellation of the P.R. slip if e does not agree that a history-sheet is necessary. Notwithstanding anything in the above, the Superintendent of Police of any district in Uttar Pradesh shall subject to the final decision of the Deputy Inspector-General of the Range, to whom any question of disagreement must be referred, be bound to open a history-sheet at the request of the Superintendent of Government Railway Police for any person resident who is suspected or convicted of crime on the railway. The

Superintendent, Railway Police, should specify the kind of surveillance required in each case.

In the case of persons, sent for trial by the Railway police, in which the Superintendent considers a history-sheet desirable, the Public Prosecutor will send Form No. 143 (conviction roll) endorsed, as directed above, to the Superintendent of the man's district, through the Superintendent, Railway Police.

The Superintendent, Railway Police, in forwarding Form No. 148 to the Superintendent of the district concerned will state whether he considers a history-sheet necessary. If not, he will request the Superintendent of the Jail to cancel the P.R. slip.

241. Importance of P.R. slips- P.R. slips when sent to the Superintendent of the Jail will be attached to the warrants of the convicts concerned and sent with them to any jail to which they may subsequently be transferred.

A month before the date of release of a P.R. convict, the Superintendent of the Jail concerned will send the P.R. slip to the Superintendent of Police of the convict's home district as a warning that the convict is due to be released.

On receiving a P.R. slip, the Superintendent of Police will send into the Police station concerned with instructions to check the prisoner's arrival and to arrange for the future surveillance, or, alternatively, to take the usual action if he fails to return and becomes untraced. The officer-in-charge of the police station will return the slip to the Superintendent with a report whether the conviction has been duly entered in Part III of the village crime note-book. (If no history-sheet has been opened on conviction, steps must be taken to discover who was responsible for the omission and a history-sheet must be opened immediately unless there are special reasons why this should not be done). P.R. slip will be filed in the record room in separate bundles by police stations. They may be taken to police stations by inspecting officers for use on the checking for history-sheets. They will be destroyed after one year.

A convict whose P.R. slip has been prepared shall be released from the Jail in which he is confined and the Superintendent of the Jail shall give him a railway

ticket to the railway station nearest the convict's home. This does not apply to convicts who are members of criminal tribes or convicts concerning whom an order has been passed under Section 356), Criminal Procedure Code, 1973 (2 of 1974) and prisoners conditionally released under Section 432, Criminal Procedure Code, 1973 (2 of 1974) although they may be P.R. convicts. For the latter see paragraphs 270 and 276.

In case of death or escape of a Police registered convict the Superintendent of the Jail shall forthwith inform the Superintendent of Police concerned.

242. Principles which could guide S.P. in deciding whether a history sheet should be opened and in what category should be placed- The following principles should guide the Superintendent of Police in deciding whether a history-sheet should be opened and in what category should be placed:

As soon as it has been established by suspicion or conviction that a suspect is an active and prominent member of a gang of dacoits, a history-sheet of class A should be opened for him and he should be 'starred' at once. On the other hand though class A history-sheets should as a rule be opened for burglars, cattle thieves and railway goods train thieves when they first come to notice either on suspicion or on conviction, such suspects should not be 'starred' until it has been clearly established by continued suspicion or by a series of convictions that they have become dangerous and confirmed criminals and are unlikely to reform.

When the existence of a gang of criminals is brought to light, history-sheets should be open only for the more prominent members of the gang. The gang register (paragraph 253) should be used as a means of keeping in touch with the minor members of a gang.

The fact that man has been bound under Section 109, Cr. P.C. is not in itself sufficient to make the opening of his history-sheet necessary. In such case the previous history of the man and the circumstances of his arrest must be taken into account. On the other hand should a person not on a history-sheet be bound over under Section 110, Cr. P.C. his history-sheet must be prepared at once.

Superintendents of Police must look into cases in which bad characters not on history-sheets have been prosecuted under Section 110, Cr. P.C. with a view

to discovering how they have previously succeeded in evading the notice of the police.

History-sheets should not be opened for persons who have no fixed abode. For the restrictions imposed on the opening of history-sheets for members of resident criminals tribes, the Criminal Tribes Manual should be consulted.

It is important to open history-sheets on conviction that on suspicion and the fact that a convict has been sentenced to a term of imprisonment however long is no reason for not opening his history-sheet.

243. Preparation of history sheet in case of juveniles- The orders in the three preceding paragraphs apply to juvenile as well as to adult prisoners and suspects but the cases of juveniles should receive specially careful consideration before order for the preparation of history-sheets are passed.

If, however, on conviction a juvenile offender is sent to the Juvenile Jail at Bareilly he will receive exceptional treatment. His P.R. slip, if one has been prepared, will be returned one month before the end of his period of detention, by the Superintendent of the Juvenile Jail to the Superintendent of Police of the district concerned with the remark that on release the Juvenile offender is to be exempted from police surveillance. On receipt of a P.R. slip so endorsed the Superintendent of Police will cause the offender's history-sheet to be filed and will issue orders to the station officer concerned that he is to be subjected to no form of surveillance. This mitigation of the rules will not however be accorded to P.R. juvenile offenders of the following classes on release from the Juvenile Jail at Bareilly :

- (a) those whose conduct during detention is considered by the Superintendent of the Juvenile Jail to show that they have not benefitted by the course of reformatory training.

The usual procedure will be followed with regard to P.R. Juvenile offenders of these two classes. A month before release in each case the Superintendent of the Juvenile Jail will send the P.R. slip to the Superintendent of Police of the district of residence with, in the case of a juvenile prisoner of class B a report on his behaviour in jail, and on release the juvenile ex-convict will be subject to the ordinary rules regarding surveillance.

Members of criminal tribes and juveniles with more than one conviction are not admitted to the Juvenile Jail at Bareilly. The former are subject to the rules in the Criminal Tribes Manual.

244. Procedure of action under section 110 Cr. P.C. – Before a Sub-Inspector takes action under Section 110, Cr. P.C. he should submit an application in Police Form No. 5 through the circle inspector to the Superintendent. The circle inspector will forward the application to the Superintendent without delay with a report written after local inquiry from his own knowledge of the suspect. If the Superintendent approves of the report he may forward it to the Sub-divisional Magistrate or District Magistrate as the ‘information’ under Section 110, Cr. P.C. If the Magistrate deems it necessary to require any person to show cause under Section 110, Cr. P.C., he will make an order in writing under Section 111, setting forth the details required by that Section and will return Form No. 5 to the Sub-Inspector who will take immediate steps to arrest the person and to produce him before the Magistrate with the necessary evidence, Form No. 5 will be sent to the prosecuting officer as his brief, in the case and may be attached to the file if the Magistrate sees fit. History-sheets will not be sent to Courts as a matter of course but only when Courts ask to see them. No statements should be recorded by the Police when they are making inquiries for the purpose of action under Section 109 or 110, Cr. P.C. if such statements are recorded may be able to obtain copies under Section 162, Cr. P.C.

245. Names of history sheeters will be entered in beat book of constables and crime record book of village chaukidars- The names of all history-sheet men will be entered in notice-books of beat constables and in the crime record book of village chaukidars. All visits by officer and men to village in which bad characters reside will be shown in the fly-sheet of the village crime note-books and an entry in the fly-sheet will indicate that all class A history sheet men in the village have been visited. A full note showing the result of these visits will be made in the general diary, with a reference to the number of the general diary report in the fly sheet, when anything of importance is ascertained a brief

note will also be made in the history-sheet. In cities a separate fly-sheet on which visits of the suspect will be recorded should be attached to each history-sheet.

Note.- Fly sheet is also known as the index of surveillance of history sheeters.

246. Entry of an accomplice belonging to another police station shall inform the police of that police station – The officer-in-charge of a police station when recording in a history-sheet an entry affecting an accomplice who is a resident of another circle shall inform the police of that circle.

247. When the history sheet changes his address, the history sheet should or should not be sent to the police to which he has gone- When the subject of a history-sheet changes his residence within the district the circle inspectors concerned will decide whether the history-sheet should or should not be sent to the police station to which he has gone. If a suspect changes his residence to any other district in British India his history-sheet will be forwarded in original by the Superintendent of Police to the Superintendent of the district to which he has gone. If he changes his residence to an Indian State the State police will be informed through the English office and if a history-sheet is asked for, a copy will be sent. Whenever a history-sheet is transferred from one police station to another in the same district both station officers concerned will report the fact to the Superintendent to enable him to correct his headquarters list (paragraph 249).

248. The district police will keep up history-sheets of persons addicted to crime on railways- The district police will keep up history-sheets of persons addicted to crime on railways, except in special cases, where in the opinion of both Superintendents, the surveillance can be carried out more efficiently by the railway police.

In the event of a difference of opinion, the orders of the Deputy Inspector General of range will be final. Duplicate copies of history sheets of persons addicted to crime on railway will be maintained by the railway police who for this purpose should be allowed access to district police records, as often as may

be necessary : Sub-Inspectors of railway police shall immediately intimate to the Sub-Inspector, district police, who is maintaining the history-sheet and facts which in their opinion should be entered on the history-sheet, and in any case shall forward a quarterly memorandum, which will be attached to the history-sheet. Similarly the district police should communicate any information regarding the subject of a history-sheet addicted to crime on railway, which is worth bringing to the notice of the railway police.

249. Class A and Class B list will be maintained separately in each and every police station- At each police station two lists will be maintained of persons in the circle on history-sheets one list for each of the class A and B.

These lists of history-sheets, dates of 'starring' and 'unstarring' (in the case of class A suspects only) and date of discontinuance of surveillance, and will also contain a column for remarks. When a class A suspect is starred, a star will be placed against his name in the red ink on the class A list. The names on each list at each police station will be serially numbered from 1. Serial numbers will never be changed; whenever a new history-sheet is opened a new number will be taken for it on the appropriate list, and when the surveillance of a suspect is discontinued the serial number of his history-sheet will not be used against unless his surveillance is resumed.

At the headquarters of each district similar lists will be maintained *thanawar* in English by the Superintendent's reader for each class of suspects, the serial numbers on headquarters and police stations list will correspond. The headquarters list should be kept up-to-date and should be used as a check at police station inspections and in dealing with all matters connected with crime.

In the column of associates of history-sheets the serial numbers and class letters, of all associates who are themselves on history-sheets will be shown against their name, *e.g.*, A-7, B-9.

250. List of bad characters and history-sheets.- List of bad characters and history-sheets are confidential records and though history-sheets are kept in the village crime note-book, the station officer must see that unauthorized persons do not obtain access to them.

251. Responsibility of Circle Inspectors in the matters of surveillance- The responsibility of circle inspectors in the matter of surveillance will be strictly enforced. Whenever a circle inspector visits a police station he will check one or two of the history-sheets to see if they have been kept up-to-date and will make an entry in his weekly diary to this effect. At his annual inspections he will make local inquiries regarding bad characters, paying special attention to those who are suspected to be temporarily active or who reside in areas where crime is prevalent. He will note the results of such inquiries in the history-sheets. Circle inspectors will keep up a list of all persons on history-sheets in their circle in the same form as the police station and headquarters lists. They will be held responsible for recommending the person on history-sheets in their circles in the same form as the police station and 'unstarring' of class A suspects, on occasion may require, and for the prosecuting of Section 110, Cr. P.C. cases within their circles whenever necessary. They will bring to the notice of the Superintendent the case of any police station where the number of history-sheets opened is excessive or where surveillance is not being properly exercised and will make suggestion for improvement.

Note.- Presently Circle Officers (C.O.s) are posted in place of Circle Inspectors.

252. Surveillance of persons whose criminal personal files are maintained by C.I.D.- For special instructions regarding the surveillance of persons for whom criminal personal files are maintained by the Criminal Investigation Department, see Criminal Investigation Department Manual.

Gang Register

253. Entries in the gang register- Whenever an organized gang of dacoits, cattle thieves or railway goods wagon thieves comes to light, particulars of the whole gang should be entered in the gang register (Form No. 45) at every police station and at the headquarters of every district in which any member of the gang resides. For burglar gangs the gang sheet prescribed in circular No. I/VI-23-25, dated the 14th September, 1929, will be used instead of the gang

register. It is not necessary that all members of a registered gang should have history-sheets. Any particulars which it may be necessary to have on record regarding any individual member whose history-sheet has not been prepared should be entered against his name in column 6 of the register. Should the space available in column 6 be insufficient to contain all the facts of importance which require to be recorded about any member of a gang necessary for a history-sheet will be indicated. In column 7 will be entered the reasons for registration, the previous history and *modus operandi* of the gang and narrative of all facts subsequently ascertained regarding it. Whenever inquiries are made about a gang the notes of the circle inspection or other inquiry officer or if nothing of importance is ascertained, his initial and the date of inquiry will be entered in the column. Gangs will be entered in the gang register under the orders of the Superintendent. The gang register will be a permanent record and gangs will never be expunged from it. But on its being established that a gang has been broken up, inquiries and entries in the register regarding it may be discontinued by the order of the Superintendent : in which case an entry to this effect will be made in column 6 and below it a line will be drawn in red ink across the page.

254. Examination of headquarters gang register by Public Prosecutor on the conclusion of every dacoity case- On the conclusion of every dacoity case the headquarters gang register must be examined by the Public Prosecutor who should consider and report to the Superintendent of Police what entries should be made in the register, at the same time as he consider and reports what further clues remain to be followed up in the case. Should be a gang he found to have further ramifications in more than one district, the Superintendents of the district in which it first comes to light will be responsible for proposing its registration to the Superintendents of all the other districts concerned. Superintendents of all districts in which a gang is registered must be informed of all matters of importance ascertained about it in any district and all questions regarding the addition of names or the discontinuance of entries and inquiries should be decided among the Superintendents concerned, if possible by personal discussion, once a year. Any difference of opinion as to the necessity for the registration of a gang operation in more than one district or for the continuance

or discontinuance of inquiries and entries regarding it should be referred to the Deputy Inspector-General for orders.

255. Maintenance of the headquarters gang register- The headquarters gang register will be maintained in English by the Criminal Tribes Sub-Inspector who will twice a year at intervals for six months visit each police station in his district in which any gang is registered and will check his register with the police station register taking copies in his register of any entries of importance made in the police station register and communicating to station officers any fact ascertained by him from other sources regarding gangs registered by them.

256. Procedure for the registration of gang under the Criminal Tribes Act Manual- Any gang on the gang register which shows signs of fitness for proclamation and registration under the Criminal Tribes Act should be brought on the form of gang statement prescribed in the Criminal Tribes Act Manual. A note should be made in the gang register whenever this is done.

Rules for reporting and verifying the movements of bad characters

257. Movement of history sheetee should be informed by beat constable or village chaukidar to S.O. – It is the duty of the village chaukidar or beat constable (in towns) whenever a bad character on a history-sheet leaves his home, immediately to inform the officer-in-charge of the police station of his departure and his destination, if known.

258. Inquiry Slip-A for verification- On receiving a report of the departure of a history-sheet man of either class, 'starred' or 'unstarred', the officer-in-charge of the police station must decide in accordance with the principles laid down in paragraph 237 and 238 whether it is necessary to send an inquiry slip A. As the station officer himself will not always be present at the police station the names of bad characters for whom inquiry slips should be sent should be kept on record in the office. When it is thought necessary to send an inquiry slip A it must be made out at once in Form No. 204 and forwarded by the

quickest means by hand or post to the officer-in-charge of the circle to which the bad character is alleged or believed to have gone. The chaukidar who makes the report of departure should never be made to carry the inquiry slip to the police station of destination.

259. If destination of history sheeter is not clear, Inquiry slip-A is sent to all police stations of possible destinations- If the destination of a bad character for whom an inquiry slip is to be sent is unknown, a carbon or other copy of the inquiry slip will be sent to every police station to which he may reasonably be thought to have gone. Reference to the column of relations and associates in the history-sheet should indicate the bad character's possible destination.

When a railway thief with history-sheet absents under suspicious circumstances the Government Railway Police Officer concerned must be immediately informed.

260. Visit of history sheeter within circle, be verified by inquiry through beat constable- When a bad character leaves his home for an unusual or suspicious destination within the circle of which he is a resident, the report of the constable or chaukidar will be entered in the general diary and the visit will be verified as soon as possible by inquiry through a constable or from the chaukidar of the village to which the bad character is alleged to have gone.

261. Reports made by chaukidars of departure of bad characters- Reports made by chaukidars of departures of bad characters (1) to a destination outside the circle, (2) to an unusual destination within the circle (3) to an unknown destination, (4) at night will be recorded in the general diary, and a reference to the number and date of every such report will be entered in the chaukidar's crime record book in the column provided for the purpose after each suspect's name.

262. Procedure after receiving an inquiry slip-A- A police officer receiving an inquiry slip A (paragraph 258) will immediately take steps to

ascertain whether the bad character has arrived, he will then fill in the inquiry slip at once and send it back to the police station from which it was received. If the bad character remains in his circle he will cause him to be watched in the same way as if he were a bad character of his own circle. If anything of importance transpires about him during his stay he will send information at once to the officer-in-charge of the police station of origin. He will not delay the return of inquiry slip A in the expectation that the bad character may return to his home.

263. Difference of date or time in inquiry slip-A to be informed to the officer, who sent it- If the bad character leaves on a date or at a time different from that given in the inquiry slip it has to be informed to the officer who sent it.

264. Procedure if the bad character does not arrive within a reasonable time- If the bad character does not arrive within a reasonable time in the police circle to which he alleged to have gone the officer-in-charge will return inquiry slip with a report to this effect and will direct the chaukidar or constable concerned to watch for the suspect's arrival. If the bad character eventually arrives a report will at once be sent to the police station from which the inquiry slip originally came, giving the particulars required in the inquiry slip.

265. When bad character person returns to any destination other than his home, the S.O. of the police station will issue an inquiry slip-A- If the bad character leaves the limits of the police station to which he has come for any destination other than his home, the officer-in-charge of the police station will issue an inquiry slip A to the officer-in-charge of the police station to which he has gone in the same way as if he were a resident of his own circle sending a copy of the slip to the officer-in-charge of the police station of the bad character's residence. The officer-in-charge of the police station to which the bad character has gone will send his reply to the inquiry slip to the police station of the bad character's residence and will continue to act in cases of further movements as if the bad character had come direct from his home.

266. If H.S. absence is found to be suspicious, a brief note should be entered in history sheet- In any case in which a bad character's absence is found

to be suspicious a brief note of the facts should be entered in his history-sheet as described in paragraph 239.

267. Duty of village chaukidar when he hears of the arrival of a suspicious stranger in his village- If the village chaukidar hears of the arrival of a suspicious stranger in his village he will question him regarding his antecedents and residence and will send or take to the police station as quickly as possible all the information so obtained.

268. Issuing of inquiry slip-B- On receipt of such information from any source the officer-in-charge of the police station will send an inquiry slip B (Form No. 205) as quickly as possible to the police station from which the stranger is alleged to have come and will note on the counterfoil his reasons for doing so.

269. Procedure on receiving an inquiry slip-N- On receiving an inquiry slip B, the officer-in-charge of the police station will not at once return it with the information regarding the stranger. If the stranger is not a resident of his circle he will return the inquiry slip with a note to this effect. The officer who received the inquiry slip will on receiving a reply be in a position to decide whether action under Section 109, Cr. P.C. should be taken against stranger or whether he should continue to be watched. If neither prosecution nor surveillance is required the inquiry slip will be filed and no further notice will be taken on the stranger.

270. Arresting of a suspicious stranger- If the movements or behaviour of a suspicious stranger make it reasonable to arrest him under Section 41 (2) Code of Criminal Procedure, 1973 (2 of 1974) such action should be taken at once without waiting for a reply to the inquiry slip.

271. Returning of inquiry slip-B- On the departure of the stranger from the limits of the police station from which inquiry slip B was issued the inquiry slip will be returned to the police station of his residence (a) if something suspicious has been recorded against him during his visit, or (b) if he is on a

history-sheet. In all other cases the inquiry slip will remain at the police station from which it was issued.

Whenever an inquiry slip B is returned to the police station of residence, the hour and date of the suspect's departure will be given on the slip and in case (a) above, details of suspicious behaviour should be added.

272. Issuing of inquiry slip-A for that suspect whose inquiry slip-B is issued- If a suspect for whom an inquiry slip B has been sent is on a history-sheet and leaves for a police circle other than that of his home, an inquiry slip A will be sent to the officer-in-charge of the police circle to which he has gone, a copy being forwarded to the police station of his residence. The reply to this inquiry slip will be sent direct to the police station of residence and the officer-in-charge of the police station to which the suspect has gone will act as if the suspect had come direct from his home and inquiry slip A had been sent for him from his police station of residence.

273. Where a telephone is available inquiry slips will not ordinarily be despatched- The duties assigned to chaukidars in rural areas will be performed in cities and towns by the police. Where a telephone is available, inquiry slips will not ordinarily be despatched, but the telephone will be used whenever reports of arrival or departure are received, such reports being recorded in the general diary or departure are received, such reports being recorded in the general diary and inquiry slips being prepared for purpose of record. Replies received by telephone will similarly be entered in the general diary and on the inquiry slip. City inspectors and officer-in-charge of city police stations will be responsible for seeing that files of inquiry slips are kept up-to-date and that replies are promptly given to telephone inquiries. Any delay of more than 24 hours in replying by telephone to an inquiry about the movement of a bad character should at once be reported to the city inspector.

274. Responsibility of S.O. for correct and regular use of inquiry slips- Officer-in-charge of police stations must supervise the issue of inquiry slips. They will be held responsible for their correct and regular use, for

examining them and for seeing that information regarding suspicious or unverified movements is duly entered in the history-sheets concerned. An index of all inquiry slips issued and received will be maintained at every police station showing in tabular form the names, destinations, history-sheet numbers and times of arrival and departure of all those for whom they are issued. When inquiry slips are sent to other provinces, the English counterparts must always be filled in.

**Rules for convicts concerning whom an order has been passed under
Section 356, Cr. P.C. and prisoners conditionally released under Section
432, Cr. P.C.**

275. Rules for convicts against whom an order is passed under 356 Cr. P.C.- Under Section 356, Cr.P.C., any person convicted of any of the offences specified in that section may be ordered at the time sentence is passed upon him to notify under such rules as the Local Government may make his residence and any change of or absence from such residence for a term not exceeding five years from the date of the expiration of his sentence. The following are the rules made by the Local Government under this section :

- (1) Under paragraph 124 of the Jail Manual, the Superintendent of the Jail shall give the Superintendent of Police not less than two days' notice of the date of release of the convict and the Superintendent of Police shall depute a guard in accordance with Rule 165 of the Rules for Guards and Escorts to conduct the prisoner on that date from the jail to the Superintendent of Police or other officer-in-charge at headquarters. The convict shall intimate to him the village or mohalla in which he intends to reside. The officer concerned shall then inform him of the condition which he is required to fulfil and shall enter the district and the local area notified by the convict on the copy of the order passed under Section 356, Criminal Procedure Code, 1973 (2 of 1974) (forwarded by the jail), and shall give the convict a copy in Hindi or Urdu of the rules made by the Provincial Government relating to the notification of residence by released convicts. The Superintendent of Police shall thereupon release the

convict and shall enter the district and the local area notified by the convict on the copy of the order passed under Section 356) and shall give the convict a copy in Hindi or Urdu of the rules made by the Provincial Government relating to the notification of residence by released convicts. The Superintendent of Police shall thereupon release the convict.

- (2) Thereafter, until the expiration of the term prescribed in order under Section 356, Cr. P.C. the convict shall comply with the rules made by the Local Government under Section 20 of the Criminal Tribes Act (VI of 1924), insofar as they relate to registered members of criminal tribes liable to the provisions of Section 10 (b) of that Act, but such person shall be required to notify his residence and any change or intended change or absence from such residence to the police of his old residence as well as to the police of the new residence.

Any convict concerning whom an order under Section 356, Cr. P.C. has been made who refuses or neglects to comply with these rules is punishable under Section 176, I.P.C. and may be arrested by any police officer without a warrant under Section 41 (1), Cr. P.C.

276. Conditions under which convicts may be released before the expiry of their sentence- Under Section 432, Cr. P.C. read with paragraphs 189, 201, 202, 203, 204 and 205 of the Uttar Pradesh Jail Manual (1941) convicts may be released before the expiry of their sentence upon certain conditions which may be in Form A or B and must be accepted by the convict before his release.

Conditions in Form A require that during the period of sentence conditionally remitted-

- (1) the convict shall not commit whether in British India or in any Indian State, an offence punishable by any law in force in British India;

- (2) he shall not in any associate with persons known to be of bad character nor lead a dissolute or evil life;
- (3) he shall reside within a specified district at such place as the Magistrate of that district may from time to time direct and shall not go beyond or absent himself from the limits of such place without the permission in writing of the Magistrate or the Superintendent of Police of the district in which he is required to reside;
- (4) unless and until, he is exempted from doing so by the District Magistrate, he shall report himself periodically at such time and place and to such person as may, from time to time, be prescribed by the District Magistrate or Superintendent of Police of the district in which he is required to reside;
- (5) he shall generally submit to and comply with the rules relating to police surveillance to be exercised over conditionally released convicts, for the time being in force.

Under paragraphs 203 and 205 of the Jail Manual, the Superintendent of the Jail must give the Superintendent of Police at least two days' notice of the conditional release of a convict and should select for the date of release a day which is not a Court holiday. When the Superintendent of Police receives notice, he should depute a guard as provided in Rule 165 of the Rules for Guards and Escorts to conduct the prisoner on the day of release from the jail to the Superintendent of Police or officer-in-charge at headquarters. The Superintendent of Police will inform the convict of the village or mohalla in which he must reside and that thereafter until the date of the expiry of the sentence (or, if the order of release so directs, for life the rules relating to the surveillance of registered members of criminal tribes liable to the provisions of Section 10(1) (b) of the Criminal Tribes Act (VI of 1924) and whose movements have been restricted under Section 11 of that Act shall apply to him. After producing the convict before a Magistrate for the execution of the final certificate on the back of Form A, the Superintendent of Police shall release the convict.

Conditions in Form B require merely that the convict shall proceed to a specified State or to the Court of the Political Officer of the said State and will not re-enter British India territory without the written permission of a specified officer.

Any convict released on conditions A or B who is detected in the commission of any breach of these conditions may be arrested without a warrant by any police officer. The case of any convict so arrested must be reported for the orders of District Magistrate who may detain the convict in custody pending the orders of Government cancelling the convict's remission. A convict whose remission is cancelled may then be remanded under Section 401 (new 432), Cr. P.C., to undergo the unexpired portion of his sentence.

The surveillance to be exercised over convicts, released on conditions in Form A under Section 432, Cr. P.C., and convicts in respect to whom an order under Section 356, Cr. P.C., has been passed will be the same as that exercised over members of criminal tribes upon whom the same restrictions have respectively been placed, though such convicts will not have register sheets. Separate registers for each of the two cases must be maintained in the prescribed form at police stations and by the criminal tribes sub-inspector at headquarters. Particulars of convict in respect of whom an order under Section 356 is passed must be entered in the appropriate register at the time of conviction. The attention of Superintendent of Police is drawn to the importance and usefulness of Section 356, Cr. P.C. In every case in which it can be applied, Public Prosecutor should be directed to approach the Court with an application for an order under it.

CHAPTER XXI

EXECUTION OF PROCESSES

277. Recovery of fine- Under Section 431 of the Code of Criminal Procedure, 1973 (2 of 1974) (other than a fine) payable by virtue of any

order made under this Code, and the method of recovery of which is not otherwise expressly provided for, shall be recoverable as if it were a fine.

278. Execution of warrants of recovery- Warrants for recovery of fines by attachment and sale of movable property should be executed in the following manner :

- (1) Such warrants shall ordinarily be directed through the Public Prosecutor to the police officer-in-charge of the circle, within which the property of the offender is situated and may be endorsed by the station officer to any police officer subordinate to him.
- (2) Payment of the fine shall first be demanded from the person liable.
- (3) If payment is made to the police officer on demand, the money shall be paid by him into the nearest treasury or sub-treasury, the warrant returned to the Court with an endorsement of execution.
- (4) If payment is not made at once, the police officer bearing the warrant will attach the movable property of the person fined to an amount sufficient to liquidate the fine. He will then return the warrant to the Magistrate, after endorsing on it a note of what has been done.
- (5) If it is necessary to sell the attached property, the sale will be made not by the police, but by the *nazir or kurk* amin under the Magistrate's orders.

279. Process after payment of money into a treasury- When money is paid by a police officer into a treasury or sub-treasury, it should be sent with a pass-book (High Court Form No. 3) and a separate extract therefrom in duplicate, respecting each item entered therein.

The officer-in-charge of the treasury or sub-treasury shall, on receipt of the money, sign the pass-book on one of the extracts and return them.

The extract so returned shall be forwarded by the officer-in-charge of the police station to the Court which ordered the payment, or if that Court be the Court of Session, to the District Magistrate.

On receipt of pass-book extract from an officer-in-charge of a police station, Magistrate will forward to such officer a check receipt (High Court printed Form Part XVI, No.3). The check receipt may be prepared in English or in the vernacular or both; but in any case the words and figures denoting the sum for which the receipt is being issued will be written on the receipt by the presiding officer of the Court with his own hand, and he must sign the receipt;.

280. Service of summons outside the local limits of the jurisdiction of the issuing Court-When a police officer serves a summon outside the local limits of the jurisdiction of the Court from which it was issued, he shall make an affidavit in Form No. 42, before the nearest Magistrate. The affidavit and the duplicate of the summons shall be returned to the Court by which the summons was issued.

Printed forms of the affidavit shall be issued to all officers-in-charge of police stations.

281. Time for keeping warrant of arrest in a non-cognizable case- No warrant of arrest in a non-cognizable case shall for any reason be kept by the police for more than six weeks. When a warrant is returned unexpected full reason for its non-execution must be reported to the Court.

282. Police will refuse to accept irregular processes- Except in the case of a warrant issued by a Magistrate against a defaulter residing beyond the limits of the jurisdiction for the local body on whose behalf such warrant has been issued, the execution of warrants of the recovery of Municipal, District board, Cantonment board and notified area or town area is not a police duty and must be performed by a member of the staff of the local body concerned.

The police will refuse to accept irregular processes of any kind for service.

CHAPTER XXII

RECORDS AND CONFIDENTIAL DOCUMENTS

283. List of registers to be kept in police stations- A list of the registers to be kept up at and the returns to be submitted from stations will be found in Appendices I and II.

284. The Police Gazette and the Criminal Intelligence Gazette- The *Police Gazette* and the *Criminal Intelligence Gazette* are supplied to the police stations. Volumes of five complete years should be kept, those of other dates should be destroyed.

285. Annual preparation of certain lists- The following lists will be prepared annually in the Superintendent's office from information supplied by the District Magistrate and will be sent to every police station to be kept on a file in the station office till the close of the year :

- (a) A list of persons resident in the district exempted by the name from any of the provisions of the Arms Act, with a list of the persons licensed under the Arms Act residing or carrying on a licensed business within the limits of the police station. To every police station on the border of another district should also be supplied a list of exempted persons residing within the limits of adjoining police stations of that district.
- (b) A list of all persons holding licenses under the Excise or Opium Acts, and carrying on a licensed business within the limits of the circle.
- (c) A list of all public ferries within the limits of circle with the names of the licensees.

286. List of documents to be kept on file in every police station- In every station house, the following lists should also be kept on file in the office :

- (1) Of all Government property
- (2) Of all Acts and books of reference.
- (3) Of rural beats of constables

- (4) Of registers maintained at the stations
- (5) Of reporting days for rural police
- (6) Of officers and men attached to the station, with dates of posting.
- (7) Of officers by whom the station has been inspected since December 31, with dates.
- (8) Of Acts or portions of Acts applied or extended to the Circle, (Paragraph 338).
- (9) List showing receipt and distribution of pay, rewards and allowances.
- (10) History-sheets, class A.
- (11) History-sheets, class B.
- (12) Leave applications.
- (13) Reward applications.
- (14) Good conduct allowances to village chaukidars.
- (15) Residents of the circle who have been convicted whether inside or outside the circle.
- (16) Cases supervised by gazetted officers.
- (17) Cases of snake-bite and death from wild animals.
- (18) Cases under the Stage Carriages Act.
- (19) Cases under the Motor Vehicles Act.
- (20) List of village chaukidars.

Whether a particular inspection was an annual or a casual inspection should be shown on list (7). Whenever an inspection is made an entry in the list should be made immediately. The list for each year should be kept for a second year for reference.

287. Set up of Notice Board at every police station- A notice board shall be set up in a conspicuous place at every police station for proclamations and public notices. The officer-in-charge shall remove or renew notice as occasion requires. If any of the sections of the Gambling Act, except Sections 13 and 17, have been extended to any place within the limits of the station circle, a notice stating the boundaries of the place should be kept on the board and renewed as often as it becomes illegible.

288. Map of police station.- A map showing the position and boundaries of all villages in the station circle should be hung on the wall of the station office. If the station circle contains any town or city or part of any town or city, there should be a map showing mohallas and beats.

Note.- These maps are in addition to those maintained for the classification of burglaries.

289. A list of forms should be kept at police stations.- A list of the forms to be kept at police stations is published separately. Forms should be supplied to a police station only when the stock in hand, there is low and not as a matter of course on receipt of supply from the Government Press.

290. Preparation of Inspection book at every police station.- In addition to the blank book prescribed by paragraph 9 of these Regulations for inspection by Magistrates an inspection book in each of the authorized printed form (Nos. 25 and 35-A) will be kept at each police station for departmental officers only and will be used both for detailed and casual inspections. Notes of all inspections made by gazetted police officers will be forwarded by the Superintendent of Police to the District Magistrate.

291. Maintenance of G.D. and C.D.- All blank volumes of general and case diaries must, when received from the Government Central Press, be stamped each page with the Superintendent's office stamp before being stocked in his record-room and the number of volumes received should be noted in the stock-book of registers and forms (Manual Miscellaneous Form No. 33-R). Care must be taken to see that no pages have been abstracted. Blank volumes of diaries must be kept in safe custody.

The general and case diaries should be maintained in the following manner:

- (i) The issue register of the record-room should show the serial number and year of print of the revised volume issued to a police station or outpost.

- (ii) The name of the district, and of the police station or outpost to which a particular volume is issued and the date of issue shall be stamped at each page of diaries at the time of issue.
- (iii) The rubber stamps in use should be kept under lock and key so that they may not be used on blank volumes kept in the record room without the specific orders of the gazetted officer-in-charge of the office who shall be responsible for the safe custody of the rubber stamps.
- (iv) The stock of blank volumes should be physically checked once a month by an officer of the Police Department not below the rank of a gazetted officer and the entries in the register should be initialed by him.
- (v) No volume should be issued without the explicit orders of an officer on the Police Department not below the rank of a gazetted officer. The requisition form for such diaries should require the counter-signature of a gazetted officer before a volume is issued.
- (vi) Each police station is allowed to retain only one spare volume of each diary for use in emergencies. When it is brought into use, an entry to this effect giving the volume number and year of print should be made in the general diary. In case of outposts, no spare copy need be issued.
- (vii) A separate case diary volume should be issued to each investigating officer and in the case of his transfer, he should hand it over to his successor and not in his charge certificate the number of both used and unused pages of the case diary.
- (viii) Circle officers should check, during their casual inspection, that not more than one spare volume of each kind is kept at the police station, and certify that it is not being misused.
- (ix) Circle officers should also ensure that Peshi clerks check that the pages of general diary / case diary are being received by them according to their serial number.
- (x) Overwriting is not permitted in diaries. Not more than one line should be written on each ruled line of the diary. A horizontal line

should always be drawn across any part of a ruled line which remains unused.

- (xi) Whenever any volume of a case diary or general diary with blank pages is deposited in the record-room, each such page must be cancelled under the signature of a gazetted officer so that it may not be used. Such volume containing blank pages should not be retained at police station / outpost unless they are required for cases under trial in Court. In such cases, these volumes must be produced before the circle officer who will cancel the unused pages of case / general diaries as the case may be.

292. Numbering on G.D. and C.D. and a note on last page showing the number of pages.- Before blank volumes of general and case diaries (Police Form No. 217 and 342) leave the Superintendent's office for distribution, the pages must be carefully counted to see that there are no mistakes in numbering on the part of the Government Central Press, and at the beginning and end of each volume, a note must be made showing the number of pages contained therein and any mistakes in numbering that have been found. This entry must be signed by the Superintendent of Police or other gazetted officer.

293. Index of case diary.- When volume of the case diary is brought into use Form No. 280 should be prefixed to it as an index.

294. Method for writing General Diary.- The general diary (Police Form No. 217) shall be written in duplicate under the superintendence of the officer-in-charge of the station, who is responsible for the entries made in it and must sign it daily. The "officer-in-charge" includes the officer in temporary charge under Section 2 of the Code of Criminal Procedure, 1972 (2 of 197). The duplicate copy will remain in the police station, the original being sent to the Superintendent or Assistant or Deputy Superintendent-in-charge of the subdivision. The diary should be a complete but brief record of the proceedings of the police, and of occurrences reported to them or of which they have obtained information. With the exceptions specified in the following paragraph, details

contained in a first information report, case diary, or separate report need not be repeated in the general diary.

295. Recording of matters in General Diary.- The following matters must be recorded in general diary :

- (1) Report of the morning parade with a note of the cause of absence of any officer or man.
- (2) Verification of cash balance and inspection of *malkhana* by the officer-in-charge.
- (3) Distribution of daily duties and grant of casual leave,
- (4) Departure and return of police officers on and from duty, transfer or leave.
- (5) Reports of the performance of all duties e.g., beat duty, process-serving, inspection and investigation.
- (6) Transfer of charge of the police station or of the head moharrir's duties.
- (7) Postings and relief of sentries when under paragraph 59 they have to be posted and relieved by a sub-inspector or head constable.
- (8) Receipt and disbursement of cash.
- (9) The fact that the police have taken possession of any property together with brief details of such property and of the action taken to dispose it of.
- (10) Arrests made at the police station.
- (11) The arrival or departure of prisoners with a statement, in the case of departing prisoners, of the reasons for imposing or not imposing handcuffs.
- (12) admission of prisoners to bail at the station.
- (13) Reports of offences, with number of check receipt)Form No. 341 or 347), distance and direction from the station of the village from which the offence is reported; and, in the case of cognizable offences the number of offences reported; and, in the case of cognizable offences the number of offences reported from that village up-to-date during the year.

- (14) Reports of all occurrences which under the law have to be reported or which may require action on the part of the police or the magistracy, or of which the district authorities ought to be informed.
- (15) Action taken on reports.
- (16) Details of papers received and despatched.
- (17) Inspections of the station by gazetted officers and inspectors.
- (18) On the 1st and 16th of every month a list of outstanding references and orders.
- (19) On the 1st and 16th of every month a statement of all property taken possession of by the police and present in the malkhana pending disposal.

296. Entries in General Diary.- During the day, reports of all kinds must be entered immediately on the occurrence of the events to which they refer. During the night, reports of the following events must also be entered immediately :

- (a) All offences and all events which require immediate action on the part of the officer-in-charge.
- (b) Arrival or dispatch of prisoners, money and property.
- (c) Posting and relief of sentries when carried out by an officer under paragraph 59.

297. Closing of General Diary.- Unless the Superintendent prescribes some other time to fit in better with the post or other method of dispatch, the generally diary should be closed for each day at sunset, and entries made during the night will form part of the diary of the following day.

298. Any entry in the G.D. coming to the notice of D.M., S.P. may send the diary in original to D.M.- Whenever any entry in the general diary should be brought to the notice of the District or Sub-Divisional Magistrate, the Superintendent may send either the diary in original, or a copy of the entry.

299. Procedure for production of G.D. before Court.- I. When a summons to produce a police diary is served upon a Superintendent of Police or

a police officer subordinate to him by a Court or an application for production of such a diary is received from a Court in any case not covered by Section 172 of the Code of Criminal Procedure, the Superintendent of Police shall permit diary to be produced and inspected by the Court and allow evidence derived from it to be given unless its disclosure would in his opinion be detrimental to the public interests, or other valid reasons exist for withholding the same.

II. (a) In respect of documents emanating (1) from a higher authority, viz., the Governor, the Secretary of State for India, the Government of India, or the Provincial Government, or which have formed the subject of correspondence with such higher authority, or (2) from other Governments, whether foreign or dominion, the Superintendent of Police should obtain the consent of the Government of India, or the State Government, as the case may be, through the usual official channel before agreeing to produce documents in Court or allowing evidence based on them, unless the papers are intended for publication, or are of a purely formal or routine nature, when a reference to higher authority may be dispensed with.

(b) In the case of paper other than those specified in Rules I and II (a) above, the Superintendent of Police should not allow production of the correspondence if it relates to matters which are generally regarded as confidential, or disclosure of which would in his opinion be detrimental to the public interest or to matters which are in dispute in some other connection or have given rise to a controversy between Government and some other party.

III. (i) In case of doubt in regard to the documents mentioned in Rules I and II above, the Superintendent of Police should invariably refer to the Inspector-General of Police for orders. If it is considered that permission to produce a document should be withheld, the Superintendent of Police will either appear in Court himself with the documents concerned and claim the privilege allowed by Section 123 or Section 124 of the Evidence Act or he will issue an order in the form noted below which must be produced by the Government servant who is directed to attend the Court as a witness with such documents at the time of giving evidence and he should explain that he is not at liberty to produce the documents before the Court or to give any evidence derived from

them. He should, however, take with him the papers which he has been summoned to produce.

(ii) The Superintendent of Police should abstain from entering into correspondence with the presiding officer of the Court concerned in regard to the grounds on which the documents have been called for. He should obey the Court's orders and should appear personally or arrange for the appearance of another officer in the Court concerned with the documents and act as indicated in sub-rule (1) above and produce the necessary certificate if he claims privilege.

FORM OF ORDER

Summons from the Court of the for the production atof the office files relating to the

(a) I direct..... To appear with the files mentioned in the summons and claim privilege for them under Sections 123 or 124 of the Evidence Act.

(b) I withhold permission to give any evidence from the files for which privilege is claimed under the order.

It should be represented to the Court that these files contain.....
Relating to officers of State unpublished official record..... [confidential matters the disclosure of which would be against public interest]

for the purpose of Sections 123/124 of the Evidence Act [and that in view of the provision of Section 162 of that Act the files are not open to the inspection of the Court].

Superintendent of Police

..... Dated the

300. Identity of sources and agents will be confidential.- It is universally recognized as fundamental principle of police procedure that the identity of sources and agents who supply secret information should be known only to the officers who employ them and to such other officers as the head of the Police Force may determine and that every precaution should be taken to protect the secrecy of confidential records and documents.

No members of the Police Force, therefore, shall disclose or be required to disclose to persons within or without the Force the source from which or the channel through which such secret information is received except under the special or general orders of the Inspector-General of Police.

No member of the Police Force shall transit any person outside the Force any confidential records or document or information derived from such document except under the special or general orders of the Inspector-General of Police.

When it is necessary to transit secret information to persons outside the Force the greatest care must be taken to avoid the possibility of exposure of the source from which or the channel through which such secret information has been received. Reports must be summarized or paraphrased and an original report or a copy of an original report shall on no account be transmitted.

Note.- The disclosure or communication of secret information relating to the operations of persons committing or conspiring, preparing or attempting to commit such crime as mentioned in sub-section (1) of section 58 of the Government of India Act, 1935, is governed by such rules and orders as the Governor may issue in exercise of the power conferred on him by Section 58 of the above Act.

CHAPTER XXIII

ACCOUNTS KEPT AT POLICE STATION

301. Entry of received and disbursed amount in cash book of police station.- All amounts received and disbursed shall be entered immediately at the station in the cash book, Form No. 224. At the end of the month, details of the balances in hand should be shown.

302. The description of cash received in police station should be entered in G.D. by head constable station writer.- On receipt of cash, the head constable, station writer will enter in the general diary the hour of its arrival and the amounts disbursed on date, the balance in hand and reasons for the whole sum not being paid away; all subsequent amounts disbursed shall be entered in the diary at the time they are paid.

(a) All entries concerning cash, both in the cash-book and general diary must be checked by the station officer as soon as they are made or, if made during his absence as soon as he returns to the station, when he must sign the cash-book after scrutiny and check all transactions which have occurred during his absence.

303. Keeping of undisbursed balance.- The undisbursed balance will be kept in a strong-box under lock and key, and will be verified daily by the officer-in-charge of the station. The box will be placed where the sentry can see it; it should be attached to a post or to the ground by a chain. The key will be kept by the senior officer present at the station.

304. The receipt and expenditure of postage service should be shown in the cash book.- The receipt and expenditure of postage service, labels and postcards should be shown in the cash-book as if they were money.

305. Permanent advance for various works.- Officers-in-charge of police stations and reserve inspectors receive from the Superintendent of Police a permanent advance to meet the following expenses which are debitable to the budget allotments noted against each :

SL. NO.	NAME OF CHARGE	TO BE MET FROM THE ALLOTMENT UNDER THE HEAD
1.	Transport of dead bodies (both of persons and animals), wounded and accused-persons, vagrants and lunatics, criminal and non-criminal	
2.	Carriage between police station and Courts of the property of accused-person (including those sent for trial by the Excise Department)	33- Police-Non Plan – B – District Executive Force-Contract-Contingencies-Transport charges of dead bodies, wounded and Accused-persons
3.	Charges for carrying poor Persons to hospital	
4.	Carriage of unclaimed property from police station to Courts	
5.	Conveyance hire of accused Persons arrested by sergeants.	
6.	Post-mortem charges, (Wages of sweepers who attend to	)23-Police-Non Plan-B-District Executive Force-Contract-

	corposes) and Miscellaneous mortuary charges.	)Contingencies-Transport charges of)dead bodies, wounded and accused)persons))))) (
7.	Carriage of property sent by Courts to the malkhana after decision of cases.	
8.	Diet expenses of messengers sent by Sarpanch to the police station to report the occurrence of death in which foul play is suspected.	
9.	Dieting of wounded persons in police cases.	19-General Administration – District Administration – General Establishment. Is under the control of the Inspector-General of Police. Superintendent of Police should make the necessary payments and draw bills on the Pay and Accounts Officer, Land Revenue and General Administration Department, Allahabad
10.	Lighting, Punkha, coolies, sweeper's charges in case of an European in police custody	)22- Jails and convicts Settlements-)Charges for police custody. Is under)the control of the Inspector-General)of Police.)
11.	Dieting charges of accused persons	
12.	Pay of waterman engaged for the supply of water to prisoner in undertrial Havalats.	)Superintendent of police should)make the necessary payments and)draw bills on the Pay and Accounts)Officer, Jails, Medical and Public)Health Departments, Lucknow
13.	Dieting charges of criminal lunatics	
14.	Dieting charges of non-criminal lunatics	29- General Administration – District Administration – General Establishments – Dieting and guarding charges of non-criminal lunatics. Is under the control of the Inspector-General of Police. Superintendent of Police should make the necessary payments and draw bills on the Pay and Accounts Officer, Land Revenue and General Administration Department, Allahabad

15.	Burial or cremation of dead bodies of pauper patients in hospital	47-Miscellaneous – Donation for charitable purposes – Burial of paupers – District Officer
16.	Burial or cremation of unclaimed bodies throughout the district	District Judge
17.	Charges on account of transporting intestate property between police station and Courts	23 – Police – Non-Plan – B – D.E.F. (a) District Police contingencies Travelling allowance or railway fare and carriage of police escorts.
18.	Cost of fares of officers and men sent on duty by train	
19.	Diet and travelling allowances of witnesses summon in public investigations and executive inquiries	23-Police – Non – Plan – B – D.E.F. Allowances and Honoraria – Diet and travelling allowance to witnesses and other miscellaneous charges.

Note. – “Generally case property is returned to the owner by the Court soon after the disposal of the case or of the appeal. If the owner is not present in Court or is unable to come to the Court *malkhana* to receive the property, there is ordinarily no obligation on Government to restore the property to the owner at his residence, because it is not from his possession that property which has been the subject of an offence is seized by the police. The owner having lost the property should not expect to the Police who trace it out for him also to undertake the expense of delivery it to him. In exceptional cases, however, Government might undertake the expense of delivering the property at the residence of the owner and the transport charges in any such case should, in accordance with Article 30 of the Account Code, Volume I, be debited to the Police Budget under the head “23 – B.D.E.F. – (a) District Police – 5 Contingencies Miscellaneous.”

306. The book of cheques.- A book of cheques in Form No. 11 shall be kept under lock and key at each police station. The Superintendent’s office seal shall be impressed on each page both original and duplicate, before a cheque book is issued to a police station. To recoup the permanent advance a separate cheque for each class of charges as detailed in the preceding paragraph except item 18

for instructions regarding which *see* paragraph 206 (d). Office Manual, should be sent to headquarters by a police officer. On arriving at headquarters the police officer will take the cheque to the public prosecutor who, after checking it with the papers in the case, will endorse on it the date of the officer's arrival at headquarters, the amount to be paid, the name of the officer who is to receive payment, and will sign the endorsement. He will also make an entry for the cheque in a register which he will maintain for that purpose. This register will be kept up by police stations and will show the number and date of every cheque, the date of its presentation, the purpose for which payment is demanded, the person to whom is to be made, the amount to be paid, and the signature or seal of the bearer of the cheque. The cheque (unless it is for recoupment charges connected with interest property) shall next be laid before the Superintendent of Police for orders of payment, and shall then be taken by the police officer who brought it to the accountant, who will pay the amount from the permanent advance of the district making an entry in his contingent register and taking the payee's receipt in the ordinary way. The accountant may pay only to the police officer whose name is on the cheque, and the officer will take the money to the police station. In the case of prisoners, corpses, etc. sent to places other than headquarters, the police officer of the Court to which they are sent, or if they are not sent to a Court, the officer-in-charge of the police station at their distinction, shall record on the back of the cheque the date of receipt, the amount due, the name of the police officer-in-charge and his signature. He shall then send the cheque to the public prosecutor who will make an entry for it in his register and pass it on to the Superintendent's office for recoupment and remittance to the dispatching police station.

The procedure in the case of cheques relating to charges connected with intestate property will be the same except that instead of being laid before the Superintendent of Police they will, after endorsement by the public prosecutor and entry in his register, be presented for payment at the Court of the District Judge.

Note.- The book of cheques in form No.11 is also known as chik khurak.

307. Submission of cheques issued by S.O. – On the 1st of each month each officer-in-charge of a station shall submit to the Superintendent a memorandum in Form No. 198 of the cheques issued by him in the previous month. The Superintendent or an officer not below the rank of inspector shall check this memorandum with the public prosecutor register.

This rule and those in paragraphs 305 and 306 apply to the Government Railway Police insofar as (expenditure may be incurred under any of the heads mentioned in paragraph 305. The permanent advance will be recouped from or through the Superintendent of Police of the district within which the railway police station is situated, except in the case of particular railway police station for which own to their situation special orders are issued, the monthly memorandum prescribed above will be forwarded by the railway police station officer to the Superintendent of Police from or through whom recoupment is effected.

308. Maintenance of accounts in Reserve lines.- In the reserve lines accounts shall be kept in the same manner as prescribed above for police stations, the reserve inspector performing the duties of the officer-in-charge of a station and the lines Moharrir the duties of those of the head constable station writer. He will hold a permanent advance to meet the expenses of the kind enumerated in paragraph 305 and will discharge the duties assigned to the station officer in paragraphs 306 and 307. He will keep the book of cheques (Police Form Nos. 304 and 320) under lock and key and will recoup his permanent advance by means of cheques which he will send to the public prosecutor for check and endorsement. Payment will be made exactly as laid down in paragraph 306. The monthly memorandum in Form 198 prescribed in paragraph 307 must be submitted to the Superintendent by the Reserve Inspector.

CHAPTER XXIV

INDIAN STATES

Note.- This chapter consist para 309 to para 321, which was deleted from the Police Regulation.

CHAPTER XXV

REPORTING AND REGISTRATION OF BIRTHS AND DEATHS

322. Registration of births and deaths.- In areas falling outside the limits of a municipality, a notified area, a town area or a cantonment it shall be the duty of a village chaukidar to report to the President or, in his absence, to the Vice-President or the Secretary of the Gaon Sabha every birth or death, occurring in the area assigned to the Panchayat at the earliest opportunity. If the deceased was Government pensioner or a non-commissioned officer or private of the Indian Army on leave or a foreigner, the chaukidar shall immediately report the death to his station officer also.

323. [Omitted]

324. [Omitted]

325. Reports of death or disappearance of a pensioner should be entered in the general diary.- The Officer-in-charge of a station, whether within or outside municipal limits, on receiving a report of the death or disappearance of a pensioner, shall enter the report in the general diary and shall report the fact, without delay, to the Tahsildar who will take steps to verify it.

326. On receiving information regarding the death of any Indian non-commissioned officer, S.O. shall immediately report to S.P.- The Officer-in-charge of a police station, on receiving information from a chaukidar or constable regarding the death of any Indian non-commissioned officer or private of the Indian Army while on leave shall immediately report the fact to the Superintendent of Police of his district. Such information shall be communicated without delay by the Superintendent of Police through the District Magistrate to the Officer commanding the regiment to which the deceased belonged. Any official papers given by the relatives of the deceased shall be forwarded at the same time.

327. On receiving information regarding the death of a foreigner, the S.O. shall immediately report to S.P.- On receipt of information of the death of a foreigner, the Section Officer shall ascertain full particulars of the deceased,

the cause of his death and his nationality and shall submit his report immediately to the Superintendent of Police who will pass this information on the Criminal Investigation Department. The Superintendent of Police should try to recover the deceased's identity documents and registration papers and obtain full particulars of the deceased's property and next-of-kin and pass on those documents and this information also to the Criminal Investigation Department.

CHAPTER XXVI

DIRECTION FOR THE GUIDANCE OF POLICE OFFICERS IN TIME OF FAMINE

328. Direction for guidance of police officers in the time of famine.-

When the Collector opens rest works and poor-houses at the beginning of a famine, he will send to the Superintendent of Police for distribution of every police station in the affected tracts a sum of money as famine imprest for the relief of wanderers in distress. The officer-in-charge of each police station will recoup his advance from the balance which the Superintendent of Police will retain in his reserve and the Superintendent of Police will recoup his imprest from Collector. The Officer-in-charge of the station will instruct the chaukidars of his circle to direct or conduct all starving wanderers whom they meet to the nearest place of relief (poor-houses, relief work, or police station, as the case may be). A system of patrols by beat constables should also be organized to search for starving wanderers in likely places, such as trunk and district roads, temporary rest-houses and *sarais* and the lanes and bye-ways of towns and villages, and to send them to the nearest place of relief. No compulsion should be exercised by constables or chaukidars. If the wanderer refuses to go to a place of relief, he must be left alone. If he is too weak to walk, he should be assisted or carried: the cost of conveyance and of food on the way may be paid out of the famine imprest, and may be incurred in urgent cases by any constable or chaukidar without reference to the officer-in-charge of the police station.

329. Duty of police officer when a wanderer in distress comes or is brought to a police station.- When a wanderer in distress comes or is brought

to a police station, he should be fed, if in need of food and directed or conducted to the nearest poor-house or relief work. If he refuses to go to place of relief though able to walk, he should not be fed as wanderer, must not be encouraged to travel about getting his food from police station and avoiding poor-houses. If the person is fit for work, he should go to a relief work, if he is too weak, he should go to a poor-house. The cost of conveyance to a poor-house may be paid out of the imprest if the wanderer is too feeble to walk. The food given at the police station should be such as the officer-in-charge considers suitable to the condition of the wanderer. Weak persons should receive something that is easily digested. Persons who are well enough to look after themselves may be given food or money to purchase food as seems best. The cost of food or cash payment in lieu thereof will not exceed the dependent's allowance prescribed in paragraph 128(a) of the Revised Famine Code, U.P., 1912.

330. Every S.O. of a police station should send weekly report to S.P. in form E- VI.- Every officer-in-charge of a police station should send to the Superintendent a weekly abstract in Form NO. E VI. Copies of this form printed on orange paper will be obtained from the Government Central press or Superintendent of Police, who will distribute them to stations. Any expenditure incurred on cost of conveyance should be shown separately. The statement must be dispatched in the time to reach headquarter on Sunday. The Superintendent will submit an account to the Collector in the same form so as to reach him on Monday morning, and will make remittance to police stations to recoup the imprest. If the imprest is exhausted before the arrival of the remittance, the officer-in-charge should immediately report the fact, and in anticipation of a remittance should spend money from any other sum under his control. With the abstract in Form No. E VI the officer-in-charge of the station should send a list showing the names and residences of all men, women and children relieved and the sum spent on each. If no body has been relieved a report should be send that the abstract is blank.

331. Police may be employed in guarding treasure chest on relief.- If the Collector sees fit, police may be employed in guarding treasure chest on relief

works or in keeping order there, but will not, as a rule, be employed in the latter way. Police must not be used as patrols to enforce conservancy agreements.

332. Money received from collector should be disbursed promptly.- If the money is received from the Collector or under his order for distribution to persons entrusted with village relief, it should be kept for the recipients and disbursed to them as soon as they arrive. If money is sent in this way, instructions as to the receipts to be taken and the accounts to be kept, will be issued.

333. Unclaimed bodies should be burnt or buried by the police according to the religion of the deceased.- Unclaimed bodies should be burnt or buried by the police according to the religion of the deceased. The expenditure will be met from the permanent advance of the station granted for the transport of wounded and accused-persons etc., and not from the famine imprest.

334. If famine relief seriously increases the duties of the police S.O. may apply to S.P. for extra force.- If famine relief seriously increases the duties of the police at any station the officer-in-charge may apply to the Superintendent for an increase of staff.

335. Balance money of relief operations should be deposited in treasury.- When relief operations, have been closed the officer-in-charge of the station will refund the balance of the famine imprest by paying it into sub-treasury or to the Superintendent of Police.

336. Periodical reports should be submitted from police station to S.P. – Periodical reports should be submitted from police station to the Superintendent on the dates prescribed by him, concerning –

- (1) any increase in crime attributable to a general rise in prices or scarcity of food.
- (2) any wandering of needy, starving persons;
- (3) any emigration from or immigration to the police circle;
- (4) any unusual increase of mortality;
- (5) any cases of starvation or severe want;

(6) any decline in the above symptoms of scarcity.

The Superintendent of Police will submit similar reports for the whole area under his charge periodically to the District Magistrate.

337. S.O. should assist the officer-in-charge of famine relief.- The officer-in-charge of a police station will report any important fact connected with famine administration or the growth or decline or distress which he thinks that the district authorities ought to know and do not know. He should also assist the officer-in-charge of famine relief by spreading information in his circle as to the site of relief works and poor-house, by encouraging the people and preventing scares, and by explaining and justifying the principles on which relief is being administered.

CHAPTER XXVII

DUTIES UNDER SPECIAL ACTS AND RULES

338. A list of Acts or portion of Acts should be kept in police office and S.P. office.- There should be in the office of the Superintendent of Police and at each police station a list of the Acts or portions of Acts which concern the police and extend to the whole or part of the district or station, but are not in force throughout the province.

The boundaries of the place to which any Act or portion of an Act extends should be stated in the list, if the Act or portion of the Act does not apply to the whole of the district or station.

339. If European deserter is arrested, he must be taken before a Justice of the peace.- When an European deserter from the Army, Navy, Air Force or Indian Marine Service is arrested, he must be taken before a Justice of the Peace, who should be asked to prepare and sign the descriptive return in the form laid down in Fourth Schedule of the Army Act, as required by Section 163 (i) thereof. The descriptive return should be sent to the Officer Commanding the Military district or station in which the Court is situated. An Indian deserter must be taken before a first class Magistrate.

If the corps from which the man is believed to have deserted be quartered at the place of capture, or in the immediate vicinity of it, he shall not sent by the Magistrate direct to that corps. If the corps be quartered at a distance, he shall be made over to the nearest Officer Commanding a station.

340. When a person subject to military law deserts the officer commanding will immediately inform to local and railway police.- When a person subject to military law deserts the Officer Commanding the corps to which he belongs will immediately inform the local and railway police. On receipt of such information the Superintendent will take such action as may be expedient.

341. Reward for apprehension of deserter.- A reward of Rs.5 will be granted for the apprehension of any of the following classes who is a deserter or is absent without leave (other than an individual who surrenders himself).

Combatants including reservists.

Non-combatant (enrolled) personnel.

Men of the Indian Hospital Corps.

(See Pay and Allowance Regulations for the Army in India, 1938 edition, Part II, paragraph 233).

If the deserter is apprehended as a result of information given by a third party, one-half the sanctioned reward shall be paid to the individual who furnished the information.

342. Procedure, when a deserter is apprehended by the police.- When a deserter is apprehended by the police, the Superintendent of Police should notify his Commanding Officer of his apprehension, and at the same time furnish the Commanding Officer with the name and address in full of the persons to whom the reward is payable. As soon as the deserter reaches his unit in charge of the escort the Commanding Officer will at once remit the reward by money order direct to the person entitled to it, whose money order acknowledgement will be accepted by the audit authorities as sufficient voucher for the amount paid as a reward and for the money order fee.

The police officer or man to whom the reward is due should inform the officer of the Superintendent of Police when he receives the amount of the reward

in order that any delay in payment be referred to the Officer Commanding the Unit concerned.

Officer Commanding Units, etc. will ensure that there is no delay in remitting amounts due on account of rewards for the apprehension of Army deserters and that such amounts are remitted immediately a deserter rejoins the unit. Officer Commanding Units, operating an imprest amount will pay such amounts from their imprest. In case where, owing to non-availability of ready money, the necessary remittances cannot be made immediately a deserter rejoins the unit, Officer Commanding Units may authorize the police authority concerned to make payment from the police funds according to Indian Army Order No. 2095/44, published under Notification No. VI/56-43, dated December 8, 1944 at pages 253 and 254 of the *Police Gazette*, dated December 13, 1944. The amounts so paid from the police funds should subsequently be debited to the Controller of Military Accounts concerned.

343. When deserter is made over to military authorities by police a form of certificate u/s 91-A is sent to the police for completion.- When, after a deserter has been arrested by the police and made over to the military authorities, a form of certificate under Section 91-A of the Indian Army Act of 1911 is sent to the police for completion, it must be completed and signed by an officer not below the rank of an officer-in-charge of a police station. If signed by an officer of lower rank, it will be wholly invalid in evidence at the court-martial which tries the deserter.

344. Deserters from the forces should not be surrendered to the Durbar.- Deserters from the forces, or from any unit of the forces, of an Indian State should not be surrendered to the Durbar, unless desertion from the forces of such State or from the particular unit concerned has been specified by notification in the *Gazette of India* as an extraditable offence under the First Schedule of the Indian Extradition Act (XV of 1903). Un-extraditable deserters, if enlisted in the police should be dismissed unless their retention in the force is sanctioned by the Deputy Inspector-General of Police.

345. Rules regarding emigration.- The rules regarding emigration beyond the limits of British India are contained in the Manual of Government Orders.

346. Under Indian Factories Act, notice of an accident resulting in death must be sent by the factory authorities to S.O.- The rules under the Indian Factories Act, 1948 (LXIII of 1948) will be found in the Manual of Government Orders. Under these rules, notice of an accident resulting in death must be sent by the factory authorities by telegraph, telephone or special messenger, to the officer-in-charge of the station of the area in which the factory is situated, within one hour of the death occurring on the premises or being known to have occurred elsewhere. If the notice is sent by telegraph or telephone, it must be confirmed by written report in the prescribed Form E. On receiving such notice the station officer should act as laid down in Chapter XII of these Regulations. Notices of accidents not resulting in death need not be sent to the police. If any such notice is received, no action should be taken by the police without a Magistrate's order unless there is reason to suspect that a cognizable offence has been committed. In such cases, the report should be forwarded through the Superintendent of Police to the Magistrate.

347. Commissioner of the division empowered to make rules under the Ferries Act.- The Commissioner of the division is the authority empowered to make rules under the Ferries Act (XVII of 1878). The Superintendent should study rules, and bring to the notice of officer-in-charge of police station the provisions requiring attention of the police. Sufficient police should always be stationed at ferries throughout the period during which large crowds may be expected on the occasions of fairs, in order to prevent overcrowding of boats.

348. Rules made under the Fisheries Act.- The rules made under the Fisheries Act (IV of 1897) are contained in the Manual of Government Orders.

349. S.P. should bring to the notice of S.O. about local forest rules.- The Superintendent of Police should bring to the notice of officers-in-charge of stations any local forest rules requiring their attention.

350. Execution of warrants u/s 5 of the Public Gambling Act.- Under Section 5 of the Public Gambling Act (III of 1867), the Local Government has authorized inspectors and officer-in-charge of police station not below the rank of sub-inspector to execute warrants issued under that section.

351. Permission to play games in public.- Permission to play games in public should never be granted (*see* Manual of Government Orders),

352. Application of Glanders and Farcy Act.- The Glanders and Farcy Act (XIII of 1899) has been applied to the whole of Uttar Pradesh. Superintendent of Police have been empowered under Section 4 of the Act to exercise and perform within their district the powers conferred and the duties imposed by the Act on inspectors appointed under the Act (*see* Manual of Government Orders).

353. Police are required to give information to Municipal boards of offence against the Act.- Under Section 317 of the U.P. Municipalities Act of 1916, the Police are required to give information to municipal boards of offence against the Act or against any of the Acts referred to in Clause (b) of sub-section (1) of Section 144 of the Act or against any rule made under any of the said Acts, and are also bound to assist all members, officers and servants of boards in the exercise of their lawful authority. Superintendent of Police should see that all police stations having jurisdiction within municipal limits are supplied with copies of all Acts and rules with reference to which the police have duties under this section.

The information which the police are required to furnish under Section 317 is to enable municipalities to take action for realization of fines under Section 114, and the fact that the police are required to furnish this information does not imply that any action which they are legally empowered to take independently under any of the Acts in question, should be taken through the municipal authorities.

354. The register of persons resorting to *sarai*.- The register of persons resorting to a *sarai* prescribed by Section 8 of the Sarais Act (XXII of 1867) need be prepared only if the District Magistrate directs. If such a register is ordered to be maintained, a book of blank Forms (No. 265) must be furnished to the *sarai*-keeper by the Superintendent.

355. Rules regarding stage carriages.- The rules regarding stage carriages are contained in the Manual of Government Orders.

356. Rules regarding treasure trove.- The rules regarding treasures trove are contained in the Manual of Government Orders.

357. S.P. required to give immediate information to D.M. of any case of a serious nature in which soldiers are believed to have been concerned.- According to rules contained in the Manual of Government Orders, Superintendent of Police are required to give immediate information to the District Magistrate of any case of a serious nature in which soldiers are believed to have been concerned. Such cases must be specially reported under paragraph 101 of these Regulations and paragraph 67 of the Office Manual. For the orders regarding the prosecution, trial and investigation of cases in which soldiers are concerned, (*see* the Manual of Government Orders) and paragraph 125 of these Regulations. The procedure prescribed in the Manual of Government Orders should be followed so far as possible in all cases in which conflicts between Europeans and Indians occur or in which Indians are shot or wounded by Europeans.

358. Rules prescribing the duties of police at fairs.- The rules prescribing the duties of police at fairs are contained in the Manual of Government Orders.

359. Police have no authority to make formal inspections of cattle pounds.- The police have no authority to make formal inspections of cattle pounds though they may visit them for purely police purposes.

360. Record of all the great trigonometrical survey stations in districts shall be kept in the office of S.P.- A record of all the Great Trigonometrical Survey stations in districts shall be kept in the office of Superintendent of Police. Village policemen are bound to prevent wilful injury to the stations; they must report any damage to the officer-in-charge of the police station.

A police officer should visit the stations periodically to examine their condition, and report any urgent need of repairs. (See also Manual of Government Orders).

361. Duty of village police to protect ancient structures and preventing unauthorized excavations.- For the duties of village police in protecting ancient structures and preventing unauthorized excavations, see the Manual of Government Orders. The village police are responsible for reporting any attempt at spoilation or the occurrence of anything which is likely to endanger the stability of antiquarian remains above ground and for giving information of any attempt to make unauthorized excavations on the sites of ruined cities or buildings. Valuable archaeological remains should be promptly dealt with under the Treasure Trove Act (VI of 1878) whenever applicable.

362. Rules regarding the escape of prisoners from district or central Jails.- The rules regarding the action to be taken on the escape of prisoners from district or central jails are contained in the U.P. Jail Manual.

Whenever a prisoner escapes from jail, the superintendent of the jail must give immediate notice to the District Magistrate and send descriptive roll of the prisoner, with all information available including the prisoner's place of residence and the reward offered for his re-apprehension, to the following authorities : The Superintendent of Police of the district in which the escape occurs ; The Superintendent of Police of the district in which the prisoner's home is situated ; the police authorities of districts adjoining the above and the Railway Police. He must also at once forward a descriptive roll of the prisoner to the Deputy Inspector-General of Police, Criminal Investigation Department, Lucknow, for publication in the *Criminal Intelligence Gazette* with information

of the reward. All these authorities are again informed by him if the prisoner is recaptured.

It is of greatest importance that the police should immediately watch the prisoner's home to intercept him on his way to see his family.

According to the Jail Manual, the District Magistrate is required to make an investigation into the circumstances of every escape immediately on receiving information of it, but no investigation inside the jail may be made by the police except under the orders of the District Magistrate. District Magistrates are required to allow Superintendents to see the papers of the magisterial inquiries made under this paragraph as these inquiries progress. Superintendents should ask to see these papers and should examine them or have them examined by a gazetted officer with a view to ascertaining immediately any particulars which may be of assistance to the police in effecting re-arrest.

363. The duties of police in respect of excise offences.- The duties of the police in respect of excise offences are referred to in the U.P. Excise Act (IV of 1910), and in the rules contained in the Excise Sections 49, 50, 53 and 54 of the U.P. Excise Act as amended (*see* page 2 of Superintendent to Excise Manual).

364. The powers and duties of police regarding opium and morphia offences.- In regard to opium and morphia offences, the powers and duties of the police are referred to in Sections 23 and 24 of the Opium Act (XIII of 1857) and Sections 14 to 22 of the Opium Act (I of 1878) to be found in the Excise Opium Manual and in Chapter II of that Manual.

365. Excise Inspector and Police Officers both responsible for excise offence.- The appointment of Excise Inspectors has not relieved the police of the duties of detection and prosecution of excise offence. Excise inspectors and police officers are both responsible for the execution of these duties. The former are required not only to make their own inquiries and detect cases themselves, but also to assist and co-operate with the police in cases detected by the police. The police are required to assist excise inspectors in important and difficult cases and in making searches when assistance is asked for.

366. The offence of illicit distillation of spirit cannot be carried on for any length of time.- As a rule, the offence of illicit distillation of spirit cannot be carried on for any length of time without coming to the notice of village headmen, land-holders and chaukidars. In all cases of illicit manufacture of spirit in which the chaukidar within whose beat the illicit spirit or implements have been found, is not himself the informer an inquiry should be made into the conduct of the chaukidar by the Superintendent of Police, and, if there is any reason to believe him guilty of connivance, his dismissal should be recommended to the District Magistrate. If he is found guilty of negligence, he should be severely punished.

367. The Village headman should promptly report to D.M. about the illicit manufacture of any excisable article.- A village headman who fails to give notice of the illicit manufacture of any excisable article or of the illicit cultivation of plants producing intoxicating drugs, immediately such illicit manufacture or cultivation has come to his notice, should be promptly reported to the District Magistrate for prosecution under Section 68 of the Excises Act.

368. Appointment of special police officers.- The appointment of special police officers is regulated by Section 17 to 19 of the Police Act (V of 1861). Such appointments should, as far as possible, be made by voluntary and not compulsory enrolment to meet cases of grave and sudden emergency, and should be cancelled as soon as the emergency ceases to exist. It is justifiable to apply for the appointment of special police officers when an unlawful assembly, serious riot or breach of the peace has taken place or may reasonably be apprehended, and the senior police officer present (not being below the rank of inspector) considers that the police force ordinarily employed for preserving peace and order is not sufficient for its preservation or for the protection of the life and property of the inhabitants of the locality.

Special care should be taken in selecting the persons to be appointed. Influential persons of superior social standing who would be likely to be of real assistance in preserving or restoring order should be chosen in preference to men

of unruly temperament or reputed bad character, and care should be taken to guard against all appearance of making selections with a view to humiliate the persons appointed. In times of excitement, it might occasionally be advisable, however, to enroll the ring-leaders of contentious factions in order to bring them under the restraint which their appointment as special police officers would involve. Every effort should be made to prevent avoidable inconvenience or hardship to special police officers. The law requires that they should do their duty in preserving peace and order and in protecting the persons and property of law-abiding inhabitants of the locality, but they should not be required to do more than is necessary to enable them to perform these duties efficiently. Persons so appointed should be employed in the manner best suited to enable them to exercise their personal influence, and in no circumstances should menial or unreasonable duties be assigned to them. They should, as a rule, be employed on staff and supervising duties and given relative higher rank than others of lower status similarly enrolled.

The requirements in respect of discipline should usually be light, any conditions of the officer which might be regarded by local residents as offensive and unnecessarily irksome should not be insisted on. Special police officers should not ordinarily be required to take part in parades or to salute petty officers, and their attendance at police stations, when necessary, should be so regulated as to avoid causing hardship. As regards uniform, all that is required is that special police officers should wear some distinctive badge, *e.g.* a coloured armlet, and should be provided with a baton or spear as a token of authority and for protection in case of need.

369. Appointment of traffic police.- In certain districts traffic police have been appointed.

In some areas, police mobile squads have been formed to deal with offences under the Motor Vehicle Act. Each of these mobile squads is in charge of an Inspector under the direct control of the Range Deputy Inspector-General of Police.

Certain police officers are appointed as *ex officio* members of Transport Authorities under the Motor Vehicles Act, 1939.

For details of police duties under Motor Vehicles Act, *see* separate pamphlet.

CHAPTER XXVIII MISCELLANEOUS

370. No private sweepers may be employed by the police Department for police lines.- No private sweepers may be employed by the Police Department for police lines or stations the scavenging of which has been undertaken by a municipality under Section 196(a) of the U.P. Municipalities Act of 1916. Where conservancy arrangements are under the control of the Superintendent of Police private sweepers may be employed or conservancy allowance given in accordance with paragraph 136 of the Office Manual.

371. Restriction imposed on government servants in their private affairs.- For the restriction, imposed on government servants in their private affairs, *see* the Government Servant's Conduct Rules and Manual of Government Orders.

372. Police officers may have no private money transactions with police accountants.- Police officers may have no private money transactions with police accountants, nor any members of the subordinate police or clerical staff be employed to maintain the private accounts of gazetted officers. There is, however, no objection to readers of gazetted officers being given small advances to meet casual expenses, *e.g.* for wood-cutting, tent-pitching and clearing camping grounds, or to small sums being left with head clerks and accountants to meet, *e.g.* the cost of expected value payable parcels. For the conditions under which officers may bank with Government treasurer, *see* the Manual of Government Orders.

It is incumbent on every police officer enrolled under Section 7 of the Police Act to give immediate information to the Superintendent of Police under whom he is serving of the fact that his father, mother, father's or mother's sister or brother's wife, sister, sister's husband, son, son's wife, daughter or daughter's husband has taken up trade or employment other than Government service within

the limits of his jurisdiction. On receiving such information, it will be for the Superintendent to consider whether the circumstances justify the transfer of the officer concerned. The general principle should be that police officers should not ordinarily be employed in jurisdiction in which relatives of the degree noted above carry on private trade. The extent to which the Superintendent enforces this principle in particular case will depend on the position in the circle which the officer occupies and on general circumstances, these orders do not in any way modify the application of Rule 15 of the Government Servant's Conduct Rules.

373. Police officers are strictly prohibited from aiding in the supply of labour.- Police officers of all grades are strictly prohibited from aiding in the supply of labour, carriage provisions for any purpose whatsoever, and from interfering under any pretext whatsoever, with the persons or property of any class of the population, otherwise than as required by law.

373A. Members of the police force are strictly forbidden to consume intoxicants during the course of their duty.- Members of the Police Force are strictly forbidden to consume intoxicants during the course of their duty or when they may reasonably be expected to be called upon to perform an official duty. They are strictly warned that any violation or slightest disregard of this will be a cause for disciplinary action including removal of the officer concerned from service.

374. Procedure followed to the defalcation or loss of public money.- For the procedure to be followed in respect to the defalcation or loss of public money or other property in police charge, *see* the Manual of Government Orders as modified by paragraph 82 of the Account Rules in Part I of the Financial Handbook, Volume V.

375. When police officers are going outside the district as detectives, S.P. shall provide them with written credentials.- A Superintendent of Police when sending police officers as detectives outside his district shall invariably provide them with written credentials to be shown on requisition by proper authority.

Parwanas may not be given to informers or amateur detectives who are not enrolled in the Police force.

376. Powers of police to make inquiries regarding the character verification.- The police should make inquiries regarding the character and antecedents of candidates for subordinate posts in the Railway, Postal or other Government departments when asked to do so by the authorities concerned and should complete the verification rolls sent to them for that purpose.

377. Chests of post office may be fixed at police stations.- Post office treasure chests (of iron) may be fixed at police stations and remain in the charge of sentry.

The Cash box containing cash and valuable is placed in the safe which is secured with double locks. The locks are enclosed in leather pouches or wrapped with cloth and they are then wound round with twine and sealed with Post Office date seal over the knots.

The deposit and withdrawal of the Cash box in the safe should be entered in the General Diary of the Police Station concerned wherein the Postal Official should give acquittance for the good outward condition of the safe and the seals on the locks.

378. Maintenance of motor lorries and light vans at district police headquarters.- (i) Motor lorries and light vans maintained at district police headquarters are intended chiefly for the purpose of transporting parties of police officers and men in connection with the suppression or prevention of riots, raids on dacoits and other criminals, escorting important convicts or undertrial prisoners, bringing in dacoits for identification or for use in any circumstances where rapid transport is of importance. They should not be used for ordinary transport when the railway or other cheaper means of conveyance is available.

(ii) Police motor vehicles may be used for transporting members of Police teams for participating in Sports Meets, Tournaments, etc. in such cases only where their use is economical as compared, to travel by rail or otherwise.

379. At least one horse should be provided to all gazetted officers.- All gazetted officers shall provide themselves with at least one horse not less than 14.2 hands high and all circle inspectors and sub-inspector who receive a horse allowance shall provide themselves with suitable horses not less than 14 hands high. The Inspector-General may exempt any Provincial police officer from the necessity of keeping a horse if he is satisfied that the maintenance of a horse is not essential for the proper performance of the officer's duties. The officer so exempted may maintain a motor vehicle instead of a horse. He will not ordinarily be required to refund any grant, whether initial or renewal, which he may have drawn for the purchase and upkeep of a horse and saddlery provided that the grant was actually utilized on the purchase or maintenance of horse and saddlery and provided also that the period during which he so maintains a motor vehicle shall be excluded from the period of seven years prescribed for the horse and saddlery allowance.

380. The hospital establishment is under control of the medical department.- The hospital establishment is under control of the Medical Department and the Superintendent of Police has no powers in connection with the appointment, leave, promotion, punishment and dismissal of the hospital staff. He may, however, make representation in these matters to the Civil Surgeon or through the Inspector-General of Police to the Inspector-General of Civil Hospitals.

The pay of the establishment, except that of the medical officer-in-charge, is drawn and disbursed through the police accountant.

The allotment under head, European medicines (and other hospital requisites) in the police budget is at the disposal of the Inspector-General of Civil Hospitals who distributes it among Civil Surgeons. The cost of quinine purchased for distribution to the police posted to the reserve lines, police stations and outposts, is debitable to this head. Bill debitable to this head should be sent to the Civil Surgeons for payment.

The Superintendent of Police must purchase out of the separate contract head and bazar medicines required by the Civil Surgeon.

While under treatment, no police officer may leave hospital on any pretext except by express permission of the Civil Surgeon or officer in medical charges of the police. Absence from hospital without leave should be dealt with as a breach of discipline. Form Nos. 73, 74, 77, 82 and 302 should be used for patients under treatment.

Of the two hospital orderlies allotted to each hospital, one should be a Brahman and the other Muhammadan. These orderlies are responsible for seeing that no diet other than that prescribed is allowed to reach their charges. The hospital should be visited daily by the reserve inspector or by a gazetted officer and any case neglect or disobedience on the part of the hospital orderlies should be reported to the Civil Surgeon by the Superintendent of Police.

A hospital admittance register must be maintained in three sections, each numbered serially for –

- (1) all armed police, with a sub-section for mounted police;
- (2) all civil police of the district treated at the headquarters police hospital;
- (3) Government railway police, men of other districts, orderly peons and any others not included in (1) and (2).

These places of posting must invariably be given.

381. In writing intention is incumbent on all applicants for medical leave.- It is incumbent on all applicants for medical leave or extension of leaves on medical certificates to apprise the Superintendent of Police in writing of their intention to apply for a medical certificate. Any failure to do so may result in a decision that the medical certificate has been obtained by misrepresentation and may thereby entail serious consequences.

382. Under officers and constables who fall ill when on duty, must apply admission to the district police hospital.- Under officers and constables who fall ill when on duty or who are ill when due to return to duty, must apply for admission to the district police hospital or for treatment at the nearest dispensary, if the police hospital is out of easy reach. The fact of their admission or treatment must be reported to the local Superintendent of Police who unless

they are his own subordinates will take immediate steps to communicate the fact to the Superintendent of Police whose subordinates they are. Officers of higher rank are not compelled to apply for admission to police hospitals, but are not relieved of the responsibility while on leave of intimating their intention of obtaining medical certificate to the Superintendent of Police as prescribed above.

383. Any under officer or constable, who on discharge from a police hospital other than that of his district of posting is recommended leave by the civil surgeon.- Any under-officer or constable, who on discharge from a police hospital other than that of his district of posting is recommended leave by the Civil Surgeon, must return to his district of posting immediately pending orders on his leave application, unless he is excused from doing so, by the Superintendent of Police of the district in which his permission not to return should only be given in very special circumstances.

384. Every officer-in-charge of a police station is responsible for reporting cases of sickness among men under his command.- Every officer-in-charge of a police station, every guard commander and every constable in-charge of an outpost, barrack, escort or other detachment is responsible for reporting cases of sickness among men under his command and for securing their admission to hospital. Action under Chapter XXXI of these Regulations should be taken against any officer found negligent in this respect. For the purpose of proving such negligence, it will be necessary to show that the officer concerned knew, or by the exercise of reasonable vigilance, could have ascertained, that a man subordinate to him was ill.

385. Every head constable or constable suffering from venereal disease must report the fact to his immediate superior.- Every head constable or constable suffering from venereal disease must report the fact to his immediate superior, who will take steps for his prompt admission to the police hospital. Concealment of venereal disease on the part of head constables, or constables is an offence punishable under Section 7 of the Police Act. An officer convicted under this section of the offence of concealing the fact that he has contracted

venereal disease, shall apart from any other punishment which it may be considered necessary to inflict on him, be placed under suspension and detained in hospital until he is discharged as cured or invalid. During such suspension, he will be given a subsistence grant as laid down in the Fundamental Rules 53, Financial Hand-book, Volume II. Part II.

386. A medical history-sheet will be maintained in duplicate for every officer.- A medical history-sheet in the prescribed form will be maintained in duplicate for every officer of and below the rank of Sub-Inspector, one copy being attached to the character roll and the other being retained by the officer himself. When an officer applies for admission to the police hospital, he must take his copy of medical history-sheet with him. When he is discharged from hospital, an entry of the illness from which he has suffered while in hospital, will be made in the history-sheet which will be returned to the Superintendent of Police from the hospital direct. A copy of this entry will then be made in the medical history-sheet attached to the character roll, after which the officer's copy will be returned to him. No leave of extension or leave on medical certificate should ordinarily be granted to any officer or below the rank of sub-inspector, unless he produces his copy of his medical history-sheet on which the medical officer recommending leave has entered his remarks and signature.

387. All police officers of and below the rank of Head Constable are liable to compulsory medical inspection.- All Police officers of and below the rank of Head Constable are liable to compulsory medical inspection and Superintendent of Police will ensure that all such officers under his command are medically inspected not less than once in every calendar year. In districts where whole time Medical Officers are incharge of Police Hospitals, the annual medical examination of these Police Officers will be carried out by such Medical Officer, whereas in other districts the work will be carried out by the Civil Surgeon of the District concerned. In the interior areas of hill districts, this work may, if the Civil Surgeon concerned so authorizes, be conducted by the Medical Officers incharge of the outlying dispensaries. Every officer must bring his medical history-sheet with him for inspection.

388. Police officer and men of other provinces who need hospital treatment may be treated at police hospital of these provinces.- Police officer and men of other provinces who, through illness or for any other reason, need hospital treatment when they are in these provinces on duty or on leave may be treated at police hospitals of these provinces. They may be admitted as indoor patients provided that accommodation is available for them.

[For each indoor patient so admitted to a police hospital of these provinces a charge at the flat rate of annas 7 *per diem* to cover the cost of medical attendances, medicine service and other contingencies, *plus* the actual cost of diet, if any, supplied, shall be recovered from the Government of the province in which the man is serving, through the exchange accounts maintained by the Accountant-General, except in the case of Assam].

The following procedure shall be followed in recovering and adjusting such charges, except in the case of Assam. As soon as possible after discharge of the patient from hospital, the Superintendent of Police of the district in which he has been admitted in hospital, shall intimate to the Superintendent of Police of the district in which he is serving, the name of the patient, his number, rank, dates of admission and discharge, actual cost of diet, if any, supplied, and the total cost incurred, calculated as in the second sub-paragraph above. A copy of this report should at the same time be forwarded to the Accountant-General, Uttar Pradesh, with the request that he should debit the amount to the province concerned through exchange accounts. Direct remittances on account of such charges should not be accepted from Superintendent of Police of other provinces nor should any recovery be made on account of police officers and men of other provinces who receive treatment in police hospitals of these provinces as out-door patients.

In the case of a police officer or man serving Assam, the total cost incurred, calculated as in the second sub-paragraph above, should be recovered from the patient direct. If for any reason, he is unable to make immediate payment the Superintendent of Police of the district in which the man has been admitted to hospital will recover the cost of treatment through the Superintendent of Police of the district in which the man is serving, furnishing all the details given in the

second and third sub-paragraphs above. The cost when recovered, should be credited to the head 'XIX – Police – Miscellaneous'.

389. The S.P. may re-allocate the non-gazetted provincial police force of the district temporarily to meet sudden emergencies.- The Superintendent of Police may re-allocate the non-gazetted provincial police force of the district temporarily to meet sudden emergencies. Every proposal for permanent re-allocation must be reported through the District Magistrate for the orders of the Inspector-General, who may re-allocate the force in a district or among districts without applying for, the sanction of Government, provided that he does not depart from the provincial scale of establishment.

The Officer commanding the station must be consulted before any proposal relating to the strength of the cantonment police is submitted by the Superintendent of Police.

390. Re-allocation of rural police.- Rural police may be re-allocated within the district with the sanction of the District Magistrate.

391. Power of DIG (range) to increase police force of one of his districts temporarily.- The Deputy Inspector-General of a range is empowered to increase the police force of one of his districts temporarily for such purposes as fairs and operations against dacoits, by moving police not above the rank of inspector from other districts. Superintendents of Police should address applications for extra police (Armed or Civil) to the Deputy Inspector-General of the range. Long notice should be given in the case of periodical requirements for annual fairs or assemblages in which large forces of police are habitually employed.

392. The number and scale of sanctioned fixed guards are shown in the police allocation.- In every district, the number and scale of sanctioned fixed guards are shown in the police allocation and must not be varied.

393. Reader of the S.P.- A sub-inspector has been allowed to every district as a reader for the Superintendent of Police; the post of reader to the Superintendent should always be held by a sub-inspector.

394. Police Training School, Sitapur set for training of under-officers.- A Police Training School has been formed at Sitapur for the purpose of training constables for promotion to the rank of under-officer.

395. The information of a body of military police has been sanctioned by the provincial Government.- The information of a body of Military Police has been sanctioned by the Provincial Government. The headquarters depot and training centre are at Sitapur. Companies are posted to convenient centre. It has the following ancillary services :

- (a) Wireless section
- (b) Tear Smoke section
- (c) Motor Transport section with workshops, where drivers are trained and vehicles are repaired.

PART III

INTERNAL ADMINISTRATION

CHAPER XXIX

APPOINTMENT

396. Bodies of the police force.- The Police Force consists of the following bodies :

1. Provincial Police, Civil Appointed and enrolled under Act V of
Armed and Mounted 1861
2. Government Railway Police
3. Village chaukidars Appointed in Agra under Act XVI
of 1873 and in Oudh under Act
XVII of 1876. Not enrolled under
Act V of 1861.

397. Gazetted officers of the police force.- The gazetted officers of the Force are –

1. Inspector-General
2. Deputy Inspector-General
3. Superintendents
4. Assistant Superintendents
5. Deputy Superintendents

398. The non-gazetted officers of the police force.- The non-gazetted officers of the Force are –

1. Inspectors
2. Sub-Inspectors
3. Head Constables
4. Constables

399. Appointment of S.P. and officers of higher rank.- Superintendents and officers of higher rank are appointed by the Governor in Council.

400. Appointment for probation of Assistant Superintendents.- Assistant Superintendents are ordinarily appointed on probation by Government of India on the result of competitive examination held in India. They are confirmed by the Governor in Council (*see* Chapter XXXV)

401. Appointment of Deputy Superintendents.-The rules regulating the appointment (whether by direct recruitment or by promotion from the rank of Inspector) of Deputy Superintendents of Police, are contained in Government notification No. O-337/II-444-40, dated 4th May, 1942.

402. Rules for salary of directly recruited Deputy Superintendents.- Directly recruited Deputy Superintendents of Police on first appoint will receive Rs.220 per mensem. Subject to the rules regarding departmental examination and confirmation they will be entitled to increments in accordance with the time-scale of pay at the time being in force. The pay of Deputy Superintendents

appointed by promotion will on their first appointment depend on their pay as inspectors at the time of promotion and will be fixed according to the Fundamental Rules.

403. Appointment to the rank of Reserve Inspector.- Appointment to the rank of reserve inspector are ordinarily made by Deputy Inspector-General by the promotion of selected sub-inspectors (*see* Chapter XXX).

Appointment to the rank of prosecuting and circle inspectors are made by Deputy Inspector-General by the promotion of sub-Inspectors selected by committee convened by the Inspector-General (*see* Chapter XXX).

All inspectors will remain on probation for two years from the date they are appointed substantively.

404. Rules regarding British army reservists.- British army reservists on being discharged from the police force, during or at the end of their period of two years' probation, should apply to the nearest military authority if they desire to be repatriated.

405. [Omitted]

406. Civil, armed and mounted police.- (a) *Civil Police.-* Sub-Inspectors, Civil Police, are appointed by Deputy Inspectors-General from the list of candidates who qualify at the prescribed cadets course at the Police Training College.

Officiating appointment of under-officers are made by Superintendents under paragraph 191, Police Office Manual.

(b) *Armed Police.* – Permanent promotions to the rank of sub-inspector in the armed police are made by Deputy Inspectors-General from the list of those who have qualified at the course prescribed under paragraph 448. Superintendents may promote in officiating or temporary vacancies.

(c) *Mounted Police.-* Permanent and officiating promotions to the rank of sub-inspector in the Mounted Police is made by the Deputy Inspector-General according to the seniority on the provincial list.

407. Appointment of head constables in civil and armed police.- In the Civil and Armed Police, head constables are appointed by the Superintendent of Police by promotion of constables of the district force.

408. Appointment of mounted police constables.- Mounted Police constables are appointed on probation by the Superintendent of Police either by the enlistment of outside candidates or by the transfer of men (at their own request) from the foot police. Outside candidates will be enlisted between 1st September and 30th September, transfers from the foot to the mounted branch will be made during the same month. All Mounted Police recruits, including men transferred from the foot police, will attend the prescribed course of instruction. They are confirmed after two years by the Superintendent of Police subject to the provisions of paragraph 84.

Candidates for the Mounted Police must be of the age, height and chest measurement required of recruits for the foot police.

Outside candidates must be passed medically fit by the Civil Surgeon before they are enlisted, the blank medical certificate in Form NO. 29 which they are sent to the Civil Surgeon being superscribed 'for Mounted Police only'.

409. Enlistments of constables for the Armed and Civil Police.- Enlistments of constables for the Armed and Civil Police will be made by Superintendents. No man who is less than 18 or more than 23 years old may be enlisted (or re-enlisted). In the case of candidates belonging to Scheduled Castes, the upper age-limit shall be greater by five years. Chaukidars of approved character and qualifications may be drafted into the Pradeshik Police up to the age of 30 years.

Military pensioners may be enlisted as Constables in the Armed Police provided they are not more than 35 years of age. After appointment, they may draw their pay as members of the Police Force in addition to their Military pension subject to usual rules in this respect. The enlistment should be notified to the Controller of Military Accounts.

Ex-soldiers who are neither reservists nor pensioners may be enlisted as ordinary recruits both in Civil and Armed Police provided they are not more than 35 years of age.

The Director-General of Police will exercise powers of granting relaxation from the minimum / maximum age-limit only where in the interest of fair dealing or in the public interest, it is considered necessary under Notification No. 1129(5)/II-175-39, dated 4th July, 1941.

In districts where recruiting is bad, Superintendent may apply to the Recruiting Staff Officer for pensioners or ex-soldiers other than reservists, Indian Armjed reservists and members of the Indian Territorial Force may not be enlisted in any branch of the Police Force, and no member of the Police Force (including clerical staff) is permitted to join the Indian Territorial Force or the Auxiliary Force, India.

410. Rules for ex-soldiers, who are enlisted as constable in U.P. Police.- On their enlistment as constable in the Uttar Pradesh Police the ex-soldiers of the following classes are entitled to count their previous military service for increments in the time-scale of pay of constables :

- (1) Ex-soldiers of the combatant units of the Indian Armed Forces, and
- (2) Ex-soldiers of the combatant units of the late I.S.F. and non-I.S.F.

Provided that the military service of a military pensioner or gratuitant will not count for incremental pay if he continues to draw his pension, or unless he refunds any bonus or service gratuity that he may have received in lieu of pension or since discharge from military service in monthly instalments not exceeding thirty-six.

The question of re-fixation of pay of such ex-military personnel will be considered only after the entire amount of the bonus/service gratuity has been refunded in full by them. The revised pay will, however, be allowed to them with retrospective effect, *i.e.*, from the date of enlistment in the Police Force.

Appendix XXVIII of Army Regulations, India, Volume II, should be consulted as regards the branches of military service which fall in the category of non-combatant services. The cases of men with previous service in units not mentioned in that appendix should be referred to the Inspector-General of Police

for orders at the time of enlistment unless governed by rulings already generally notified.

Indian Army Reservists whose military service was pensionable under military rules and who before they have earned a pension under such rules in respect of their military service are appointed after discharge from the reserve to the Police Force of Uttar Pradesh may, at the discretion of the Inspector-General, whether their military service included service, with the colours in addition to serve in the Reserve or was service in the Reserve alone, be permitted to count for increment of pay in the Police Force the whole of their service with the colours, if any, and half of their service with the Reserve, subject to the condition that they first refund any gratuity which they may have reserved in respect of their military service.

411. Physical requirement for a recruit.- No recruit shall be enlisted whose chest measurements is less than 34 inches expanded with a minimum expansion of 2 inches and whose height is less than 5 feet 9 inches. To this rule there are the following exceptions :

- (a) A recruit between 18 and 20 years of age who shown signs of growing, may be enlisted if his height is not less than 5 feet 5 inches and if his expanded chest is not less than 32 inches with a minimum expansion of 2 inches, provided that the Civil Surgeon certified that he is under 20 years of age, and that he is likely to attain standard measurements.
- (b) In the case of hillmen, the height may be not less than 5 feet 4 inches.
- (c) In the case of Tribal candidates, the chest measurement must not be less than 34" expanded with a minimum expansion of 2" and the height must not be less than 5'3".

Note.- (i) As far as possible tall and well-built men should be enlisted in the Police as constable as physical appearance and personality are important factors for efficient discharge of their duties.

(ii) Persons with bow legs, irrespective of the degree of bow present, shall not be recruited. Slight curvature of legs, is , however, to be treated as normal and should not lead to unnecessary rejections.

412. Medical examination of a recruit.- Before a candidate for recruitment is sent to the Civil Surgeon for medical examination his height and chest measurements must be accurately taken before the reserve inspector. The candidate must be measured round his bare chest with his arms raised.

No candidate shall be enlisted without a health certificate in Form No. 29 signed by the Civil Surgeon on the district. Every candidate must also, before he is enlisted, sign an agreement in the following form :

I.....son of.....of village.....thana
.....district.....agree to undertake that on being enlisted as a candidate in the Uttar Pradesh Police Force, I will serve for two years in the said Uttar Pradesh Police, from the date of joining the force, unless I am discharged or dismissed or certified by a Civil Surgeon to be unfit for such service. If I resign before the expiry of the said two years I undertake and agree to forfeit a sum to be calculated according to the following rates:

- (a) Up to 3 months' service Re. 1 for each completed month of service;
- (b) Over three months but not exceeding six months' service Rs.12 for each completed month of service subject to a maximum of Rs.10;
- (c) Over six months' but not exceeding one year's service Rs.3 for each completed month of service subject to maximum of Rs.25;
- (d) After one year's but within two years' service Rs.4 for each completed month of service subject to maximum of Rs.50.

413. Register of candidates for recruitment.- A register of candidates for recruitment shall be kept in every district (Form No. 355). Whenever a candidate is sent for examination to the Civil Surgeon the register will be sent with him, all the columns having been filled up except columns, 8, 13, 14, 15, 16 and 17. The Civil Surgeon will fill up columns 8 and 13. If the candidate is declared to be unfit the entry should be struck out with red ink.

414. All enrolled candidates furnish a certificate of having seen successfully vaccinated.- All candidates shall, as a necessary condition of their being enrolled, either furnish a certificate of having been successfully vaccinated,

except in the event of their having had small-pox; or submit to be vaccinated by the Civil Surgeon; in the latter case, if the Civil Surgeon be not able to perform the operation at once, the recruit will be sent to him for the purpose on the first available opportunity, a memorandum being kept of all such recruits with a column showing the subsequent date of vaccination.

Any member of the subordinate police service may be required to submit to re-vaccination when the Civil Surgeon of his district considers necessary.

(The second clause will apply only to men enlisted or appointed after 18th July, 1930).

415. All recruits must possess the minimum physical qualifications.-

All recruits must possess the minimum physical qualifications, be medically fit and of good character. In selecting candidates for enlistment, Superintendents of Police will accept those who are considered to be most suitable for Police Service. For the Civil Police, the candidate must have passed VIII class examination (Junior High School) or an equivalent examination recognized by Government for recruitment to the posts and services under Government and for the Armed Police the candidate must have passed VI Class examination or an equivalent examination recognized by Government. For both Civil and Armed Police, the candidates must also possess a working knowledge of Hindi.

Any person including one of Nepalese origin, who is a citizen of India, shall be eligible for recruitment to the services and posts under the rule-making control of Governor. Provided that in the case of a person of Nepalese origin the orders of Inspector-General of Police must first be obtained before such a person is considered for recruitment. When reporting cases to be Inspector-General of Police full details duly verified as to caste, resident, etc. must be intimated along with reasons for recommending the case.

Note.- The revised sub-paragraph shall be deemed to have come into effect from March 21, 1959.

Full publicity as regards the time and place of selection and the qualifications required should be given through tahsils Schools, Colleges, Panchayats, etc. before recruitment is started by the Superintendent of Police.

416. S.P. is authorized to re-enlist men.- The Superintendent of Police is authorized to re-enlist men who have resigned their appointments in the police force of any province, provided that their previous record was clear and the reasons of their resignation good. In such cases, the Superintendent of Police, may, under Fundamental Rule 27, sanction advance increments of pay to the extent necessary to bring a re-enlisted constable to the stage he would have reached on the time-scale of constables in the Uttar Pradesh Police if his service prior to resignation had counted for increments under Fundamental Rule 22, the previous service of men so re-enlisted with effect from 1st March, 1933, will not, under Fundamental Rule 65(a) count for leave. Before a man is re-enlisted he must be medically examined, as on first enlistment, and the sanction of the Inspector-General must be obtained to the re-enlistment of a man who is more than 23 years old.

417. Man dismissed for misconducts from any department may not be enlisted in police.- Men who have quitted posts in other branches of Government service should not be enlisted without a reference to the department in which they were employed. A man dismissed for misconducts from any department may not be enlisted (*see* Manual of Government Orders).

418. As Man's name is entered in the register of candidate, his character, antecedents and age must be verified.- As soon as a man's name is entered in the register of candidates and he is passed by the Civil Surgeon or immediately after enlistment in the case of a man recruited without being first registered as a candidate, his character, antecedents and age must be verified in Form No. 92. This form must be written up for dispatch by the lines moharrir in the presence of the reserve inspector or other officer not below the rank of sub-inspector and must be signed by these officers and by the recruit before the recruit is enlisted. The recruit should be warned that if the account he gives of himself is found to be false, in any particular he will render himself liable to prosecution under Section 182 of the Indian Penal Code, Superintendent should carefully ascertain whether the man has even been in Government service before, and

verify his statement on this point, as far as possible noting the result in this form in English.

419. Process, when a candidate is passed by the civil surgeon.- As soon as a candidate is passed by the Civil Surgeon a form of exhortation will be read out to him in the presence of the senior gazetted officer at headquarters, in the absence of all gazetted officers from headquarters, in the presence of the officer-in-charge of the office of the Superintendent of Police. Subsequently an oath will be taken by the candidate as specified in Police Form No. 90, and he will be given a copy of Police Form No. 91 in which the duties and aims of a police constable, are set forth. The ceremony of administering the oath should be made as impressive as possible in order to enhance its value.

420. Procedure for verification of military service personnel.- In order to avoid difficulty at the time of an officer's retirement, all military service which may count towards pensions should be verified at the time of enlistment; the procedure laid down in Chapter XXVIII, Office Manual, being carefully followed.

421. Instructions regarding the uniform.- Detailed instructions regarding the uniform to be worn by officers and men of all ranks, including physical training instructors, traffic police, orderlies and orderly peons, hospital orderlies, motor drivers, police line teachers, village police, etc. are contained in Appendix III to these regulations, printed separately.

Each recruit on enlistment is entitled to receive free of cost the extra articles of kit mentioned in paragraph 232. Dress Regulations, on the conditions mentioned in that paragraph. Men who after quitting the service are re-enlisted are not entitled to issue of this kit. A recruit may also be granted an advance pay not exceeding Rs.5 to be recovered in instalments of Rs. 1 per mensem.

421-A. (i) Civil Police-

- (a) Every officer passing out of the Police Training College will receive outfit allowance of Rs.150 on being posted to a district.

(b) Every officer promoted as Sub-Inspector temporarily or in an officiating capacity may draw Rs.100 outfit allowance after holding the rank of Sub-Inspector for a total period of seven months.

(ii) Armed and Mounted Police-

All officers promoted to be Sub-Inspectors will receive Rs.100 outfit allowance when they have the rank temporarily or in officiating capacity for a total period of seven months, provided that no officer shall during his service draw more than Rs.150 allowance as a Sub-Inspector, Civil Police or Rs. 100 as a Sub-Inspector, Armed, Mounted or Military Police.

(iii) The allowance due to each case will be drawn by the Superintendents of Police direct from the treasury from the budget head “29 – Police – B.D.E.F., - (a) District Police – Contingencies – Purchase of uniforms and accoutrement” and paid to the officers concerned. The Superintendent of Police will note the date of payment and the amount paid in the service book (of the officer concerned) on the page on which details of pay and allowances given to officers are noted.

(iii) Wireless Maintenance and Station Officers -

- (a) Every Wireless Maintenance and Station Officer who is of the rank of Sub-Inspector in the Police Wireless Telegraphy Section will receive an outfit allowance of Rs.150 when posted to Superintendent of Police district on completing the prescribed course of training.
- (b) The allowance due in each case will be drawn by the officer-in-charge of the Wireless Telegraphy Section at present designated as Provincial Wireless Officer direct from the treasury from the budget head ‘29 – Police – District Executive Force (D) Wireless Telegraph Station – Contingencies’ and paid to the officers concerned. The said officer will note the date of payment and the account paid in the service book of the officer concerned.

422. S.P. must not appoint to any post under his control any person already in Government service.- A Superintendent of Police must not appoint to any post under his control any person already in Government service, without the consent of the officer to whom that person is subordinate. Such consent is necessary even if a person resigns his previous post. For rules regarding the employment of civil and military pensioners and gratuitants, *see* Civil Service Regulations, Chapter XXI, especially Article 501, 510-A and 526.

423. Certificate of appointment.- A certificate of appointment in Form No. 25, showing the date of enrolment, shall be given mounted on cloth to every person enrolled in the police force Act V of 1861. This certificate must be given up on quitting the service. These orders also apply to men temporarily employed.

424. Rules on the declaration of ownership and acquisition of landed property.- For rules on the declaration of ownership and acquisition of landed property, to be made by an officer in superior service when first appointed and subsequently, *see* Manual of Government Orders.

425. Rules for the appointment of clerical staff.- For rules on the appointment of the clerical staff *see* Chapter XXVIII of the Office Manual.

426. Rules on cases in which officiating appointments may be made in temporary vacancies.- For rules on cases in which officiating appointments may be made in temporary vacancies, *see* Chapter XIX of the Office Manual,

427. No man may be appointed to act temporarily as a constable.- The men whose names are on the register of candidates for recruitment (*see* Paragraph 413) and who have not yet been enlisted, have a prior claim to appoint in temporary vacancies. If none of these men are available, others may be appointed. The Superintendent should insist, as far as possible, on men temporarily appointed as constables possessing the qualifications required for recruits. No man may be appointed to act temporarily as a constable in a permanent vacancy.

CHAPTER XXX

PROMOTIONS

428. Promotion on Gazetted ranks of the force.- Promotion in the gazetted ranks of the Force is made by the Governor-in-Council. The Inspector-General is an Officer specially selected by the Government. Promotion to the rank of Deputy Inspector-General is made by selection from officers of the rank of Superintendent, subject to the provisions regarding an efficiency bar which will be found below the promotion of Assistant Superintendents to the rank of Superintendent is by seniority : provided that no officer will be promoted to that rank unless his service is approved and until he has passed the departmental examination for junior officers and obtained the certificates mentioned in paragraph 528(viii). Assistant Superintendent and Superintendents receive periodical increments of pay from the first to the twenty-sixth year of service according to time scales, Assistant Superintendents being on an inferior and Superintendent in a superior scale. Officers on the inferior scale when acting in the superior scale draw the same pay as officers on the superior scale with the same length of service provided that an officer for whose length of service no superior scale rate of pay is prescribed will draw pay at the lowest rate prescribed on the superior scale.

Efficiency bars are in operation after the ninth year of service in the inferior, and after the seventeenth year of service in the superior scale. An officer who is not considered fit for a superior scale appointment will not be allowed to pass the first bar and an officer who is not considered fit to hold charge of a first class district, will not be allowed to pass the second. Promotion to a limited number of posts of Superintendents on higher pay is by selection.

The seniority of Indian Police Officers substantively appointed to a superior post is governed by the Indian Police (Regulation of Seniority) Rules, 1930, issued with the Government of India, Home Department, Notification No. F-41/26-Police, dated the 13th February, 1930.

429. Determination of seniority for officers of the Indian police.- For officers of the Indian Police who were appointed after September 1984, and were not promoted from the rank of inspector, seniority is determined by the following rules :

For officers appointed between 1st June, 1903 and 3rd April, 1918.

1, On attaining that rank of Superintendent substantively, they will be placed in the gradation list according to the order of their appointment to the service, and not according to the dates on which they succeeded in passing the department examination : provided that officers appointed in the same year by the Secretary of State shall relatively placed according to the order in which they passed the competitive examination.

For officers appointed subsequently to 3rd April, 1918.

2. Assistant Superintendents of Police will retain their original seniority irrespective of the dates on which they pass their departmental examination but an officer who fails to pass these examinations within two years of his appointment is liable to be discharged from the service. The Local Government may, however, in special cases exempt an officer from passing any portion of the departmental examination or may extend the period during which that examination must be passed. In such cases, the Local Government may at its discretion withhold any increments to which the officer concerned would have been entitled had he passed his examinations, or may sanction such increments irrespective of the fact that he has not passed.

Officers appointed under the reconstruction scheme in 1919-20 under the terms of the press communique of 1st November, 1912, will be graded according to age, irrespective of the dates in which they pass their departmental examinations.

430. The seniority of Dy. S.Ps will be according to the date of appointment.- The seniority of Deputy Superintendents on first appoint will be according to the date of appointment. In the event of two or more Deputy Superintendent being appointed on the same date the order of their seniority will be determined by the Governor-in-Council.

There are three time-scales of pay viz., (i) pre-1913, (ii) post-1913 and (iii) 1939 revised with one efficiency bar in the first case, and two efficiency bars in the last two cases. Deputy Superintendents of Police receive periodical increments of pay according to the time-scale in which they have been appointed. Promotion to a limited number of posts on higher pay is by selection and will be made only for outstanding merit from among those Deputy Superintendents of

Police who are in the pre-1913 scale. The promotion of Deputy Superintendents of Police to the Indian Police is by selection.

431. Consideration of seniority.- Superintendents and Deputy Superintendents of Police promoted permanently or temporarily to the selection grades will be considered senior while in those grades to those whom they have superseded.

432. The calculation of the pay the officers of the provincial police.- The calculation of the pay officers of the Provincial Police Service promoted after 8th November, 1927, to the Indian Police or to officiate in posts borne on the cadre of that Service is regulated by the following rules taken from the resolution by Secretary of State for India in Council reproduced in Home Department (Police) Notification No. F-113-III/24, dated the 20th March, 1928.

1928 Rules

1. In these rules-

- (1) 'Provincial Service' means a Provincial Police Service.
- (2) 'Promoted officer' includes –
 - (a) an officer promoted from a Provincial Service to the Indian Police Service, and
 - (b) an officer of a Provincial Service officiating in a post borne on the cadre of Indian Police Service.
- (3) 'Actual pay' means the pay to which an officer of the Provincial Service is entitled under the time-scale or in the selection grade of the Provincial Service as the case may be, by virtue of his substantive position in the cadre of that service.
- (4) 'Assumed pay' means the pay which an officer in the selection grade of a Provincial Service would be drawing under the time scale of that service, if he had not been promoted to the selection grade.
- (5) 'Junior time-scale' and 'senior time-scale' means the junior time-scale and senior time-scale' respectively of the Indian Police Service.

2. (a) The initial basic pay of a promoted officer appointed to a post on the junior time-scale shall, on each occasion of his promotion, be fixed on the junior time-scale at the stage next above his actual pay, if he is not in the selection grade, or his assumed pay, if he is in that grade, or if his actual or assumed pay, as the case may be, is equal to, or higher than, the maximum of the junior time-scale than at a maximum of that scale; the initial basic pay of a promotion officer appointed to a post on the senior time-scale shall on each occasion of such promotion, be fixed at the stage of the senior time-scale corresponding with the stage on the junior time-scale at which, it would have been fixed under this rule, if the officer had been appointed to a post on that time-scale; and in either case he shall draw thereafter increments on the inferior or superior time-scale as the case may be :

Provided that the basic pay of such an officer as so calculated shall at no time exceed the pay which he would be receiving under the junior or senior time-scale as the case may be, if all his service in the Provincial Service together with one-half of his non-gazetted Government service, if any, had been service in the Indian Police Service.

(b) If and so long as the basic pay of a promoted officer as calculated in Clause (a) is less than his actual pay as the date of his promotion, he shall draw personal pay equal to the amount of the deficiency.

(c) If and so long as the basic pay, together with any personal pay under Clause (b) of a promoted officer holding a post in the senior-time-scale does not exceed his actual pay as the date of his promotion by Rs. 175, a month, he shall, subject to the limit laid down in the proviso to Clause (a) draw personal pay equal to the amount of the deficiency.

(d) If and so long as the pay is calculated under the previous clauses of this rule, of a promoted officer who has previously officiated in a post borne on the cadre of the Indian Police is less than the pay which he drew when last officiating, he shall draw personal pay equal to the amount of the deficiency.

3. If the actual or assumed pay of a promoted officer is enhanced while he is officiating in a post borne on the cadre of the Indian Police his pay shall be recalculated in accordance with these rules as though he had been promoted on the date of appointment.

4. Increments of pay on the time-scale of the Indian Police shall be granted to a promoted officer only on completion of a full year's service at any stage of that scale but for the purpose of calculating one year's service at a given rate of pay broken periods of officiating service at that rate shall be taken into account.

5. These rules shall apply to all officers promoted after the 8th day of November, 1927; but officers personal prior to that date may elect to have their pay revised in accordance with these rules with effect from the 8th day of November, 1927.

Rules that previously in force

The following rules governing the case of officers promoted from the Provincial to the Indian Police Service between 7th April, 1921 (30th April, 1921, in the case of Rule (2) and 8th November, 1927, are reproduced for reference :

- (1) The initial pay of an officer promoted from the Provincial Police Service shall on each occasion of his promotion be fixed on the inferior time-scale of pay for the Indian Police Service at the stage next above his existing pay in the Provincial Police Service. As soon as he holds a superior post, he shall rise to the corresponding stage of the Superior scale.
- (2) When an officer of a Provincial Police Service is drawing pay in that service equal to or higher than the maximum of the inferior Imperial Police time-scale and is promoted to a superior time-scale at the stage which is Rs.175 in excess of the pay he was drawing in the Provincial Service, or if there is no such stage then at the stage next above the total of his pay in that service *plus* Rs.175, provided that no officer so promoted from the Provincial Service shall draw more pay than that which an officer of the Indian Police Service of the same number of years' service in the gazetted ranks would be entitled to under the superior time-scale.
- (3) On any enhancement of his Provincial Police Service pay (whether as a result of general revision of the Provincial Police Service rates of pay or of the operation of the Provincial Police Service time-scale

or of promotion to the selection grade of the Provincial Police Service) while officiating in the Indian Police Service post such an officer shall be entitled to have his pay on the Indian Police time-scale of pay re-calculated in accordance with the principles laid down in Rules (1) and (2) of these rules, on the basis of his enhanced pay in the Provincial Police Service, and with effect from the date of such enhancement.

- (4) Increments of pay on the Indian Police Service time-scale of pay shall be granted to a Provincial Police Officer holding an Indian Police Service post only on completion of a full year's service on any stage of that scale, but for the purpose of calculating one year's service as given rate of pay broken periods of officiating service at that rate of pay shall be taken into account.

433. Maintenance of the confidential personal files of gazetted officers.- Confidential personal files are maintained for all gazetted officers by the Inspector-General of Police and are considered when any question arises relating to the fitness of gazetted officers for promotion beyond an efficiency bar or to posts to which promotion is by selection. Officers are not permitted to see their personal files, but following the principles laid down in the Manual of Government Orders the Inspector-General will periodically in the officer's personal file which relate to defects which are in the opinion of the Inspector-General (a) capable of correction, and (b) likely to deprive the officer of future promotion.

434. The advancement of Inspectors.- The advancement of inspectors is regulated by the conditions of an incremental time-scale (*vide* paragraph 463-A). The authority empowered to sanction under Fundamental Rule 25 the drawal of increments beyond the efficiency bar is the Deputy Inspector-General. Withholding of annual increments may be ordered by the Superintendent under Fundamental Rule 24.

435. Procedure for promotion to the rank of reserve Inspector.-

Promotion to the rank of Reserve Inspector is made in the following manner :

- (a) A Superintendent of Police may recommend a Sub-Inspector of the Armed Branch including a Probationary Sub-Inspector, who is likely to be fit for the post of Reserve Inspector, for training to the rank of Reserve Inspector. When suitable Sub-Inspectors of the Armed Branch are not available Sub-Inspectors of the Civil Police may be so recommended.

All the Sub-Inspectors so recommended will first be examined and interviewed by their Deputy Inspector-General. The Deputy Inspector-General will then nominate only those whom they consider suitable for the Reserve Branch, for appearing before the State Selection Committee. The Sub-Inspectors selected by the State Selection Committee will then undergo such course of training as the Inspector-General may prescribe.

- (b) On the successful conclusion of this course of training, he will be placed on a Provincial List of Reserve Sub-Inspectors approved for promotion to the rank of Reserve Inspector. Seniority on this list will be determined by the date of selection for inclusion in the Provincial List. Relative seniority for those selected on the same date will be fixed in order of merit as disclosed by the result of the final examination. In the event of two or more candidates securing equal marks the seniority *inter se* will be determined on the basis of seniority as a Sub-Inspector.
- (c) The Provincial List of Reserve Sub-Inspectors will also include those Sub-Inspectors who were approved for appointment as Reserve Inspector prior to 1st April 1948 or who were called Sergeant before 1st April, 1948.
- (d) Promotion to the rank of Reserve Inspector will be made by the Deputy Inspector-General, Headquarters, by seniority from the list provided that –
 - (i) an underserving officer may be passed over or a particularly good officer promoted out of his turn, and

- (ii) temporary vacancies not exceeding four months in duration may be filled up locally by the Deputy Inspector-General of the Range, by promoting, irrespective of seniority, an officer in the district or range concerned whose name is on the list or, where there is no such officer available, be promoting a Sub-Inspector whose name is not on the approved list.
- (e) The Deputy Inspector-General of Police, Headquarters, may at any time order the removal of any name from the list, if in his opinion, the officer has proved himself unfit for retention thereon. Such order of removal will be final notwithstanding anything contained in paragraph 508.

436. Procedure for promotion to the rank of public prosecutor and circle inspector.- Promotion to the rank of Public Prosecutor and Circle Inspector is made on a provincial basis.

The Inspector-General will cause to be maintained four lists of Sub-Inspectors who are approved for officiating promotion as –

- I. Public Prosecutor
- II. Circle Inspector
- III. Inspector in the Criminal Investigation Department
- IV. Inspector in the Central Investigating Agency, Government Railway Police.

Nominations of Sub-Inspectors for inclusion in any or more of these lists will be made in the first instance by Superintendents of Police in-charge of district and Branches in the Criminal Investigation Department and Section Officers of the Government Railway Police.

Superintendents of Police may nominate for inclusion in lists Nos. III and IV, Sub-Inspectors posted to their districts who in their opinion possess the aptitude required for the specialized work of the Criminal Investigation Department or of the Central Investigating Agency.

A Sub-Inspector nominated for inclusion in list No. II may also be nominated for inclusion in either or both of lists Nos. III and IV, if, in the opinion of the officer who nominates him, he is suitable for promotion to the rank of

Inspector in either the Criminal Investigation Department or the Central Investigating Agency.

437. Filling up of temporary vacancies in the rank of inspector.-

Temporary vacancies in the rank of inspector will be filled (a) by the Deputy Inspector-General of the range, by promotion of an officer in the district or range concerned whose name is on the list of candidates approved to officiate in the class of inspector in which the vacancy has occurred; or (b) by the Deputy Inspector-General, Railway Police, and the Assistant Inspector-General, Criminal Investigation Department by the promotion of an officer whose name is on the list of candidates approved to officiate as inspector in the Central Investigating Agency or the Criminal Investigation Department.

438. Annual addition of number of names for permanent promotion to the rank of public prosecutor.-

The Inspector General will determine annually the total number of names to be included in a provincial list of officers approved for permanent promotion to the rank of public prosecutor and circle inspector, and will convene to select the number of sub-inspectors required to fill this list and determine their order of seniority for purposes of permanent promotion.

439. In annual tour inspection, D.I.G. (Range) will require to inquire about all sub-Inspectors.-

(1) In the course of their annual tour of inspection all Deputy Inspectors General of the ranges will take steps to ascertain the manner in which all sub-inspectors approved for officiating or permanent promotion to the rank of inspector have worked during the year and general repute in which they have been held, making inquiries regarding them from District Magistrates and Superintendents of Police, interviewing them personally and whenever possible, inspecting the police stations at which they are posted. In April, at the end of the touring season, each range Deputy Inspector General will record his opinion of each officer stating clearly whether he recommends that his name should remain on or be removed from the approved list. In the latter case he should give reasons for his recommendation :

Provided that in the districts where the Collector/Deputy Commissioner is Collector / Deputy Commissioner-in-charge of the Division, his functions under this para, will be exercised by the Additional District Magistrate (Executive).

(2) The Deputy Inspector-General, Criminal Investigation Department and the Assistant Inspector General, Railway Police, will similarly, examine in April each year and report on the sub-inspectors in their respective charges who are on the approved list.

(3) The reports prepared under sub-paragraphs (1) and (2) will be placed before the committee convened by the Inspector-General under paragraph 438 and if the committee agrees with a recommendation for the removal of any name from the list, it shall order the removal of the name of the officer in question from the approved list.

(4) When a Deputy or Assistant Inspector-General has recommended the removal of a name from the approved list, the officer in question should not be considered for promotion until the committee has been convened and has decided upon the action to be taken on the recommendation. Temporary vacancies, in which the officer whose removal has been recommended would otherwise have been promoted, will be filled by the promotion of sub-inspectors whose name stands next on the approved list, pending the decision of the committee.

440. [Omitted]

441. Regulation of advancement of sub-inspectors.- The advancement of sub-inspectors is regulated by the conditions of an incremental time-scale (*vide* paragraph 463-A). The Superintendent is empowered to withhold increments under Fundamental Rule 24 and to sanction drawal of increments beyond the efficiency bar under Fundamental Rule 25.

Eligibility for advancement above the efficiency bar shall be determined by the Superintendent who will be required to certify that the Sub-Inspector concerned is –

- (1) fit to hold charge of a police station, or
- (2) a thoroughly competent prosecuting officer, or

- (3) fit for appointment to the investigating branch of the Criminal Investigation Department; or
- (4) fit to hold the post of senior Armed Police Sub-Inspector is a large reserve, Superintendent of Police
- (5) fit to command a platoon in the military police.

442. DIG must give a note for reasons of supersession.- When the promotion of an officer requires the concurrence of the Deputy Inspectors General, the character rolls of the officer and of any officers whom it is proposed to supersede must be sent to the Deputy Inspector General with a note giving reasons for supersession.

443. [Omitted]

444. List of all Sub-inspectors shall be submitted to D.I.G.- A list in Form No. 116 of all sub-inspectors, Civil Armed and Mounted Police shall be submitted to the Deputy Inspector General of the range on 1st September every year with the following additional informations :

- (a) Present pay (on 1st September);
- (b) Date of next increment.

A duplicate copy of this list will be sent to Police Headquarters, Allahabad.

445. Criteria for constable and head constable to be promoted as Sub-Inspector.- (A) Any such Constable or Head Constable, who is more than 40 years old and whose service is not less than three years, shall not be nominated for the selection for promotion in the cadre of Sub-Inspector Civil Police. This age limit shall be required on the first January of the year of selection.

For the constable, who has completed three years of service in the department, educational qualification must be intermediate or equivalent or he must have passed the Head Constable Civil Police Course. For the constable having passed Head Constable Civil Police Course there shall be no restriction on educational qualification. For the Head Constables also there shall be no restriction on educational qualification.

Note.- Order of educational qualification as intermediate instead of High School shall be applicable only to those candidates who comes in the department after issuance of the Government Order.

(B) In the Police Training College, Moradabad process of selection of constables and Head Constables for the admission in Sub-Inspector Civil Police course shall be as below –

- (1) A police prescribing the rules regarding the eligibility of selection and inviting the eligible candidates that if they want that their candidature should be considered, they may apply for that, should be issued every year in the month of January. Detail publication of this notice should be made and it should be sent to those persons who have gone on deputation or leave. It shall be the duty of the District Police Superintendent / Incharge of Units to ascertain that the notice be sent to all those places where their persons are working at that time. Six week time should be granted for filling the application. Applications so received should be scrutinized, for the purposes of excluding those applications which are not eligible for selection under the prescribed rules, in the office of Police Superintendent/ Unit Incharge.
- (2) After pre-examination of all those eligible candidates, who are suitable to be considered, should be held according to following procedure-
 - (a) One question paper, containing three parts having 50 marks, shall be prepared – there shall be three legal questions, three procedural questions regarding police and three questions of general knowledge and essay.

Questions regarding essay writing should be compulsory and each candidate should give reply to any two questions from parts and of one question from third part of question paper or each candidate should give reply of total five questions from question paper. Compulsory question should be of 10 marks and other questions should be of 8 marks.

- (b) Pre-examinations should be conducted under the supervision of Police Head Quarter on a certain date at all districts. Answer books should be sent to concerned Deputy Inspector General of Police, who will get examined to those by a board of three Police Superintendents. Qualifying merit should be fixed 50 per cent to the maximum marks.
 - (c) After then one board, constituted with Deputy Inspector Generals, one commandant of P.A.C. nominated by Deputy Inspector Generals of Police, Range and concerned local Superintendent of Police, should visit each district and should examine the character roll of all those eligible candidates, who have qualified the written examination. For the purposes of excluding physically disabled persons a general drill and physical examination of all such candidates should be conducted. Board should award marks, according to the stander fixed by Inspector General of Police, to candidates on their character roll and merit shown in the drill and physical examination.
 - (d) The candidates selected on the basis of such written examination, examination of character roll and physical examination should be deemed nominated persons of the range for the purpose of main examination.
- (3) All the nominated persons of the range should appear in the written examination, which will consist three question papers (1) Law, (2) Procedure relating to police and (3) Essay and General Knowledge, each of 50-50 marks. These questions shall have been prepared at central lable and he answer books shall be sent to the Headquarter of Deputy Inspector General of Police who will get examined to those by a board of Superintendents of Police, number of which will be depend

on the number of candidates. The qualifying marks in this examination shall be 30% in each question paper and 40% in total and Superintendent of Police list shall be prepared according to merit.

- (4) About 4 time candidates to the number of vacancies in the ranker cadet should be called for interview according to merit from the aforesaid list A Selection Board, consisting two Deputy Inspector-Generals of Police, one Superintendent of Police nominated by Inspector General of Police, should take interview of the candidates. For the interview including service records 150 marks should be allocated and minimum 40% marks should be fixed for qualifying the same Board should examine the character roll as earlier and should grant the marks, thereafter adding the marks obtained by the candidates in the interview and written examination a final merit list should be prepared.

446. [Omitted]

447. Procedure for recruitment to the rank of Sub-Inspector (Armed police/Platoon commander).- Recruitment to the rank of Sub-Inspector Armed-Police/ Platoon Commander will be made in the following manner :

- (a) 80 per cent of the posts both temporary and permanent in the combined cadre of Sub-Inspector Armed Police / Platoon Commander will be filled in by selection of men from the ranks.
- (b) The remaining 20 per cent of the posts both temporary and permanent in the combined cadre of Sub-Inspector Armed Police/Platoon Commander will be filled in by direct recruitment.

For category (a) the Range Deputy Inspector General of Police, Deputy Inspector General, Provincial Armed Constabulary and the Deputy Inspector General of Police, Headquarters in the case of the Railway Police, will nominate from time to time as required by the Inspector General such number of head constables of the Armed Police as may be specified.

For category (b) selection of the required number of candidates will be made by a Committee consisting of the Inspector General, the Deputy Inspector General, Provincial Armed Constabulary and one more Deputy Inspector General nominated by Inspector General.

448. Training schedule for candidate selected under para 447.- (i) Candidates nominated or selected under paragraph 447, will undergo a course of training of 7 months duration at the Armed Training Centre, Sitapur, including one month's practical training in the Provincial Armed Constabulary Units.

(ii) Before taking training under the above sub-para, candidates selected under para 447 (b) shall undergo a successful preliminary training for a period of two months at the Armed Training Centre, Sitapur.

448-A. Consideration of seniority of the Sub-Inspectors (Armed Police).- Relative seniority will be governed by the date of passing the Sub-Inspector Armed Police Course and for men passing the same course by their position obtained in the final examination of Sub-Inspector Armed Police Course between two men obtaining equal marks in the same final examination (i) promoted man will take seniority over directly recruited candidate, (ii) if both men are directly recruited the age will be the determining factor and in the case of the ranker cadets it will be length of service.

449. Promotion of head constable mounted police done by DIG.- Except in the Mounted Police, promotion to the rank of head constables is made by the Superintendent subject to the general control of the Deputy Inspector General.

In all branches of the police, the advancement of head constables is regulated by an incremental time-scale (vide paragraph 463-A). The authority empowered under Fundamental Rule 24 to withhold an annual increment is the Superintendent.

All head constables who on 1st April 1945, held permanent post as such are entitled, if they would by grade promotion have received more pay than by the time-scale to have their pay in the time-scale re-fixed at the stage in the time scale corresponding to the grade pay. Grade promotion must therefore be given

on paper in the nominal roll until such time as all head constables have reached the maximum of the time-scale.

450. Permanent promotion to the rank of head constable in the civil and Armed Police.- Permanent promotion to the rank of Head Constable in the Civil and Armed Police is made by the Superintendent of Police (subject to the control of the Deputy Inspector General of Police) from constables who are eligible under paragraph 454 or have been selected under paragraph 455.

Constables of Armed or Civil Police promoted to the rank of Head Constable under these paragraphs shall remain on probation for one year. Immediately after expiry of the period of probation they may be confirmed in their appointments by Superintendents of Police if their work is found to be satisfactory. On the other hand, Superintendents of Police may revert a probationary Head Constable to his substantive rank of Constable if his work is found to be unsatisfactory during this period. Before passing an order of reversion, however, he should supply the Head Constable concerned in writing with the specific complaints and grounds on which it is proposed to revert him, call on him to show cause why he should not be reverted and take his explanation duly into account.

If for some reason which should be recorded in writing the Superintendent of Police is of opinion that the Head Constable in question is still not fit to be confirmed, he may extend his probation for a period not exceeding one year, care being taken that the reason for postponement is communicated to him. It should be further noted that in such cases the order of confirmation when actually passed shall take effect from the date on which the extended period of probation expires.

451. [Omitted]

452. [Omitted]

453. [Omitted]

454. Eligibility criteria for constables to be promoted as head constables.- The following constables will be eligible for promotion to the rank of head constables.

- (a) constables of the civil police who qualified before 1st January, 1941, in accordance with the rules then in force and who have also passed such course as the Inspector General may prescribe.
- (b) constables of the armed police who have already obtained a regimental drill certificate, and
- (c) constables of the civil and armed police who have passed the prescribed course at the Police Training School, Sitapur.

Note.- Out of turn promotion will be given to the constables for the post of head constable who shows bravery in his duty by G.O. No. 665 (2) / six-Po-1-24/93 dtd. 3-2-1999.

455. Promotion of constable as head constable by the approval of DIG (Range).- Specially deserving constables of Civil Police who are unable to qualify for promotion in the manner specified in paragraph 454 may be promoted to the rank of Head Constable with the approval of the Range Deputy Inspector-General of Police, provided that the total number of head constables so promoted in the district at any time not exceed 20 per cent of the total number of head constables, Civil Police, sanctioned in the district for Watch and Ward Duty.

Specially deserving constables, Civil Police of the Criminal Investigation Department who are unable to qualify for promotion in the manner specified in paragraph 454, may be promoted to the rank of head constable by the Deputy Inspector General of Police, Criminal Investigation Department provided that the total number of head constables so promoted in the Criminal Investigation Department shall not exceed 50 per cent of the head constables, Civil Police sanctioned for the Criminal Investigation Department.

Specially deserving constables of the Armed Police who are unable to qualify for promotion in the manner specified in paragraph 454 may be promoted to the rank of head constable by the Deputy Inspector General of Police, Headquarters, provided that the total number of head constables so promoted shall not exceed 2-1/2 per cent of the posts of head constables, Armed Police sanctioned for the Police Force.

456. Promotion of constables to the rank of head constables will be made by seniority.- The promotion of constables of the civil and armed police to the rank of head constable will be made by seniority on the list of constables qualified for promotion. Seniority for this purpose shall be determined –

- (a) amongst those qualified at the Police Training School in different session by the session at which they qualified;
- (b) amongst those qualified at the same session by the aggregate of marks obtained;
- (c) amongst those qualified at the same session and with the same aggregate marks by length of service.

457. Selection of ‘Y’ student in training.- Any student who displays outstanding ability in the qualifying course prescribed in paragraph 454 (c) Police Regulations shall be designated a ‘Y’ student by the Examination Board. This fact will be recorded in his character roll. He will be eligible for accelerated promotion.

458. List of mounted police constables maintained by P.H.Q.- Police Headquarters will maintain a list of Mounted Police constables of the State who have qualified at the Advance Course of Training prescribed in paragraph 86. Seniority on this list will be determined by the date of passing the said course for inclusion in the State list. Relative seniority in the case of those passing the same course will be determined by the aggregate of marks obtained in final examination and of those obtaining equal marks in the same final examination, by length of service as Mounted Police constable.

All vacancies of Head Constables, Mounted Police will be filled by the Deputy Inspector General of Police, Headquarters in order of seniority from those included in the State List. Temporary vacancies of less than three months’ duration in the rank of Head Constable, Mounted Police may be filled by the Range Deputy Inspector General of Police by promoting an approved candidate in his Range.

A Range Deputy Inspector General of Police may recommend the removal from the State List of the name of a constable who by his subsequent work and conduct proves himself unsuitable for promotion.

459. List of mounted police head constables approved for the promotion of the Sub-Inspector will be maintained by PHQ.- A list of Head Constables, Mounted Police approved for promotion to the rank of Sub-Inspector, Mounted Police, will be maintained at the Police Headquarters. Head Constables of not less than 3 years' approved service as Head Constable and not more than 40 years of age will be nominated for inclusion in this list. In exceptional cases, the Range Deputy General of Police may nominate Head Constables of outstanding merit up to the age of 45 years. Those so nominated will appear at a Central Department Test prescribed by the Inspector General of Police. Only those selected as a result of this Test will be brought on the Approved List.

All vacancies in the rank of Sub-Inspector, Mounted Police will be filled by the Deputy Inspector General of Police, Headquarters in order of seniority, by promoting Head Constables whose names are included in the Approved List. Temporary vacancies of less than three months duration may be filled by the Range Deputy Inspector General of Police by promoting as approved candidate in his Range.

Range Deputy Inspector General of Police may recommend the removal from the Approved List of the names of any Head Constable who, by his subsequent work and conduct is considered unsuitable for promotion. Such a Head Constable may, however, be considered again for inclusion in the Approved List, provided he possesses all the qualifications for reappearing at the Central Department Test prescribed for the purpose.

459-A. Promotion of Head constables and sub-Inspectors of mounted police.- Constables and Head Constables Mounted Police, when promoted to the posts of Head Constable and Sub-Inspector under paragraph 458 and 459 respectively, shall remain on probation for a period of one and two years respectively after which they may, if their work and conduct is found to be

satisfactory, be confirmed by the Deputy Inspector General of Police, Headquarters.

If the Superintendent of Police is of the opinion that a probationer should be reverted because of his work is unsatisfactory he will supply the probationer, in writing, with the specific complaints and grounds on which it is proposed to recommend his reversion and at the same time will call on him to show cause why he should not be reverted. A copy of the statement of specific complaints together with the probationer's explanation shall then be forwarded through the Range Deputy Inspector General of Police to the Deputy Inspector General of Police, Headquarters for orders.

If for some reason, which should be recorded in writing, the Deputy Inspector General of Police, Headquarters is of the opinion that a probationer not fit for confirmation, he may extend the term of probation by a period not exceeding one year. The reasons for such action should be communicated, in writing to the probationer concerned. In such cases the order of confirmation when actually passed shall take effect from the date on which the extended period of probation expires.

460. Conditions for advancement of constables in all branches.- The advancement of constables in all branches of the force is regulated by the conditions of an incremental time-scale (vide paragraph 463-A) at the top of which is a selection grade containing a fixed number of posts. Promotion to the selection grade is made by Superintendent of Police by selection from among constables 'B' class with an eminently meritorious record, for whom the selection grade is reserved. The authority empowered under Fundamental Rule 24 to withhold an increment is the Superintendent. Constables who have retired on invalid or compensation pension and are subsequently re-employed should, if their previous service counts for pension under Article 514 and 519 of the Civil Service Regulations also count such service for increments of pay. For the case of ex-soldiers enlisted and resigned police officers re-enlisted in the police, *see* paragraphs 410 and 418.

For rules regulating the promotion of constables from 'B' Class to 'A' Class *see*, paragraph 542.

461. Promotion of Nominal Rolls.- Nominal rolls must be kept up in every district, G.R.P. Section, C.I.D. and every other branch of the police in Form No. 362 Promotions will be entered in the remark column.

462. Promotion and reversion rolls.- Promotion and reversion rolls will be maintained separately in the prescribed form for officiating and substantive promotions concerning all ranks and for all branches.

These rolls will be maintained by the accountant who will make entries in the first three columns and submit the appropriate rolls to the Superintendent with all necessary papers and character rolls whenever any promotion or reversion falls due. The Superintendent of Police will fill up columns 4 and 5 of the roll with his own hand, mentioning in column 5 the names of any officer superseded with a brief note of the reasons for their supersession. On the first occasion of an officer's supersession a note of this fact and of the reasons for it will also be made in the character roll.

463. Orders relating to increments of pay of Sub-Inspectors.- Orders relating to increments of pay of sub-inspectors, under-officers and constables of all branches will be noted by the Superintendent in the remarks column of the nominal roll which will be submitted for the purpose to the Superintendent on the tenth day of every month. When an increment is withheld an entry with reasons must be made in the officer's character roll as well as in the remarks column of the nominal roll. In any case in which the service of an officer is held not to satisfy the requirement of Fundamental Rule 24, the order withholding the increment must specify the period for which it is withheld. Such period may not exceed one year at a time, separate orders being passed annually if it is found necessary each year again to withhold the increment subject to a maximum of three years. (The procedure for withholding increments as a definite punishment following departmental trial is provided for a paragraph 482-A).

[463-A. The Governor has decided under Section 2, Police Act that the conditions of service of subordinate ranks of the police force enrolled under the Police Act in respect of pay, leave, pension, allowance, provident fund and other conditions of service not specifically provided for these regulations shall be regulated by the general rules made by the Governor under paragraph (b) of sub-section (2) of Section 241 of the Government of India Act, 1935 and pending the issued of such rules by the rules contained in force by Section 276 of the said Act and by and in accordance with the provisions of paragraph 15(2) of the Government of India (Commencement and Transitory Provisions) Order, 1936.

CHAPTER XXXI

REWARDS

464. Kinds of Rewards.- Rewards are of four kinds –

- (a) rewards proclaimed for information leading to the arrest and conviction of criminals;
- (b) rewards for definite acts of good service or bravery meritorious work during training, and good marksmanship during annual weapon firing during musketry competitions;
- (c) rewards given to village chaukidars (1) for meritorious services and (2) for special services;
- (d) rewards paid by departments other than the Uttar Pradesh Police Department, and by Courts, private companies or persons.

Rewards of Classes (a) and (b) are paid from the same grant, and may be given to private persons as well as to non-gazetted officers of the police force. Rewards of Class (a) but not of Class (b) may also be given to village chaukidars. The grant is provisional, but after provisions has been made for provisional reserve it is divided by the Inspector General and administered by Deputy Inspector General, who make allotments to districts and sections, themselves, retaining reserves to meet large rewards in special cases. The amount allotted to each district or section must be

regarded as the maximum to be expended under normal conditions, and an extra will not be made unless it is shown that special circumstances, e.g., a case of extraordinary importance, have rendered the sum insufficient. Superintendent of Police will keep a careful watch on expenditure and must only pay rewards in specially meritorious cases. They must intimate the amount of probable excess of savings to the Deputy Inspector General of the range by 15th January, at the least, to enable any necessary adjustments to be made.

Deputy Inspectors General are authorized to re-appropriate savings.

The Criminal Investigation Department grant for rewards of Classes (a) and (b) is separate from the provincial grant. The Deputy Inspector General, CID exercises the same powers in respect to it as a Range Deputy Inspector General in respect to the provincial grant.

465. Rewards of Class (a).- Rewards of Class (a) may be offered and paid by the following officers up to the limits specified:

“By the Superintendent of Police up to Rs.250 for each criminal.

By the Inspector General or Deputy Inspector General or Deputy Inspector General, CID up to Rs.2000 for each criminal; or the Inspector, with the sanction of Government up to any sum.”

Rewards of this class should ordinarily be offered for arrest and conviction and not for arrest alone : but the officer who is empowered to make the offer may determine the wording of the proclamation. In a case in which the proclamation was for arrest and conviction he may also order the whole or part of the reward to be paid for arrest only, either (1) immediately after arrest and before or during trial, if proceedings are likely to be protracted, and he is satisfied that nothing that can transpire at the trial can effect the merit of the work done by the police officer or other person who effected the arrest; or (1) after the trial, when through no fault of the police officer or other person who effected the arrest; conviction has not followed arrest. A reward must not be offered for the capture of criminal, dead or alive’.

466. Rewards of Class (b).- Rewards of Class (b) may be paid by the Superintendent to a limit of Rs.100 for each occurrence on his own authority, and up to Rs.1000 with the sanction of the Deputy Inspector General . For larger sums the sanction of the Inspector General of Police must be obtained through the Deputy Inspector General.

The following principles govern payments of rewards of this class :

- (1) Rewards given to Inspector and Sub-Inspectors should not be trifling : it is derogatory to a Sub-Inspector to receive a reward of less than Rs. 10. The size of rewards should not be mechanically proportioned to salary and if the main credit belongs to a constable or under-officer he should get the bulk of the reward. Good work performed by officer of higher rank will be recognized by good entries in their character rolls, but money rewards should be sparingly given in ordinary cases. Any tendency of the part of officers to magnify their own performances at the expense of their subordinates should be watched for and suppressed.
- (2) Rewards should not be given to public prosecutors and assistant public prosecutor unless a case has been particularly difficult or complex and the prosecuting officer has shown exceptional energy or skill in prosecuting it. It is not sufficient reason for rewarding a prosecuting officer that a case already well worked out by the investigating staff has been carried to a successful conclusion in Court. To minimize audit objection, reward to prosecuting officers should not be granted without the sanction of the Range Deputy Inspector General, except in cases under the Excise and Gambling Acts.
- (3) Smart arrests resulting in convictions under Section 109, Criminal Procedure Code, may appropriately be rewarded, but no rewards should ordinarily be given in Section 110, Criminal Procedure Code cases. If the investigating officer has incurred out-of-pocket expenses in prosecuting a case

under this section, the matter should be brought to the notice of the Deputy Inspector General with a view to reimbursement.

- (4) Rewards should not be given to any class officer for general good work' but only for particular act of special merit, such a good arrests, good detection or good service on a special occasion. Cash reward for good marksmanship during annual weapon firing and shots during musketry competitions are also admissible. Rewards are not to be given as a matter of routine whenever a case is directed. Nor should they be given for efficient discharge of ordinary duties e.g., to a reserve inspector good recruiting or for training recruits.
- (5) Rewards should not be given to recruits in training as a matter of routine, such rewards should be given only to such recruits who show special aptitude and exceptional keenness and efficiency during the period of their training.

467. Rewards of Class (c).- Rewards of Class (c) are paid from a provisional grant from which annual allotments are made to districts. Details of rewards granted to chaukidars under each of the two heads (1) meritorious services and (2) special services should be maintained separately. The necessity for rewarding chaukidars for the prompt and energetic performance of routine duties must not be over-looked.

Under head (1) will fall rewards for definite acts of good service or bravery, similar to those for which members of the police force would receive rewards of Class (b). Under head (2) will fall rewards for general good work, good reporting of births and deaths, prompt reporting of the movements of bad characters, surveillance of history-sheet men or members of criminal tribes, guardian of special trains, watching roads during fair and festivals. The Superintendent of Police is empowered to sanction rewards under either head up to a maximum of Rs. 20 to a single person on each occasion. For larger individual rewards the sanction of the Deputy Inspector General must be obtained.

Recipient should be promptly paid, and if not paid by or in the presence of gazetted officer the first gazetted officer inspecting their police station should make sure from them that they have received the money. Rewards under head (2) should be freely given. That district allotment should be spent in full and no part of it will be transferred as savings to other heads. Applications for additional grants for reward to village chaukidars will be favourably considered.

468. Payment of Rewards.- No reward of Classes (a), (b), (c) will be paid without the written order of the Superintendent. The Superintendent's Readers will maintain a Reward Register in the prescribed form. He will fill in Columns 1 to 5 of the register from the reward roll and will place the register before the Superintendent who will compare entries with the reward roll and then sign it. Twice or three times a month the register will be handed over to the Accountant who will prepare a reward bill to include all rewards sanctioned up to the date on which the bill is prepared. In the last column of the register he will note the number and date of the bill, the amount drawn, and the balance available.

469. Procedure for those rewards, on whom the sanction of DIG or other higher authority is required.- In the case of rewards for which the sanction of the Deputy Inspector General or higher authority is required, an extract from the reward register will be forwarded in duplicate in Form NO. 227 to the sanctioning authority. If the application is sanctioned, one copy duly signed by the sanctioning authority will be returned to the district and will be attached in original to the contingent bill in which the amount of the rewards is drawn from the treasury. Superintendents will receive recommendations for rewards from Assistant or Deputy Superintendent-in-charge of the Sub-divisions, from courts and from inspectors and station officers. Such recommendations must be accompanied by the case diaries or other papers and the Superintendent must satisfy himself that rewards are fully justified before he makes an entry in the reward register. The total rewards sanctioned in each case must be written in words by the Superintendent in the reward register.

470. Rewards of Class (d).- All rewards of class (4) must be shown in the reward register to enable entries to be made in character rolls and for purposes of record and annual returns, but the Superintendent need not enter these with his own hands. Rewards of Class (d) given by other departments should be sent to the Superintendent of Police for disbursement. The sum should be credited in the cash-book and then disbursed in the ordinary way. Money sent to the Superintendent of Police by other departments as rewards for the police represents money drawn for the purpose from public accounts and need not be deposited in the treasury provided it is disbursed within one month of the date of receipt. In the case of rewards sanctioned for the police by Courts, Rule 7, Chapter IX of the High Court General Rules (Criminal) of 1911 (now of 1957) requires the Court to deposit the amount in the treasury as 'Policy receipts' and to arrange to grant the Superintendent of Police a refund voucher which will be accepted and honoured by the treasury after verification of the credit. Such rewards also should be disbursed within one month of the date of receipt by the Superintendent of Police.

Note I. In the case of rewards paid by Courts to the police and to persons in respect of cases under the Indian Arms Act (Act XI of 1878), the sanctioning Court will prepare a bill for the amount required, present it to the treasury and receive payment by transfer credit to police receipts', that is by debit to the head '27 – Administration of Justice – Criminal Courts – Rewards under the Arms Act' and corresponding credit to the head XIX – Police – Miscellaneous – Other miscellaneous receipts'. The Superintendent of Police will subsequently obtain a refund voucher from the Court which will be accepted and honoured by the treasury after verification of the credit. The amount so drawn from the Treasury for disbursement to the persons rewarded will be charged to '29 – Police – District Executive Force – Rewards. The Superintendent of Police will disburse such rewards within one month of the date of receipt and will see that the fact of the reward is entered in the character roll of Police recipients. In this note the expression 'Superintendent of Police' shall in respect of rewards payable to the revenue police in the Kumaun Division, include the Deputy Commissioner of Naini Tal, Garhwal and Almora.

Note II.-The proceeds of fines realized on conviction for offences under the Police Gambling Act will be credited to the Provincial revenues under the head 'XXI – Administration of Justice – General Fees, Fines and Forfeitures – Magisterial Fines and Forfeiture'. Any rewards to the Police for good services in such cases will be paid out of the Police budget under head 92.

471. Procedure for receiving rewards from private persons or companies.- Police officers must not receive rewards direct from private persons or companies. Rewards from these sources as well as sums paid for the service of police officers and rewards, forfeitures and penalties or shares of rewards, forfeitures and penalties which by law are payable to informers when the information is laid by a police officer, must be paid by the Superintendent of Police into the treasury to be credited to head 'XIX – Police – Miscellaneous – Other miscellaneous receipts'.

When the money has been credited into the treasury an equivalent amount may be drawn and disbursed to the police officers and men concerned from the Police budget under the head '23 – Police Non-Plan – B – District Executive Force – (a) District Police – Rewards'. The same procedure should be followed in cases of rewards deposited on conditions unfulfilled at the time of deposit, e.g., when a private person or company offers a reward for the arrest of a thief or the recovery of stolen property. Charge on account of *refunds* in the case of (i) conditions not being fulfilled when rewards are deposited conditionally by a member of public and (iii) excess charges for police supplied to the public, should be debited to head 'XIX – Police – Deduct – Refunds'. Credit in support of all such items of charges should be verified by the treasury officers before the encashment of the bill.

If any Ruling Prince or other distinguished visitor to the province desires to make a presentation not being a presentation of money, to any non-gazetted police officer the officer concerned should accept the article presented but hand it over immediately to the Superintendent of Police, who will refer the matter to the Inspector General. The Inspector General of Police will sanction the retention of the article by the officer concerned unless for any sufficient reason (such as its

excessive value) he sees reason to disallow its retention. In the latter case the matter should be reported to Government for orders.

472. Halting allowance to police on duty at fair.- Sums paid out of fair fund in lieu of halting allowance to police on duty at a fair, and police officers, share of sums recovered on account of police supplied for private entertainments, need not be entered in the reward register and should be treated as laid down in paragraph 158, Office Manual.

473. Procedure if reward of Class (a) is offered in any case of more than local importance.- As soon a reward of Class (a) is offered to any case of more than local importance or in which there is reason to suppose that the person wanted has left the district, a notification should be sent to the Superintendent of Police, Criminal Investigation Department, Crime Branch, for publication in the *Criminal Investigation Gazette*.

474. Eligibility of rewards for members of clerical staff.- Members of the clerical staff are eligible for rewards only in the same way as private persons. They may not be rewarded for work done by them in the ordinary course of their clerical duties.

Reserve lines teachers are not eligible for rewards from the police rewards grant. For the grant of honoraria with the sanction of the Inspector General for exceptionally good work in unusual circumstances, *see* Financial Hand-book, Volume II.

475. Good conduct stripe.- One good conduct stripe only will be given to illiterate constables drawing 'A' class allowance. No other good conduct stripes will be given to constables.

476. Rules for granting good conduct stripes to village chaukidars.- The following rules govern the grant of good conduct stripes and allowance to village chaukidars :

- I. For specially praise-worthy conduct in the discharge of his duties a chaukidar may be awarded by the Superintendent on any one occasion one or two good conduct stripes.
- II. Every two such stripes will, entitle the wearer to an allowance in addition to his pay, of eight annas per mensem.
- III. The maximum allowance is two rupees eight annas.
- IV. Good conduct stripe will be worn on the left sleeve of the uniform three inches above the end of the sleeve and one-fourth of an inch apart. They will be red bard cloth each half in inch wide, round the sleeve. Their cost will be defrayed from the clothing grant.
- V. The forfeiture of good conduct stripes and allowance may be ordered as a punishment.
- VI. All grants of good conduct stripe and allowance and all orders withdrawing the same will be entered in the chaukidar's crime record-book, a brief note being made in English and signed by a gazetted officer.
- VII. The total expenditure on allowances must not exceed the budget provision.

CHAPTER XXXII

DEPARTMENT PUNISHMENT AND CRIMINAL PROSECUTION OF POLICE OFFICERS

477. Punishment Rules.- The rules in this chapter have been made under Section 7 of the Police Act (V of 1861) and apply only to officers appointed under Section 2 Police Act (V of 1861). No officer appointed under that section shall be punished by executive order otherwise than in the manner provided in this chapter.

The punishment of gazetted officers is regulated by the conditions of their agreements with the Secretary of State and by rules made by the Secretary of State in Council under sub-section (2) of Section 96-B of the Government of

India Act of 1919. The rule for the punishment of the clerical staff are given in the Office Manual; those for the punishment of village chaukidars in Chapter IX of these Regulations.

Punishments

478. Departmental punishment for all police officers appointed under Section-2 of the Police Act.- All Police Officers appointed under Section 2 of the Police Act are liable to the following departmental punishments-

- (a) dismissal or removal from force, as defined in paragraph 481;
- (b) reduction as defined in paragraph 482;
- (ba) withholding of promotion;
- (bb) withholding of increments including stoppage at an efficiency bar;
- (bc) misconduct entry in the character roll (U.P. Gazette dated 6th April, 1968);

Head constables and constables may also be punished with-

- (c) confinement to quarters (this term includes confinement to quarter guard) for a term not exceeding fifteen days;
- (d) punishment drill;
- (e) extra guard duty;

Constables may also be punished with-

- (e) Fatigue duty which should be restricted to the following tasks-
 - (i) tent-pitching;
 - (ii) drain-digging;
 - (iii) cutting grass, cleaning jungle and picking stones off parade grounds;
 - (iv) repairing huts and butts and similar work in the lines;
 - (v) Cleaning arms.

478-A. Punishment may be awarded after departmental proceedings.- The punishment noted at (a) and (b) in paragraph 478 may be awarded only after departmental proceedings, *vide* paragraphs 490 to 494. Orders concerning (ba) may also be passed under Chapter XXX and those concerning (bb) may be passed as provided for in paragraph 463 or paragraph 482-A as the case may be. The punishment noted at (bc) may be awarded after

giving an opportunity to the officer concerned to show cause why a misconduct entry as may be proposed should not be made in his character Roll. The punishment noted at (bc) may also be awarded when departmental proceedings, *vide* paragraphs 490 to 494 are taken initially with a view to awarding one of the punishments noted at (a), (b), (ba) and (bb) and the punishing authority ultimately considers it sufficient to award only former as a less severe punishment.

Powers of Officers

479. Powers of officers for punishment.- (a) The Governor reserves full powers of punishment with reference to all officers.

(b) The Inspector General may punish inspectors and all police officers of lower rank.

(c) Deputy Inspector General may punish all officers of and below the rank of inspector temporarily or permanently subordinate to them.

(d) The Superintendent of Police may punish all inspector and sub-inspectors temporarily or permanently subordinate to him except with dismissal or removal. Any case in which he proposes the dismissal or removal of an inspector or sub-inspector of any branch of the force must be forwarded for orders to the Deputy Inspector General of Police in accordance with the instructions contained in sub-paragraph 490 below.

(e) The Superintendent may punish all head constables and constables temporarily or permanently subordinate to him.

(f) Subject to the provisions of paragraph 491 (i) [all such permanent Assistant Superintendents of Police as have completed four years of service all such permanent Deputy Superintendents of Police as have crossed the first efficiency bar in time scale of pay applicable to them], and (ii) other Assistant Superintendent of Police and Deputy Superintendent of Police specially authorized in this behalf by the Deputy Inspector General of Police so far as his Range concerned; may exercise all the powers of a Superintendent of Police as detailed in sub-paragraphs (d) and (e) of this paragraph other than powers relating to the punishment of inspectors of police and powers under Fundamental Rules 24 and 25.

(g) A reserve inspector may give punishment drill and fatigue duty up to a maximum of three days to constable posted in the reserve lines but his order must be dispatched from the reserve lines office to the Superintendent of Police for confirmation within twenty-four hours.

Reprimand

480. Reprimand.- Punishments will be inflicted only when they are absolutely necessary in the interests of discipline. Before inflicting or proposing a punishment a Superintendent, Assistant or Deputy Superintendent or reserve inspector must consider whether a reprimand will not suffice. To ensure that the power of reprimand is adequately exercised by the reserve inspector a defaulter's book (Police Form No. 277) will be maintained in the reserve lines. Petty misdemeanours in the case of a first or second offence will be entered in this book and the defaulter's thumb impression or signature taken. Only incorrigibles should be sent up with the register to the Superintendent of Police for punishment.

Dismissal and removal

481. Dismissal and removal of an officer.- An order of dismissal will be passed only when an officer's conduct renders his retention in the force undesirable. Dismissal must necessarily follow a sentence of rigorous imprisonment, and should, as a rule, follow a conviction for intentionally or negligently allowing a prisoner to escape from custody, even if the accused is sentenced to a fine. If the Superintendent does not order dismissal in the latter case, he must submit his proceedings to the Deputy Inspector General of the Range with a copy of the judgment all departmental papers in the case and the character roll of the officer concerned.

Dismissal precludes the officer dismissed from being re-employed in Government service, while removal from the force implies that, though the officer removed is unfit for police duties, he need not be debarred from re-employment under Government in another office for which he may be suited.

482. Rules that govern reduction.- The following rules govern reduction:

- (1) No officer may be reduced to a rank lower than that in which he was first appointed to the service.
- (2) No officer may be reduced, permanently, in the sense that he is never to be eligible for re-promotion however, meritorious his subsequent service may be.
- (3) An officer may be reduced from one rank to another or from one stage in a time-scale to a lower stage in the same time-scale. Constables may also be reduced as prescribed in sub-paragraph (5).
- (4)
 - (a) When the pay of a reduced officer is after reduction to be regulated by a time-scale, the order of reduction shall specify the stage in the time-scale which shall be assigned to the officer and whether the period of reduction is definite or indefinite.
 - (b) If the reduction is to a lower rank and the period is indefinite, the stage in the time-scale of the rank to which he is reduced shall not be lower than that which the officer would have reached if he had not been promoted to the rank from which he is reduced. If the reduction is lower rank and the period is definite any stage in the lower rank may be specified.
 - (c) If the period of reduction is indefinite the officer shall not automatically regain his original position.
 If the period of reduction is definite, the period shall be specified in the order of reduction and shall not be longer than three years. At the end of a specified definite period the officer shall automatically regain his lost position, but shall not be entitled to any rank promotion which he had obtained in an officiating capacity at the time of reduction, or would have obtained if he had not been reduced.
- (5)
 - (a) Constables are in a time-scale leading up to a selection grade with a fixed number of posts. Constables may be reduced from the selection grade to the time-scale or from a higher to a lower stage in the time-scale. When a constable is reduced from the selection grade to the time-scale, the stage assigned

to him shall not be lower than that to which his length of service entitles him in the time-scale and no period of reductions shall be specified : The constables shall be eligible for re-selection to the selection grade if he conduct merits selection. In the case of reduction from one stage in the time-scale to a lower stage the period of reduction shall be specified and shall not exceed three years. At the end of the specified period the constable will regain that stage of the time-scale which he would have reached if he had not been reduced.

- (c) In addition, constables may also be reduced as follows-
 - (i) 'A' class to 'B' class;
 - (ii) to a specified lower position in the list of constables qualified from promotion; and
 - (iii) a combination of (i) and (ii).

A constable reduced to a lower position in the list of constables qualified for promotion will, when his turn comes again to be considered for promotion, be eligible subject to the provisions of Chapter XXX.

(6) When an officer above the rank of constable is reduced to the rank of a constable, the authority ordering his reduction shall indicate the stage in the constables time-scale to which he is assigned and shall state whether he is to be classed 'A' or 'B'. The authority must also indicate what position is to be allotted to him on the list of men eligible for promotion.

(7) Vacancies occurring as the result of reduction for a specified period shall be filled only in an officiating capacity. Other vacancies shall be filled permanently.

482-A. Order of upholding increment as a punishment.- Every order withholding increment as a punishment shall state the period for which it is to be withheld. Such period shall not exceed one year and shall have the effect only if postponing the increment for the stated period.

Illustration

A Sub-Inspector draws Rs.67 in the scale of Rs.65-2-95-E.B.-2 2-1/2-120 and is due his increment on 1st January, 1947. An order is passed on 1st December, 1946 withholding his increment for one year. Throughout 1947, he will draw only Rs.67 but from 1st January, 1948 he will draw Rs.71.

A constable draws Rs. 20 and is due to draw Rs.21 from 1st January, 1949, and Rs. 22 from 1st January, 1952. On 1st December, 1946 an order is passed withholding his increment for one year. He will continue to draw Rs. 20 until 1st January, 1950 from which date he will draw Rs. 21. He will draw Rs. 22 from 1st January, 1952.

The procedure for withholding increments otherwise than as a punishment after departmental proceedings is provided in paragraph 463.

Procedure

483. Proceeding against police officer.- Subject to the special provision contained in paragraph 500 and to any special orders which may be passed by the Governor in particular cases a proceeding against a police officer will consist of –

- A. A magisterial or police inquiry, followed, if this inquiry shows need for further action, or
- B. A judicial trial, or
- C. A departmental trial, or both, consecutively.

A – Inquiry

484. Nature of inquiry.- The nature of the inquiry in any particular case will vary according to the nature of the offence. If the offence is cognizable or non-cognizable according to Schedule II of the Criminal Procedure Code and information of it is received by the District Magistrate he may in exercise of his powers under the Criminal Procedure Code either-

- (1) make or order a magisterial inquiry; or
- (2) order an investigation by the police.

If the information is received by a Magistrate other than a District Magistrate, and he takes cognizance of the offence, he should report the case at

once to the District Magistrate who will withdraw it to his own Court under Section 410/411, Criminal Procedure Code, 1973 (2 of 1974). The District Magistrate may then act as though the original complaint had been made to him.

This power extends to cases under Section 29 of the Police Act, but magisterial inquiry in cases under this section will be ordered only in very exceptional circumstances.

485. Procedure, when a magisterial inquiry is ordered.- When a magisterial inquiry is ordered it will be made in accordance with the Criminal Procedure Code and the Superintendent of Police will have no direct concern with it until the conclusion of judicial proceedings or until and unless the case is referred to him for further disposal, but he must give any assistance to the inquiring Magistrate that he may legally be called upon to give and he must suspend the accused should this become necessary under paragraph 496.

486. Inquiry, when the offence alleged against a police officer amounts to an offence only u/s 7 of the Police Act.- When the offence alleged against a police officer amounts to an offence only under Section 7 of the Police Act, there can be no magisterial inquiry under the Criminal Procedure Code. In such cases, and in other cases until and unless a magisterial inquiry is ordered, inquiry will be made under the direction of this Superintendent of Police in accordance with the following rules :

I.- Every information received by the police relating the commission of a cognizable offence by a police officer shall be dealt with in the first place under Chapter XII, Criminal Procedure Code, 1973 (2 of 1974) according to law, a case under the appropriate section being registered in the police station concerned provided that –

- (1) if the information is received, in the first instance, by a Magistrate and forwarded by the District Magistrate to the police, no case will be registered by the police;
- (2) if the information is received, in the first instance by the police, the report required by Section 157, Criminal Procedure Code, shall be forwarded to the District Magistrate, and when forwarding it the

Superintendent of Police shall note on it with his own hand what steps are being taken as regards investigation or the reasons for refraining from investigation.

- (3) unless investigation is refused by the Superintendent of Police under Section 157(1)(b), Criminal Procedure Code and not ordered by the District Magistrate under Section 159, or unless the District Magistrate orders a magisterial inquiry under Section 159, investigation under Section 159, Criminal Procedure Code, shall be made by a police officer selected by the Superintendent of Police and higher in rank than the officer charged;
- (4) on the conclusion of the investigation and before the report required by Section 173, Criminal Procedure Code is prepared, the question whether the officer charged should or should not be sent for trial shall be decided by the Superintendent of Police. Provided that before an officer whose dismissal would require the concurrence of the Deputy Inspector General under paragraph 479 is sent for trial by the Superintendent of Police, the concurrence of the Deputy Inspector General must be obtained;
- (5) the charge sheet or final report under Section 173, or Section 169, Criminal Procedure Code, as the case may be, shall be sent to the District Magistrate; if the Superintendent of Police or the Deputy Inspector General had decided against a prosecution, a note by the Superintendent of Police giving the reasons for this decision shall be endorsed on, or attached to the final report;
- (6) When the reasons for not instituting a prosecution is that the charge is believed to be baseless, no further action will be necessary; if the charged is believed to be true and a prosecution is not undertaken on to the evidence being considered insufficient or for any other reasons the Superintendent may, when the final report under Section 173, Criminal Procedure Code, has been accepted by the District Magistrate, take departmental action as laid down in paragraph 490.

- II. When information of the commission by a police officer of a non-cognizable offence (including an offence under Section 29 of the Police Act) is given in the first instance to the police, the Superintendent of Police may, if he sees reason to take action, either (a) proceed departmentally as laid down under head III of this paragraph and in paragraph 490, or (b) as an alternative to, or at any stage of the departmental proceedings, forward a report in writing to the District Magistrate with a request that he will take cognizance of the offence under Section 190(1)(b), Criminal Procedure Code, provided that report against Police Officers of having committed non-cognizable offence will (when made to the police and unless there are special reasons for desiring a magisterial inquiry or formal police investigation under the Code) ordinarily be inquired into departmental and will not ordinarily and then only if be referred to the District Magistrate until departmental inquiry is complete, a criminal prosecution is desired.

On receiving information either by means of a report in writing from the Superintendent of Police as laid down above, or otherwise as laid down in Section 190(1)(a) and (c), Criminal Procedure, of the commission by a Police Officer of a non-cognizable offence, the District Magistrate may, subject to the general provisions of Chapter XIII, Part B, Criminal Procedure Code, 1973 (2 of 1974) –

- (a) proceed with the case under Chapter XVI Criminal Procedure Code, 1973 (2 of 1974);
- (b) order an inquiry by a Magistrate or an investigation by the police under Section 202, Criminal Procedure Code, 1973 (2 of 1974); or an investigation by the police under Section 155(2);
- (c) decline to proceed under Section 203, Criminal Procedure Code, 1973 (2 of 1974).

In an investigation by the police is ordered, it would be made under Section 155(3), Criminal Procedure Code by an officer selected by the Superintendent of

Police and higher in rank than the officer charged and all further proceedings will be exactly as laid down for cognizable cases in paragraph 486 (1), (4), (5) and (6) above.

If no investigation by the police is ordered, and the District Magistrate, after or without magisterial inquiry, declines to proceed criminally with the case, the Superintendent of Police will decide, in accordance with the principles set forth in paragraph 486 (1) (6) above and subject to the orders contained in paragraph 494, whether departmental proceedings under paragraph 490 are required.

III.- When a Superintendent of Police sees reasons to take action or information given to him, or on his own knowledge or suspicion, that a Police Officer subordinate to him committed an offence under Section 7 of the Police Act or non-cognizable offence (including an offence under Section 29 of the Police Act) of which he considers it unnecessary at that stage to forward a report in writing to the District Magistrate under Rule II above he will make or cause to be made by an officer senior in rank to the officer charged, a departmental inquiry sufficient to test the truth of the charge. On the conclusion of this inquiry he will decide whether further action is necessary and if so, whether the officer charged should be departmentally tried, or whether the District Magistrate should be moved to take cognizance of the case under the Criminal Procedure Code; provided that before the District Magistrate is moved by the Superintendent of Police to proceed criminally with a case under Section 29 of the Police Act or other non-cognizable section of the law against an Inspector or Sub-Inspector, the concurrence of the Deputy Inspector General must be obtained. Prosecution under Section 29 should rarely be instituted and only when the offence cannot be adequately dealt with under Section 7.

487. Proceeding, when a police officer negligently or willfully lets a prisoner escape.- If any Police Officer negligently or willfully lets a prisoner escape departmental proceedings under Section 7 of the Police Act will invariably be taken. The punishment awarded, unless there are unusual extenuating circumstances, will ordinarily be dismissal. Before the final punishment order in the departmental proceedings is passed, Superintendents of

Police must refer to their range Deputy Inspector General in each case for a decision whether prosecution should be instituted. Cases should not be prosecuted unless definite evidence is available to show connivance or criminal negligence.

B – Judicial Trial

488. Judicial trial of a criminal charge against a Police Officer.- A criminal charge against a Police Officer, superior in rank to a head constable shall in a separation district be tried by the Additional District Magistrate, Judicial. Elsewhere, such a case will be tried by a Judicial Officer having a least four years' experience of Judicial work. In case a Judicial Officer with the requisite experience is not available, the District Magistrate, will keep the case on his own file and transfer it to the Additional District Magistrate, Executive.

C – Departmental Trial

489. Departmental trial of police officer u/s 7 of Police Act.- Police Officer may be departmentally tried under Section 7 of the Police Act:

- (1) whether he has or has not been tried judicially;
- (2) after a magisterial inquiry under the Criminal Procedure Code;
- (3) after a police investigation under the Criminal Procedure Code or a departmental inquiry under paragraph 486 (III) above.

489-A. Proceeding under section 7 of Police Act done by a Gazetted Officer.- A Gzetterd officer who is either a prosecution witness in a case or has earlier conducted a preliminary inquiry in that case shall not conduct the proceedings under Section 7 of the Police Act in that case. In case the *Gazetted* officer concerned is a Superintendent of Police himself and there is no additional Superintendent of Police in that district, the Deputy Inspector General of Police concerned should be moved to transfer the case to some other district.

490. Special provisions relating to cases in which police officers are dealt with departmentally as the result of judicial trials or magisterial

enquiries.- Special provisions relating to cases in which Police Officer are dealt with departmentally as the result of judicial trials or magisterial enquiries are given in paragraphs 493 and 494; those relating to petty punishment cases in paragraphs 495. Subject to those provisions, the departmental trials of Police Officers must be conducted in accordance with the following rule;

(1) After the preliminary inquiry, the substance of the accusation must be reduced to the form of a charge which must be as precise as possible. The charge must be read and explained to the officer charged and a copy of the charge must be given to him.

(2) The officer charged should then be asked whether he accepts the charges framed against him or denies them. His reply, which may be oral or in writing, should be produced before the Superintendent of Police within such fixed period as the Superintendent of Police may consider reasonable and which, in the case of a written reply shall not be less than 48 hours. No detailed explanation is required from the officer charge at this stage. If the officer accepts the charge, it will not be necessary to record any prosecution evidence against him. If, however, he denies the charge, as much evidence must then be placed on record as the Superintendent of Police considers necessary to establish a charge under Section 7 of the Police Act. The evidence may be either oral or documentary and must be material to the charge. If oral –

- (a) It must be direct i.e., if it is a fact which can be seen or otherwise perceived, it must be the evidence of a person who said he saw or otherwise perceived it;
- (b) It must be recorded by the Superintendent of Police in the presence of the party charged who will be allowed to cross-examine the witnesses. Statements recorded by a *Gazetted* Police Officer in the course of preliminary enquiries into the conduct of the party charged or statements recorded by a Magistrate shall be admissible and need not be recorded again if these are read out and admitted by the witnesses in the presence of the party charged and the party charged is given an opportunity to cross-examine the witnesses.

(3)(a) When documents are relied on in support of the charge they should be put in evidence as exhibits and the officer charged must, before he is called upon to make his defence, be allowed to inspect and be given copies of such exhibits free of charge. Documents should not be put in as exhibits when their contents are inadmissible as evidence under Rule 2(a) and (b) above, for example statements of witnesses made to subordinate officers and reports of the findings and opinions of such officers are not evidence, and such statements and findings should not be exhibited. Statements made to subordinate officers may, however, be used by the Superintendent of Police to test the veracity of witnesses out, while doing so, copies of such statements should be placed as exhibits.

If the Government servant desires copies of any document or documents other than those mentioned above, and these documents are considered relevant by the inquiring officer, the copies of the same may be given to him on payment of copying charges. If the inquiring officer considers the documents required by the party charged as irrelevant or not relevant to the proceedings, he may refuse to supply copies of the same after recording in writing the reasons for so refusing.

(b) Certified copies of public records need not be proved.

(c) Evidence regarding the fact that a Police Officer lives beyond his means should be regarded as a strong presumption for the view that he accepts illegal gratification. In such cases evidence of general repute, even though it may not be strictly direct, should be admitted.

(d) Documentary evidence of experts of a formal nature may be admitted without the necessity of calling these witnesses to prove the documents. Similarly exhibits which are admitted by the accused need not be formally proved.

(4) If, after recording the prosecution evidence the Superintendent of Police considers it necessary to make any addition or alteration in the charge he will issue a copy of the amended charge to the officer charged and explain to him the implications of the amended charge. The officer charged will then be given a further opportunity to cross-examine the prosecution witnesses on points which own to the amended charge, may have become relevant.

(5) The officer charged must be invited to file a written statement of defence within such fixed period, not less than a week as the Superintendent of

Police may consider reasonable. He should also at this stage be asked whether he wishes to produce any defence witnesses or to file any documentary exhibits. If so, he must, along with his written statement in defence, give the names of the witnesses, details of the documents and indicate what he expects each witness or document to prove. If the Superintendent of Police considers that the evidence of any witness or any document, which the officer charged wishes to produce in his defence, is unlikely to be material to the issue of the case, he may refuse to call such witness or allow such document to be produced in evidence, but in such case, he must briefly record his reasons for so refusing. He must then either call the remaining witnesses himself or at the request of the officer charged allow him to produce them by a given date. It should be made clear to the officer charged that he will not be allowed to prolong proceedings by vexatious delays in producing his written statement or defence witnesses and that, if he fails without good reason to produce them on the date fixed the case will proceed without them.

(6) On receipt of the written explanation of defence, the oral statement of the officer charged must also be recorded by the Superintendent of Police in order to confirm the written explanation or to clarify any other points which may be considered necessary.

(7) The statements of defence witnesses must then be recorded by the Superintendent of Police who may cross-examine the witnesses on any points which he may consider necessary.

(8) The Superintendent of Police must write a finding. In the finding he must confine himself strictly to the subject of the charge and to the evidence on the record and must discuss every relevant plea raised by the officer charged. After arriving at a conclusion on the facts in issue, he should, if he had found the charge proved, take into consideration the character and previous conduct of the officer charged, before deciding what punishment, if any, is *prima facie* suitable. Should the Superintendent of Police consider that either dismissal, removal or reduction in an appropriate punishment he should in all cases in which he is empowered to inflict such punishments, supply the officer charged with a copy of his finding and call upon him to show cause within a reasonable time (which shall not be less than one week) against the imposition of these punishments. It

should be made clear to the officer charged that any representation that he may make in this respect will be considered before any order of punishment is passed.

(9) In all cases in which the Superintendent of Police proposes the dismissal or removal of Inspectors or Sub-Inspector he shall forward the cases to the Deputy Inspector of Police through the District Magistrate for final orders.

(10) When the Deputy Inspector General considers that the appropriate punishment is likely to be dismissal, removal or reduction, he shall cause a copy of the finding of the Superintendent of Police to be delivered to the officer charged and shall simultaneously call upon him to show cause against the imposition of these punishments.

The officer charged will be asked to submit his written representation, if any, within such fixed period, not less than one week, as the Deputy Inspector General considers reasonable. In all cases the Deputy Inspector General must also record the oral statement of the officer charged before he writes his finding and order.

(11) In any case in which the Superintendent of Police considers that special circumstances justify a departure from any of these rules, he should record reasons for his decision, and in any such case it will be for the Superintendent of Police to show in his finding that the officer charged has not been prejudiced by this departure from the usual procedure.

(12) The officer charged shall not be represented by counsel in any proceedings instituted under these rules.

(13) All or any of the functions exercisable by a Superintendent of Police under these rules may be exercised by a police authority superior to a Superintendent of Police.

(14) The Inspector General of Police or a Deputy Inspector General of Police may, for reasons to be recorded in writing, either on his own motion or on request from an officer holding a departmental trial under Section 7 of the Police Act, transfer a case to any other officer of corresponding rank.

491. Procedure followed by officer, when conducting departmental trials.- The officers holding the posts enumerated in paragraph 479 (f) shall allow the procedure prescribed in paragraph 490 when conducting departmental trials,

and their orders shall, with the concurrence of the Superintendent of Police, have the same executive force in all cases as the orders of the Superintendent of Police except in cases in which the officer conducting the proceedings recommends the dismissal or removal of constable or under-officer. In such cases the Superintendent of Police shall (if this has not already been done) give the officer a copy of the finding of the Inquiring officer and ask him to show cause within a reasonable time (which shall not be less than one week) why such punishment should not be imposed. All orders of dismissal or removal of an under officer or constable must be passed by the Superintendent of Police himself and any case in which a Superintendent of Police concurs in a proposal to dismiss or remove a Sub-Inspector of any breach of the force must be forwarded to the Deputy Inspector General of the range for orders.

492. The result of judicial trial of a police officer should be awaited.-

Whenever a police officer has been judicially tried, the Superintendent must await the decision of the judicial appeal, if any, before deciding whether further departmental action is necessary.

493. When a police officer tried judicially, the S.P. has no power to re-examine.- It will not be permissible for the Superintendent of Police in the course of a departmental proceeding against a Police Officer who has been tried judicially to re-examine the truth of any facts in issue at his judicial trial, and the finding of the Court on these facts be taken as final.

Thus, (a) if the accused has been convicted and sentenced to rigorous imprisonment, no departmental trial will be necessary, as the fact that he has been found deserving of rigorous imprisonment must be taken as conclusively providing his unfitness for the discharge of his duty within the meaning of Section 7 of the Police Act. In such cases the Superintendent of Police will without further proceedings ordinarily pass an order of dismissal, obtaining the formal order of the Deputy Inspector General when necessary under paragraph 479(a). Should he wish to do otherwise he must refer the matter to the Deputy Inspector General of the range for orders.

(b) If the accused has been convicted but sentenced to a punishment less than of rigorous imprisonment a departmental trial will be necessary, if further action is thought desirable, but the question in issue at this trial will be merely (1) whether the offence of which the accused has been convicted amounts to an offence under Section 7 of the Police Act, (2) if so, what punishment should be imposed. In such cases the Superintendent of Police will (i) call upon the accused to show cause why any particular penalty should not be inflicted on him, (ii) record anything the accused officer has to urge against such penalty without allowing him to dispute the findings of the Court, and (iii) write a finding and order in the ordinary way dealing with any plea raised by the accused officer which is relevant to (1) and (2) above.

(c) If the accused has been judicially acquitted or discharged, and the period for filing an appeal has elapsed and / or no appeal has been filed the Superintendent of Police must at once reinstate him if he has been suspended; but should the findings of the Court not be inconsistent with the view that the accused has been guilty of negligence in, or unfitness for, the discharge of his duty within the meaning of Section 7 of the Police Act, the Superintendent of Police may refer the matter to the Deputy Inspector General and ask for permission to try the accused departmentally for such negligence or unfitness.

494. Procedure, when an inquiry of the conduct of a police officer held by a D.M. or S.D.M.- When a Police Officer of or below the rank of Inspector has not been criminally prosecuted, but an inquiry into his conduct has been held by a District Magistrate or by a subordinate Magistrate whose finding has been accepted by the District Magistrate, the accused must be tried departmentally by the Superintendent of Police, if he does not accept the findings of fact of the Magistrate shall be bound at the request of the District Magistrate to refer the question to the Deputy Inspector General of Police.

Orderly Room

495. Orderly room for constables and head constables.- Report of petty breaches of discipline and trifling cases of misconduct by members of the force not above the rank of head constable, will, as far as possible, be inquired

into and disposed of in orderly room if the offender is at headquarters. The Superintendent of Police or other *Gazetted* officer in charge at headquarters should hold orderly room in the lines of Kotwali on two or more fixed days in the week. The orderly room register, Form NO. 133, will take the place of Section 7, Form No. 133 in such cases. The reserve Inspector will fill up the four columns of this register and assemble the persons whose attendance is necessary. The punishments enumerated in paragraphs 478 (c) (d) and (f) may be given after proceedings in Form No. 103. Any member of the force will be permitted to attend orderly room to make a personal application or representation, provided that he can be spared from duty and intimates his intention in writing to the officer to whom he is immediately subordinate. If the officer is satisfied that the applicant is entitled to a personal hearing he must initial the intimation and instruct him to attend orderly room with it; if he withholds permission, he must report his reasons in writing to the Superintendent.

Suspension

496. Suspension of police officers.- All Police Officers are liable to suspension during a departmental or judicial inquiry into a charge of misconduct. The suspension of an officer may be ordered by the authority who has the power to give him any form of departmental punishment, e.g., the Superintendent of Police may suspend an inspector even though he cannot dismiss him.

The Superintendent of Police should suspend until the trial is over, any Police Officer whose prosecution has been ordered by him or by the Deputy Officer whose prosecution has been ordered by him or by the Deputy Inspector General, or who is prosecuted as a result of a magisterial inquiry. If a prosecution is instituted by a private person on complaint, the Superintendent of Police must decide whether the circumstances of the case justify the suspension of the accused.

The suspending authority will pass provisional orders at the time of suspension, fixing the rate of suspension allowance under Fundamental Rule 53 (c) and also for the payment of horse allowance up to a limit of three months, in the case of an officer who maintains a horse, the officer will be at liberty to dispose of his horse.

497. Head constables and constables under suspension may be required to live in lines.- Head constables and constables under suspension may be required by the Superintendent of Police to live in lines but should not be subject to stricter restraint than officers of their own rank who are in the lines on duty. They should be allowed to leave the lines to consult their legal advisers or to prepare their defence. The same orders apply in the case of sub-inspectors under suspension, provided there is suitable accommodation for them in the lines.

If a police officer who is placed under suspension is required to live in the Police Lines, the order of suspension must contain instruction to this effect.

These orders do not apply in the case of a police officer who is released on bail by a Court of Law and placed under suspension, but the Superintendent of Police may order such an officer to keep him informed of his movements.

498. Payment after the reinstatement of a police officer.- The authority who orders the re-instatement of a police officer after suspension must, subject to the provisions of the Civil Service Regulations and Fundamental Rules, direct at what rate he is to be paid during the period of suspension, and whether the period is to count for pension. This order will not affect the grant of horse allowance to the officer which is governed by the third sub-paragraph 496 above.

The authority who order the re-instatement of a police officer after suspension must confirm or revise the original order so far as it relates to payment of pay and allowance during the period of suspension according to the result of the case and subject to the provisions of Fundamental Rule-54. The orders regarding the payment of horse allowance will not need revision as this allowance will be drawn up to a period of three months irrespective of the result of the case.

If on appeal or revision a police officer, who has been dismissed or removed, is ordered to be re-instated and retried but fails to rejoin duties within a fortnight from the date of the receipt of the order, the authority empowered to dismiss, remove or reduce the person in rank may presume that it is not reasonably practicable to give the said officer an opportunity of showing cause, and may, after recording the reasons in writing take proceedings in *absentia*.

499. No conveyance allowance may be paid for the period of suspension.- No conveyance allowance as distinct from horse allowance may be paid for the period of suspension without the sanction of the Deputy Inspector General in cases in which the entertainment of a petition for revision or appeal is within his competence, or of the Governor in Council or Inspector General of Police in other cases. Officers passing orders about the payment of salary need refer the question of paying conveyance allowance as distinct from horse allowance to higher authority only if they recommend payment; suspension automatically causes withdrawal of this allowance unless orders are passed to the contrary.

500. Censuring the conduct of a police officer.- (a) Where a court censures the conduct of a police officer an inquiry must be made immediately into the points which the court had held deserving of censure, without waiting for the result of an appeal, if any.

(b) If the officer whose conduct is censured is a Superintendent of Police the Deputy Inspector General of Police of the range will conduct the inquiry. On completion thereof, he will forward a report to the Commissioner.

(c) If the Commissioner considers that no further action is necessary, he will record his opinion and forward a copy of the report of the Deputy Inspector General and his opinion to Government and sending similar copies to the Inspector General. If he considers that further action is desired, he will record his opinion and forward the papers to the Inspector General and send a copy to Government.

(d) If the officer whose conduct is censured is below the rank of Superintendent of Police, the Superintendent of Police of the district will conduct the inquiry, either in person or through a gazetted officer. On completion thereof, he will forward a report to the District Magistrate.

(e) If the District Magistrate considers that no further action is necessary he will record his opinion and forward copies of the Superintendent of Police's report and his opinion to Government through the Commissioner sending similar copies to the Deputy Inspector General of the range. If he considers that further action is necessary he will record his opinion and return the

papers to the Superintendent of Police, sending copies to Government. The Superintendent of Police, will in due course intimate to the District Magistrate the action which he has taken.

501. Defence of the Act of police officer done in his official capacity, will be defended at the expense of the State.- (1) Every Police Officer against whom civil or criminal proceedings are instituted otherwise than by the Government in respect of any act purporting to have been done in his official capacity will be defended at the expense of the State when he desires to be so defended and it appears to Government that he has acted honestly and with due care and attention.

(2) The attention of all Police Officers is drawn to the provision of Section 42 of the Police Act. They are reminded, however, that, in so far as civil suits and proceedings are concerned, that section is no longer in force, and such suits and proceedings are now governed by the ordinary law of limitation embodied in the Limitation Act, 1963.

(3) Where the orders of Government on an application of an officer for his defence by Government are not received one week before the date fixed for the hearing of the case against him, the officer should apply to the court for an adjournment. If the court does not sanction the applications for adjournment, the officer will make his own arrangements for his defence and may apply through the Superintendent of Police and District Magistrate, to the Inspector General of Police to be given an advance not exceeding Rs.300 in amount to meet the expenses of his defence.

Such advance, if sanctioned, will be recoverable, or adjustable against the amount, if any, which may, on the conclusion of the case, be sanctioned by Government, for payment to the officer under the provisions of paragraphs 501(7)(e) and 501(8)(i). Simple interest at 5 per cent per annum will be charged on the balances outstanding on the last day of each month. Applications for such advances will be in the form of an agreement to be executed by the borrower, to repay, if necessary, by instalments as determined by the Inspector General of Police, from the pay or pension of the recipient. At the time of sanction of the advance, the Inspector General of Police will determine the amount of each

monthly instalment in which, should the advance become recoverable, it will be refunded. The amount of each instalment should be in whole rupees except in the case of the last instalment and should be determined in such a way that, in the event of full recovery being necessary, the number of instalments should be reasonable having regard to the amount of advance sanctioned and the monthly pay of the recipient. Interest will be recoverable in one or more instalments or the same, or nearly the same, amount as the instalments of the principal, after the principal has been completely recovered.

(4) Where a case in which Government have defended an officer is successful and the officer is awarded costs, damages or compensation, the expenditure incurred by Government up to the limit of such costs, damages or compensation as may be recovered by him will be refunded by him.

(5) In the case of a police officer belonging to the Criminal Investigation Department or to the Railway Police, the Magistrate of the district in which the case is instituted shall be the District Magistrate for the purpose of the following rules.

(6) Whenever under these rules a communication or report is required to be made by a police officer to the Collector or District Magistrate such communication or report must in all cases where the Police Officer is subordinate to a Superintendent of Police be submitted through the Superintendent of Police.

E – Civil Suits and Proceedings

7(a) Under Section 80 of the Code of Civil Procedure no suit can be brought against a public officer in respect of any purporting to have been done by such public officer in his official capacity, without two months' previous notice, which must be delivered to him or left at his office.

(b) Any officer who receives notice under Section 80 of the Code of Civil Procedure of a threatened suit against him shall, unless he is prepared to admit to the claim, at once inform his superior officer and shall without any delay prepare as full a narrative as possible of the fact which have led to the notice and of the defence which he would propose in the event of suit being filed. He will then forward the narrative to the Collector who will obtain the opinion of the Government Pleader. The Government Pleader may obtain from the officer

concerned any further information that may be necessary for expressing an opinion. If the notice be in the form of a plaint, the Government Pleader will prepare a draft written statement. The Collector will forward the narrative with the Government Pleaders' opinion and the draft written statement (if any) direct to the Legal Remembrancer, taking care that the papers reach the latter officer at least three weeks before the expiry of the period of grace contained in the notice, and will at the same time report whether it is probable in the threatened suit will be brought or not. The Legal Remembrancer will, after communicating with the Inspector General of Police, obtain the orders of the Government as to whether the suit should be defended at their expenses. In case the Government undertake the defence of the suit, the procedure to be followed, if the suit is filed will be the same in every respect as in a suit against the Government.

(c) If a suit is brought against a public officer in respect of an act purporting to have been done in his official capacity, without the previous notice required by Section 80 of the Code of Civil Procedure, he should unless sufficient time has been given for the order of the Government to be obtained, give immediate notice to the Collector of the district, who will instruct the Government Pleader to apply for an adjournment.

(d) Where a superior Police Officer receives information under the provisions of paragraph 501 (7) (b), above of a threatened civil suit against a Police Officer subordinate to him, he shall immediately report the fact and submit a brief narrative of the circumstances through the proper channel to the Inspector General.

(e) In any case in which either the Government are not prepared to undertake the defence of the suit or the officer has engaged his own counsel under the provisions of paragraph 501 (3), the Government, if satisfied that the officer acted honestly and with due care and attention, may defray any reasonable charge which may have incurred in defending himself or in satisfying any decree which may have been passed against him or in settling the matter out of court.

(f) In a civil suit if a decree is passed against the Police Officer, Government will not be bound to pay the decretal amount and will in addition have the right to recover the costs incurred by Government in defending the suit.

Criminal Proceedings

(8) (a) In the case of criminal prosecutions instituted against superior officers, the provisions of Section 197, Criminal Procedure Code, are applicable and will be followed.

(b) When a Police Officer is accused of committing an offence on the ground of some act done by him in his official capacity, he shall at once inform his superior officer and unless he desires to be defended at the expenses of Government in accordance with the following provisions, shall make its own arrangements for his defence, either with or without the aid of counsel. The Superintendent of Police or other superior officer will at once inform the Inspector General through the proper channel of every case in which a Police Officer has been accused of committing an offence.

(c) A Police Officer accused of having committed an offence on the ground of some act by him in his official capacity may apply to be defended at the expense of Government. Such application should in the first place be made to the Superintendent of Police. If the charge is of such a trivial nature that it can be adequately met by the personal appearance of the accused officer, the Superintendent of Police will advise the officer to defend himself in person. In other cases the Superintendent of Police will forward the application through the District Magistrate to the Inspector General, together with his opinion whether or not the officer should be defended at Government expense. If he is of opinion that officer should be defended, and if for any reason, the desirable, the Superintendent of Police will recommend the appointment of counsel at Government expense. When forwarding the application to the Inspector General, the District Magistrate should state whether in his opinion the accused officer should be defended by the Public Prosecutor or failing him by counsel at Government expense or should be required to engage his own counsel for his defence. The Inspector General of Police on receipt of District Magistrate's recommendation will obtain the order of Government as to whether the accused officer may be defended by the Public Prosecutor or by counsel at Government expense.

(d) When a police officer is defended at Government expense under this paragraph his defence shall, in any case in which he is committed for trial by a

Court of Session, be deemed to cover his defence both during the inquiry in the Magistrate's Court and during the trial in the Court of Session.

When a Police Officer whose defence has been undertaken at Government expense is discharged by the Magistrate, but has again to defend himself on an application for revision of Magistrate's orders, the officer may continue to be defended at Government expense with the sanction of the Inspector General. The Inspector General, may, however, refuse the defence of the officer at Government expense in respect of such revision application if the Magistrate's order or other information in his possession discloses sufficient ground for such refusal.

(e) When any person who is prosecuted by the police brings a cross case against the Police Officer responsible for his prosecution the accused officer may be defended by the Public Prosecutor in the lower court and by the District Government – Counsel in the Sessions Court; provided that the defence of the officer is fully consistent with the theory of the prosecution in the case instituted by the police.

(f) If a police officer is convicted of the offence of which is is accused and desires to appeal, he must engage his own counsel but in such case the Government may, in accordance with the following rules, subsequently pay reasonable expenses for his defence.

(g) At the conclusion of the inquiry or trial in the Magistrate's court, or the trial in the Session Court, of a Police Officer accused of committing an offence on the ground of some act done by him in his official capacity, or after the decision of an appeal, if any, in a case in which a Police Officer has been convicted his superior officer will at once send a copy of the judgment with any other relevant papers to the District Magistrate together with his opinion whether or not the officer acted honestly and with due care and attention.

(h) The District Magistrate will forward the judgment with the opinion of the superior officer to the Inspector General of Police, together with his own opinion whether or not the officer acted honestly and with due care and attention. Whether or not the District Magistrate considers that the officer acted honestly and with due care and attention, he will in every case state what in his opinion should be regarded as the reasonable expenses of the defence.

(i) In making his recommendation as to what may be regarded as reasonable expenses, the District Magistrate will be governed by the following principles :

- (1) The sanctioned rates of counsel's fees payable to the Government Pleader should be kept in mind and the maximum fee recommended should not exceed Rs. 50 for a full day's work and Rs.25 for a half day's work.

Work for over 3 hours in any court or courts will count as a full day's work, work for 3 hours or less will count as a half day's work.

- (2) Not more than one counsel should be paid for each hearing.
- (3) No payment should be made for extra expenses incurred by the engagement of a counsel outside the district.

If in any case the District Magistrate considers that these principles would operate unfairly, he should justify a departure from them.

(j) The Inspector General of Police on receipt of the District Magistrate's recommendation will obtain the orders of the Government as to the amount, if any, which should be paid to the officer for the expenses of his defence.

(k) Whenever in a criminal case a Police Officer is convicted, Government may realise from him the cost incurred by the Government in his defence. In such a case Government will further not be bound to pay the fine if imposed by the Court on the Police Officer though the case may initially have been defended at Government expense.

502. Procedure, when a medal winner police officer is convicted.-

When any Police Officer possessing one or more of the following medals.- A Field Service Medal, a King's Police Medal, an Indian Police Medal, a Commemoration Medal – is convicted and sentenced to rigorous imprisonment the Superintendent of Police should report the fact to the Inspector General of Police for consideration, whether the medal or medals should be forfeited on submitting his report the Superintendent of Police should give the full fact of the case and forward a copy of the judgment of the court.

503. Procedure, when a police officer is arrested on a criminal charge.- If a Police Officer, not being on leave, is arrested on a criminal charge in a district other than that to which he is posted, the Superintendent of the district in which he has been arrested shall inform the Superintendent of the district to which he is posted.

504. Certificate of discharge to every officer leaving the force.- Every officer leaving the force is entitled to a certificate of discharge in Form No. 26. The cause of leaving the force should be stated (e.g., dismissed, resignation, etc.) but the reasons of the dismissal etc. should not be inserted except at the wish of the applicant.

505. Resignation of a police officer.- A Police Officer of the rank of Inspector or below can resign his office on giving in writing two months' notice of his intention to resign but he shall not withdraw from the duties of his office until such time his resignation has been formally accepted by the appropriate authority and he has fully discharged any debt by him as such Police Officer to Government or to any police fund :

Provided that such a resignation may be accepted by the authority with effect from a date prior to the date of expiry of the notice :

Provided further that the resignation of a police officer whose conduct is under inquiry or who is being proceeded against departmentally under Section 7 of the Police Act, 1861 (Act No. V of 1861) or tried in a court of law for any offence may, in the discretion of such authority, not being accepted until such time the final orders are passed as a result of such inquiry, proceedings or trial as the case may be.

506. The police officer, whose conduct is under inquiry, may not be granted leave.- Leave may not be granted to a Police Officer whose conduct is under inquiry or is likely to become in the near future subject of inquiry, except on medical certificate signed by the Civil Surgeon of the district to which the Police Officer is posted. But if such Police Officer is under suspension, no leave of any kind (including leave on medical ground) may be granted.

507. Conditional resignations should ordinarily not be accepted.-

Sometimes an officer couples with a request for leave, or for redress, an offer to resign his appointment if the leave or redress be not granted. Conditional resignations of this kind should ordinarily not be accepted. Orders should be passed only in regard to the application for leave or redress. If the officer is dissatisfied with the orders passed he may appeal to higher authority or tender an unconditional resignation.

[Construction of references]

[507-A. Construction of reference.- In this Chapter, any reference to ‘Inspector General’ or ‘Inspector-General of Police’ wherever occurring, shall –

- (i) in relation to the members of the Pradeshik Armed Constabulary be construed as a reference to the Inspector General of Police, Pradeshik Armed Constabulary, Uttar Pradesh;
- (ii) in relation to the personal of the Intelligence Department be construed as a reference to the Inspector-General of Police, Intelligence, Uttar Pradesh;
- (iii) in relation to the personnel of Criminal Investigation Department be construed as a reference to the Inspector-General of Police. Criminal Investigation Department, Uttar Pradesh
- (iv) in relation to the personnel of Training Institutions of Police Department be construed as a reference to the Inspector General of Police, Training, Uttar Pradesh
- (v) in relation to the personnel of the Government Railway Police be construed as a reference to the inspector-General of Police, Railways, Uttar Pradesh]

CHAPTER XXXIII**APPEALS, REVISIONS, PETITIONS AND COPIES
OF OFFICIAL DOCUMENTS***Appeals*

508. Rules, regulating appeals by gazetted officers.- For the rules regulating appeals by gazetted Police Officers *see* the rules made by the Secretary

of State in Council under sub-section (2) of Section 96-B of the Government of India Act which apply to civil officers of all classes. The following rules based on the above regulate appeals by officers of subordinate police, service, i.e. Police Officers enrolled under Section 2 of the Police Act :

[I. Every police officer against whom an order withholding increments of pay or promotion is passed under Chapter XXX, or an order awarding any of the punishments enumerated in paras 478 (a) to 478 (bc) is passed is entitled to prefer an appeal against such order to the authority prescribed below :]

- (a) to the Local Government if the order is an original order of the Inspector General of Police;
- (b) to the Inspector General of Police if the order is an original of the Deputy Inspector General or an order of the Deputy Inspector General concurring with an original order of the Superintendent of Police or an Assistant or Deputy Superintendent of Police empowered by paragraph 479 (f) in a case in which the concurrence of the Deputy Inspector General is required by rule : provided that when the Deputy Inspector General of Police whose order is the subject-matter of appeal, is subsequently appointed Inspector General of Police, the appeal shall lie to and be decided by the Local Government;
- (c) to the Deputy Inspector General if the order is an original order of the Superintendent of Police with which the concurrence of the Deputy Inspector General is not by rule required;
- (d) to the Deputy Inspector General if the order is an original order of any of the officers enumerated in paragraph 479 (f) with which concurrence of Deputy Inspector General is not by rule required.

II. Every officer desiring to prefer an appeal shall do so separately.

III. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the officer preferring the appeal shall contain no disrespectful or improper language and shall be complete in itself. Every appeal must be accompanied by a copy of the final order which is the

subject of appeal. Petitions of appeal filed by Government servants and the copies of final orders against which appeals are filed are not chargeable with stamp duty. Copies of other documents, filed with the appeal must be stamped under Section 6 of Court Fees Act (*see* Article 9 of Schedule I) unless they have to be stamped under the Indian Stamp Act, Article 24, Schedule I (*vide* pages 104, 105, 186 and 187 of the Uttar Pradesh Stamp Manual), *See* also paragraph 517.

IV. Every appeal whether the appellant is still in the service of Government or not must be submitted through the Superintendent of Police of the district, or in the case of officers not employed on district work through the head of the office to which the appellant belongs or belonged. Appeals may not be submitted direct to any appellate authority.

V. Every appeal shall be preferred within three months after the date on which the officer preferring the appeal was informed of the order against which he appeals.

Provided that the appellate authority may, at its discretion for good cause shown extend the period to six months.

VI. The Inspector General of Police may withhold an appeal to the Government-

- (1) which is an appeal in a case in which under these rules no appeal lies;
- (2) which does not comply with the provisions of Rule VI;
- (3) which is a further appeal presented after a decision has been given by the appellate authority prescribed in these rules and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

The Superintendent of Police or any authority of higher rank may withhold an appeal –

- (4) which does not comply with one or more of the provisions of Rule IV or V:

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and of the reasons for it.

VII. No appeal shall lie against the withholding of an appeal by a competent authority :

Provided that an appeal withheld for failure to comply with the conditions stated in Rule IV or V shall not be withheld if it is re-submitted in a form which complies with these rules within the original period of appeal.

VIII. The Inspector General of Police or a Deputy Inspector General of Police may, for reasons to be recorded in writing, either on his own motion, or on a request from the officer empowered to hear an appeal transfer of an appeal to any other officer of corresponding rank.

Nothing in this rule will entitle an appellant to apply for a transfer of an appeal, and no appeal shall lie against an order passed by the Inspector General of Police or Deputy Inspector General of Police under this sub-paragraph.

509. Procedure, when the appeal admitted.- When the appellate authority admits the appeal and sends for the record, all the papers should be submitted, which were considered by the officer against whose order the appeal is made, including the character and service-roll of the officer punished.

Copies of orders passed in appeal which are furnished to the Superintendent of Police by the appellate authority should invariably be recorded with the departmental punishment file and should be submitted therewith when the record is called for.

510. Declaration of appellate authority in cases of successful appeal.- In cases of successful appeal against orders of dismissal the appellate authority should declare whether the period of enforced absence from duty is to count towards pension.

Revision

[511. Procedure of Revision.- (a) The power of revision, may in the case of all orders against which an appeal would lie under paragraph 508 (1) be exercised *suo motu* by any authority to whom the appeal would lie.

(b) Without prejudice to the provisions of Clause (a), the Inspector General of Police may revise an order of a subordinate authority in non-appealable cases and also in cases of acquittal.

(c) No record of a case decided by a subordinate authority shall ordinarily be called for after six months from the date of the order sought to be revised.

(d) No order adversely affecting to Government servant shall be passed, in exercise of revisionary powers, ordinarily after six months from the date of receipt of records except for very special reasons to be recorded in writing.

(e) No authority shall *suo motu* exercise the power of revision in any case more than once.]

Note.- In view of the addition of par I-A in the regulation, this para may also require consideration for including the Additional Inspector General of Police. Whether the orders passed by the Additional Inspector General of Police will be deemed to be the order of Inspector General of Police and the Government will entertain the revision / petition against his order, may also arise for consideration.

512. Procedure, when appeal is rejected.- An officer whose appeal has been rejected by any authority subordinate to the Local Government is entitled to submit an application for revision to the authority next rank above that by which his appeal has been rejected. On such an application the power of revision may be exercised only when, in consequence of some flagrant irregularity, there appears to have been material injustice or miscarriage of justice.

The procedure prescribed for appeals applies also to applications for revision. An application for revision of an order rejecting an appeal must be accompanied by a copy of the original as well as of the appellate order.

[513. Enhancement of punishment.- A punishment may be enhanced by—

- (a) an appellate authority on appeal; or
- (b) any authority superior to the authority to whom an appeal would lie, in exercise of revisionary powers;

Provided, in either case, that before enhancing a punishment, the competent authority shall call upon the officer punished to show cause why his punishment should not be so enhanced, and that an order of an appellate authority so enhancing a punishment shall, for the purpose of appeal, be deemed to be an original order of punishment.]

514. Rules for presenting a petition.- A police officer who has any official grievance other than one covered by the rules relating to appeal and applications for revision giving above may present a petition under the following rules :

- (a) The petition should, in the first place, be addressed to the officer the lowest rank who is empowered to pass the desired order. A petition addressed to a higher authority in contravention of rule will be summarily rejected. It must be preferred within three months of the date on which the officer submitting the petition was informed of the order against which the petitions provided that the authority to whom the petition is submitted may extend the time-limit to six months if he is satisfied that the petitioner was prevented by unavoidable circumstances, beyond his control from petitioning within the prescribed limit of three months.
- (b) Police officer subordinate to Superintendent, even if they are on leave, may not present any petitions direct to officers superiors to the Superintendent; they must submit their petition through the Superintendent. The Superintendent is obliged to forward all such petitions provided that they are framed in temperate and respectful terms. If he rejects a petition because it is improperly written he should return it to the petitioner with an order to this effect endorsed on it. If he has any knowledge of the subject-matter he should when forwarding the petition make a report explaining his action or expressing his opinion.

- (c) When the Superintendent of Police has rejected a petition on a matter which is within his competence the petitioner may submit a further petition to the Deputy Inspector General in which case he must attach to the petition a copy of the Superintendent's order. If this second petition be rejected by the Deputy Inspector-General an application to the Inspector General against the orders of the Deputy Inspector General will be only for revision. The Inspector General will interfere in such cases only when in consequence of some flagrant irregularity material injustice appears to have been done.
- (d) Petitions addressed to magistrates must be stamped with court-fee stamps of eight annas. Other petitions need not be stamped.
- (e) Petitions to Government should take the form of memorials and be prepared according to the rules governing the submissions of petition to the Governor or the Government of Uttar Pradesh. The Inspector General of Police is empowered, at discretion, to withhold petitions in certain circumstances specified in these rules and in particular, he has power to withhold any petition which is a representation by a person who is, or has been employed as an officer or member of the police force when it is a petition.
- (f) No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.
- (g) No petition would lie against punishments mentioned in subparagraphs (e) to (f) of paragraph 478 of the Police Regulations.
- (h) No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer unless it is submitted by the officer himself.
- (i) Without prejudice to the rights of recognized Service Associations every officer wishing to petition any authority shall do so separately.

515. Police officers of all ranks are forbidden to approach officials of other departments.- Police Officers of all ranks are forbidden to approach officials of other departments, members of legislatures, or private persons for

support in pressing claims or obtaining redress of grievances, whether by means of questions in Council or letter of recommendation addressed to their superior officers, or otherwise. Police Officers are also forbidden to obtain interviews with Members of, or Secretaries to Government without the permission of the Inspector General.

516. Police officers of all ranks are forbidden to petition for promotion.- Except as provided by rule, Police Officers of all ranks are forbidden to petition for promotion and superior officers are forbidden to recommend their subordinate for particular posts unless ordered to do so, by the authority competent to fill such posts.

Copies of official documents

517. Issuing free of charge copies of official documents to an officer against which an application for revision or petition lies under the rules.- An officer is entitled to receive free of charge one copy only of any order against which an application for revision or petition lies under the rules in this chapter. Thus in cases in which an application lies for revision of an appellate order, a copy of that order will be given free but the fresh copy of the original order which must also accompany the application must be paid for at the usual rates.

Note.- The word ‘order’ includes (for the purpose of this paragraph but not for the purpose of paragraph 508 (IV) the charge or charges which are the subject of inquiry and the findings (if any) of any officer, whose concurrence to the order of punishment is required (except such findings of which copies have already been given to the officer under paragraph 490 or 491. An application for a copy of the final order and the copy itself are exempted from the court fee and stamp duty under item 42 of Appendix CIII and item 59 of Appendix CII of the U.P. Stamp Manual. If a punished officer applies for a copy of the final order and expresses his intention of going in appeal, he will automatically be given without formal application a free copy of the document mentioned above. Only the copy of the final order which alone will be filed with the appeal, is to be certified as a true copy. If an officer applies for copies of other documents, or when he is applying in revision for a copy of any document other than the final order of the

appellate authority, he must pay court-fees on the application and on the copies, *vide* Article 1 (a), Schedule II and Article 9, Schedule I, Court Fees Act.

518. An officer is entitled on payment of the rates given to copies of all papers material to an appeal.- An officer is entitled on payment of the rates given in paragraph 519 to copies of all papers material to an appeal, application for revision or petition which lies under the rules in this chapter confidential papers the publication of which would be prejudicial to the administration.

Note.- Officer making reports in punishment cases should, as far as possible, exclude all matters the publication of which might be prejudicial to the administration.

519. Rules for payment of copies to private individuals.- Except as required by law or regulations copies of police official correspondence and records should rarely be given to private individuals or bodies. It would, for instance, be improper to communicate information collected by the police for official purposes to a commercial firm, to be used for advertising purposes, *See* also Manual of Government Orders.

Whenever a Superintendent of Police is in doubt as to the propriety of granting copies of official documents otherwise than as required by law or rule he should refer to the Inspector General for orders. When copies are given to private individuals or bodies payment must be made for them at the following rates :

- (i) For a copy containing not more than 1500 words [Rupee 1]
- (ii) For every 300 words in excess of 1,500 words – Extra charge of 12 paise.
- (iii) In calculating charges, each statement, report, etc. should be regarded as a separate document, and should be charged for separately.
- (iv) The rates for copies of documents in Hindi or Urdu will be the same as for documents in English.

- (v) If a copy of a book, register, map or plan is to be prepared, a suitable charge should be fixed by the head of the office.

Copying charges should be recorded in each in advance and should be credited as receipts to head Receipts – XIX – “Police – Miscellaneous. Other Miscellaneous Receipt”, copies should be made by the ordinary staff of the office concerned, without additional remuneration; but if absolutely necessary, at times of pressure copyist may be employed for the purpose of a temporary basis.

All applications for copies, other than those for copies of orders which the Government servants are entitled to receive free of charge under paragraph 77 of the Manual of Government Orders, shall be subject to the payment of court-fee prescribed under Article I of Schedule II of the Court Fees Act, 1870 (Act VII of 1870), as amended in its application to Uttar Pradesh. Except in the case of copies of orders which the Government servants are entitled to receive free of charge, the copies shall be issued on a general stamp of value prescribed under Article 24, Schedule I-B, of the Indian Stamp Act, 1899 (Act II of 1899), as amended in its application to Uttar Pradesh, to be furnished by applicant himself.

Copies need not be written on impressed (copy stamp) order.

[519-A. Construction of reference.- *Construction of reference.-* In this Chapter, any reference to ‘Inspector General’ or ‘Inspector-General of Police’ wherever occurring, shall –

- (i) in relation to the members of the Pradeshik Armed Constabulary be construed as a reference to the Inspector General of Police, Pradeshik Armed Constabulary, Uttar Pradesh;
- (ii) in relation to the personal of the Intelligence Department be construed as a reference to the Inspector-General of Police, Intelligence, Uttar Pradesh;
- (iii) in relation to the personnel of Criminal Investigation Department be construed as a reference to the Inspector-General of Police. Criminal Investigation Department, Uttar Pradesh
- (iv) in relation to the personnel of Training Institutions of Police Department be construed as a reference to the Inspector General of Police, Training, Uttar Pradesh; and

- (v) in relation to the personnel of the Government Railway Police be construed as a reference to the inspector-General of Police, Railways, Uttar Pradesh.

CHAPTER TRANSFERS

520. Transfer of gazetted officers.- Transfer of Gazetted Officers are made by the Governor in Council.

The Inspector General may transfer Police Officers not above the rank of inspector throughout the province.

The Deputy Inspector General of Police of the range may transfer inspectors, sub-inspectors, head constables and constables, within his range; provided that the postings and transfers of inspectors and reserve sub-inspectors in hill stations will be decided by the Deputy Inspector General of Police, Headquarters.

Transfer which result in officers being stationed far from their homes should be avoided as much as possible. Officers above the rank of constable should ordinarily not be allowed to serve in districts in which they reside or have landed property. In the case of constables the numbers must be restricted as far as possible.

Sub-inspectors and head constables should not be allowed to stay in a particular district for more than six years and ten years respectively and in a particular police station not more than three years and five years respectively. In the Tarai area (including the Tarai and Bhabar Estates) the period of stay of sub-inspectors, head constables and constables should not exceed five years.

521. Transfer by D.G. (P).- The Inspector-General may, without the sanction of Government-

- (a) transfer to –
 - (i) foreign service within the province other than to service in an Indian State, and
 - (ii) another department of Provincial Government, any Government servant whom he can without reference to

Government appoint or transfer in the ordinary course of administration and may also fill any post so vacated by promotion and enlistment when necessary, and

- (c) subject to the same restrictions as in clause (a) transfer as Government servant to a temporary appointment outside the province for a period not exceeding two years in the first instance and may extend the period of such temporary transfer up to a period of two years.

522. Mutual exchange of constables and head constables.- The Superintendent when proposing a transfer from the district should send the character and service roll of the officer to be transferred.

With consent of the Superintendents concerned mutual exchange may be arranged by head constables or constable. The proposed exchange shall be reported to the Deputy Inspector-General. Travelling allowance will not be payable on the occasion of such transfers.

523. Rules of joining time after transfer.- On receipt of an order of transfer of a subordinate officer to another district the Superintendent will arrange to relieve him of his duties within ten days.

Officers transferred are entitled to joining time, but the Superintendent may not grant leave to an officer under order of transfer.

An inspector relieved on transfer from another district is entitled to sign a certificate of taking over charge from the date of arrival in the new district. If the officers to be relieved cannot be present at headquarters, the charge certificate should be signed for him by the Superintendent of Police, or, in his absence, by an Assistant Superintendent of Police or Deputy Superintendent of Police. The effect of this will be that an officiating officer will be considered to have been reverted, and permanent incumbent's joining time or leave or discharge, will be counted from the date on which the relieving officer takes over charge.

524. The Superintendent may, within his district, transfer all officers of and below the rank of inspector. In the case of inspectors and officers in charge of police stations, he must before passing orders obtain the approval of the

District Magistrate. Should the District Magistrate and Superintendent of Police be unable to agree in regard to the transfer of any officer, the matter may be referred to the Deputy Inspector-General of range for decision :

Provided that in the district where the Collector / Deputy Commissioner is Collector / Deputy Commissioner-in-charge of the Division, his functions under this sub-paragraph will be exercised by the Additional District Magistrate (Executive).

Officers-in-charge of police stations shall ordinarily be retained in their charges for at least two years. Subordinate officers at police stations should not be transferred without good reason. No officer liable to station duty shall be withdrawn from that duty for a longer period than one year, except in Kumaun where the withdrawal of head constable for two years at a time from station duties is permitted.

525. Transfer of constables in Armed and Civil Police.- Constable of less than two years' service may be transferred by the Superintendent of Police from the armed to the civil police or *vice versa*. Foot police constables may be transferred to the mounted police at their own request. Any civil police constable of more than two and less than ten years' service may be transferred to the armed police and *vice versa* by the Superintendent for a period not exceeding six months in any one year. All armed police constables of over two years' service and civil police constables of over two and under ten years' service may be transferred to the other branch of the force for any period with the permission of the Deputy Inspector-General.

In all other cases the transfer of Police Officers from one branch of the force to another or from the police service of other Provinces to the Uttar Pradesh Police requires the sanction of the Inspector-General.

526. Transfer of village chowkidars.- Village chaukidars may not be transferred except with their own consent.

PART IV

TRAINING

CHAPTER XXXV

**TRAINING OF GAZETTED OFFICERS, INSPECTORS AND
RESERVE SUB-INSPECTORS**

527. Knowledge of drill to police officers.- All Police Officers have to learn drill when first appointed, and all, except public prosecutors and Assistant Public Prosecutors, are required to keep up their knowledge throughout their service.

Reserve Inspectors and all officers of superior rank must be proficient in the drill prescribed for all branches of the force.

528. Course of instruction for probationary Asstt. Superintendents of Police.- Probationary Assistant Superintendents of Police undergo a course of instruction at the Provincial Police Training College for a period of sixteen months.

The rules for their training, subjects of instruction, examinations practical training in districts, confirmation and discharge are given in the Provincial Police Training College Manual, Part II.

The practical training of Assistant Superintendents in districts after they leave the College should be carried out in the following manner :

- (i) *Office Work* –
 - (a) *English* – Officers will be instructed in all the duties of the district police head clerk and accountant, and of the Superintendent of Police in connection with his English office. This will include the method of conducting correspondence, drafting special reports, keeping accounts, preparing pension papers, pay bills and similar documents, maintaining the English crime register, and competing and submitting criminal and other returns. To complete their training in this branch, officers will be put in actual charge

successively of the head clerk's and accountant's work for such period as the superintendent may consider necessary.

- (b) *Languages* – Officers will be required to deal with police diaries reports, to make precis of vernacular papers for the information and orders of the Superintendent and to translate letters, orders, descriptive rolls and similar papers for issue to police stations. The Superintendent should make over to Assistants under training the daily diaries and reports of one or two police stations and require them to note on and submit personally such diaries and reports. The Superintendent should see that they have understood the papers and should pass orders in their presence.
- (ii) *Duties of Reserve Inspector* – Officers will be thoroughly instructed in the duties of reserve inspector. They must learn to maintain the magazine, clothing duty and other registers, to distribute the daily duties of the reserve and to supervise drill and musketry instruction, the relief of escorts and the inspection of guards. To complete their instruction they will be placed in actual charge of the reserve inspector's duties for such period as the Superintendent may consider necessary.
- (iii) *Investigation* – Officers will be deputed to accompany selected investigating officers and to prepare notes and diaries for the Superintendent's perusal. Afterwards they should themselves investigate petty cases, submitting diaries as required by Section 172, Criminal Procedure Code, and Chapter X of these Regulations. Finally officers will be put in actual charge of a city police station for twenty days. If there is no accommodation for them at the police station they will be required to attend for at least nine hours a day, the times of attendance being fixed by the Superintendent. During the camping season they will camp near some important rural police station for ten days and hold complete charge of it for that period.
- (iv) *Departmental Cases* – Officers must be deputed to make preliminary inquiries in departmental punishment cases.

- (v) *Prosecution of Cases* – Officers must put up note on decided cases for the information and orders of the Superintendent, especially on cases in which irregularities or illegalities have been committed, they will be required to precis the evidence and to write findings. Later, they will prepare cases for prosecution under the guidance of a competent officer. They will frequently attend Courts to learn procedure and practice, and must conduct the prosecution in three important cases.
- (vi) *Inspectors.* – The Superintendent will require officers under training to accompany him at the inspection of police stations, officer, arm and ammunition shops. Later officer should be required to make independent inspections, submitting their reports for the Superintendent's orders.
- (vii) After the Police Training College, and before they are granted certificates (a) to (c) prescribed below, Assistant Superintendents of Police will be attached for training for a period of one month in each case to the Criminal Investigation Department and Inspector-General's office.
- (viii) No examination in practical work is prescribed but before an Assistant Superintendent is eligible to hold charge of a sub-division of district or to officiate in charge of a district he will be required to obtain the infantry and "equitation" certificates mentioned in paragraphs 8 and 9 of the Police Training College Manual Part II, and certificates signed by the Superintendent and countersigned by the Deputy Inspector-General of the range to the effect that he can–
 - (a) pass suitable orders on general and case diaries;
 - (b) supervise an investigation intelligently;
 - (c) inspect a police station efficiently;
 - (d) supervise the work of the police accountant efficiently;
 - (e) conduct departmental proceedings under Section 7 of the Police Act efficiently.

The Deputy Inspector-General will question the Assistant Superintendent and examine his work before countersigning these certificates.

Note.- When submitting certificates (a) to (e) of practical work for counter-signature by Deputy Inspector-General, Superintendents of Police should also certify in respect of each officer that he has held charge of a city police station for 20 days, and of a rural police station for ten days and has conducted the prosecution in three important cases.

529. Probation of Dy. S.P.'s- Deputy Superintendent appointed by promotion will be on probation for one year and will, on appointment, be posted to district. They are not required to undergo training or to pass examinations, but they will be required to obtain a certificate signed by the Superintendent of Police and countersigned by the Deputy Inspector-General to the effect that they can supervise work of the head clerk and accountant efficiently, are well acquainted with the system of police accounts, and can conduct departmental proceedings under Section 7 of the Police Act efficiently. The certificate to be obtained by officers other than those promoted from the rank of reserve inspector will also include a cause to the effect that they can supervise the work of the reserve inspector efficiently.

The rules for the training and examination of Deputy Superintendents directly appointed are given in the Police Training College Manual, Part II, Chapter II.

Training of Deputy Superintendents of Police, directly appointed, in districts will be as prescribed in paragraph 528 for Assistant Superintendents of Police.

Reports on probationary Deputy Superintendents of both classes will be forwarded by Superintendents of Police through District Magistrates to the Inspector General of Police, who after consulting the Deputy Inspector General will submit the reports to the Chief Secretary to Government with his recommendations.

530. R.I. must have knowledge of drill.- Every Reserve Inspector must have a thorough knowledge of drill, and of the duties for which a reserve inspector is responsible under Chapter II. To be eligible to hold charge of the headquarters Police Office in the absence of all gazetted officers, a reserve

inspector must also possess a thorough knowledge of English and be acquainted with the police system of correspondence and accounts.

531. [Omitted]

532. Qualifications for the public prosecutor.- The qualifications for the post of public prosecutor are :

- (1) two years' service as investigating officer; or
- (2) a thorough knowledge of English;
- (3) A certificate of having passed the LLB Examination of the Allahabad University in the Indian Penal Code, the Criminal Procedure Code and the Evidence Act, with minimum of 30 per cent marks in each paper and an aggregate of 30 per cent in all;

Or

- (5) a degree in law of one of the Universities of the Uttar Pradesh :
 - (a) Priority for appointment as an assistant public prosecutor will be given to officers who have the qualifications specified in (1), (2) and (4) above.
 - (b) If no such officer is available in a district, an officer possessing the qualifications mentioned in (1), (2) and (3) above may be appointed.
 - (c) If there is no officer in a district with the qualifications laid down in (a) or (b) the Superintendent should apply to the Deputy Inspector-General for a qualified officer.
 - (d) Superintendents are empowered to give permission to sub-inspectors, including probationers, to appear at the examination referred to in rule (3) above.

533. Training of Circle Inspectors.- Circle inspectors go through no course of training and are required to pass no examination, they must keep up their knowledge of platoon drill *vide* paragraph 546.

CHAPTER XXXVI

TRAINING OF SUB-INSPECTORS

[534. Training of Sub-Inspectors.- Sub-Inspectors of the Civil Police must pass through the Provincial Police Training College. For their training at the College, and their practical training in districts *see* the Uttar Pradesh Police Training College Manual, Part III.

From the date on which they are posted to districts as sub-inspectors, civil police, sub-inspectors shall be on probation for a period of two years, on the expiry of which if he considers them fit for permanent appointment they may be confirmed by the Deputy Inspector-General].

535. Probation of Sub-Inspectors. - During the period of their probation they will be required to undergo a course of practical training as follows in all branches of police work:

- I.** They will be attached to police stations at or near headquarters where they will –
 - (a) learn police station routine, including the distribution of duties, the preparation of reports, general duties and all other station registers, the methods of surveillance and patrol and the filling in forms :
 - (b) receive instruction in investigation, the preparation of case diaries and inquest reports and the general duties of station officer – each probationer being made to accompany a competent officer on at least six investigations;
 - (c) be given simple cases to investigate independently.

During this period they will be under the special supervision of the inspector-in-charge of the city or circle to which they are posted and he will report periodically on the work of each probationer subordinate to him.

- II.** They will spend some weeks in the office of the Superintendent of Police where they will work under the orders of the Superintendent, preparing abstracts of diaries and other papers for orders.
- III.** They will be attached for some weeks to the public prosecutor's office where they will be instructed in the examination of police

papers in case sent for prosecution, and in the prosecution of cases under the supervision of the public prosecutor during this period they should also be instructed in the work of the criminal tribes sub-inspectors.

- IV. They will receive instruction in drill, kit inspection, posting and relief of guards, lining of streets, parking of carriages and other miscellaneous duties in the reserve lines. Probationary Sub-Inspectors at troop headquarters must also keep themselves efficient in equation, and must attend riding school periodically.

536. Programme for probationer Sub-Inspector.- The Superintendent must prepare a programme for each probationer fixing the station to which he is to be attached for the purposes of paragraph 535, Rule I above and periods for which he is to be attached to offices and the lines for the purposes of Rules II, III and IV. Programmes should be so arranged that too many probationers are not receiving instruction at the same place at the same time. Any part of the course laid down in paragraph 535 may be omitted or shortened in the case of promoted head constables who before being sent to the Police Training College have served in the offices of the Superintendent or public prosecutor or have acquired a proper knowledge of drill, kit inspection and other duties in the reserve lines and who are in the opinion of the Superintendent already competent in these respects.

As soon as the Superintendent is satisfied that a probationer has been sufficiently trained in all the duties enumerated in paragraph 535, he may post him to a police station under a selected station officer to perform the ordinary duties of a subordinate sub-inspector under paragraph 50.

For each probationer, the Superintendent will keep-up a training sheet on which he will collect all the material necessary to enable an opinion to be formed at any time as to the probationer's progress and ultimately as to his fitness for confirmation. In this sheet should be entered summaries of the periodical report of inspectors under whose supervision the probationer has been trained and notes by the Superintendent on the merits of the probationer's investigations and on all other matters connected with his work and conducts. At his district inspections the Deputy Inspector General should see every probationer who has been on

probation for more than six months with his programme of work and training sheet, and should record his opinion on the training sheet.

537. Extension of period of probation.- (1) The Deputy Inspector General of Police, may extend the period of probation of a candidate placed on probation under para 534 in individual cases up to a total period not exceeding one year. Any such extension shall specify the exact date up to which the extension is granted.

(2) If at any time during or at the end of period of his probation or before an order of his confirmation has been passed and come into effect, a probationer is found not to have made sufficient use of his opportunities or has otherwise failed to satisfaction, the Deputy Inspector General of Police may order-

- (i) his discharge, if he is appointed directly; or
- (ii) his reversion, if he is appointed by promotion :

Provided that in the case of discharge, he shall be apprised of the grounds of his discharge, given an opportunity to show cause against the order of discharge and his explanation in this behalf, if any, shall be duly considered before orders of discharge are passed by the Deputy Inspector General of Police.

(3) A probationer discharged from the service during or at the end of the period of probation or at the end of the extended period of probation under sub-para (2) shall not be entitled to any compensation.

(4) A probationer shall be confirmed in his appointment at the end of the period of probation or at the end of the extended period of probation if the Deputy Inspector General of Police considers him fit for confirmation and his integrity is certified.

538. Selection of ‘Z’ cadets.- Cadets of the civil and armed police, who in the opinion of Examination Board pass their final tests with outstanding distinction shall be classified “Z” cadets. This will be recorded in their character rolls. The President of the Examination Board shall in his report to the Inspector General of Police shall be final.

A “Z” class officer of the civil police will be given special training in that branch of the force of which he appears to be most suitable, due consideration being given to his own wishes. He will be considered for accelerated promotion to the rank of Inspector after confirmation as a sub-inspector.

A “Z” class officer of the armed police will ordinarily be employed as a Chief Inspector at Training Centre or as a Platoon Commander in the Military Police. He will be considered for accelerated promotion to the rank of Reserve Inspector after confirmation as a Sub-Inspector.

CHAPTER TRAINING OF HEAD CONSTABLES AND CONSTABLES

539. Training of recruits.- Recruits both for the civil and for the armed police will be trained at such places and in such manner as the Inspector General may determine and on conclusion of their training will undergo such tests as the Inspector General may prescribe.

540. Selection of X recruits from constables.- Any constable recruit, who in the opinion of the officer conducting final tests, shown outstanding merit shall be designated as “X” recruit. This will be recorded in his character roll. He will be given special training and if drafted to the civil police should be encouraged to appear at the Provincial Promotion Examination as soon as possible.

541. Probation period of recruits.- (1) A recruit will be on probation from the date he begins to officiate in a clear vacancy. The period of probation will be two years except in the following cases:

- (a) those recruited directly in the Criminal Investigation Department or District Intelligence Staff will be on probation for three years, and
- (b) those transferred to the Mounted Police will be governed by the directions in paragraph 84 of the Police Regulations.

It at the end of the period of probation conduct and work have been satisfactory and the recruit has been approved by the Deputy Inspector General

of Police for service in the force, the Superintendent of Police will confirm him in his appointment.

(2) In case in which either during or at the end of the period of probation, the Superintendent of Police is of opinion that a recruit is unlikely to make a good police officer he may dispense with his service. Before, however this is done the recruit must be supplied with specific complaints and grounds on which it is proposed to discharge him and then he should be called upon to show cause as to why he should not be discharged. The recruit must furnish his representation in writing and it will be duly considered by the Superintendent of Police before passing the orders of discharge.

(3) Every order passed by a Superintendent under sub-paragraph (2) above shall, subject to the control of the Deputy Inspector General be final.\

542. Instruction in law and regulation to recruits.- Instruction in law and regulation will be given in the lines schools by trained teachers. A Deputy Superintendent of Police will, as a rule, be placed in general discharge of the school which he must visit when at headquarters at least three times a week. Arrangements should be made for frequent short practical lectures, by experienced Police Officer. The Superintendent should take every opportunity of visiting the school. An inspection should be kept for the remarks of visiting officers.

543. Classes of constables.- Constables are of two classes, A and B. Vacancies in class A were until 1st June, 1941, filled partly by fully literate men and partly by selected illiterate or semi-literate men who had special qualifications as detective or long records of meritorious service. After 1st June, 1941, constables must pass such educational tests as may from time to time be prescribed by the Inspector General in order to obtain promotion to class A. Class B comprises all constables not admitted to class A.

The employment of constables on clerical duties is subject to the conditions:

- (1) that no constable shall be so employed unless he has had at least one year's experience of executive duties, and

- (2) that so long as a sufficient number of qualified men are available no constable shall be so employed unless he has passed the prescribed examination.

544. Training of drill will be taught in reserve lines.- Drill will be taught in the reserve lines under the supervision of the reserve inspector and armed police sub-inspector.

Under-officers and men of the armed police and civil emergency reserve and all recruits will be instructed in squad, platoon and company drill in close and extended order, company ceremonial, guard duties, and in the general principles of infantry attack and of fire direction, discipline and control, in so far as these principles are applicable to police operations for the suppression of disturbances and the rounding up on criminal gangs. In large districts battalion drill and ceremonial drill may also be practiced.

All the men of Civil and Armed Police are also required to attend Physical Training. The Superintendent of Police / Commandants may, however, exempt any person above 45 of age, from Physical Training, Apparatus work and such other strenuous exercises as the trainee is not to perform efficiently.

545. Training of drill of mounted police.- Officers and men of the mounted police will be instructed in equitation, horse mastership, troop drill and ceremonial, guard duties, the use of the sword and lance, and in the general principles of cavalry field operations in so far as they are useful to police.

546. Training of platoon drill.- Circle inspectors, civil police sub-inspectors and head constables must know platoon drill and be able to conduct parades, take command of parties of police, post and relieve sentries, and instruct their men in platoon drill, guard duties, street lining, carriage parking and in the use of battons and whistles. Constables of civil police must know squad drill and the practical duties specified above.

547. S.P. shall command a general parade of the force once a week in reserve lines.- Superintendent of Police when not on tour shall at least once a

week command a general parade of the force in reserve lines and also attend a kit inspection in the lines or at the headquarters police station. They should frequently test the quality of the instruction given in the lines and at police stations. They should give written orders fixing days for the attendance of Assistant and Deputy Superintendents on parade in the lines, and at the headquarters police station. Thursday will be a holiday from drill.

548. Practice of musketry and revolver.- Musketry and revolver practice must be carried out in the presence of a gazetted officer or the reserve inspector who will be personally responsible that all necessary precautions are taken against accidents, and for the accuracy of the score record.

549. Inspection of kits, arms and clothing etc. in police lines.- Every Monday, all the police in the reserve lines shall parade for the inspection of their kits, arms, accoutrements, horses, saddlery, appoint certificates and clothing and accoutrement books. The inspection shall be made by the senior gazetted officer present or by the reserve inspector.

On these occasions new departmental orders published in the *Police Gazette* are prescribed for the district, important changes in law and rules affecting the police, and other similar matters, will be explained to the men.

550. Instruction in “First aid to the injured” to probationary police officers.- Instruction in “First aid to the injured” is given to probationary officers and recruits by an assistant surgeon or sub-assistant surgeon. Members of the Force who have obtained certificates in “First aid” should keep up their knowledge by practice and should be examined at all inspection of station and in the lines. When recruits are not receiving instruction in First Aid or when only comparatively few recruits are receiving instruction in First Aid or when only comparatively few recruits are receiving instruction, the assistant surgeon or sub-assistant surgeon should be employed in giving refresher instruction to the police posted at the headquarters of the district.

551. Selection of Burglers from recruits.- Burglers will be selected from among constables of the armed police. Preliminary training will be given in the lines, after which the men will be deputed by the Deputy Inspector General for further training.

552. Daily class of Drill instructions.- Drill instructors who have undergone a course in observation at the Police Training College, Moradabad, should hold a daily class of instruction in observation after the dismissal of the morning parade. All sub-inspectors and head constables of the armed police who are available in lines and do not hold a certificate in observation should attend this class until they have qualified to the satisfaction of the Superintendent of Police.

553. Employment of trained S.I. teachers.- Trained teachers employed in district reserve lines schools will remain on probation for one year after appointment. During or at the end of this period any teacher whose work or conduct proves unsatisfactory will be returned to his original post under a municipal or district board. Teachers whose work and conduct while under probation have been satisfactory will be transferred permanently to the police, and will be subject to the ordinary pension and other rules for the police clerical staff. Service under a district or Municipal Board will count for leave, but not for police pension. Teachers not provided with leave, but not for police pension. Teachers not provided with Government quarters will be given a house rent allowance.

584. Posting of trained teachers to give primary teaching to the children of police officers.- When there is any demand for such instruction, trained teachers to lines schools will give primary education to the children of police officers.

Classes should be held in the early mornings when the teachers are not occupied in instructing recruits. Each teacher will take a class of not more than 16 children. No charge will be made and the instruction of children must not be allowed in anyway to interfere with the training of recruits.
