CONTENTS

The Punjab Police Rules, 1934

Volume – III

CHAPTER—21

PREVENTIVE AND DETECTIVE ORGANIZATION

21.1. Principles of the Criminal Law and Police Organization 883
21.2. *Ilaqa* Magistrate, Relations with 884
21.3. Zaildars, Inamdars, Headmen and Village watchmen 884
21.4. Duties of Police under local and special laws 885
21.5. Absconders and harbourers 886
21.6. Reports and records 887
21.7. Transfer of charge memoranda 888
21.8. Confidential notebook 888
21.9. Superintendent's weekly diary No. I 889
21.10. Weekly Diary No. I—Content of 889
21.11. Weekly Diary No. I—Check list of 890
21.12. Weekly Diary No. II— Channel of Submission 890
21.13. Weekly Diary No. II-Contents of 890
21.14. Weekly Diary No. II- Miscellaneous order Regarding 891
21.15. Monthly Crime Report 891
21.16. Annual Police Administration Reports 892
21.17. Annual Report- Form of 892
21.18. Criminal Tribe Report 893
21.19. Public meetings 893
21.20. Reports of fairs and festivals 894
21.21. Political and communal activities in relation to law and order 894
21.22. Religious processions 895
21.23. Press advertisements 895
21.24. Criminal Intelligence Gazette Notice for 896
*21.25. Appointment to Criminal investigation Department 896
•21.25. Appointment to Criminal investigation Department 897
21.25A. Discipline in the Criminal Investigation Department 899

* For Punjab

♦ For Haryana

21.26. Duties of Criminal Investigation Department 899
21.27. Requests for services of officers of Criminal Investigation Department 900
21.28. Status of Criminal Investigation Department Officers in investigations 900
21.29. Criminal Investigation Department – No control over district police 901
21.30. Prosecution of cases investigation by the Criminal Investigation Department 901
21.31. Rules of the Criminal Investigation Department 901
21.32. Circumstances in which Criminal Investigation Department can assist investigating officers 901
21.33. Officer of Criminal Investigation Department to report to Superintendent of Police 902
21.34. Organization of police in towns and cities 902
*21.35. Central Investigating Agencies 903
•21.35. Central Investigating Agencies 905
21.36. Range mobile traffic patrols-Duties of 906
21.37. Traffic patrols-Duties of Inspectors of 908
21.38. Range mobile patrols-Co-operation of District Police 908
APPENDIX No. 21.8(1) 909
APEENDIX No. 21.35(2) 910
FORM No. 21.9 (1) 913
FORMNo. 21.12 (1) 914
FORM No. 21.15 (1) 915
FORM No. 21.20 (2) 915
FORM No. 21.22 (4) 916
**FORM No. 21.35(2)* 917
♦*FORM No. 21.35(2)* 925
FORM No. 21.36 (b) 939
FORM No. 21.37 (2) (A) 931
FORM No. 21.37 (2) (B) 931

CHAPTER – 22

THE POLICE STATION

22.1. Officer in charge of police station 932
22.2. Assistant sub-inspectors 932
22.3. The station clerk 933
22.4. Duties as a clerk 933
22.5. Duties as an accountant 933
22.6. Duties as a record-keeper 934
22.7. Duties as a custodian of property 934
22.8. Continuous presence at police station 934

* For Punjab

♦ For Haryana

22.9. Literate police officers 934
22.10. Watch of police stations 934
22.11. Roll calls 935
22.12. Inspection before proceeding on duty 935
22.13. Parades 935
22.14. The police station lock-up 936
22.15. Public property 936
22.16. Case property 936
22.17. Custody of money 937
22.18. Custody of property 938
22.19. Post office cash safe 939
22.20. Cattle pounds Management of 939
22.21. Cattle in the custody of the police 940
22.22. Miscellaneous provisions regarding pounds 940
22.23. Special procedure in regard to animals of value 940
22.24. Supervision by superior officers 941
22.25. Beat and patrolling duties 941
22.26. Troops and encamping grounds 941
22.27. Field firing by troops 942
22.28. Duties at ferries 942
22.29. Religious processions 942
22.30. Dramatic performance and cinematograph displays 942
22.31. Foundlings 943
22.32. Soldiers on shooting permit 943
22.33. Destruction of snakes and wild animals 944
22.34. Destruction of ownerless dogs 945
22.35. Recovery of dead bodies from canals 945
22.36. Duties in connection with epidemic diseases 945
22.37. Additions and alterations to buildings 946
22.38. Diet of accused person 946
22.39. Advance of diet money to witnesses 946
22.40. Charges of animals connected with cases 946
22.41. Kits of men on casual leave 946
22.42. Married police officers 946
22.43. Dispatch of money, property and prisoners 947
22.44. Notices and notice-boards 948
22.45. Registers 948
22.46. General orders regarding station registers 949
22.47. Register No. I 950
22.48. Register No. II 950
22.49. Matters to be entered in Register No. II 951

22.50. Punishment for making false entry 953
22.51. Destruction of diaries 954
22.52. Copies of certain entries to be sent to orderly head constable 954
22.53. Register No. III 954
22.54. Register No. IV. Absconders and deserters 955
22.55. Register No. V 955
22.56. Register No. VI 956
22.57. Register No. VII 957
22.58. Register Nos. VIII (A) and (B) 957
22.59. Register No. IX, the Village Crime Register 958
22.60. The conviction register 960
22.61. Registers Nos. X, X (A) and X (B) 962
22.62. Registers No. XI 962
22.63. Registers Nos. XII and XII (A) 963
22.64. Register No. XIII Minute book for gazetted officers 963
22.65. No. XIV – File book of inspection reports 964
22.66. Register No. XV. Vital Statistics 965
22.67. Register No. XVI 965
22.68. Register No. XVII 966
22.69. Register No. XVIII 967
22.70. Register No. XIX 968
22.71. Register No. XX Accounts 969
22.72. Register XXI 970
22.73. Register No. XXII 970
22.74. Register No. XXIII 971
22.75. Register No. XXIV 972
22.76. Register No. XXV 972
22.77. Station clerk as officer in charge of police station 973
22.78. Visit of chaukidars to police station 973
22.79. Orders regarding notices 974
APPENDIX No. 20.20 974
APPENDIX NO. 22.26 977
APPENDIX No. 22.68(2) 982
FORM No. 22.40 989
FORM No. 22.43(3) 989
FORM No. 22.48 (1) 990
FORM No. 22. 54 (A) PART I. 990
FORM No. 22.54 (A). PART II 991
FORM No. 22.54 (B) 991
FORM No. 22.55 992
FORM No. 22.56 (1) 992

FORM No. 22.58 (A) 992
FORM No. 22.58 (B) 993
FORM No. 22.58 (C) 993
FORM No. 22.59(1) A 993
FORM No. 22.59 (1) B 994
FORM No. 22.59 (1) C 994
FORM No. 22.59 (1) D 995
FORM No. 22.59 (1) E 996
FORM No. 22.67 (a) 997
FORM No. 22.67 (b) 997
FORM No. 22.68(a) (1). 998
FORM No. 22.68 (a) (2) 998
FORM No. 22.68(a) (3) 998
FORM No. 22.68 (a) (4) 999
FORM No. 22.68 (a) (5) 999
FORM No. 22.68 (a) (6) 1000
FORM No. 22.68 (b) 1000
FORM No. 22.68 (c) 1000
FORM No. 22.68 (d) 1001
FORM No. 22.68 (e) 1001
FORM No. 22.68 (f) 1001
FORM No. 22.69 1002
FORM No. 22.70 1002
FORM No. 22. 79 (1) (a) 1003
FORM No. 22. 79 (1) (b) 1003
FORM No. 22.79 (1) (c) 1004
FORM No. 22.79 (1) (d) 1005

CHAPTER—23

PREVENTION OF OFFENCES

23.1. Patrolling at rural stations 1006
23.2. Co-operations with railway police at stations 1007
23.3. Patrolling by villagers 1007
23.4. Surveillance Register No. X 1007
23.5. Entries in and cancellations from surveillance register 1009
23.6. Notice to headmen 1011
23.7. Mode of surveillance 1011
23.8. Preparation of history sheets 1011
23.9. History sheets when opened 1012
23.10. Custody of history sheets 1013
23.11. Checking of history sheets 1014
23.12. Treatment of history sheets and personal files 1014

23.13. Personal files, Maintenance and disposal of 1014
23.14. Index to history sheets and personal files 1015
23.15. Part IV—Village Crime Register No. IX 1015
23.16. Bad character rolls 1016
23.17. Information sheets 1017
23.18. Hue and cry notices 1018
23.19. Dissemination of intelligence of serious offences 1019
23.20. District register of absconders 1019
23.21. Register showing progress of action against absconders and proclaimed offenders 1020
23.22. Register of proclaimed offenders 1020
23.23. Revision of lists of proclaimed offenders 1021
23.24. Procedure when person is proclaimed an offender 1021
23.25. List of proclaimed offenders at police station 1022
23.26. Proposals regarding criminal tribes or classes 1022
23.27. Criminal Tribes Act, VI of 1924 1023
23.28. District criminal tribes register 1023
23.29. Criminal tribes—Supervision by gazetted officers 1023
23.30. Proceedings under section 110, Criminal Procedure Code or Act V of 1918 1023
23.31. Surveillance records confidential 1024
23.32. Preventive action under sections 151 and 107, Code of Criminal Procedure .. 1024
23.33. Convicts released before expiration of sentences under the Prisons Act remission rules 1024
23.34. Convicts conditionally released under 401, Criminal Procedure Code 1025
23.35. Conditional release under the Good Conduct Prisoners Probational Release Act (Punjab Act X of 1926) 1025
23.36. Release notice of prisoners 1026
23.37. Procedure when release notices are received 1026
23.38. Surveillance over released prisoners 1027
23.39. Released convicts with regard to whom order under section 565, Code of Criminal Procedure has been made 1028
23.40. Control of professional criminals 1028
23.41. Distribution of Professional Criminals 1028
23.42. Pathan immigrants 1029
23.43. Controls of traffic in police stations jurisdictions 1029
23.44. Conditions of colony tenancies 1029
APPENDIX No. 23.39 (1) 1030
APPENDIX No. 23.42 1034
FORM No. 23.4 (1) 1041
FORM No. 23.6 (1) 1041
FORM No. 23.9 1042

FORM No. 23.14 (1) A 1043
FORM No. 23.14 (1) B 1043
FORM No. 23.16 (2) 1044
FORM No. 23.16 (3) 1045
FORM No. 23.16 (5) 1045
FORM No. 23.17 (1) 1046
FORM No. 23.17 (2) 1047
FORM No. 23.17 (6) 1047
FORM No. 23.18 (1) 1058
FORM No. 23.20 (1) 1049
FORM No. 23.21 1050
FORM No. 23.22 (1) 1050
FORM No. 23.22 (2) 1051
FORM No. 23.24 (2) 1052
FORM No. 23.30 (1) 1052
FORM No. 23.33 1053
FORM No. 23.37 (1) 1054
FORM No. 23.39 (2) 1054

CHAPTER—24

INFORMATION TO THE POLICE

24.1. First Information how recorded 1055
24.2. Written reports by village headmen 1058
24.3. Action on report of non-cognizable offence 1059
24.4. Action when reports are doubtful 1059
*24.5. First Information Report Register 1060
♦24.5. First Information Report Register 1061
24.6. Railway cases 1064
24.7. Cancellation of cases 1064
24.8. Register of Cognizable Offences 1064
24.9. Register of Petty Offences 1065
24.10. Register of petty offences- Classes of offences to be entered 1065
24.11. Register of Petty Offences- procedure 1065
24.12. Special reports from Police stations 1065
24.13. Despatch of special reports 1066
24.14. Special reports for Superintendents 1067
24.15. Special reports- cases when reported and to whom 1067
24.16. Forgery of currency notes and coining cases 1071
24.17. Continuation and final reports 1072
24.18. Record of special reports 1072

* For Punjab

♦ For Haryana

24.19. The duties of the Police as Excise Officers 1072
APPENDIX No. 24.5(2) 1074
APPENDIX No. 24.15 1075
FORM No. 24.2 (1) 1077
FORM No. 24.5 (1) 1079
FORM No. 24.8 (1) 1082
FORM No. 24.9 1083
FORM No. 24.12 (1) 1083
FORM No. 24.14 1084

CHAPTER—25

INVESTIGATION

25.1. Powers to investigate 1085
25.2. Power of investigating officers 1085
25.3. Action when offence occurring in another police station is reported 1085
25.4. Where offence appears to have occurred in other police station 1086
25.5. Disputes as to jurisdiction 1086
25.6. Relieving and relieved officers sign case diaries 1086
25.7. Cancellation of a case in one police station and registration in another 1086
25.8. Cases which may be lawfully investigated in more local areas one than 1086
25.9. Optional investigation 1086
25.10. Immediate despatch of an officer to the spot 1087
25.11. Investigation in non-cognizable cases 1087
25.12. Orders in writing 1088
25.13. Plan of scene 1088
25.14. Technical assistance in investigation 1089
25.15. Hand-writing 1089
25.16. Cases against Government servants 1090
25.17. Supervision by gazetted officers 1090
25.18. Statements recorded under section 161, Code of Criminal Procedure 1091
25.18A. Communications of official documents of information 1091
25.19. Medico-legal opinion 1092
25.20. Wounded complaints and witnesses 1093
25.21. Dying declarations 1094
25.22. Medical examination of women 1094
*25.23. Searches by police officers 1095
♦25.23. Searches by police officers 1095
25.24. Recorded in custody of the post office 1096
25.25. Track law 1096
25.26. For Important of foot-prints and track evidence 1096

* For Punjab

♦ For Haryana

25.27. Confessions 1098
25.28. Statements recorded by magistrates 1098
25.29. Confession accused and approvess 1099
25.30. Place of trial 1101
25.31. Inquests 1101
25.32. Investigations under section 174, Code of Criminal Procedure 1102
25.33. Investigation officer- action of at scene of death 1102
25.34. Disinterment of bodies 1103
25.35. The Inquest Report 1103
25.36. Post-mortem examination-when and by whom held 1104
25.37. Post-mortem examinations-action to be taken by police 1105
25.38. Unidentified bodies 1106
25.39. Form to accompany body or injured person 1107
25.40. Articles for medical examination-how sent 1107
25.41. Chemical Examiner-Channel of communication with 1107
25.42. Explosives 1109
25.43. Producer in poisoning cases 1109
25.44. Procedure in cases of poisoining of animals 1109
25.45. Matters how forwarded to Chemical Examiner 1110
25.46. Imperial Serologist Calcutta-articles sent to 1111
25.47. Report of medical officer 1111
25.48. Maintenance and disposal of stolen cattle during investigation and trial 1112
25.49. Property not required to be returned 1112
25.50. Seizures of property in extradition cases 1113
25.51. Recognizances from witnesses 1113
25.52. Dissemination of intelligence and hue and cry notices 1113
25.53. Cases diaries 1113
25.54. Record of case diaries 1113
25.55. Files of case diaries 1114
*25.56. Procedure when the investigation can not be completed in 24 hours 1114
♦25.56. Incomplete charge sheet 1115
*25.57. Close of investigation and final report 1116
♦25.57. Close of investigation and final report 1117
25.58. Provision of Investigation bag to the investigating officer 1118
APPENDIX No. 25.18-A 1119
APPENDIX No. 25.27 1121
APPENDIX No. 25.41(4) 1125
APPENDIX No. 25.42(2) 1129
APPENDIX No. 25.43(4) 1134
APPENDIX No. 25.56(1) 1135

* For Punjab

♦ For Haryana

Appendix 25.57 for Punjab only 1136
FORM No. 25.2(1) 1139
FORM No. 25.23 (1) (a) 1139
FORM No. 25.23 (1) (b) 1139
FORM No. 25.23 (1) (c) 1140
FORM No. 25.23(1) 1140
FORM No. 25.35 (1) (A) 1143
FORM No. 25.35 (1)(B) 1144
FORM No. 25.35(1)(C) 1146
FORM No. 25.39 1147
FORM No. 25.44 (VIII) 1148
FORM No. 25.48 (4) 1148
FORM No. 25.54 (1) 1149
FORM No. 25.56 (1) 1149
FORM No. 25.57 (2) 1150

CHAPTER—26

ARREST, ESCAPE AND CUSTODY

26.1. General power of arrest 1154
26.2. Power of defer arrest 1154
26.3. Search of persons under arrest 1154
26.4. Look-ups 1155
26.5. Warrant to be taken out when wanted persons abscond 1156
26.6. Illness of persons under arrest 1156
26.7. Identification of accused 1156
*26.8. Report of arrest 1157
♦26.8. Report of arrest 1157
*26.9. Arrest on a telegram 1157
♦26.9. Arrest on a telegram 1158
26.10. Co-operation with Police of Indian States 1158
26.11. Cancelled. 1160
26.12. Communication with authorities outside India 1160
26.13. Arrest of public servants 1160
26.14. Arrest of persons belonging to the Indian Army and instructions regarding Military Criminal jurisdiction 1160
26.15. Detention of *sarwan* or camel of a camel cadre 1160
26.16. Arrest of deserters 1161
26.17. Arrests on warrants under Gambling Act 1161
26.18. Arrest of civil prisoners 1161
26.18A. Arrest of women 1161
26.19. Arrest of drunken persons 1162

* For Punjab

♦ For Haryana

26.19A. Stoppage of trains at non-stop stations to arrest persons 1162
26.20. Transfer of arrested persons 1162
26.21. Bail and recognizance 1163
26.21A. Classification of under-trial prisoners 1163
*26.22. Conditions in which handcuffs to be used 1164
♦26.22. Conditions in which handcuffs to be used 1164
26.23. Condition in which use of handcuffs may be dispensed with 1165
26.24. Security of handcuffs 1165
26.25. Arrest of sick or wound persons 1165
26.26. Production of accused before magistrate within 24 hours 1165
26.27. Diet of accused persons 1166
26.28. Interviews with prisoners 1166
26.29. Orders to be hung up outside lock-ups 1167
26.30. Diet and expenses of witnesses 1167
26.31. Death in Police Custody 1167
26.32. Identification of suspects 1167
APPENDIX No. 26.10(2) 1169
APPENDIX No. 26.10(5) 1172
APPENDIX No. 26.14(2) 1177
APPENDIX No. 26.14(3) 1180
APPENDIX No. 26.27(1) 1181
FORM No. 26.7 (1) 1183
FORM No. 26.8 (1) 1185
FORM No. 26.8(2) 1187
FORM No. 26.16(6) 1188
FORM No 26.16 (7) 1188
FORM No. 26.21(5) 1189
FORM No. 26.32(1)(E) 1189

CHAPTER—27

PROSECUTION AND COURT DUTIES

27.1. Charge sheets–preparation and scrutiny of 1190
*27.2. Charge Sheet Slip and Road Certificate 1191
♦27.2. Charge Sheet Slip and Road Certificate 1192
27.3. Duties of Public Prosecutors 1192
27.4. Police Officers as Public Prosecutors 1193
27.5. Security to be given by prosecuting staff 1193
27.6. Prosecution of railway cases 1193
27.7. Prosecution of cases under section 110, Code of Criminal Procedure 1194
27.8. Action on breach of terms of security bond or conditions of restriction 1194

* For Punjab

♦ For Haryana

27.9. Police Brief 1194
27.10. Proof of previous Convictions 1194
*27.11. Appeal and access to Judicial records 1195
♦27.11. Appeal and access to Judicial records 1196
27.12. Maintenance of order and watch over prisoners in courts 1197
27.13. Compounding of cases under section 420. Indian Penal Code 1198
27.14. Prosecuting Agency-Composition of 1198
27.15. Duties of head of prosecuting agency 1198
27.16. Registers to be maintained by prosecuting Deputy Superintendent or Inspector 1200
27.17. Duties in connection with property 1201
27.18. Safe custody of property 1202
27.19. Property in cases committed to a higher court 1204
27.20. Prosecuting agency to attend office when courts are closed 1205
27.21. Property of prisoners to be taken charge of 1205
27.22. Duties of prosecuting sub-inspector and court orderlies at tehsil 1205
27.23. Supply of copies under section 16 and 173(4), Code of Criminal Procedure .. 1206
27.24. Production of police records as evidence 1206
27.25. Co-operation of Jail Officials in identification prisoners 1207
27.26. Assaults on police-Prosecution for 1208
27.27. Diet of accused persons 1208
27.28. Diet money and travelling expenses advanced to witnesses 1208
27.29. Record of conviction 1208
27.30. Entries in Conviction Register when made 1211
27.31. Entries of convictions how and when made 1211
27.32. Despatch register of charge sheet and Conviction slips 1211
27.33. Despatch of conviction slips in other cases 1211
27.34. Intimation of convictions from courts 1212
27.35. Publication of conviction of Europeans, etc, in Criminal Intelligence Gazette 1212
27.36. General. Crime Register 1212
27.37. General Crime Register - Rules for maintenance of 1213
27.38. Records of First Information Reports and case Diaries 1214
27.39. Monthly sorting 1215
APPENDIX No. 27.15(VI) 1217
FORM No. 27.1 (3) 1218
FORM No. 27.2 (1) (A) 1220
FORM No. 27.2 (2) 1223
FORM No. 27.9 (1) 1224
FORM No. 27.10 (2) 1227
FORM No. 27.11(4) 1228
FORM No. 27.15 (VI) 1229

* For Punjab

♦ For Haryana

FORM No. 27.15 (VIII) 1231
FORM No. 27.16 (1) 1231
FORM No. 27.16 (3) 1232
FORM No 27.16 (3) (A) 1232
FORM No. 27.16 (4) 1233
FORM No. 27.16 (5) 1233
FORM No. 27.16 (6) 1234
FORM No. 27.24 (2) 1234
FORM No. 27.32 (1) 1235
FORM No. 27.16 (7) 1236
FORM No. 27.18 (1) 1236
FORM No. 27.33 (1) 1237
FORM No. 27.36 1238

CHAPTER—28

RAILWAY POLICE AND OTHER SPECIAL RULES

28.1. Organisation 1240
28.2. Jurisdiction 1240
28.3. Central Investigating Agency 1240
28.4. Recruitment and training 1241
28.5. Duties and powers 1241
28.6. Special Rules regarding investigations of railway accidents 1241
28.6A. Arrest of railway servants 1242
28.7. Special duty of the railway police 1242
28.8. Relations with the railway authorities 1243
28.9. Relation with the district police 1243
28.10. Co-operation between railway and district police 1243
28.11. Special training of Railway Police 1246
28.12. Special arrangement for heavy passenger traffic 1246
28.13. Fixing beats system 1246
28.14. Division of town police 1247
28.15. Sections of divisions 1247
28.16. Hours of duty of constables 1247
28.17. The beat book 1247
28.18. Fixed traffic points, beats and patrols 1247
28.19. Parking of vehicles 1249
28.20. Supervision of guards, beats and patrols 1250
28.21. Reports of sales of arms and ammunition 1251
28.22. Duties of police in connection with outbreaks of fire 1251
28.23. Fire Brigades 1252
28.24. Fairs 1252
28.25. Town watchmen 1253
APPENDIX No. 28.6 1253
APPENDIX No. 28.25 1260

♦CHAPTER—29

APPOINTMENTS AND ENROLMENTS IN CRIMINAL INVESTIGATION DEPARTMENT

29.1. Appointments to Criminal Investigation Department 1264

Appointment, Enrolment of Assistant Sub-Inspectors

29.2. Appointing Authority 1264
29.3. (i) Direct appointments of Assistant Sub-Inspectors 1265
(ii) Application for direct appointment as Assistant Sub-Inspector 1265
29.4. Nationality, domicile and character of candidates for the post of Assistant Sub-Inspector 1266
29.5. Age, physical standards and academic qualifications 1266
29.6. Probation 1267
29.7. Recruitment of Constables 1267
29.8. Nationality, domicile and character of candidates for the post of constable 1267
29.9. Age, physical standards and academic qualifications 1268
29.10. Procedure for recruitment 1269
29.11. Allotment of regimental numbers 1270

Promotion

29.12. 1270
29.13. 1270
29.14. 1271
29.15. 1271
29.16. 1271
29.17. Promotion as Head Constable 1271
29.18. 1274
29.19. Disqualification for admission to or retention in list B or C 1274
29.20. 1274
29.21. 1274
29.22. 1274
29.23. 1275
29.24. Probation on Promotion 1275

Training and Examination

29.25. Training of constable 1275
29.26. 1275
29.27. 1275

Deputation

29.28. 1275
29.29. 1276
APPENDIX No. 29.10(8) 1276
The Punjab Police Act, 2007 1279
The Haryana Police Act, 2007 1309
The Himachal Pradesh Police Act, 2007 1337
The Haryana Form and Manner of Information Rules, 2025 1393

♦ For Haryana

THE PUNJAB POLICE RULES, 1934

Volume III

CHAPTER 21

PREVENTIVE AND DETECTIVE ORGANIZATION

21.1. Principles of the Criminal Law and Police Organization.— The Criminal law of India and the police organization, which is based upon it, are both founded on the principle that public order depends essentially upon the responsibility of every member of the community within the law to prevent offences and to arrest offenders. The magisterial and police organization is set up to enforce, control and assist this general responsibility. This fundamental principle must be thoroughly understood and borne constantly in mind by police officers of all ranks, but more especially by gazetted officers and upper subordinates.

Instructions as to the general relations between police officers and magistrates are contained in chapter I of these Rules and some further detailed instruction are placed in this chapter. The ideal to be aimed at in respect of relation with the public is that every police officer, of whatever rank, should be regarded by every law – abiding person as a wise and impartial friend and a protector against injury to his person and property. In proportion as this ideal is approached, the police will receive the information and assistance which they need, in order to combat crime successfully. When confidence and co-operation are lacking, private persons and village officials resort to connivance at crime and to seeking redress for their own losses through treaty with criminal; the police are isolated in their efforts to prevent and detect offences, and can hope for but a small measure of success.

The proper relations between the police and the public in a district depend primarily upon the personal attitude of the Superintendent, and the example set by his subordinates. The most important duties of a Superintendent are to know the people of his district and to know what his subordinates are doing. Such knowledge can only be gained by the fullest personal accessibility, activity in touring, through and intelligent supervision and a sympathetic interest in the life of the district and the facts and difficulties of the work of his own men. He must inspire confidence in his subordinates, as well as in the public. While alert to check tyranny, dishonesty and other abuses by his subordinates, as well as in the public. While alert to check tyranny, dishonesty and other abuses by his subordinates, he must

be as accessible to them as to non-officials, and ready at all times to help them in their difficulties and support them against the evil influences, which they have to face. This should be the attitude of all supervising officers. They should ensure direct access to themselves unimpeded by their subordinates, and must be ready to give a patient hearing to all complaints and grievances, but must avoid creating any impression of spying which would destroy the confidence and undermine the authority of their officers.

21.2. *Ilaqa* Magistrate, Relations with.—The relations between the *ilaqa* magistrate and the police officers with whom he has to deal should be both cordial and intimate, and every opportunity shall be to keep him informed of the state of crime in his *ilaqa*. Conferences between magistrates and police officers, at which difficulties on either side can be discussed and remedies devised, should be encouraged; police officers coming in with *challans* should take the opportunity of obtaining an interview with the *ilaqa* magistrate and discussing with him the state of crime in their jurisdictions; and prosecuting officers, who form a valuable link between the investigating officer and the magistracy, should be instructed to pass on to magistrates any information of interest or importance regarding criminal matters of which they may be aware. When a magistrate visits the local area of a police station, the Sub-Inspector should make an effort to attend at his camp and should offer his assistance as well as discuss with him all matters concerning crime. It is however not intended that in such cases, the Sub-Inspector should leave important duties in order to remain in attendance throughout the tour.

21.3. Zaildars, Inamdars, Headmen and Village watchmen.—(1) The conditions of appointment and removal, and the duties and remuneration of zaildars, inamdars and headmen are set forth in the Land Revenue Rules (See Land Revenue Rule 9) with which gazetted and upper subordinate police officers should be familiar. While these village officials have many duties besides those connected with the suppression of crime, capacity to assist the criminal administration is one of the factors considered in making appointments, and failure in this duty is a ground for removal from office or forfeiture of emoluments. In the case of headmen, definite duties in respect of reporting and preventing offences are prescribed by the Criminal Procedure Code, and the Land Revenue Rules (See Land Revenue Rules 16 and 20) require them to attend the summons of all officers having jurisdiction in the estate in which they are appointed; to assist all Government officials in the execution of their public duties; to supply information; to assist, if so ordered by the Collector, in the provision on payment of supplies or transport to Government officers on duty, and generally to represent the people of their estates in their relations with Government Zaildars and inamdars are required by the Land Revenue Rules to report to the police heinous crime and the presence in the zail of bad characters; to assist in prevention, investigations and arrests; see to that headmen perform their duties properly; to notify all orders of Government in their zails and to obey all such orders as require their personal obedience to exert their influence to secure within their zails prompt obedience to all orders of

Government; to abstain from interference in litigation except under orders of Government; to assist all Government officers in the execution of their duties, to supply them with information and to attend them when they visit their zails.

(2) It is the duty of gazetted police officers and inspectors to take particular note of the work of zaildars, inamdars and headmen. These officials should be encouraged in the performance of their duties and suitably rewarded when they do well; serious or persistent neglect of duty should be brought to the notice of the Superintendent, and by him to that of the District Magistrate. In the periodical inspections of police stations mention shall always be made of the degree of assistance received by the police from the zaildars and other village officials of the jurisdiction, and of particularly meritorious work or noteworthy dereliction of duty on the part of individuals.

(3) Gazetted officers should, from time to time, record remarks in the books kept for the purpose by zaildars and inamdars regarding the extent to which such officials fulfill the purpose of their appointment in so far as the police are concerned. Notes any also appropriately be made by gazetted officers in the police stations minute book (Register No. 13) and in Part IV of Village Crime Books regarding particular zaildars, inamdars and headmen.

(4) The village watchmen or *chaukidar*, is a village servant whose chief duty is the watch and ward of the village. He is required to carry reports for the headmen, 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.

Chaukidars are also the agency for the reporting of births and death occurring in the rural tracts. For the purpose of recording vital statistics they attend at the police station within the jurisdiction of which their village are situated at certain appointed times, and these occasions are made use of to disseminate items of news and orders connected with the preventive and detective duties of the village officers.

The rules regarding the appointment, dismissal, powers, duties and responsibilities of watchmen are framed by Government under section 39-A of the Punjab Laws Act of 1872.

21.4. Duties of Police under local and special laws.—Many of the most important and most frequently exercised functions of the police derive from local and special laws. In some cases powers so derived have been specially referred to in different chapters of these rules, but, irrespective of such references, a knowledge of the provisions of all local and special laws, more or less comprehensive according to the duties of his rank, is required of every trained police officer.

The constitution of the Police Force itself rests on a special law, the Police Act (V of 1861). The administration of the Excise Act, in co-operation with officials of the Excise Department, is one of the most important of the duties of the police. Under this Act, all police officers of and above the rank of head constable are invested with the powers of excise officers Ist class, and all constables with those

of excise officers, 3rd class. The control of crime, especially in rural areas, depends largely upon the Punjab Laws Act, the Registration of Habitual Offenders Act and the Criminal Tribes Act. The Arms Act contains cognizable offences of first class importance, and imposes on the police important duties in connection with the inspection of licences. The Cantonment and Municipal Act impose very extensive and varied duties upon police officers serving in areas to which they apply in relation to the enforcement of bye-laws of all sorts. The powers and duties of the police in relation to fires also emanate from the Municipal Act. The same Act, together with the Hackney Carriage Act, Indian Motor Vehicles Act, Prevention of Cruelty to Animals Act and certain sections of the Indian Penal Code give to the police all their powers in relation to the control of traffic. The Indian Extradition Act governs the dealings of the police in respect of criminals with Indian States. Many other Acts give powers or impose duties in respect of arrests, custody, search and inspection in relation to particular classes of offence.

21.5. Absconders and harbourers.—(1) A vital factor in both the detection and prevention of crime is the execution of the law in respect of absconding and harbouring. The provisions of the law are adequate to prevent both these offences but their proper and comprehensive administration demands theconstant attention of magistrates and supervising police officers. The absence or prevalence of absconding and harbouring are among the acid tests of the efficiency of the criminal administration. Instructions as to the taking out and execution of warrants when persons, whose arrest is required, are not immediately found, are contained in rule 26.5. This is the first essential. Under section 87, Code of Criminal Procedure, any court may at any time issue a proclamation against a person for whose arrest that court has issued a warrant. All that is necessary is that the court should be satisfied, not necessarily by evidence that the said person "has absconded or is concealing himself so that such warrant cannot be executed". The court may further at any time after proclamation "order the attachment of any property, moveable or immovable, or both, belonging to the proclaimed person". The period of thirty days mentioned in section 87, Code of Criminal Procedure, is that within which the absconder is called upon to surrender, it imposes no delay on the issue of attachment orders. The issue of a proclamation under section 87, Code of Criminal Procedure, renders liable to the penalties of section 216, Indian Penal Code, any one who give to the person proclaimed any assistance of the nature described in section 52-A, Indian Penal Code.

(2) The action prescribed in rule 26.5 for obtaining a warrant of arrest shall be taken by the police immediately they have grounds for making such arrest. Every reasonable efforts to execute such warrant shall then be taken. If such efforts fail, the court which issued the warrant must be satisfied that the warrant cannot be executed; evidence of the guilt of the wanted man in the offence under investigation is not required. When a proclamation order has been obtained, the police are bound to publish that order as required by section 87(2), Code of Criminal Procedure. Immediately this has been done the requirements of section 87(3), Code of Criminal Procedure, shall be complied with. Thereupon, the person wanted becomes a

"proclaimed offender" and the rules in Chapter XXIII regarding the entry of such person's name in the surveillance register, list of proclaimed offenders, notices to village headmen and watchmen of all places where he has connections or which he is likely to visit *etceteras* shall be forthwith complied with.

(3) The procedure of search under warrant and proclamation shall be carried out in every case in which a wanted person cannot be immediately arrested without warrant by the investigating officer. Discretion may be exercise by both the police and magistrates whether to proceed with attachment of property under section 88, Code of Civil Procedure. In every case, where there is danger of more crime resulting from an absconder remaining at large an attachment order shall be immediately applied for. The police are not authorized to carry out attachment, but it is the duty of the prosecuting branch to see that the necessary orders issued from the court without any delay, and of the officer conducting the investigation to take steps to prevent the improper alienation of attachable property by fictitious mortgage or sale. For this purpose lists of such property should be made, as part of the investigation, and attached to the police file of the case, and the village headman concerned should be directed to report any attempt at alienation or removal pending the issue of attachment orders. The lists of property prepared by the investigating officer, attested by competent witnesses, should be put into court with the application for an attachment order.

(4) To prevent harbouring, without which no absconder can remain at large, thorough publicity in regard to the issue of a warrant and subsequent proclamation order is essential. If this receives proper attention, the defence of ignorance is denied to the person who can be proved to have rendered any sort of assistance to an absconder:

21.6. Reports and records.—In order that continuity in the method of administration outlined in rule 21.1 may not be lost owing to changes of personnel, the proper maintenance of those reports, records and notes which review the history of the criminal administration of a district, or from which information regarding individuals and past events may be obtained, is essential. Apart from personal records of police officers, police station records and inspection notes, referred to in other chapters of these rules, such records comprise—

(i) Transfer of charge memoranda (rule 21.7).

(ii) Confidential note books (rule 21.8).

(iii) Weekly diaries I and II (rule 21.9 et. seq.)

(iv) Monthly crime reports (rule 21.15).

(v) Annual Police Administration reports (rule 21.16).

(vi) Annual reports on the administration of the Criminal Tribes Act (rule 21.18).

(vii) Reports on political events or meetings (rule 21.19).

(viii) Reports on important fairs and festivals (rule 21.20).

21.7. Transfer of charge memoranda.—(1) Every Superintendent and Deputy Inspector-General shall, before leaving a district or range on transfer, or otherwise record a memorandum containing all necessary information for the guidance of his successor and for the preparation of the annual administration report.

(2) The following are some of the matters to be attended to in taking over charge of a district and in preparing the memorandum mentioned in sub-rule (1) above—

(a) State of contingent allotments and adequacy or inadequacy under different heads of the budget;

(b) Additional police, existing and proposed;

(c) New buildings or repairs required;

(d) Pending cases of important;

(e) Confidential records and correspondence;

(f) General state of crime;

(g) Organization of preventive and detective operations including special mention of the duties of the Central Investigation Agency and *modus operandi* office, and current measures of cooperation between the police and public for the prevention of offences;

(h) Proclaimed offenders and dangerous and active gangs;

(i) Matters notes at the Deputy Inspectors-General's inspection as required attention;

(j) Custody of keys of cash chest, confidential box, etc;

(k) Notes on the character and capabilities of officers.

(l) Note of three men in the rank of head constable, selection grade constables and time scale constable ear-marked for the next ensuring officiating or substantive promotion vacancies;

(m) Punishment files pending;

(n) Vacancies and suggestions regarding recruiting.

21.8. Confidential notebook.—There being many matters connected with the police administration of a district which find no place in office registers, and a record of which is necessary, both for the Superintendent's own information and for the benefit of succeeding officers, every Superintendent shall maintain a "confidential note-book". The details given below shall, among others, find a place in this note-book, each successive Superintendent adding to and revising in his own notes, the information on record; and Deputy Inspector-General shall, at their inspections, examine the books and comment on the adequacy or otherwise of the notes recorded. The book shall be in two parts as follow—

PART I

(a) Villages specially notorious for the bad character of their inhabitants.

(b) Names of Zaildars, safedposhes, lambardars, etc., good or bad, who have come prominently to notice, with brief notes regarding them.

(c) Names and brief accounts of noted or professional political agitators or reference to their files.

(d) Names and brief accounts regarding specially notorious bad characters and, in cattle thieving districts, of the chief "Rassagirs".

(e) Notes on matters connected with the administration of the Criminal Tribes Act.

(f) Notes of fairs, periodical religious processions and other local gatherings with reference to the file explaining the police arrangements necessary at each.

(g) A list of capable detectives and intelligence agents among lower subordinates with reference to the special qualifications of each.

(h) Other matters of permanent interest.

An index to the contents in Part I shall be maintained on the first page, as many pages as may be considered necessary being allotted to each subject. Subject to the above rules the information may be recorded by Superintendent in any form they deem most convenient. It should be as concise as possible, a reference being given to other files or previous papers for more detailed information.

PART II

Part II shall be in the form of a permanent file contained the making over charge memoranda referred to in rule 21.7

21.9. Superintendent's weekly diary No. I.—(1) Superintendents shall submit a weekly diary on Saturdays in Form 21.9(1) through the District Magistrate to the Deputy Inspector-General. Unless the diary contains matter which the Deputy Inspector-General considers it expedient to bring to the notice of the Commissioner or Inspector-General, it shall be retuned direct to the Superintendent of Police.

(2) If the District Magistrate is absent from duty the diary shall be submitted direct by the Superintendent of Police to the Deputy Inspector-General.

(3) Every Assistant or Deputy Superintendent on tour or inspection duty, and every Probationary Assistant Superintendent shall submit diaries in this form to the Superintendent. Such diaries shall not be forwarded to the District Magistrate or Deputy Inspector-General unless the Superintendent has special reasons to do so.

(4) Diaries shall be regarded as confidential communications, and shall not be sent into office, and shall be forwarded by District Magistrate and Deputy Inspectors-General without delay.

21.10. Weekly Diary No. I—Content of.—Diaries shall be paragraphed. Each paragraph shall bear a weekly serial number, and the following matters shall be entered in them—

(a) All matters of importance connected with the police administration of the district

(b) Comments on the state of crime in the district and important cases under investigation or trial.

(c) Matters of special interest connected with the discipline and conduct of the force.

(d) Inspection and touring work performed by gazetted officers.

21.11. Weekly Diary No. I—Check list of.—A check register of weekly diaries shall be kept by each range Deputy Inspector-General.

21.12. Weekly Diary No. II— Channel of Submission.—(1) Five copies of confidential diary No. II in Form 21.12 (1) shall be prepared each week by Superintendent of Police. These copies should be despatched punctually on Saturday evenings [vide Serial No. 3 of Appendix No. 11.39 (1) (A)] and should be marked 'Immediate'. The first copy will be retained for record, the second copy will be sent direct to the Deputy Inspector-General of Police of the range, the third and fourth copies will be sent direct to the Assistant to the Deputy Inspector-General of Police, Criminal Investigation Department, and the fifth copy will be sent through the District Magistrate to the Commissioner. If the Commissioner or the District Magistrates have recorded any comments on the fifth copy, the Commissioner will forward it to the Deputy Inspector-General of Police of the range, who will add his own comments, if any, and transmit the diary to the Assistant of the Deputy Inspector-General of Police, Criminal Investigation Department. If neither the Commissioner nor the District Magistrate have any comments to record the diary shall be destroyed by the Commissioner. Action, if any, taken on the advance (second) copy of the diary by the Deputy Inspector-General should normally be confined to addressing the Superintendent of Police concerned. If it is desired to record remarks for the information of higher officers, this may be done either on the copy received from the District Magistrate and the Commissioner, or by means of a separate reference. The Assistant Inspector General Government Railway Police, shall submit a diary in duplicate, in the same form direct to the Assistant to the Deputy inspector-General of Police, Criminal Investigation Department.

(2) Office copies of confidential diaries shall be kept for three years, or for such longer period as the Superintendent of Police considers desirable.

(3) The advance (second) copy of the confidential diary should be kept by the Deputy Inspector–General of Police of the Range concerned for three years.

21.13. Weekly Diary No. II-Contents of.—The following are among the matters which shall be mentioned in the confidential diary—

(a) Information regarding political movements, parties, leaders, publications, and the like.

(b) Information regarding religious sects, changes in doctrine and practice having a political significance, proselytism, or preaching of a provocative nature.

(c) Information regarding foreigners and others, the reporting of whose movements and activities has been ordered or is considered necessary.

(d) Information regarding current rumours or topic of interest, which are causing or are likely to cause animosity between classes or disturbance of public tranquility.

(e) Public opinion regarding the legislative or executive measures of Government.

(f) Noteworthy movements of population, whether emigration or immigration.

(g) Political or religious meetings and celebrations which are important either intrinsically or by reason of public speeches, propaganda and the like associated with them.

(h) The effect on public opinion of current discussion in the press.

21.14. Weekly Diary No. II- Miscellaneous order Regarding.—(1) Every confidential diary shall be written on half margin, and every separate subject shall be entered in a separate paragraph, and each paragraph shall be numbered *seriatim*.

(2) To ascertain and to report correctly the prevailing temper of the people is one of the most important duties a Superintendent has to perform.

(3) When an entry in a gazetted police officer's diary or in the confidential diary, concerns the police of a district, other than the one from which it is submitted, the Superintendent by or through, whom it is submitted, shall state whether he has, or has not, communicated the facts direct to the Superintendent concerned.

21.15. Monthly Crime Report.—(1) The monthly crime statement in Form 21.15 (1) shall be prepared in every district, on the first of each month. On receipt of this statement together with such further statistical information as may be prescribed from time to time, the Superintendent shall personally compose a brief review of the state of crime in the district, both in regard to its main division and generally. Noteworthy features in the monthly statistics shall be commented upon, and references shall be made to the progress and development of any special measures for combating crime. The review with the full statement by police stations shall be attached to the first weekly diary submitted in the month, and a copy, with an extract from the statement showing district totals only, shall be sent direct to the Deputy Inspector-General to reach him by the 5th of the month without fail.

(2) On receipt of the extracts mentioned in sub-rule (1) above each Deputy Inspector-General shall prepare on similar lines to the district reports a consolidated range report, and submit it on or before the 15th to the Deputy Inspector-General, Criminal Investigation Department. Copies of the range report shall also be sent to Commissioners of Divisions included in the range, who will forward their copies, with their comments, if any, to the Inspector-General of Police, and to all

Superintendents of Police in the range, who will show their copies to District Magistrates.

21.16. Annual Police Administration Reports.—(1) Every Superintendents shall prepare and despatch to the District Magistrate an Annual Administration Report in January of each year for the previous calendar year. The Assistant Inspector-General, Government Railway Police, shall also submit his Annual Administration Report in January to the Inspector-General, through the Agent, North-Western Railway.

(2) Each district report shall be forwarded as follows—

by the Superintendent of the District Magistrate on or before the 20th January.

by the District Magistrate to the Deputy Inspector-General on for before the 31st January.

The district reports (without the returns) shall, as they are received, be forwarded by Deputy Inspectors-General, accompanied by any marginal remarks considered necessary, to Commissioners by whom they will be returned to Deputy Inspectors-General on or before the 20th February.

They will then be forwarded by Deputy Inspectors-General to the Inspector-General with a covering letter containing comments on any improvements in methods of working, outbreaks of crime affecting more than one districts, or other matters of interest not specifically mentioned in any district and the returns prescribed for the whole range on or before 1st April.

(3) Every Superintendent and the Assistant Inspector-General Government Railway Police shall also submit direct to the Inspector-General an advance copy of the annual report and the returns appended to it, on or before the 20th January.

21.17. Annual Report-Form of.—(1) The report should consist of concise and intelligent criticism of facts and of the figures given in the prescribed returns. No mere paraphrasing and reproduction of statistics should be allowed in the body of the report. Variations in the figures, which are not unusual or important, should not be commented on. The briefer a report is the better, if it includes all that is necessary to show an intelligent comprehension of the meaning of the facts and figures and of the salient features of the year's work. The object of the report is to state what has been done rather than to suggest what should be done. Matters of the latter nature should be reported in separate official letter. Any such comment or suggestion which is considered necessary in the annual report should be as brief as possible, especially where the matter is complicated or controversial.

(2) Lists of subjects to be reported on the returns to be submitted, and detailed instructions for their preparation are printed and issued every year by the Central Police Office. No alternations in, or additions to the printed forms shall be made without a reference to the Inspector-General.

21.18. Criminal Tribe Report.—(1) Each Superintendent of a district shall prepare an annual report on the working of the Criminal Tribes Act in his district for the calendar year. The subjects to be reviewed are given in Appendix 21.18 (1) and blank forms for the printed statements required to accompany the report are supplied by the Deputy Commissioner, Criminal Tribes Rule 21.17(1) shall apply to the preparation of this report also.

(2) The latest date for submission of the Criminal Tribes Report shall be—

(a) by the Superintendent to the District Magistrate; 1st March.

(b) by the District Magistrate to the Deputy Inspector-General; 15th March.

(c) by the Deputy Inspector-General to the Commissioner; 1st April.

(d) by the Commissioner to the Deputy Commissioner, Criminal Tribes; 15th April.

(3) Each Superintendent shall forward a copy of his annual Criminal Tribes Report to the Assistant to the Inspector-General of Police for criminal Tribes to reach that office by the 1st March, each year.

(4) The Deputy Commissioner, Criminal Tribes, is required to prepare a consolidated report for the province, which is due with press not later than June 15th. The report, when printed, is due to reach Government through the Inspector-General of Police by August 15th.

21.19. Public meetings.—It is the duty of Superintendent of Police to arrange for the accurate reporting of the proceedings of all political and other public meetings held to discuss matters which are likely to disturb the public tranquility. To this end they shall encourage officers to learn Urdu shorthand. If the meetings to be reporting are to provincial importance. Superintendent of Police may request the assistant of the Superintendent of Police, Political, Criminal Investigation Department, who will depute stenographers from the Criminal Investigation Department, or if none are available, will arrange with the Deputy Inspector-General of the Range for the deputation of a stenographer from another district in his Range. At meetings at which inflammatory speeches are considered likely, arrangements shall also be made to have official and non-official witnesses present who may be available in the event of the prosecution of any of the speakers being undertaken.

When meetings are obviously of importance in connection with a particular form of agitation or when the speeches at them appear to be actionable, a detailed report shall be sent immediately to the Assistant to the Deputy Inspector- General of Police, Criminal Investigation Department, with a list of the official and non-official witnesses present. Reports in such cases shall not be delayed for inclusion in the weekly confidential diary, but copies shall be forwarded with the confidential weekly diary to the Deputy Inspector-General of the range for information. Superintendents of Police are responsible that the reports of all meetings are written in clear and intelligible English. Reports should show the classes present at the meetings and estimate the effect of the speeches on the audience.

The police have the right to attend public meetings with a view to (i) preventing any infringement of the law of, (ii) taking evidence with a view to the possible prosecution of law breakers. All public meetings can therefore, be attended by police reporters, but as the right of entry may at times be questioned or even forcible resisted by the organizers It is important, when such tactics are apprehended, that a sufficient body of police in uniform should be deputed to discourage opposition. Recourse may also be had to the procedure enacted in Chapter III of the Punjab Criminal Law (Amendment) Act III of 1932.

21.20. Reports of fairs and festivals.—(1) Every Superintendent in whose district any fairs or public assemblies of importance are to take place shall, on the 1st December in each year, submit a list of such fairs and assemblies for the year next ensuing, with the date or dates on which they will be held, to the Inspector-General for publication in the *Police Gazette.*

(2) On the termination of important fairs and festivals, Superintendents shall submit a report in Form 21.20 (2) dealing briefly with the prominent features of the fair; crime occurring in connection with it; conduct of the police; accidents or fatalities occurring, if any and the existence of any excitement of a political or religious nature etc. Such reports shall be submitted through the District Magistrate to the Deputy Inspector-General of the range, who will at his discretion forward them through the Commissioner to the Inspector-General of Police. Events of immediate importance shall also be reported promptly and by telegram if necessary, by the Superintendent direct to the Deputy Inspector-General of the range and the Deputy inspector-General, Criminal Investigation Department.

21.21. Political and communal activities in relation to law and order.—Rule 21.19 lays upon Superintendents of Police the duty of watching and reporting on political or communal movement as such. As part of his general duty to maintain touch with the progress of activities, which may have consequences likely to disturb public tranquility, it is incumbent upon every officer in charge of a police station and office superior thereto, to keep himself fully informed of all development or offshoots of such movements in his jurisdiction. To this end such officers must know the persons who take the lead in such matters, and the attitude towards them of men of influence. As soon as any such movements shows signs of development on lines which are likely to cause animosity between sections of the people and breaches of the peace, or to be otherwise clearly subversive of law and order, the Superintendent, in consultation with the District Magistrate, shall take such action as may be most appropriate to the occasion; but when the activity is political rather than communal and no orders of Government cover the case, ordinarily a reference should be made to Government before measures to check it are set in motion. Police officers of all ranks are required to refrain absolutely from personal participation in political or communal affairs; they are not concerned with the merits of such controversies, but solely with the maintenance of the public peace. In the category of personal participation, however, acquaintance and maintenance of touch with communal leaders is not included. Relations of this kind may help Superintendents

and other gazetted police officers to prevent the development of communal trouble and the occurrence of open disputes, and may enable them on occasions to bring leaders together with salutary results for the settlement of minor cause of friction, with which the district magistrate need not be troubled in their initial stages.

21.22. Religious processions.—(1) Periodical public religious processions shall not be permitted to proceed along any routes without the written sanction of the District magistrate.

(2) When a periodical public religious procession is about to take place the Superintendent shall acquaint himself with the police arrangements made in past years and shall make the necessary arrangements in consultation with the District Magistrate, following, as far as may be, the procedure adopted.

(3) In each district a separate file shall be kept of each periodical public religious procession showing the strength and disposition of the police force employed and the average number of persons attending the procession.

(4) Whenever a licence is granted for a procession there shall, if possible, be a plan of the route on the back of licence. All licences granted shall be in Form 21.22 (4).

(5) The Superintendent shall not grant a licence for an important public religious procession of a novel character or on an occasion when public feeling is excited without taking the orders of the District Magistrate.

(6) When a procession other than one of regularly exercised custom is allowed to take place any sums necessary to defray the cost of barriers, additional police and the carriage of such police shall the deposited with the Superintendent by the managers of such processions before the licence is granted.

21.23. Press advertisements.—(1) The newspaper press shall be used as a medium both for advertising police regulations affecting the public and for enlisting the assistance of the public in the investigation of crime.

Examples.—

(i) Traffic regulations and directions for festivals and official functions.

(ii) Descriptions of wanted offenders or lost property, especially when a reward is offered.

In both classes of publicity referred to in this rule, press advertising shall be supplemented, when considered advisable, by posters for affixing to notice boards and leaflets for wholesale distribution. Advertising shall be in English or vernacular or both, as may be most appropriate in each case.

(2) The charges for the publication of Government advertisements in newspapers shall be met from police contract contingencies. With regard to the printing of posters and leaflets the instruction contained in rule 11.57 (3) should be followed.

21.24. Criminal Intelligence Gazette Notice for.—Notices of novel or professional offences and memoranda embodying the shifts and artifices of criminals shall be sent for publication in the *Criminal Intelligence* Gazette for general information. Such notices shall be sent direct to the Assistant Inspector-General, Crime and Criminal Tribes, Criminal Investigation Department, and shall be in narrative or other form, as far as possible, ready for the press.

Rule 21.25 for Punjab

21.25. Appointment to Criminal investigation Department.—(1) Upper and lower subordinate posts other than those of inspectors in the Criminal Investigation Department shall be filled by the deputation of suitable men from districts for period three years extensible by not more than two years at a time at the discretion of the Deputy Inspector-General, Criminal investigation Department.

(2) A Police officer on deputation to the Criminal Investigation Department will retain his original position in the cadre of his district or range. While in the Criminal Investigation Department he will be eligible for officiating promotion in that branch; on reversion from the Criminal Investigation Department he will assume his place in his original cadre. Officiating promotion may be given in the district or range in the place of an officer deputed to the Criminal Investigation Department, such officiating post lapsing on the officer's reversion.

(3) When an officer borne on the rolls of a district or range reaches a place in seniority which would entitle him to be considered for substantive promotion if he were serving in the establishment to which he belongs permanently, he shall be informed and given the opportunity of returning to district police work. No officer on deputation to the Criminal Investigation Department shall be substantively promoted to head constable or higher rank unless both the Deputy Inspector-General, Criminal Investigation Department and the Deputy Inspector-General of the range to which he belongs agree that he is qualified for such promotion by all the prescribed standards.

(4) The Deputy Inspector-General, Criminal Investigation Department, may make recommendation on behalf of Sub-Inspectors serving under him to the Deputy Inspector-General of the range and the Inspector-General of Police, respectively, for promotion to the selection grade or admission to List F. A sub-inspector who becomes eligible while serving in the Criminal Investigation Department for grade promotion in the selection grade, shall receive such promotion, if the Deputy Inspector-General of the range and Criminal Investigation Department agree that he is fit for it.

(5) Annual reports on upper subordinates serving on deputation in the Criminal Investigation Department shall be sent by the Deputy Inspector-General, Criminal Investigation Department, to the range Deputy Inspector-General concerned for record and other necessary action.

(6) In very exceptional cases and for the political branch only and with the written sanction of the Deputy Inspector-General personally, direct enrolment

as constable or in higher ranks, may be made to the Criminal Investigation Department. Specialists shall, however, when possible, be entertained on contract terms, so that their services may be dispensed with when their ceases or deteriorates.

Rule 21.25 for Haryana

21.25. Appointment to Criminal investigation Department.—[1][(1) The posts of Sub-Inspector, Assistant Sub-Inspector, Head Constables and Constables in various wings of the Criminal Investigation Department, excluding those mentioned in rule 12.3-A and 12.3-B, shall be filled by deputation of suitable men from different police units for a period of three years which can be extended by on a year to year basis at the discretion of Head of the Criminal Investigation Department but total depution period should not exceed beyond 5 years:

Provided that the official who has been awarded a major punishment or who is facing is department enquiry or a Criminal case or who has attained 55 years of age or who is already on deputation with other department, will not be taken on deputation. However, it will be the sole discretion of the Head of the Criminal Investigation Department to give relaxation in special case in public interest.

(2) (i) The official on deputation to the Criminal Investigation Department shall retain his original rank in his parent unit or range and shall have no right to be absorbed in Criminal Investigation Department on permanent basis.

(ii) The official taken on deputation to Criminal Investigation Department may be given only one rank promotion purely as a matter of incentive on *adhoc* and fortuitous basis, either at the time of taking him on deputation or during his entire stay in Criminal Investigation Department. In no case, the deputationist shall be given more than one rank higher to his substantive rank in his parent unit during his tenure in Criminal Investigation Department. The official shall have no right to retain the higher rank given to him in Criminal Investigation Department purely as a matter of incentive and may be brought to his original rank held in the parent unit at any time without any notice or assigning any reason. At the time of repatriation from the Criminal Investigation Department the official shall be reverted to his substantive rank held in the parent unit. The seniority of the official on deputation to Criminal Investigation Department shall be maintained in his parent unit. The *adhoc* promotion given to a deputationist as an incentive in Criminal Investigation Department shall not affect the seniority of the official being maintained in his parent unit.

(iii) The official on deputation shall be repatriated to his unit atleast one year before the retirement or on completion or deputation period, whichever is earlier.

(iv) The official on depution to Criminal Investigation Department shall be compulsorily repatriated to his parent unit as soon as a departmental inquiry is initiated or a criminal case is registered against him during his stay in Criminal Investigation Department. However, the Cheif of Criminal Investigation

1. Subs. by Haryana Govt. Notification No. S.O.58/C.A.5/1861/Ss. 2 and 7, dated 2.7.2004.

Department will have authority to retain him in Criminal Investigation Department even under enquiry in official exigency.

(v) A deputationist to Criminal Investigation Department cannot claim any relaxation or examption from attending any promotional course or training programme to which he is deputed by his parent unit or Criminal Investigation Department. The official, who is unwilling to attend such course, shall be repatriated to his parent unit immediately. However, the Head of the Criminal Investigation Department may exempt any official from attending any course run by Criminal Investigation Department only, as a special case.

(vi) The deputationist shall have no claim for protection of enhanced pay or length of stay in Criminal Investigation Department, at the time of repatriation.

(vii) The official who is repatriated to his parent unit from Criminal Investigation Department shall not be taken on deputation to Criminal Investigation Department again before the expiry of one year. In case an official is taken on deputation in Criminal Investigation Department again after one year his case will be treated as a fresh deputation and he would not have any claim of his earlier service rendered by him.

Explanation.—Head of Criminal Investigation Department means Officer who is Incharge of the Criminal Investigation Department wing of Police Department.]

(3) When an officer borne on the rolls of a district or range reaches a place in seniority which would entitle him to be considered for substantive promotion if he were serving in the establishment to which he belongs permanently, he shall be informed and given the opportunity of returning to district police work. No officer on deputation to the Criminal Investigation Department shall be substantively promoted to head constable or higher rank unless both the Deputy Inspector-General, Criminal Investigation Department and the Deputy Inspector-General of the range to which he belongs agree that he is qualified for such promotion by all the prescribed standards.

(4) The Deputy Inspector-General, Criminal Investigation Department, may make recommendation on behalf of Sub-Inspectors serving under him to the Deputy Inspector-General of the range and the Inspector-General of Police, respectively, for promotion to the selection grade or admission to List F. A sub-inspector who becomes eligible while serving in the Criminal Investigation Department for grade promotion in the selection grade, shall receive such promotion, if the Deputy Inspector-General of the range and Criminal Investigation Department agree that he is fit for it.

(5) Annual reports on upper subordinates serving on deputation in the Criminal Investigation Department shall be sent by the Deputy Inspector-General, Criminal Investigation Department, to the range Deputy Inspector-General concerned for record and other necessary action.

(6) In very exceptional cases and for the political branch only and with the written sanction of the Deputy Inspector-General personally, direct enrolment

as constable or in higher ranks, may be made to the Criminal Investigation Department. Specialists shall, however, when possible, be entertained on contract terms, so that their services may be dispensed with when their ceases or deteriorates.

SYNOPSIS

1. *Deputation—Repatriation*

1. Deputation—Repatriation.—Petitioner have been repatriated to his parent department an being found in indulging in corrupt practices of demanding Rs. 10000. In enquiry by Additional Director General of Police, Intelligence, Punjab found that allegation of corruption levelled against the petitioners substantiated. The extracted portion of PPR indicates that the respondents are required to take "suitable person" on deputation. It is not a dispute that certain charges were levelled against the petitioner in regard to accepting illegal gratification while serving in CID Branch. Exercising discretion in accordance with authority vested in the respondents, the petitioners have been repatriated. The matter of transfer is a discretion of the respondents and is not to be interfered, with unless malafied intention is shown. Facts and circumstances of the case do not make out for a ground for judicial review of the order passed on executive side. Petition dismissed. *Bant Singh and other v. State of Punjab & Others, 2010(1) SLR (P&H) 92.*

23 Petitioners were repatriated from Excise and Taxiation Department where they were deputed by parent department i.e. Punjab Police for 2 years deputation. Petitioner made various arragements including house for family and school for children. Just after six months, however, they were withdrawn from deputation and replaced with other police personnel. No reason was assigned for repatriation. The petitioner could not serve the borrowing department with the effectiveness required and the fact that for better administrative control, Indian Reserve Battalions are required to be deputed. No ground to interfere and judicially review the order passed by the respondents for better administrative functions. The legal authority and jurisdiction of the respondents deputing the police personnel and withdrawing them is not an issue. *H.C. Prem Singh and Others v. State of Punjab and Others, 2010(1) SLR (P&H) 126.*

21.25A. Discipline in the Criminal Investigation Department.—The Deputy Inspector-General, Criminal Investigation Department, shall have complete disciplinary control over all police officers while serving in the Criminal Investigation Department.

21.26. Duties of Criminal Investigation Department.—The following are the chief duties of the Criminal Investigation Department in so far as they affect the district police—

(i) To promote co-operation between the police of different districts and different provinces.

(ii) To undertake or assist in the investigation of cases or classes of crime which have provincial or inter-provincial ramifications if the Inspector Generator Deputy Inspector-General, Criminal Investigation Department, considers that such action is in the interests of the criminal administration.

(iii) To watch and report on all communal, political and subversive movements affecting the province and India as a whole; to maintain close cooperation with district authorities in all such matters and to direct investigation connected with them.

(iv) Through the medium of the Criminal Intelligence Gazette—

(a) to check crime by the prompt publication of information of the prevalence of a particular class of crime and of the absence from their homes of dangerous criminals;

(b) to secure the detection and arrest of persons wanted for offences committed;

(c) to trace the property stolen and recovered;

(d) to act generally as an agency for disseminating intelligence likely to aid the police in their work.

(v) To collect, co-ordinate and disseminate political and criminal intelligence.

(vi) The Criminal Tribes Branch to deal with all aspects of the control of Criminal Tribes which fall within the sphere of the Inspector-General of Police as prescribed from time to time by the Provincial Government.

21.27. Requests for services of officers of Criminal Investigation Department.—The service of investigation officers of the Criminal Investigation Department may be asked for by Superintendents of Police in any case of the following nature—

(a) Note forgery, counterfeit coining or professional poisoning cases where the conspiracy appears to extend to other provinces and there is not a suitable staff to deal with them in the district.

(b) Theft of Government arms and ammunition and illicit trade in arms.

(c) Extensive frauds and bogus company promoting.

(d) Cases of dacoity concerning more than one district.

(e) Organized traffic in women.

(f) Cases of such a technical nature as, in the opinion of the District Superintendent of Police, appear to call for the services of an officer of the Criminal Investigation Department.

The Deputy Inspector-General of Police, Criminal Investigation Department, shall decide in each such case whether he can comply with the request of the Superintendent of Police.

21.28. Status of Criminal Investigation Department Officers in investigations.—(1) The Criminal Investigation Department has no separate jurisdiction and can only investigation under the cover of a First Information Report registered at a police station having jurisdiction. The Deputy Inspector-General of Police, Criminal Investigation Department, may decide to take over the control of any particular investigation himself or to depute one or more of his officers to work directly under the control of the Superintendent of Police of the district concerned. In either case the latter officer has the right to be kept fully informed of the progress of the investigation. All case diaries written by officers of the Criminal Investigation Department shall be forwarded to the gazetted officer

of the Criminal Investigation Department under whom they are working through the Superintendent of Police, advance copies being sent direct if so ordered.

(2) When dealing with cases in conjunction with the district police, officers of the Criminal Investigation Department must bear in mind that it is indispensable to gain the confidence and goodwill of the local police and to avoid giving cause for jealousy.

(3) When good results are obtained full credit must be given to district police officers for any share they may have had in the work and, when results are unsatisfactory, care must be taken not to criticise the local police unfairly.

(4) All recommendations made by officers of the Criminal Investigation Department for rewards for exceptionally good work done in cases wholly or partly investigated by officers of the Criminal Investigation Department shall invariably be submitted to the Deputy Inspector-General through the Superintendent of the district concerned who may add any recommendation or remarks he may consider necessary.

21.29. Criminal Investigation Department – No control over district police.— Officers of the Criminal Investigation Department shall have no control or executive authority over the district police, except in an emergency and within the powers vested in them by their rank in the provincial police force.

All matters affecting the discipline of or rewards to, and complaints against, the district, shall be referred by the Deputy Inspector-General of Police, Criminal Investigation Department, to the Deputy Inspector-General of Police of the range concerned.

21.30. Prosecution of cases investigation by the Criminal Investigation Department.—The consent of the Deputy Inspector-General, Criminal Investigation Department, shall be obtained before an officer of the department is presented as a witness in court. Criminal Investigation Department officers shall advise and assist the district investigation and prosecuting officers in the conduct in court of cases in the investigation of which they have shared.

21.31. Rules of the Criminal Investigation Department.—The full rules of the Criminal Investigation Department are contained in the Manual of that department.

21.32. Circumstances in which Criminal Investigation Department can assist investigating officers.—The Criminal Investigation Department is in possession of special apparatus and its officers include those accustomed to the handling of certain branches of police technique. Investigating district police officers and Superintendents of Police should remember, therefore that the Criminal Investigation Department is in a position to give assistant in circumstances such as are described below—

(a) the reconstruction of faded writing;

(b) the examination of arms and bullets used in crime;

(c) the examination of *minutioe* such as hairs, pieces of skin, dust, etc.;

(d) the solution of ciphers;

(e) the examination of forged documents, counterfeit coins and moulds;

(f) the photographing of important documents;

(g) the interrogation of suspects from other provinces;

(h) the connection of local suspects with suspects of other districts or provinces;

(i) when an opinion on handwriting is required to assist the investigation;

(j) where invisible inks are suspect to have been used.

Such matters shall only be referred to the Criminal Investigation Department in important cases when other evidence sufficient for the purpose of the case concerned is not forthcoming. In important cases the Criminal Investigation Department will enlist the aid of scientific persons outside the police department.

The department is also ready, when circumstances permit, to assist district police officers with technical advices on the spot as to the discovery and preservation of clues at the scene of crimes and can sometimes loan apparatus and qualified operators thereof for these and similar purposes.

21.33. Officer of Criminal Investigation Department to report to Superintendent of Police.—Ordinarily, when an officer of the Criminal Investigation Department is sent to a district to take up enquires and *invariable, when he is sent to investigate a* case, he will take with. him a letter addressed to the Superintendent of Police, or senior officer present at headquarters, describing the nature of the work on which he is sent and, when necessary, asking for his assistance. When directed to do so he will also call on the District Magistrate.

21.34. Organization of police in towns and cities.—(1) In each district the Superintendent of Police shall issue standing orders regulating the point and beat duty to be carried out in each town and cantonment for which police establishment is provided. These orders shall be in accordance with the principles set forth in rule 2.2 (2) and shall be revised as often as may be necessary to meet variations in the local incidence of crime, development of new residential or commercial areas, increase in establishment and the like. The division between the investigation and clerical staff and the watch and ward staff shall be maintained as far as is practicable, though interchange of duties should be made. Men, even though qualified, should not be employed on the investigation staff while posted to the watch and ward staff, except in cases of emergency, as such employment must detract from the efficiency of the watch and ward system.

(2) The success of a system of watch and ward in a town or city will depend on—

(a) the discipline of the men on beat and patrol duties;

(b) the extent to which the men have been instructed in their duties;

(c) the amount of supervision exercise by superior officers.

Superintendents of Police must therefore arrange that, in addition to the standing orders referred to in the above rule, head constable and constables are frequently questioned so as to ensure that the training they have received in the lines school and at the Police Training School is not forgotten but put into practice. Each constable on beat or patrol duty should continually have in mind the specific duties required of him.

Rule 21.35 for Punjab

21.35. Central Investigating Agencies.—(1) In order to assist the Superintendent of Police and his Supervising staff in co-ordinating the preventive and detective work of the District Police and in order to act as clearing house for criminal intelligence for the use of investigating officers in the district and in other districts a Central Intelligence Agency shall be established in each district. This body shall be formed from the establishment sanctioned for the district for the prevention and detection of crime. Officers of different ranks shall be selected for service in the C.I.A. in the light of their intelligence, efficency and practical experience of preventive and detective work in a police station. In order to promote co-operation and the inter-change of ideas between the C.I.A. and police station staff no officer shall ordinarily remain more than two years at a time in the C.I.A. No of officer shall be appointed to the C.I.A who is not well educated and who has not an unblemished reputation for honesty.

The functions of the Central Investigation Agency are:—

(a) The preparation of crime maps relating to offences against property classified under the methods employed by the criminals.

(b) The receipt, consideration and filing according to classification, of information received from investigating officers.

(c) The comparing of the data collected under (a) and (b) and the communication of any deduction therefrom to the investigation officers concerned.

(d) The preparation of *a crime index of cases* from the materials collected under (a) and (b) classified according to: (1) methods employed by the criminals, and (2) various clues provided by the criminals such as nick-names used; special clothing worn; peculiarities of the culprits noticed by witnesses; special weapons used; special signals used etc. etc.

(e) The peraration of a *crime index of criminals.* The shall normally be in two parts—

(i) an index of names of known criminals classified according to their methods of operating;

(ii) an index of known criminals classified according to their peculiarities of appearance, gate, speech, nicknames, etc.

(f) The provision of information by means of which the Superintendent of Police may be assisted in controlling the crime of his district, forestalling outbreaks of crime and directing preventive operations.

(g) The publication of weekly *Criminal Intelligence Gazette.*

(h) To co-ordinate and guide the efforts of police station staff throughout the district in securing the arrest of absconders and proclaimed offenders and in locating absentee bad characters, criminal tribesmen and other untraced persons and to maintain close co-operations with the C.I.As of other distrcits in this work.

(i) When information received from records or otherwise indicates that a series of cases, whether in the jurisdictions of one or of several police stations, is the work of the same criminal or of a gang to co-ordinate or, under the orders of the Superintendent of Police, direct the investigation of such cases.

The primary function of a Central Intelligence Agency is to assist station house officers and their staffs. The A.C.I.A. can only afford assistance effectively, if it continuously supplied by Station House Officers with detailed information about the movements of bad characters and peculiar features of cases. Information so recieved shall be examined, compared, and classified by the C.I.A. Information of general use of Stationn House Officers and neighbouring districts and deductions from it shall be disseminated as speedily as possible through the C.I. Gazette or, in case of urgency, by special circular. Information which is of value to a particular police station only or clues in local cases shall be communicated immediately to the particular officers or officer concerned, who shall be held responsible for making proper use of it.

The C.I.A. shall be in charge of one of the District Inspectors. A room shall be provided for it in the office of the Superintendent of Police which is conveniently situated in relation to the rooms of the Superintendent of Police and Gazetted Officers. These officers and their readers and officers of the prosecuting branch and all Station House Officers and investigating officers visiting headquarters shall make a practice of visiting the C.I.A. room regularly, studying the records of crime and criminals which are concerting measures for the better control of criminals through the agency of the records and machinery of the district Police.

All investigating officers in the district shall be encouraged to visit the room where the Central Investigating Agency functions when they visit headquarters and to discuss their cases with the personnel of the Central Investigating Agency.

[1][(2) The instructions concerning the examination of scenes of all criminal cases and the particulars required to be submitted in the case of all such offences to the Central Investigation Agency are given in Appendix 21.35(2) and the various forms to be used are detailed below. One copy shall be submitted to the District Crime Records Bureau of the District concerned for record:—

(1) Crime Details Form;

(2) Arrest/Court Surrender Form;

(3) Property Search and Seizure Form.]

1. Substituted by Punjab Govt. Notification No. G.S.R. 20/C.A.V./1861/S. 46/Amd. (23)/2003, dated 6.3.2003.

Rule 21.35 for Haryana

21.35. Central Investigating Agencies.—(1) In order to assist the Superintendent of Police and his Supervising staff in co-ordinating the preventive and detective work of the District Police and in order to act as clearing house for criminal intelligence for the use of investigating officers in the district and in other districts a Central Intelligence Agency shall be established in each district. This body shall be formed from the establishment sanctioned for the district for the prevention and detection of crime. Officers of different ranks shall be selected for service in the C.I.A. in the light of their intelligence efficiency and practical experience of preventive and detective work in a police station. In order to promote co-operation and the inter-change of ideas between the C.I.A. and police station staff no officer shall ordinarily remain more than two years at a time in the C.I.A. No officer shall be appointed to the C.I.A who is not well educated and who has not an unblemished reputation for honesty.

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(a) The preparation of crime maps relations to offences against property classified under the methods employed by the criminals.

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(d) The preparation of a *crime index of cases* from the material collected under (a) and (b) classified according to; (1) methods employed by the criminals and (2)various clues provided by the criminals and such as nick-names used; special clothing worn; peculiarities of the culprits noticed by witnesses; special weapons used; special signals used etc. etc.

(e) The preparation of a *crime index of criminals*. This shall normally be in two parts—

  (i) an index of names of know criminals classified according to their methods of operating;

  (ii) an index of know criminals classified according to their peculiarities of appearance, gait, speech, nicknames, etc.

(f) The provision of information by means of which the Superintendent of Police may be assisted in controlling the crime of his district, forestalling outbreaks of crime and directing preventive operations.

(g) The publication of a weekly *Criminal Intelligence Gazette*.

(h) To co-ordinate and guide the efforts of police station staff throughout the district in securing the arrest of absconders and proclaimed offenders and in location absentee bad characters criminal tribesmen and other

untraced persons and to maintain close co-operations with the C.I.As. of other districts in this work.

(i) When information received from records or otherwise indicates that a series of cases, whether in the jurisdiction of one or of several police stations, is the work of the same criminal or of a gang to co-ordinate or, under the orders of the Superintendent of Police, direct the investigation of such cases.

The primary function of a Central Intelligence Agency is to assist Station House Officers and their staffs. The A.C.I.A. can only afford assistance effectively, if it is continuously supplied by Station House Officers with detailed information about the movements of bad characters and peculiar features of cases. Information so received shall be examined, compared, and classified by the C.I.A. Information of general use of Station House Officers and neighboring districts and deductions from it shall be disseminated as speedily as possible through the C.I. Gazette or, in case of urgency, by special circular. Information which is of value to a particular police station only or clues in local cases shall be communicated immediately to the particular officers or officers concerned, who shall be held responsible for making proper use of it.

The C.I.A. shall be in charge of one of the District Inspectors. A room shall be provided for it in the office Superintendent of Police which is conveniently situated in relation to the rooms of the Superintendent of Police and Gazetted Officers. These officers and their readers and officers of the prosecuting branch and all Station House Officers and investigating officers visiting headquarters shall make a practice of visiting the C.I.A. room regularly, studying the records of crime and criminals which are concerting measures for the better control of criminals through the agency of the records and machinery of the district Police.

All investigating officers in the district shall be encouraged to visit the room where the Central Investigating Agency functions when they visit headquarters and to discuss their cases with the personnel of the Central Investigating Agency.

[1][(2) The instructions concerning the examination of scenes of all crimes falling under Chapter XII and XVII of the Indian Penal Code, 1860, and the particulars required to be submitted in the case of all such offences to the Central Investigating Agency are given in Form 21.35(2) **CRIME DETAILS FORM**, in Appendix 21.35(2). One legible carbon copy shall be submitted to the District Crime Record Bureau of the district concerned for record.]

21.36. Range mobile traffic patrols-Duties of.—For each range of the province at least one mobile traffic patrol, consisting of an inspector, a sub-inspector and two constables, has been sanctioned for the control and checking of traffic on the roads of the range. These patrols shall be under the direct control of Deputy Inspectors-General who shall be responsible for so directing their movements and activities as to obtain the maximum effect.

1. Substituted by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

The duties of these patrols shall be—

(a) The checking at irregular intervals on different roads of all motor licences to drive and to ply for hire. At these inspections of licences the officer-in-charge of the patrol shall satisfy himself that all licences are up-to-date and that all vehicles have paid the taxes imposed under the Punjab Motor Vehicles Rules, 1916, the Punjab Heavy Motor Vehicles Rules, 1931, and the Punjab Motor Vehicles Plying for Hire Rules, 1922.

(b) The reporting in Form 21.36 (b) of offences under the above mention rules and under the Indian Penal Code to the prosecuting agency of the district concerned with a view to the prosecution of the offenders.

(c) The checking at irregular intervals and on different roads of dangerous driving at specific places on the roads where furious or dangerous driving is likely to result in accidents. This shall be done by the watching of specific points on dangerous portion of the roads and the checking of the speed of cars passing and their manner of negotiating such places. Motor vehicles moving recklessly, furiously or in a manner against the rules of the road shall be stopped, their numbers and the names of the drivers with other particulars noted and the cases reported for prosecution.

(d) The checking of motor vehicles plying for hire on the occasions mentioned in (a) and (c) above, with a view to ensuring that the conditions of their licences with regard to the safety and comfort of passengers have been complied with.

(e) The rendering of first aid to the injured and all possible assistance in serious motoring accidents and the noting of all particulars in such cases when the patrol should happen to be in the vicinity.

(f) The giving of assistance in the instruction of traffic police of smaller districts.

(g) The conditions warning and advising of drivers of all kinds of vehicles who may be observed infringing the rules of the road.

(h) The reporting of offences against Municipal or District Board bye-aws in connection with the overloading of horse-drawn vehicles plying for hire, etc.

(i) The reporting of cases of cruelty to animals when section 34 of Act V of 1861 applies.

(j) The organisation, in conjunction with owners, driver and any of heir associations of methods for the improvement to traffic control and the prevention of offences.

(k) The acquisition of knowledge on all maters connected with traffic and motor vehicle transport sufficient to enable them to keep in touch with and report on any innovations, developments or unusual situations within their jurisdiction.

For this purpose it will be necessary for them to maintain a confidential register by districts containing a notes on the following—

(1) Routes carrying motor vehicles transport.

(2) The number of public motor vehicles on each route and their relation to the public demand.

(3) Unions and their working.

(4) Lorry stands.

(5) Regular bus services and their working.

(6) The working of any system of monopolies that may be in force.

21.37. Traffic patrols-Duties of Inspectors of.—(1) Inspectors in charge of mobile traffic patrols are required to have a working knowledge of motor mechanics and shall have received training in traffic control. They shall report all cases noticed by them of bad work on the part of constables on traffic control to the Superintendent of the district concerned.

(2) They shall submit a daily diary to the Deputy Inspector-General of Police in Form 21.37 (2) (A) and shall maintain a 'working account' in Form 21.37 (2) (B) on each motor vehicle showing the mileage done and the petrol and oil consumed with, in each case, a reference to the entry in the daily diary of Inspector. The repairs carried out to the vehicle shall be shown in the 'Remarks', column.

(3) All bills for petrol, oil and repairs shall be submitted separately for each vehicles to the Superintendent of Police of the district on which the petrol, is based and, in the case of the Central Range Patrol, to the Assistant Inspector-General, Traffic. The Superintendent of Police concerned and the Assistant Inspector-General, Traffic, will check the bills with the 'working account' and the speedometer of the patrol vehicles before sanctioning payment.

21.38. Range mobile patrols-Co-operation of District Police.—Each district in which range mobile patrols operate shall place two constables from the traffic staff at headquarters at the disposal of the inspector while the latter is within the district. These men may be taken by the patrol to the headquarters of the next district when necessary, but shall be returned at once with a note from the officer-in-charge giving the duties performed by them and the date and time of their release. They shall return to their headquarters by rail or road as convenient. These men shall be used as far as possible for giving evidence in cases so as to obviate the necessity of the regular members of the patrol being taken off the road to attend courts.

APPENDIX No. 21.18 (1)

SUBJECT TO BE DISCUSSED IN THE DISTRICT CRIMINAL TRIBES REPORTS

Sr. No.	Subjects
1.	Mention the tribes registered in your district under the Criminal Tribes Act (Act III of 1911).
2.	Remarks on the general behavior during the past year of each such tribe and state whether any of the members are settling down to an honest livelihood. Note if there are any signs of improvement or the reverse.
3.	With regard to the absentees shown in column 19 of Statement I, mention whether any and what facts have been ascertained, indicating the locality to which such absentees have proceeded.
4.	Mention the number of members of notified criminal tribes whether exempted or registered who were convicted of offences under Chapter XVII, Indian Penal Code, or under the security sections of the Criminal Procedure Code, or under the Criminal Tribes Act. **Note.**—Information under Serial Nos. 2 to 4 above to be given separately for each tribe on the order given on column 1of Statement 1.
5.	Mention the amount paid during the past year for rewards for the arrest of absentees under Rule 15.17.
6.	Mention any special measures taken to enforce responsibility of lambardars and chaukkidars in connection with reporting the presence or absence of members of criminal tribes.
7.	Mention in sufficient detail any cases in which inadequate punishments appear to have been inflicted especially in the cases of re-convicted offenders for certain specified offences under the Indian Penal Code, punishable under section 23 of the Criminal Tribes Act III of 1911, with a minimum sentence of 7 years rigorous imprisonment. In this connection it must be remembered that in all conviction under section 24 of the Criminal Tribal Act (under which clause the larger majority of police cases under the Act are dealt with) imprisonment must be inflicted.
8.	Remarks on the Finger Print System as applied to members of criminal tribes and the results obtained there form.
9.	Remarks on the procedure followed in connection with the control of wandering gangs and others not yet registered under the Act.
10.	Mention any other matter deserving of notice; regard being paid to the orders contained in P.G.C.C. No. 3.

APPENDIX No. 21.35 (2)

INSTRUCTION CONCERNING THE EXAMINATIONS OF SCENES OF THEFTS AND BURGLARIES AND PARTICULARS REQUIRED TO BE SUBMITTED IN THE CASE OF ALL SUCH OFFENCES TO THE CENTRAL INVESTIGATION AGENCY.

The scenes of all offences under Chapter 17, Indian Penal Code shall be most carefully examined as soon as possible, by the investigating officer who, in cases of theft (except cattle theft) and burglary, shall attach a separate site inspection report with the first case diary irrespective of the fact whether the accused are know, unknown arrested or at large. This site inspection report on arrival at headquarters shall be passed on without delay to the Central Investigating Agency.

In the case of offences against property, other than theft and burglary, no site inspection report need be prepared unless the scene of the offences present such peculiarities as mark such a report desirable or unless a report is called for by the officer in charge of the Central Investigating Agency.

The object of a site inspection report is (a) to enable other officers who have not been to the spot to visualise the scene, (b) to permit of an intelligent study of the ways and methods of the particular criminal by the Central Investigating Agency, (c) to enable the Central Investigating Agency from their records of individual criminals to suggest identity of the accused responsible for the particular case under investigation. Obviously, therefore, very site inspection report must be intelligently and carefully complied after a deliberate study of the scene. A list of points that should find mention in site inspection reports is given below, but the list is by no means exhaustive and is intended merely as a guide.

A.—Burglaries of all kinds

1. Number of the First Information Report; date; section of the offence; police station and district.
2. Time and date of (a) occurrence, (b) report to the police.
3. Special circumstances, if any, concerning the time and date of occurrence (e.g. fair, festival, or evening meals, etc., etc.).
4. Place of occurrence, with distance and direction from (a) police station, (b) railway station and (c) main road.
5. Natures of locality (i.e., dwelling house, office, mosque shop, etc., etc.) and its relation to the rest of the village or town.
6. Name, address, profession and status of the complainant.
7. Class of property attachment.
8. Class of property removed.
9. Number of rooms entered by the accused and whether or not they were occupied at the time
10. Whether or not property was removed from the particular rooms to which the accused first gained admittance.
11. Any clue left to indicate whether the accused worked in the dark or by means of a light.
12. Particular of any belongings of the accused left by him on the spot.

13. Any boxes, safes, almirahs, etc., etc. containing articles of value overlooked by the accused and not touched by him and so their locality.
14. Precautions, if any, adopted by the accused during the commission of the offence to guard surprise (such as chaining of doors, etc.)
15. When property removed was last seen at the place from which it was stolen.
16. *Finger-prints.*—Description of traces of finger-prints found, their exact position and steps taken for their preservation, development, photograph, transfer, identification, etc.
17. *Foot-Prints.*—(1) Number of foot-prints found, (a) leading to the spot, (b) on the spot, (c) leading from the spot and deduction thereform as to number of culprits involved, (2) Direction from which the accused came and direction in which they went, (3) Distance to which tracks leading (a) to and (b) from the scene were followed, (4) Measurements (in inches) of individual foot prints, (5) Precautions, if any, adopted by the accused to conceal their foot-prints. (6) Whether moules, etc., taken or not and, in latter case reason for failure to do so.
18. Opinion as to whether accused were expert or a mateurs and class of society to which they belonged and reasons, in support thereof.
19. Means of transport, if any, employed by the accused for the removal of property.
20. Any other clues or matters of importance requiring mention.

IF ADMITTANCE TO THE HOUSE OBTAINED BY MEANS OF A HOLE IN THE WALL

21. Condition of the wall (kahca, pacca, burnt bricks, stone etc.).
22. The exact situation of the hole and its relative positions, with regard to doors, windows, ventilations, etc.
23. Shape of the hole (illustrate by diagram).
24. Height of the base of the hole from the ground (a) outside, and (b) inside.
25. Exact measurements (in inches) and not in ungals or other such unauthorised measurements of the hole (a) outside, and (b) inside.
26. Thickness of the wall where hole made.
27. Side to which excavated earth was thrown.
28. Details of marks left by instrument used and inference drawn therefrom as to the nature of the instrument.
29. Whether room in which whole was made occupied or not at the time.

IF ADMITTANCE WAS OBTAINED BY LOCK BREAKING OR LOCK OPENING

30. Type of lock broken.
31. If opened by key any indication as to whether key used was (a) the original one and if so how accused obtained possession of it, (b) duplicate, (c) skeleton or false.
32. If lock forced (a) give particular of marks on it and inference drawn there from as to the instrument used, and (b) state if lock is still in working order.
33. If lock intact and hasp or chain wrenched out, state the type of instrument that appears to have been used.

IF ADMITTANCE OBTAINED BY MEANS OF A HOLE IN ROOF

34. The construction of the roof (whether kacha, pacca, thatched, etc., etc.).
35. Any indication as to how the accused ascended the roof.
36. Position of hole (whether adjoining beam, in one corner, etc., etc.).
37. Whether room beneath was occupied or not.
38. Whether property was removed from the room in which hole was made.
39. Means employed by the accused to descend into the room below.
40. How earth removed was disposed of and precaution adopted by the accused to prevent earth from falling into the room below.
41. Any other matters of importance requiring special mention.

IF ADMITTANCE OBTAINED BY ANY WAY OTHER THAN THOSE MENTIONED ABOVE

42. How admittance was gained.
43. If admittance gained by closed windows or ventilators, give particulars to indicate how bars were forced or glasses broken and means adopted by accused for preventing noise.
44. If culprit scaled the wall (a) state means employed (i.e. rope, leather, bamboo, water pipe, etc.) (b) give particular of marks, if any, left on the wall.
45. If admittance gained through a drain give dimension and position with respect to the rest of the house.
46. If admittance through a chimney give similar particulars.
47. In case of admittance obtained by deceitful means, threat force, etc., give details of story told by suspect.

IN THE CASE OF DAY LIGHT BURGLARIES

48. State whereabouts of the owner at the time of the commission of offence.
49. Precautions, if any, taken, by the accused or his associates to divert the attention of neighbours away from the house attacked.

B.—Thefts of all kinds

The same particulars as for burglaries, where applicable, together with a brief report of the facts.

IN CASE OF PICK-POCKETING

1. Means employed by culprit (i.e. razor, blade, knife etc.)
2. The position of the picked pocket (waist-coat, inner pocket of coat, etc.) and its contents.
3. Position of other pockets and contents which were not touched.
4. Reasons, if any, for believing that accused had associates.
5. Means adopted to distract the attention of the victim.

FORM No. 21.9 (1)

PUNJAB POLICE _____ **DISTRICT**

WEEKLY DIARY No. 1.

For week ending Sturday,_____19.

Dispatched by Superintendent on _____

Dispatched by Deputy Commissioner on _____

Dispatched by Deputy Inspector-General on _____

Returned by Commissioner _____

STATEMENT OF CRIME REPORTED BY "F.I.R." UP TO WEEK ENDING SATURDAY _____19.

			CASES REPORTED UP TO DATE		DIFFERENCE		
Sr. No.	Police Station	Cases reported during past week	19____	19____	More	Less	REMARKS
	Total						

COMPARATIVE STATEMENT OF HEINOUS OFFENCES REPORTED.

Murders ..						
Riots ..						
Dakaities ..						
Burglaries ..						

DISPOSAL OF POLICE CASES IN WEEK ENDING.....19

SENT FOR TRIAL				DECIDED IN COURT			
Cases and persons	During the week	Pending from last week	Total	Convicted	Discharged or acquitted	Pending	Pending over one month
Cases.							
Persons.							

Sr. No.	Subject	REMARKS				
		Details of working of preventive sections during the past week				
		Persons	106, 107, Cr.P.C.	109, Cr.P.C.	110, Cr.P.C.	Total
		Sent for security				
		Convicted.				
		Discharged.				
		Pending of end of week				
		Convicted during the year up to date.				
		Convicted on corresponding date of previous year				
		Number of persons on security on date				
		Number of persons on security on corresponding date of previous year				

FORMNo. 21.12(1)

POLICE DEPARTMENT _____DISTRICT.

CONFIDENTIAL

Weekly Diary No. II for week ending_____19.

Acknowledgment of Secret Abstract ..1

Certificate regarding Cypher Code and Key word ..2

Dated_____19.

_____

Superintendent of Police.

(REVERSE)

POLICE 19 DEPARTMENT

Weekly No. II

_____DISTRICT.

For the week ending_____19.

Received by Inspector-General on the _____

FORM No. 21.15(1)

COMPARTIVE STATEMENT OF REPORTED CRIME DURING THE MONTH_____AND FROM THE 1ST JANUARY 19____ TO THE END OF_____19.

(To be attached to superintendent's first weekly diary in each month.)

1	2	3	4	5	6	7	8	9
			Murders		Dakaities		Burglaries	
Sr. No.	District or police station	Period (A or B)	19	19	19	19	19	19

10	11	12	13	14	15
ALL REPORTED CRIME EXCLUSIVE OF SECURITY CASES					
19	19	Plus or minus	Number of Persons on security under section 110, Cr.P.C.	Number if cases pending in court for over one month exclusive of security cases.	Percentage column 14 bears to total Police cases reported during past month.

A.—The figures for the past month.

B.—The figures for the year upto date, to be written in red ink.

Dated_____ *Superintendent of Deputy Inspector-General*

The_____

FORM No. 21.20(2)

POLICE DEPARTMENT _____DISTIRCT.

Report of a fair held at _____District.

(1) Local name of fair or assembly_____

(2) Object of fair or assembly_____

(3) Average daily attendance _____

(4) Number of days the fair lasts_____

(5) Notworthy particulars_____

(6) Remarks by District Magistrate and Deputy Inspector-General to follow—

Dated the_____19. Countersigned *Superintendent*

Magistrate of the District

(Bilingual Standard Form).

FORM No. 21.22(4)

POLICE DEPARTMENT _____DISTIRCT.

Licence No. _____District

Free of a fee.

WHEREAS_____ have applied for a licence under section 30, Act V of 1861, the following license is granted.

Licence for_____ On the occasion of_____ at _____ On_____ under section 30 of Act V of 1861 (Police Act).

1	2	3	4	5	6	7	8	9	10
Names and description of the licensees*	Period for which the licence is valid	Place or area for which the licence is granted	Place and time of commencement	Place and time of conclusion	Route of be followed (to be given in detail)	Places and periods of halts, if any	Kind of music allowed and the places (if any), where it would not be played	Officer in charge of the procession	REMARKS

*If there are more licensees, their names, should be entered.

In the remarks column shall be entered all particulars which it is necessary to prescribe, but for which a special column is not provided e.g., height of tazias in Moharram Processions.

Dated the_____19. Seal. *Supdt. of Police*

1. This licence is granted subject to all the provisions of the Police Act (No. V of 1861) and subject to strict observance of all terms and conditions of the licence.

2. This licensees and the processionists generally, shall comply with any orders issued by the Magistrate or other Officer in charge of the procession with regard to—

(a) the speed of the procession;

(b) any changes of route decided on by the Magistrate or the Officer-in-charge of the procession; and

(c) any orders deemed necessary such as stopping of music, speeches or songs etc., at specified places.

3. The licence shall be promptly shown or surrendered on demand by the Magistrate or Police Officer of and above the rank of Officer-in-charge of the Police Station.

4. It shall be subject to cancellation by the Officer who granted it.

5. The licenses severally and individually shall be present throughout and shall be responsible for rendering all assistance in their power to the Police in maintaining order at the place of the meeting or on the route of the procession and for compliance by the members of the meeting or procession with all the conditions of the licence or any order

issued in accordance with these conditions of the licence or any order issued in accordance with these conditions. This responsibility rests upon the licensees whether they happen to be present or not at any particular time or place during the course of the procession.

6. Special condition (if any).

Certificate of receipt from licensees.

I/We the undersigned have received this licence and undertake to abide by the conditions therein inserted.

Signature

Form No. 21.35(2) For Punjab

[1]For Forms No. 21.35 (2)(a), 21.35 (2)(b), 21.35 (2)(c), 21.35 (2)(d), 21.35 (2)(e), 21.35 (2)(f) the following Forms substituted namely:

1.	Crime Details Form	Annexure I
2.	Arrest/Court Surrender Form	Annexure II
3.	Property Search and Seizure Form	Annexure III

[1]FORM No. 21.35(2)

Annexure I

CRIME DETAILS FORM

1. District_____Police Station_____Year_____FIR No._____ Date_____
2. Acts and sections_____
3. The place of occurrence shown by:
   Name_____
   Father's/Husband's Name_____
   Address_____
4. Type of Crime (All including M.O. Crime):
   (i) Major Head_____ (ii) Minor Head_____
   (iii) Method(s) 1. _____
   2. _____
   3. _____
   (iv) Conveyance used :_____
   (v) Character assumed : _____
   (vi) Language/Slang used : _____
   (vii) Special feature -1 : _____
   Special feature - 2 : _____
   Special feature -3 : _____
   (viii) Type of place of occurrence : _____
   (ix) Type of Property involved (4 Types) : _____
   (1) _____ (2) _____
   (3) _____ (4) _____

1. Substituted by Punjab Govt. Notification No. G.S.R. 20/C.A. V./1861/S. 46/Amd. (23)/2003 dated 6.3.2003

5. Particulars of the victims (Attach separate sheet, if required):

Sr. No.	Name	Father's Husband's Name	Date/Year of Birth	Sex	Nationality
1	2	3	4	5	6

Religion	Whether SC/ST	Occupation	Address	Injury Grie-vous/Simple	Means
7	8	9	10	11	12

6. Motive of Crime_____

Description of physical evidence from the scene of crime for the property recovered/ seized for the purpose of investigation.

(a) Witness Name_____

Address_____

(b) Witness Name_____

Address_____

7. Details of properties stolen/involved : (Use and attach appropriate prescribed form(s).

8. Date and time of visit to the place of occurrence :

Date_____ Time_____

9. Description of the place of occurence :

10. Sketch/map of the place of occurrence (Attach skectch/map with legends separately, if needed. If to scale, indicate so. May be certified and signed by witnesses, if required):

Place_____ Signature of the Investigating Office with :

Name _____

Date_____ Rank_____

Attachment to Item 7 Crime Details Form or Item 10 of Property Search and Seizure Form

Details of identifiable numbered or unnumbered general properties including fire-arms seized/recovered/stolen/involved:—

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type of Property	Estimated Value (in Rs.	Quantity	Make	Model ..... Bore	Number
1	2	3	4	5	6	7

Special marks of identi-fication	Country of origin	Seizerd/Recovered Stolen/Involved	Belonging to Victim/ Accused or abandoned	Insurance Certificate No.	Name of Insurance Company
8	9	10	11	12	13

Signature of the Investigating Officer.

Witness I
Signature

Name.....
Rank.....No. .....

Witness II
Signature

Details of Cultural Property seized/recovered/stolen/involved;

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type	Material used	Nomenclature	Height -------- Cms-Mms	Breadth -------- Cms-Mms	Depth ------ Cms-Mms	Weight -------- Kgms-Gms	Age
1	2	3	4	5	6	7	8	9

Estimated Value (in Rs.)	Special Feature 1	Special Feature 2	Special Feature 3	Seized Recovered/ Stolen involved	Photograph Collected Yes/No	ASI Certi-ficate No.	Insurance Certificate No. and Name of Company
10	11	12	13	14	15	16	17

Signature of the Investigating Officer.

Witness I
Signature

Name.....
Rank.....No. .....

Witness II
Signature

Attachment of Item 7 of Crime Details Form of Item 10 of Property Search and Seizure Form

Details of Automobile seized/Recovered/Stolen/Involved

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type of Automobile	Estimated Value (in Rs.)	Make	Colour	Model ---------- Year	Registration No.
1	2	3	4	5	6	7

Chasis No.	Engine No.	Stolen/Recovered/ Seized/Involved	Belonging to Victim/Accu-sed or aband-oned	Insurance Certificate	Name of Insurance Company
8	9	10	11	12	13

Signature of the Investigating Officer.

Witness I
Signature

Name.....
Rank.....No. .....

Witness II
Signature

Annexure II

ARREST/COURT SURRENDER FORM

(Separate form for each accused)

1. District.....P.S.....Year.....FIR/Proceeding /G.D. No. ..... Date.....

   Aphanumeric code of the accused.....(Write A1 to A9 for the first 9 persons, B1 for 10th person & so on)

2. Date, Time and Place of arrest/surrender: Date.....Time.....
   G.D. No.....Place of arrest : P.S.....District .....

3. Name of the court (if surrendered): .....

4. Acts and Sections : .....

5. Arrested and forwarded/Arrested and released on bail or PR bond/Arrested but released on anticipatory bail/Arrested and remanded to police custody/Surrendered in court and bailed out/Surrendered in court and sent to judicial custody/Surrendered in court and remanded to police custody. (tick '✓' applicable portion).

6. Particulars of the arrested person:

   (i) Name .....

   (ii) Father's / Husband's Name.....

   (iii) First Alias ..... (iv) Second Alias .....

   (v) Nationality ..... (vi) (a) Voter Id. card No. .....

   (b) Passport No. .....(c) Date of issue .....(d) Place of issue.....

   (vii) Religion ..... (viii) Caste/Tribe.....

   (ix) SC/ST/OBC.....(x) Occupation.....

   (xi) Permanent Address.....Distt.....P.S.....

   (xii) Present Address.....Distt.....P.S.....

7. Injuries, cause of injuries and physical condition of the arrested person (Indicate if medically examined):

   .....

   .....

8. The accused, after being informed of the grounds of arrest and his legal rights, was duly taken into custody on.....(date) at.....(hours) at..... (place). The following article(s) was/were found on physical search, conducted on the person of the arrested person and was/were taken into possession, for which a receipt was given to the arrested person. If no article found, 'NIL' may be indicated.

   (1) ..... (2) .....

   (Attached separate sheet, if required).

   Necessary wearing apparels were left on the arrested person for the sake of human dignity and body protection.

   The accused person was cautioned to keep himself/herself covered for purpose of identification.

   Intimation given to Shri/Smt.....(relation of).....on (date)..... at (hrs.).....

9. Physical features, deformities and other details of the arrested person:

Sex	Date/Year of Birth	Build	Height (cms.)	Complexion	Identification Marks(s)
1	2	3	4	5	6

(For Modus Operandi Offences Only)

Deformities/ peculiarities	Teeth	Hair	Eyes	Habit (s)	Dress Habit(s)	Language/ Dialect	PLACE OF				
							Burn mark	Leuco-derma	Mole	Scar	Tattoo
7	8	9	10	11	12	13	14	15	16	17	18

Other features, if any .....

10. Whether finger-prints taken or not:
11. Socio-economic profile of the accused showing:
    (a) Living Status: Living alone/Living with family/with associate in pucca house/ hotel/hostel/katcha house/thatched house/slum/homeless/harbourer.
    (b) Educational qualification(s) .....
    (c) Occupation .....
    (d) Income Group:
        (i) Lower income (Below Rs. 500 P.M.)
        (ii) Lower middle income (From Rs. 501 to Rs. 1000)
        (iii) Middle income (From Rs. 1001 to Rs. 2000)
        (iv) Upper middle income (From Rs. 2001 to Rs. 3000)
        (v) Upper income (Above Rs. 3000)
12. Whether the arrested person, as per observation and known police records:
    (a) Is dangerous: Yes/No (b) Previously escaped any bail Yes/No
    (c) Is generally armed Yes/No (d) Operates with accomplices Yes/No
    (e) Has past criminal record Yes/No (f) Is recidivist Yes/No
    (g) Is likely to escape bail Yes/No (h) If released on bail, likely to commit crime or threaten victims/witnesses. Yes/No
    (i) Is wanted in any other case Yes/No
    (If Yes give case reference/section)
13. Name and address of the witnesses (At least one witness is necessary)
    (i) Signature (ii) Signature
14. Signature or LTI of arrested person.

Signature of Investigating Officer
Name .....
Rank .....No.....

Place .....
Date .....

Annexure III

PROPERTY SEARCH AND SEIZURE FORM

(Search/Production/Recovery u/s 165 Cr.P.C. etc.)

1. District.....P.S.....Year.....FIR/G.D. No.....Date.....
2. Acts and Sections .....
3. Nature of property seized: Stolen/Unclaimed/Unlawful possession/Involved/ Intestate.....
4. Property seized:
   (a) Date.....
   (b) Time.....
   (c) Place from where seized/recovered.....
   (d) Description of the place of seizure/recovery.....
5. Person from whom seized/recovered:
   Name.....
   Father's/Husband's name .....
   Sex.....Age.....Occupation.....
   Address .....
6. Witnesses:
   (i) Name.....Father's/Husband's name.....
   Age.....Occupation.....Address .....
   (ii) Name.....Father's/Husband's name.....
   Age.....Occupation.....Address .....
7. Action taken/recommended for disposal of perishable property.....
8. Action taken/recommended for keeping of valuable property .....
9. Identification required. Yes/No
10. Details of properties seized/recovered (Use appropriate prescribed form(s) and attach).
    (1) .....
    (2) .....
11. Detail of Counterfeit Currency seized/recovered:
    District.....P.S. .....Year.....
    FIR No. .....Dated.....
12. The above mentioned properties were seized in accordance with the provisions of law in the presence of the above said witnesses and a copy of the seizure memo was given to the person/the occupant of the place from whom seized.
13. The following properties were packed and/or sealed and the signature of the above said witnesses obtained thereon or on the body of the property.

Sl. No.	Property	Signature obtained on the packet or on the body of the property
1	2	3

Specimen of the seal is given below

Witness I
Signature

Signature of Investigating Officer
Name.....
Rank.....No. .....

Witness II
Signature

Place.....Date.....

• In case the property is seized from such a place that no receipt is required to be given to anybody, this portion of the sentence should be struck off.

Attachment to Item 10 of Property Search & Seizure Form

Details of Counterfeit Currency recovered/seized:

District.....P.S. .....Year.....FIR No..... Date.....

Sl. No.	Number of pieces	Series	Serial Number	Type of currency	Denomination
1	2	3	4	5	6

Signature of the Investigating Officer.
Name.....
Rank.....No. .....

Details of Narcotic drugs recovered/seized:

District.....P.S.....Year.....FIR No..... Date.....

Sl. No.	Name of drug	No. of packets	Weight (in Kgs.)	Description of the packing and marking, if any	Method of concealment	Estimated value (in Rs.)
1	2	3	4	5	6	7

Signature of Magistrate (when present) **Signature of Investigating Officer**

Gazetted Officer

11. Circumstances/Grounds of Seizure:

Form No. 21.35(2) for Haryana Only

Forms No. 21.35(2)(a) to 21.35(2)(g) Substituted vide Haryana Govt. Notification No G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

FORM No. 21.35 (2)

CRIME DETAILS FORM

1. District_____Police Station_____Year_____FIR No._____Date_____
2. Acts and sections_____
3. The place of occurrence shown by:
   Name_____Father's/Husband's Name_____
   Address_____
4. Type of Crime (All including M.O.Crime):
   (i) Major Head_____
   (ii) Minor Head_____
   (iii) Method(s) 1. _____
   2. _____
   3. _____
   (iv) Conveyance used:_____
   (v) Character assumed: _____
   (vi) Language/Slang used: _____
   (vii) Special feature - 1: _____
   Special feature - 2: _____
   Special feature - 3: _____
   (viii) Type of place of occurrence: _____

(ix) Type of Property involved (4 Types): _____

(1) _____ (2) _____

(3) _____ (4) _____

5. Particulars of the victims (Attach separate sheet, if required):

Sr. No.	Name	Father's Husband's Name	Date/Year of Birth	Sex	Nationality
1	2	3	4	5	6

Religion	Whether SC/ST	Occupation	Address	Injury Grievous/ Simple	Means
7	8	9	10	11	12

6. Motive of Crime_____

Description of physical evidence from the scene of crime for the property recovered/ seized for the purpose of investigation.

(a) Witness Name_____

Address_____

(b) Witness Name_____

Address_____

7. Details of properties stolen/involved : (Use and attach appropriate prescribed form(s).

8. Date and time of visit to the place of occurrence :

Date_____ Time_____

9. Description of the place of occurence :

10. Sketch/map of the place of occurrence (Attach skectch/map with legends separately, if needed. If to scale, indicate so. May be certified and signed by witnesses, if required):

Place_____ Signature of the Investigating Office with :

Name _____

Date_____ Rank_____

Details of identifiable unnumbered or numbered general properties including fire-arms seized/recovered/stolen/involved:—

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type of Property	Estimated Value (in Rs.	Quantity	Make	Model ..... Bore	Number
1	2	3	4	5	6	7

Special marks of identi-fication	Country of origin	Stolen/Removed Seized/Involved	Belonging to Victim Accused or abandoned	Insurance Certificate No.	Name of Company
8	9	10	11	12	13

Signature of the Investigating Officer.

Details of Cultural Property seized/recovered/stolen/involved;

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type	Material used	Nomenclature	Height -------- Cms-Mms	Breadth -------- Cms-Mms	Depth ------ Coms-Mms	Weight -------- Kgms-Gms	Age Ad/BC
1	2	3	4	5	6	7	8	9

Estimated Value (in Rs.)	Special Feature 1	Special Feature 2	Special Feature 3	Stolen/ Recovered/ Seized involved	Photograph Collected or not	ASI Certi-ficate No.	Insurance Certificate No. and Name of Company
10	11	12	13	14	15	16	17

Signature of the Investigating Officer.

Details of Automobile seized/Recovered/Stolen/Involved

District_____Police Station_____Year_____FIR No._____ Date_____

Sr. No.	Type of Automobile	Estimated Value	Make	Colour	Model ---------- Year	Registration No.
1	2	3	4	5	6	7

Chasis No.	Engine No.	Stolen/Recovered/ Seized/Involved	Belonging to Victim/ Accused or abandoned	Insurance Certificate No.	Name of Company
8	9	10	11	12	13

Signature of the Investigating Officer.

Details of Counterfeit Currency seized/recovered:

District_____Police Station_____Year_____FIR No._____ Date_____

Sr.No.	Number of pieces	Series	Serial Number	Type of Currency	Denomination
1	2	3	4	5	6

Signature of the Investigating Officer.

Form No. 21.36(b)

REPORT OF OFFENCE UNDER THE MOTOR VEHICLES ACT

Counter foil_____ Date _____

Serial number _____

Police Station or Post _____

Cross reference to Intimation Book_____

District_____

Police Report or complete to a Magistrate for action

1	2	3	4	5	6	7	8	9	10
Name and posting of the officer making the complaint or report	Temporary address of accused	Permanent address of accused	Whether the accused is in custody, on bail or recognizance or has been otherwise intimated	Date on which the accused is required to attend court	Number of driving licence sent with challan or the driver's number in the case of tongas	Registered number of vehicle	Section and rule	Brief description of the charge and the circumstances under which the offence was committed	Name and address of any witnesses

Forwarded to _____ *(Incharge of the Traffic Staff)*

*(Signature)*_____

(Station House Officer)

*Forwarded to*_____ *Magistrate*_____

Prosecuting Deputy Superintendent of Police

Prosecuting Inspector of Police

*Class*_____ *through the*_____

Prosecuting Sub-Inspector of Police

*The accused has the following convictions on record*_____

*Signature*_____

(Officer-in-charge of the Traffic Staff)

Foil _____

Serial No. _____

Cross reference to form L. Tem (Police) _____

Name and posting of the officer making the complaint or report _____

Name of accused _____

Temporary address of the accused _____

Permanent address of the accused accused _____

No. of any driving licence impounded _____

Registered number of vehicle _____

Number of original permit and Regional Transport Authority by which it was issued

Particulars of the offence with section and rule _____

Date of forwarding of report _____

Names of any witnesses _____

REPORT OF OFFENCE UNDER THE MOTOR VEHICLES ACT

Conviction slip _____

Serial number _____ Date _____

Result of Trial

Name of accused _____

Temporary address of accused _____

Offence charged _____

Order of the Court _____

Signature _____

(Magistrate)

Whether the driving licence has been suspended, if so, for what period_____

Whether details of section or Act and Rule have been endorsed on driving licence

Returned to_____

(In charge of the Traffic Staff).

Signature _____

Prosecuting Deputy Superintendent of Police.

_____

Prosecuting Inspector of Police.

_____

Prosecuting Sub-Inspector of Police.

Returned to _____. The necessary entries have been made in the Traffic Office records.

Signature _____

(Officer-in-charge of the Traffic Staff)

No. _____

Name and address of accused _____

Registration number of vehicle _____ Section and rule_____

Brief particulars of offence _____

Regional Transport Authority by which original permit was issued _____

Brief particulars of Magistrate's order with date _____

Forwarded to the Regional Transport Authority_____

_____ for information.

Superintendent of Police,

(To be used in the case of conviction only).

FORM No. 21.37(2)(A)

Daily Diary of Inspector in charge of Range Mobile Patrol

1. Journeys performed by motor vehicle of patrol
2. Cases reported to district police
3. Cases decided with results
4. Cases in which inadequate sentences have been imposed or which have been inordinately delayed
5. Warning given to motorists
6. Other duties performed under rule 21.37 including attendance at court

Signature of Inspector

FORM No. 21.37 (2) (B)

Motor Lorry Working Account

Driver's name—

Lorry No.

Date of purchase of lorry—

Particulars of orders (if any) sanctioning the Journey	Date and purpose of journey	WORK DONE						No. of miles traveled	*RECOVERIES FROM INDIVIDUAL WHEN THE LORRY IS EMPLOYED FOR PRIVATE USE				
		Journey		*Time Distance*					Date	Name of the person from whom recoverable	Amount recoverable	Amount recovered	Number and date of receipt issued in acknowledgment
		From	To	Away	Back	Millimeter reading							
1	2	3	4	5	6	7	8	9	10	11	12	13	14
						Before trip	After trip						

MATERIALS									AVERAGE CONSUMPTION			
Material issued to driver			Material consumed by driver			Balance with the driver			Petrol miles per gallon	Mobile oil miles per gallon	Grease	Remarks
Petrol	Mobile oil	Grease	Petrol	Mobile oil	Grease	Petrol	Mobile oil	Grease				
15	16	17	18	19	20	21	22	23	24	25	26	27

*N.B.—Columns 10-13 may be left blank unless the lorry is employed for private use.

❑❑❑

CHAPTER 22

THE POLICE STATION

22.1. Officer in charge of police station.—(1) The officer in charge of a police station is ordinarily a sub-inspector. Within the limits of the police station jurisdiction the sub-inspector is primarily responsible for the effective working, management, good conduct and discipline of the local police, for the preservation of peace and the prevention and detection of crime. The due performance of all police duties, the exercise by the police of the powers granted them by law, the correctness of all registers, records and reports prepared by them, and the direction, instruction and efficiency of all police subordinates in the station jurisdiction are matters for which the officer in charge of a police station is essentially answerable.

(2) It is the duty of the officer in charge of a police station to acquire detailed and accurate local knowledge, to secure the whole-hearted co-operation of his zaildars, inamdars, village headmen and chaukidars, encouraging them to give him information, to assist him in this work and to range themselves loyally on the side of the administration. Through them and his own subordinates he is required to keep a strict watch over all known bad characters, and he shall communicate all intelligence of moment to his superiors and to other police stations without delay.

(3) Within the limits of his charge he is the chief investigating officer and as such he shall conduct all investigations in person, so far as circumstances permit. His responsibility in this matter must be carefully maintained. Should it be necessary, owing to the absence of the sub-inspector or any other cause, for a subordinate to undertake an investigation, the sub-inspector shall satisfy himself by perusing the case diary and questioning the investigating officer that the investigation has been fully and properly conducted, shall remedy what is defective, and take over the investigation as soon as he is free to do so, except in a case originally investigated by an assistant sub-inspector where he will be guided by rule.

(4) When present at the police station he shall personally supervise the routine work of the station house, and shall be careful to see that there are no arrears of correspondence and that the accounts are correct.

22.2. Assistant sub-inspectors.—(1) One or more assistant sub-inspectors are attached to each police station, in proportion to the normal amount of crime registered, as subordinate investigating officers. An assistant sub-inspector may be a directly appointed probationer under training, in which case his duties will be as prescribed in Chapter XIX. In other cases an assistant sub-inspector is the assistant and deputy of the officer in charge of the police station, who without detracting from his own

authority or ultimate responsibilities as described in rule 22.1, may delegate powers and duties generally or specifically to one or other of his assistants, on the same principles as the Superintendent of Police delegates authority and duties to gazetted officers subordinate to him.

(2) An assistant sub-inspector is required to have approximately the same standard of efficiency in all branches of police station work, detective, preventive and administrative, as a sub-inspector, but his responsibilities are less, in that he is not in independent charge, and his powers are subject to the detailed control and supervision of the sub-inspector. In respect of investigations, the sub-inspector is required to exercise careful supervision over the work of his assistant sub-inspector, as laid down in rule 22.1, but need not, and should not, normally take into his own hands an investigation started by an assistant sub-inspector, except when he finds the latter's investigation gravely defective.

22.3. The station clerk.—The police station clerk is a literate head constable who, under the control and supervision of the officer in charge of the police station, acts as clerk, accountant, record keeper and custodian of Government and other property at a police station. He may be assisted by one or more assistant clerks.

22.4. Duties as a clerk.—As clerk of the police stations, the station clerk performs the following duties—

(a) He opens, registers and hands over all correspondence to the officer in charge of the police station or senior present and takes his orders for the disposal of papers. He writes all reports and returns called for by competent authorities and is responsible that all pending papers are promptly disposed of.

(b) Every morning he brings to the notice of the officer in charge of the station (that is, senior officer present) all postponed orders and pending papers awaiting execution and reply. At morning roll call he records the orders of the same officer as to the distribution of duties for the day.

(c) He writes up the daily diary and other station house registers. He sees that the file of the Police Gazette is kept up to date, and that all orders and notices contained in it, which concern the staff or the work of the staff, are carefully noted and explained to all concerned. He registers all births and deaths reported at the station by the village watchmen.

22.5. Duties as an accountant.—As accountant, the station clerk is responsible for the correctness of the cash book, of the cash balance in hand, and for all accountants of receipts or expenditure rendered to his superiors. He must, without fail, bring every item of receipt or expenditure promptly and fully to accountant. If any appropriation of public money to purposes for which it was not intended occurs, or if money shown as expended is not expended, or is expended in a different way from that shown, he is bound to report the matter at once to the

Superintendent. He will not be allowed to shield himself by pleading the orders of a superior officer, but will be held responsible for malversations which would not have been possible if his accountants had accurately represented the facts. He writes out invoices, and checks and files receipts and other Vouchers for payments made. He prepares the monthly acquittance rolls and accounts of deductions and stoppages from pay and all traveling allowance and other claims of the officers and men of the station concerned, and sees that acquittance rolls are duly signed and forwarded. The duties and responsibilities of the station clerk under this rule shall not be delegated to any other member of the police station staff.

22.6. Duties as a record-keeper.—As a record-keeper, the station clerk is responsible that all registers and other records are safely kept and that they do not suffer injury from damp, vermin or other cause. He periodically eliminates and sends to headquarters the records which are no longer required to be maintained according to rule.

22.7. Duties as a custodian of property.—As custodian, the station clerk is responsible for all Government property, including arms, ammunition, bicycles, articles of clothing and equipment other than such as are in the personal charge of individual officers, and all unclaimed property connected with cases, including cattle in the pound. He is in direct charge of the store-room and shall keep the keys thereof and personally superintend all receipts and issues therefrom. He shall also be responsible for the safe custody and dieting of persons in the lock-up and shall personally keep the keys thereof.

22.8. Continuous presence at police station.—The station clerk's duties necessitate his continuous presence at the police station; accordingly he shall not be employed on investigation work or any other duty involving his absence from the police station for any long period. If he leaves the station house for any purpose which is likely to prevent his return within a few minutes on an urgent summons, or under the provisions of rule 22.42, he shall formally make over charge to the assistant clerk and shall make an entry in the daily diary. Similarly, on return to duty, he shall again enter the fact in the daily diary and both entries shall be signed by the assistant clerk as evidence of his responsibility during the absence of the station clerk. Under no circumstances shall the station clerk and the assistant clerk be both absent from the police station at the same time.

22.9. Literate police officers.—Other literate police officers shall be employed under the general direction of the officer in charge of the police station to assist the clerk in the up-keep of criminal records, and to assist in the investigation of cases and the collection, recording and dissemination of intelligence.

22.10. Watch of police stations.—(1) A standing sentry at police stations shall ordinarily not be posted, but at night one of the constables sleeping at the station shall be told off by the station clerk or senior officer present to sleep in front of the door of the police station which shall be securely fastened.

(2) In cases where the lock-up contains prisoners or there is valuable property in the store-room [*vide* rule 22.18 (1)] or animals in the cattle-pound, there shall be a constable on watch, who shall be posted with special regard to the protection of the lock-up, the store-room or the cattle pound, as the case may be, any he shall be responsible for its safe custody. Standing orders describing the duties of the sentry in regard to the protection of each of these three places shall be framed by the Superintendent of Police and hung up in the police station office. The officer in charge of the police station shall read out the appropriate part or parts of this standing order when allocating duties at roll call (*vide* rule 22.11). If the subsequent arrival of prisoners, valuable property or cattle necessitates an extension of the duties detailed at roll call, the station clerk shall inform the constables concerned, shall read out to them the standing order applicable and shall obtain their signatures or thumb-impressions in the station diary.

(3) Ordinarily there shall be a police officer, who shall usually be the senior police officer present at the station house, available and ready in proper uniform to receive information and complaints and to afford such assistance as may be lawful and necessary; and at every post there shall be at all time one police officer in uniform in charge of the building and property, but such police officer shall not be expected to do more than keep on the alert.

22.11. Roll calls.—At sunrise and at sunset the officer in charge of the police station, i.e., the senior officer present, shall fall in all the police present at the station and hold a roll call. At this roll call instruction shall be given in respect of all general and special orders which may have been received from superior authority or which the officer in charge of the police station may see fit to promulgate, and duties shall be allocated. The police detailed for watch duty shall be under the orders of the station clerk who shall allot particular hours of duty to each man and note the times allotted in the daily diary immediately after the roll call, taking the signature or thumb-impression of each man in the dairy in token of his having been informed.

22.12. Inspection before proceeding on duty.—All officers proceeding on duty shall appear before the senior present at the station, who shall satisfy himself that they are correctly turned out and understand the duties allotted to them and who shall record in the daily diary an entry to the effect that he has done so, giving particulars as to the men, the duties and the time of inspection. This rule is binding on men posted on watch duty and the entry in the daily diary in their case shall be in addition to the entry required under rule 22.11 above.

22.13. Parades.—The officer in charge of the police station is responsible for keeping his staff Proficient in drill and to secure this end must hold parades as frequently as possible. The small number of men available for parade in a police station is no bar to the giving of much useful instruction.

The following portions of the Police Drill Manual, 1929, shall be taught at police stations—

Chapter I, lecture 6 (traffic control).

Chapter IV, sections 3, 5 to 7, 9, 12 to 21, 24 to 34, 36 to 57, 65 to 69, 74, 75, 86 to 90.

Chapter VII, physical training.

Table Card (a few exercise on each occasion). When a parade is held, a record must be made in the daily diary in which will be incorporated a parade statement and a note of the instruction given.

22.14. The police station lock-up.—The rules in Chapter XXVI for the control of lock-ups and the custody and care of prisoners shall apply strictly to all police stations and posts.

22.15. Public property.—Subject to the orders and responsibility of the officer in charge of the police station, the station clerk shall be considered to be in charge of all public property including money and case property in his station house. Every officer in charge of the station shall examine the property at least twice a month and shall report in the following Monday's diary that he has done so. If property is found to be incomplete or to be in any way damaged he shall add to his report the names of the persons responsible for the loss or damage.

He shall also see that the property in connection with a case is expeditiously disposed of according to magisterial orders on the conclusion of the case.

All property shall be examined by officers in charge of police stations on receiving and handing over charge and by station clerks on relief. All damages and shortages must then be carefully noted and reported to the Superintendent of Police.

22.16. Case property.—(1) The police shall seize weapons, articles and property in connection with criminal cases and take charge of property which may be unclaimed—

(a) under the implied authority of section 170, Code of Criminal Procedure;

(b) in the course of searches made in police investigations under sections 51, 165 and 166, Code of Criminal Procedure;

(c) under section 153, Code of Criminal Procedure, as regards weights, measures, or instruments for weights that are false;

(d) under section 550 Code of Criminal Procedure, as regards property alleged or suspected to have been stolen: provided that if the property consist of an animal or animals belonging to Government or to persons of good status it may be made over to them or to a commissioned or a gazetted officer, under the orders of a Magistrate, who is empowered to make such an order under section 523, Criminal Procedure Code.

(e) under section 550, Code of Criminal Procedure, as regards property found under circumstances which create suspicion of the commission of an offence; when an offence in respect of an animal is committed and such animals is not stolen property such animals shall be seized and sent with the case to the magistrate having jurisdiction;

(f) under section 25 of the Police Act, as regards unclaimed property;

Ordinarily the police shall not take possession of movable property as unclaimed when it is in the possession of an innocent finder; but in cities and in cantonments the police may, in compliance with an order issued under section 26 or 27 of the Police Act, take possession and dispose of unclaimed property made over to them by innocent finders.

Such property shall be entered in the storeroom register, unless a special register is prescribed for the purpose by the District Magistrate.

(g) under the provisions of local and Special Laws.

(2) Each weapon, or article of property not being cattle, seized under the above rule shall be marked or labeled with the name of the person from whom, or the place where, it was seized, and a reference to the case diary or other report submitted from the police station.

If articles are made up into a parcel, the parcel shall be secured with sealing wax bearing the seal impression of the responsible officer, and shall be similarly marked or labelled. Such articles or parcels shall be placed in safe custody, pending disposal as provided by law or rule.

Cattle shall be placed in the pound and shall be carefully described in the case diary or other report regarding their seizure from the police station.

All expenses for feeding and watering cattle kept in the pound in connection with cases shall invariably be recovered from the District Magistrate and not from the complainant.

(3) The police shall send to headquarters or to magisterial outposts—

(a) all weapons, articles and property connected with cases sent for trail;

(b) suspicious, unclaimed and other property, when ordered to do so by a competent Magistrate.

(4) Motor vehicles detained or seized by the police in connection with cases or accidents shall be produced before a magistrate after rapid investigation or by means of incomplete challan. The evidence relating to the identity or condition of the vehicle should be led and disposal of at an early date, and the magistrate should then be invited to exercise the discretion vested in him by section 516-A, Code of Criminal Procedure to order that the vehicle be made over to the owner pending conclusion of the case on security to be produced whenever demanded by the court.

22.17. Custody of money.—All Government money received in the police station and not disbursed forthwith shall be kept in a locked box in the store-room.

Whenever the pound receipts at a police station amount to Rs. 50 or over they shall be forwarded to the sadar or tehsil treasury, whichever any be nearer.

If large sums are taken under the Cattle Trespass Act, and it is impossible to pay in such sums immediately to the sadar or tehsil treasury, they shall be placed in the locked box in the store-room.

22.18. Custody of property.—(1) Property exceeding in value Rs. 500, whether appertaining to cases, or seized on suspicion, or taken as unclaimed, shall be forwarded as soon as possible to district headquarters for deposit in the treasury in accordance with Police Rule 27.18(2) or, in the case of property connected with a case to be tried at an outstation or tehsil, to the tehsil treasury, where it shall be placed in the tehsil strong-room under charge of the tehsildar.

Large sums of money or valuable property of any description shall not be entrusted to police officers below the rank of head constable.

When property is brought from outstations to headquarters at a time when the prosecuting inspector and sub-inspector are engaged in court duties, the bearer shall hand it over to the head constable acting as assistant to the prosecuting inspector under rule 27.14(4) and obtain his receipt in acknowledgment on the road certificate. When a prosecuting officer is free, the bearer of the property shall have the road certificate countersigned by him before his return to his police station.

(2) All case property and unclaimed property, other than cattle, of which the police have taken possession, shall, if capable of being so treated, be kept in the store-room. Otherwise the officer in charge of the police station shall make other suitable arrangements for its safe custody until such time as it can be dealt with under sub-rule (1) above.

Each articles shall be entered in the store-room register and labelled. The label shall contain a reference to the entry in the store-room register and a description of the article itself and, in the case of articles of case property, a reference to the case number. If several articles are contained in a parcel, a detail of the articles shall be given on the label and in the store-room register.

The officer in charge of the police station shall examine Government and other property in the store-room at least twice a month and shall make an entry in the station diary on the Monday following the examination to the effect that he has done so.

SYNOPSIS

1. *Case property-Requirement to be kept in store room and entry thereof.*
2. *Case property-Maintenance thereof.*

1. Case property-Requirement to be kept in store room and entry thereof—From Rule 22.18 of the Punjab Police Rules, 1934, it is evident that the case property is required to be kept in store room and each article is to be entered in store room, registered and labelled and label shall contain a reference to the entry in the store-room register and a description of the article itself and in the case of articles of case property, a reference to the case number. If several articles are contained in a parcel, a detail of the articles is required to be given on the label and in the store-room register. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

2. Case property-Maintenance thereof—It is evident from Rule 22.18 of the Rules, 1934 that the case property is required to be kept in store room and each article is to be entered in store room, registered and labelled and label shall contain a reference to the entry in the store-room register and a description of the article itself and, in the case of articles of case property, a reference to the case number. If several articles are contained in a parcel, a detail of the articles is required to be given on the label and in the store-room register. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

22.19. Post office cash safe.—Post office case safes may be embedded in safe positions in police stations by arrangement between the Superintendent of Police and the Superintendent of Post Offices.

The police department accepts no responsibility for the safe custody of such safes and Superintendents shall not permit them to be embedded at places where no safe accommodation exists.

The work of embedding shall be carried out by the postal department.

22.20. Cattle pounds Management of.—(1) The management of cattle pounds situated at police shall be undertaken by the police, when the District Magistrate so requires, provided that the pay of a herdsman and an allowance of not less than two rupees per mensem for the pound-keeper be paid by the local body, which is responsible for the up-keep of such pounds.

(2) For each cattle-pound in charge of the police, an officer on the establishment of the police station concerned shall be appointed pound-keeper *ex-officio*. Such officer shall ordinarily be the assistant clerk, but, in police stations where the receipts of the pound normally exceed rupees fifty per mensem, he shall be the station clerk.

(3) The pound-keeper shall be required to have a through knowledge of the Cattle Trespass Act (1 of 1871); the rules relating to cattle pounds contained in the District Board Account Code (Appendix 22.20), or corresponding rules in force in respect of Municipal and Cantonment; cattle pounds; sections 69 and 70 of the Indian Forest Act (VII of 1878); Section 125 of the Indian Railway Act (IX of 1890) and these rules. He shall maintain accounts in the forms prescribed in the rules referred to above, which are obtainable form the local body concerned, and shall observe those rules in all matters connected with the managements of the pound.

(4) The pound accounts shall be under the close and constant supervision of the station clerk (where he is not himself the pound-keeper) and shall be checked at least once a month by the officer in charge of the police station, who shall certify accordingly in the station dairy and shall countersign the monthly balance of the accounts in token of his having satisfied himself (1) that the balance in hand has been checked; (2) that the accounts are on the face of them being properly kept; and (3) that the signature or initials of the pound-keeper are in their required places. Net receipts shall be credited at least once a month in the nearest sub-treasury.

(5) Bills for miscellaneous expenses incurred by the police in connection with cattle pounds, *e.g.*, emergent repairs, cost of locks, ropes, etc., shall be submitted,

as the charges are incurred, to the Superintendent of Police, in form 10.33 (1) to be dealt with by him as prescribed in rule 10.109 (2).

(6) The lists of fines and of the rates authorized to be charged for feeding and watering impounded animals are required to be displayed conspicuously at every pound. Failure to keep this notice so displayed and legible, and neglect to water and feed impounded animals to the full extent which the sanctioned rates permit, are offences under sections 27 of the Cattle Trespass Act and render the pound-keeper liable, in addition to any other penalty under any other law or under police rules, to a fine of fifty rupees. This liability falls upon the pound-keeper and not upon the herdsman.

22.21. Cattle in the custody of the police.—(1) Cattle seized as suspicious or stolen property, held by the police by order of a court under section 88, Criminal Procedure Code, or otherwise received into police custody under competent authority, may be placed in the pound, and shall be fed at the rates prescribed for impounded cattle. Keepers of pounds which are not in charge of the police are bound to receive such cattle.

When there is any risk of an attempt being made unlawfully to remove or to rescue such cattle, a police guard shall be posted on the pound, or the cattle shall be removed to such place within or in the immediate vicinity of the police station precincts as the officer in charge considers most suitable for their adequate protection.

(2) Entries in respect of cattle placed in the pound under this rule shall be made in red ink, and any expenses incurred shall be recovered by means of judicial bills in form 10.109 (1) through the prosecuting inspector, and shall not be included in the totals of the pound accounts.

22.22. Miscellaneous provisions regarding pounds.—(1) A brief note of the circumstances under which a seizure was made and animals impounded shall be entered in the "remarks" column of the register. If any seizure appears to have been illegally made, the pound-keeper shall take the orders of the officer in charge of the police station before impounding the animals or animals concerned.

(2) Pound registers shall be destroyed three years after the date of last entry in them.

(3) Special attention of all police officers is drawn to section 19 of the Cattle Trespass Act, forbidding any purchase by them, directly or indirectly, at a sale held under the Act.

22.23. Special procedure in regard to animals of value.—(1) when an animals which is clearly of more than ordinary value is impounded and the owner cannot be immediately ascertained, the officer in charge of the police station shall issue special notices in the form of a copy of columns 1 to 7 of the pound register, (a) to the Superintendent of Police, (b) to all adjacent police stations, whether within or without the district, (c) to the owners or managers of important farms or breeding establishments, and the officers in charge of veterinary establishments, remount

depots. etc., in the neighbourhood, and take all other reasonable measures, which the circumstances of the case may suggest to give the owner an opportunity of reclaiming his animals. If the animal in question is branded the department or private owner to whom the brand is believed to belong shall be informed.

(2) Animals in respect of which notices as above have been issued shall not be sold till at least twelve days after the issue of such notices.

22.24. Supervision by superior officers.—Officers in charge of police stations shall be held strictly responsible, in so far as their other permit, for ensuring that the sums recovered on account of feeding charges are actually spent by the pound-keeper on watering and feeding impounded animals. No exact account of such expenditure is prescribed, as the condition for obtaining suitable fodder vary according to localities and the various kinds of animals. Superintendents and all inspecting officers are, however, specially enjoined to pay particular attention to ensuring (a) that rates suitable to the prevailing prices in each locality are sanctioned; (b) that animals are properly cared for while in the pound, and that misappropriation by the pound-keeper and herdsman of the charges levied is prevented. All cases of neglect of animals in the pound shall be severely punished departmentally, apart from any action which may be taken under section 127 of the Act.

22.25. Beat and patrolling duties.—The orders in connection with beat and patrolling duties are contained in rule 21.34.

22.26. Troops and encamping grounds.—(1) The memorandum of instructions for Collectors and Deputy Commissioners with regard to troops marching through district under their jurisdictions is given in Appendix 22.26.

(2) The reports made under paragraph 1 (vi) of the memorandum shall, if made by a police officer be made through the Superintendent of Police, and the District Magistrate of the district concerned.

(3) if, under the terms of the memorandum, a police officer is not appointed for duty, the Superintendent of Police may, if he considers it desirable, appoint a police officer of suitable rank to accompany the troops. His duties shall, however, be strictly confined to co-operation with the local police in the prevention and detection of crime. He shall report to the officer in command of the troops and keep him informed of the measures adopted.

(4) Officers in charge of police stations or, in the absence of the officer in charge, the senior officer available shall pay their respects to officers commanding troops on the march through their jurisdiction.

(5) Officers in charge of police stations, and the headmen and watchmen of villages in the neighbourhood, shall be held responsible that all possible measures are taken to render camping grounds safe and free from thieves. Bad characters found in suspicious circumstances in the vicinity of the Code of Criminal Procedure.

(6) Officers in charge of police stations within the jurisdiction of which troops encamped for training shall report to the officer commanding. They shall make

all necessary arrangements to keep the camp free from thieves nut they need not remain in attendance.

22.27. Field firing by troops.—When, under arrangements approved by the Deputy Commissioner concerned, the military authorities conduct field firing or artillery practices, they are required by military orders, approved by Government, to provide troops to clear and keep the ground. Police shall not be supplied for this duty. The police are further forbidden to take any part in securing the evacuation of villages or confinement of people to their houses in connection with such practices. Such action when ordered by the Deputy Commissioner shall be carried out by revenue officers and village officials. (Police Gazette Memo No. 5932-23-31.25 of 29th June, 1925.)

22.28. Duties at ferries.—(1) Police officers stationed at ferries shall afford such lawful assistance as may be necessary to secure obedience to the rules framed under Act XVII of 1878 for the regulation of traffic and shall prevent the overloading and overcrowding of ferry boats.

(2) Superior police officers shall, from time to time, visit ferries and ensure that the police understand the rules and their duties in relation to them.

22.29. Religious processions.—The orders relating to periodical religious processions are contained in rule 21.22.

22.30. Dramatic performance and cinematograph displays.—(1) Whenever a dramatic performance is about to take place the officer in charge of the local police station shall be responsible that all tents, booths and other temporary structures erected for public performance are inspected before they are opened to the public.

Such structures must have proper facilities for rapid egress and for the prevention and extinction of fire, and must be so placed that there is no danger of fire from adjacent buildings.

(2) If the arrangements appear to be insufficient, immediate report shall be made to the senior magistrate present at the place in question or in whose jurisdiction the structures have been erected.

(3) The Superintendent shall report to the District Magistrate any defects in buildings commonly used for public performances which are likely to endanger human life.

(4) The rules made by the Punjab Government under section 8(2) (a) and (c) of the Cinematograph Act. 11 of 1918, include the following—

(i) No building shall be used for cinematograph or other exhibition unless it be provided with sufficient exits of at least 7×5 size.

(ii) Space for accommodation shall be not less than 100 square feet per 25 persons.

(iii) Fire applications shall be provided.

(iv) The cinematograph apparatus shall be in an enclosure of substantial construction made of, or lined internally with fire resisting material. In the case of buildings used habitually for cinematograph or other similar exhibition this enclosure shall be outside the auditorium.

(v) The licence and plan (of the building) and description or any of them shall be produced on demand to a police officer of or above the rank of sub-inspector.

(vi) The Superintendent of Police or an officer deputed in this behalf by him may, at any time, inspect the films which it is proposed to exhibit.

The exhibition of any film which has not been licensed for exhibition, or which has been banned by the local Government, and any breach of the rules above referred to, shall be brought to the notice of the District Magistrate for action under section 6 of the Act.

22.31. Foundlings.—If a child deserted by his parents or guardian is found by a police officer or brought to a police station by a person who is under no legal obligation to maintain it, and who is unwilling to take care of it, such child shall be cared for at the police station and brought before the local magistrate as soon as possible. The orders of such magistrate shall be taken as to the disposal of the child, and any reasonable expenditure, not exceeding four annas per diem incurred from the permanent advance of the police station for the maintenance of the child, shall be recovered from the Court. Should the delay in bringing the child before the local magistrate amount to more than a few hours, advantage shall be taken more than a few hours, advantage shall be taken of the existence of any orphanage or other charitable institution which may be willing to shelter the child until it is finally disposed of by the Magistrate's order.

22.32. Soldiers on shooting permit.—Rules relating to game shooting by British soldiers and to the grant of shooting passes are contained in Appendix XXXV, Army Regulations, India, Volume II and are also issued in pamphlet form to all units of the British Army in India.

Under these rules, (1) no soldier is permitted to carry firearms for shooting purposes or join a shooting party without being in possession of an arms licence and a shooting pass (Indian Army Form L-1181); (2) on the pass granted to a shooting party will be endorsed the localities where shooting is forbidden; (3) all soldiers have received instructions (a) not to shoot within 500 yards of any village, house, temple or enclosure, (b) not to shoot hinds, does, monkeys, dogs, peafowl or pig (except by special permission); (c) not to enter any village, speak to any Indian woman or child, use any bucket for drawing water from wells or shoot birds alighting on pipal or other sacred trees.

The following are the orders of the Government of India to the civil and political authorities in connection with the forgoing rules—

(i) The civil authorities will periodically explain the substance of the rules and orders in simple language to the inhabitants of all villages and

tracts where British soldiers are in the habit of shooting, warning them that soldiers are on no account to be attacked on molested, and that any such offences will be severely punished. The inhabitants, therefore, will have no excuse for interfering unwarrantably with members of a shooting party.

(ii) The district or political officer will impress on Zamindars, headmen, land-lords and police, that they must use their endeavors to prevent disputes with, or the molestation of, any member of a shooting party, and that complaints are to be reported to the proper authorities by the villagers, who must not take the law into their hands.

(iii) When the district or political officer receives notice, under rule 17 of the probable visit of a shooting party, he will at once inform the headmen and village police.

(iv) The district or political officer will, on the arrival of troops in a civil district or Indian State, at once inform the officer commanding such troops of the prohibited localities, animals and birds and of any special civil rules pertaining to the district.

(v) When a complaint is made by a villager against any member of a shooting party the district or political officer will at once report the matter to the officer commanding of the soldiers concerned.

(vi) If possible, disputes between members of a shooting party and villagers will be investigated by a European Magistrate or police officer not below the rank of Superintendent and such cases will be tried by a district or joint Magistrate. The officer commanding concerned will be informed by the district officer of cases not cognizable by the police or where prosecution is not undertaken by the civil authorities. The officer commanding will thereupon take such action as may be necessary.

(vii) The rules for soldiers provide for the punishment of a corps or detachment, or district in the event of the offenders, not being discovered. A similar responsibility may be enforced upon villages where affrays with British soldiers have occurred, if the villagers generally, or a considerable number of them, have made an unwarranted attack upon a shooting party, but the actual offenders have not been brought to justice. The villagers will be warned that in all such cases they are liable by law to have extra police quartered upon them at their own expense.

22.33. Destruction of snakes and wild animals.—(1) Under the orders contained in Punjab Government Consolidated Circular 39 allotments as permanent advances are made by District Boards to all police stations to enable the officer in charge to pay the prescribed rewards for killing snakes. These advances will be re-couped on the submission, through the Superintendent of Police, to the District Board, of statements of accounts showing the name, caste and residence of payees, the amount paid and the number and description of dead snakes brought in.

(2) The amounts authorised as rewards are Re. 0-4-0 for a cobra and Re.0-2-0 for a Karait. In the absence of special local orders no reward is payable for the killing of any other kind of snake. Officers in charge of police stations are required to satisfy themselves before making disbursements, that the snake killed is of a species for which a reward is authorised. To assist in this every police station has been supplied with a book of colored plates of the poisonous snakes common in the Punjab; application for the replacement of these plates should be made, where necessary to the District Board. Inspecting officers shall check the proper carrying out of these orders.

(3) The payment of rewards for killing certain wild animals is also authorised. Claimants should be required to present themselves with the heads and skins of the animal on account of which a claim is made at the officer of the Deputy Commissioner.

22.34. Destruction of ownerless dogs.—Under section 109 of the Punjab Municipal Act (III of 1911) municipal committees have power to order the destruction of any dog or other animal suffering, or reasonably suspected to be suffering, from rabies, They also have power to issue a standing order for the destruction of all dogs without collars found wondering about streets. The police shall not act as agents for the destruction of such dogs but shall support the authority of any agents appointed for the purpose by the municipal committees.

22.35. Recovery of dead bodies from canals.—Under rule 15.16 any person taking a corpse out of a canal or river, or causing it to be taken out and delivering it to a headmen of a village, is entitle to a rewards of Rs. 10. Such sums shall be paid at once by officers in charge of police station from the permanent advance and recovered at once on simple bills from the Superintendent of Police.

22.36. Duties in connection with epidemic diseases.—(1) On the appearance of cholera, plague, small-pox or any other disease in epidemic form, or unusual mortality amongst rats in any police station jurisdiction, the officer in charge of the police station shall at once inform the Superintendent of Police, the District Medical Officer of Health and the Medical Officer of the nearest dispensary.

(2) After the first report regarding the out-break of cholera, plague, smallpox or other infections disease had been made the watchmen of infected villages shall continue to make, as long as the villages remain infected, weekly reports at the police station of the number of cases and deaths; and the officer in charge of the police station shall transmit this information weekly to the District Medical Officer of Health.

(3) If and when an alternative reporting agency had been established, these weekly reports shall be discontinued, but where required they shall be submitted on stamped addressed postcards supplied by the Districts Medical Officers of Health for the purpose.

(4) On receipt of information as in sub-rule (1) the Superintendent of Police shall also notify the District Medical Officer of Health (or in his absence, the Civil Surgeon) and shall inform the Inspector General of Police by telegram.

22.37. Additions and alterations to buildings.—(1) Officers in charge of police stations shall not permit any additions or alterations to existing buildings without the previous sanction of the Superintendent of Police.

(2) Orders relating to the construction of prayer platforms at police stations are contained in Chapter III.

22.38. Diet of accused person.—The rules for the provision of diet at police stations to accused persons and for the recovery of expenses in this connection are contained in rules 26.27 and 10.109 (1).

22.39. Advance of diet money to witnesses.—The rules for the advance at police stations of diet money to witnesses, and for the recovery of such advances are contained in rule 27.28.

22.40. Charges of animals connected with cases.—Complainants in cattle theft cases, or sureties to whom cattle have been made over for safe custody and production if and when required during police investigation shall receive the cost of maintaining animals connected with the cases. The rate sanctioned for each day and for each day's journey are fixed by the Deputy Commissioner with the approval of the Provincial Government subject to the proviso that the complainant has travelled, or has been detained in the interests of the case at a place, more than five miles from his home.

Superintendent of Police shall provide lists showing the rates for each animals and these lists shall be hung up in the police station office.

Claims for payment of these charges shall be made in Form 22.40. The amount due to a complaint or to a surety shall be entered in the form and submitted to district headquarters with the *challan* or final report in the case. Money shall be recovered from the allotment for "Rewards to private persons" and remitted to the police station concerned for prompt payment.

22.41. Kits of men on casual leave.—When an officer proceeds on casual leave from the police station he shall hand over all Government property in his possession to the station clerk who shall at once prepare a list of all articles. The kit will be folded and kept in the store-room. The station clerk is responsible for its safe custody. When the officer in charge of the police station himself proceeds on casual leave he shall hand over all Government property for which he is responsible to the officer appointed to act for him such property as is not required by the latter for current use being placed in the store-room.

See also rule 6.11 (3) regarding the disposal of revolvers by officers proceeding on leave.

22.42. Married police officers.—(1) Married quarters are provided in most police stations in accordance with rule 3.19. Officers to whom these quarters are allotted may sleep in them, provided that they are not on watch or sentry duty or required to be in the police station building for any reason.

(2) At police station where family quarters are provided up to the maximum scale laid down in rule 3.19 no other police officers shall be allowed to have rented accommodation elsewhere.

At police stations where family quarters have not been provided up to the maximum scale laid down in rule 3.19 the number of officers permitted to occupy quarters outside the police station shall not exceed such scale.

(3) A list of married police officers attached to each police station and its subordinate posts shall be maintained in the police station.

22.43. Dispatch of money, property and prisoners.—(1) Police escorts incharge of money, property or prisoners, and police officers performing other duties shall ordinarily travel by rail. For journeys, however, both within and beyond the sphere of duty between places not connected by rail, or between places connected by road and rail, where the road journey is the shorter, or the rail journey although shorter in distance would cause inordinate delay, police officers below the rank of Inspector may, in cases to be certified as necessary by the Superintendents of Police, travel by motor omnibus or other road conveyance.

(2) The cost of such journeys shall be met under the provisions of the Travelling Allowance Rules. In the case of constables the amount shall be drawn on a contingent bill and met from the head Carriage of Constabulary. In the case of other officers it shall be drawn on an abstract travelling allowance bill, to be supported subsequently by a detailed bill. The drawing officer shall record on each bill a certificate to the effect that the journeys were performed in the public interest and that travelling allowance was admissible in accordance with note I of Exception V in Appendix E(5) of the Punjab Financial Handbook No. 2 (Volume III- Travelling Allowance Rules).

All such bills relating to journeys within the sphere of duty (except those for Carriage of Constabulary) shall be countersigned by the Deputy Inspector-General of Police, who shall among other things satisfy himself that the drawing officer has not given his certificate as a mere matter of form, but that the saving of time or other considerations actually justified the performance of the journey by road in the public interest.

Travelling allowance bills for journeys beyond the sphere of duty will be countersigned by Superintendents of Police.

(3) Police officers up to and include the rank of Sub-Inspector who travel by motor omnibus shall be provided with a lorry voucher in form 22.43 (3) which shall be handed over to the owner or conductor. The owner of the motor omnibus will submit all such vouchers to the Superintendent of Police for payment. Separate vouchers shall be prepared for constables and for officers of higher rank. All lines and police stations are provided with books of voucher forms, adapted for the Carbon copying process. Three copies shall be prepared one being made over to the officer who is to travel, one being submitted to the Superintendent of Police and the third being retained for record at the police station. The Superintendent of

Police will make payment after checking the vouchers with the daily diary of the police station concerned and comparing the dates.

(4) Ordinarily only the number of seats actually required for the escort and their charges shall be engaged. Only in the most urgent circumstances shall a whole vehicle be chartered by any police officer.

(5) Where under-trial prisoners are conveyed by motor omnibus separate sets of vouchers shall be prepared for the police escort and for the prisonsers. The cost of the latter will be met from judicial funds on its presentation by the Prosecuting Inspector to the court concerned.

(6) The rates to be charged by motor transport companies or private omnibus owners shall be standardized as far as possible. Wherever possible contracts for the carriage of constabulary shall be entered into.

Note.—The rule as revised will have effect from 25th July, 1933.

(7) The lorry voucher books on receipt from the Controller, Printing and Stationery Department, Punjab, shall be entered in the stock register of printed forms as required by Police Rule 11.49, and made over to the Head Clerk who shall be responsible for their safe custody. He shall keep them in a locked almirahs, the keys of which shall, in no case, be transferred to any other person, and shall invariably certify the balance in hand when issues are made. In Police Lines the voucher books shall be kept in the personal custody of the Line Officers who shall be responsible for the issue of vouchers to Police Officers. In Police stations the voucher books shall be kept in the personal custody of the Station Clerk, but vouchers shall issue only under the instruction of the officer in charge of the Police Station.

22.44. Notices and notice-boards.—(1) Only such notices as are required by rule or by special order of the Superintendent of Police to be hung at police stations are to be so displayed.

(2) Notice-boards at police stations shall be used solely for the display of police and other official notices. Public notices by local bodies may be displayed on such boards with the permission of the officer in charge of the police station, but their use for private or trade announcements and advertisements is strictly prohibited.

22.45. Registers.—The following books shall be maintained at each police station in accordance with the rules hereinafter prescribed or referred to—

(1) The First Information Report Register and, in certain stations the Register of Petty Offences.

(2) The Station Diary.

(3) Part I. Standing Order Book.

Part II. Circular Order Book.

(4) Register of Absconders and Deserters.

(5) Register of Correspondence.

(6) Miscellaneous Register.

(7) Cattle Pound Register.

(8) Criminal Tribes Register.

(9) The Village Crime Register.

(10) The Surveillance Register.

(10) (A) Bad Character Rolls despatched.

(10) (B) Bad Character Rolls Received.

(11) Index to History Sheets and Personal Files.

(12) Register of Information Sheets dispatched.

(12) (A) Copies of Information Sheets received.

(13) Minute Book for Gazetted Officers.

(14) File Book of Inspector Reports.

(15) The Register of Births and Deaths.

(16) Register of Government Officials and Property.

(17) Register of Licenses.

(18) Receipts Book for Arms, Ammunition and military stores.

(19) The Store Room Register.

(20) Cash Accounts.

(21) File Book of Road Certificates.

(22) Printed Receipt Books.

(23) (A) Police Gazette.

(23) (B) Criminal Intelligence Gazette.

(24) Police Rules.

(25) Charge notes of officers in charge of police stations.

22.46. General orders regarding station registers.—(1) No alteration in the form or method of keeping the books and no addition to their number may be made without the sanction of the Inspector-General being previously obtained.

(2) Every station register shall be paged in English. In the case of all register except Parts I, II, III and IV of register No. (9) and register 10 (B), 11 and 12 (A) this shall be done in the office of the Superintendent before issue to a police station. No page may be torn out of the station registers. Any correction which it may be necessary to make shall be made by drawing a line through the mistake so as to leave the words erased legible and by writing in the corrected words afterwards or in the margin. A piece of paper shall not be pasted over a mistake.

(3) All entries shall be neatly and clearly written and all corrections shall be attested by the signature of the officer making them. If words or lines are omitted

from any entry, or if an entry is omitted altogether, no interpolation shall be made. The omission shall be supplied by a fresh entry in the regular course. English figures alone shall be used in all official papers and registers.

Note.—Seals of a uniform pattern have been provided for each police station and for the offices of Superintendents and Deputy Inspectors-General and no deviations shall be allowed from the sanctioned design when seals are renewed from contingencies, or new seals are procured for addition stations.

22.47. Register No. I.—The orders regarding the First Information Report Register are contained in rule 24.5 and regarding the Petty Offences Register in rule 24.9.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
First Information Report (FIR) maintained as per PPR 22.47 (Register No. I)	Details of crime reported/detected (cognizable offence) and police investigation	All Police Stations	FIR is kept permanently in the Record Room of concerned Police station as per PPR

22.48. Register No. II.—(1) The Daily Diary shall be maintained in accordance with section 44 of the Police Act. It shall be in Form 22.48 (1) and shall be maintained by means of carbon copying process. There shall be two copies. One will remain in the police station register and the other shall be despatched to a Gazetted Officer to be designated by the Superintendent of Police or to the Superintendent of Police himself every day at the hour fixed in this behalf.

Shortly before the close of each quarter, books containing the proper number of pages for the ensuing three months shall be issued to police stations by the Superintendent. The Superintendent shall fix the hours at which station diaries shall be daily closed with reference to the hour of despatch of the post or messenger.

(2) All entries in the station diary shall be made by the officer in charge of the police station or by the station clerk. Literate officers making a report shall read the report recorded and append their signatures. Every matter recorded in such diary shall be so recorded as soon as possible; each separate entry shall be numbered and the hour at which it was made shall commence each such entry. If the hour at which the information, or otherwise, containing such entries reaches the police station differs from the hour at which such entry was made, both hours shall be stated. As soon as an entry has been made in the diary, a line shall be drawn across the page immediately below it.

(3) The opening entry each day shall give the name of each person in custody, the offence of which he is accused, and the date and hour of his arrest, the name of each accused person at large on bail or recognizance and the date of his release on such security.

The last entry each say shall show (a) the balance of cash in hand as shown in the cash account, and (b) the balance of the cattle-pound account.

22.49. Matters to be entered in Register No. II.—The following matters shall, amongst others, be entered—

(a) The number and description of cattle seized in connection with cases or on suspicion with a reference to the case or report.

(b) The day, hour and purpose of visits to the police station of persons registered under the Criminal Tribes Act and of convicts released under the Remission Rules or under section 565, Code of Criminal Procedure, together with the names of such persons.

(c) The hour of arrival and departure on duty at or from a police station of all enrolled police officers or whatever rank, whether posted at the police station or elsewhere, with a statement of the nature of their duty. The entry shall be made immediately on arrival or prior to the departure of the officer concerned and shall be attested by the latter personally by signature or seal.

Note.—The term Police Station will include all places such as Police Lines and Police Posts where Register No. II is maintained.

(d) Every police officer of or above the rank of head constable, when returning from duty other than an investigation in which case diaries are submitted, shall have an entry made in the daily diary by the station clerk or his assistant showing the places he has visited and the duties performed by him during his absence from the police station.

(e) All admission to and releases from the cattle-pound with the amounts of fines realised.

(f) The hour of receipt and despatch of all communications, property, cash, etc., giving reference to the number in the correspondence register.

Note.—The word "communications" shall be taken to include the reports required by Police Rule 25.57 (2) (ii) and Police Rule 27.1 (1) (ii), to be sent to Panchayats.

(g) Information of the commission of non-cognizable offences (rule 24.3) including reports of enmities likely to lead to a breach of the peace (rule 23.32); visits of chaukidars to police stations [rule 21.3 (4)] and demands by the police of one jurisdiction for assistance in extradition cases from the police of another jurisdiction [rule 26.10 (7)].

(h) All arrivals at, and despatches from, the police station of persons in custody, and all admission to, and removals from, the police station lock-ups, whether temporary or otherwise, the exact hour being given in every case.

(i) The hour and date of receipt and (separately) of service or execution of each process; and hour and date of return made to such process.

(j) The report regarding property in store-room required by rule 22.15 and 22.18(2).

(k) The report regarding excess of expenditure over the permanent advance as required by rule 22.71.

(l) The entrance of persons, by permission, into a tehsil treasury after office hours.

(m) The deposit in, or removal from, the post office safe in the Police Station of any article whatsoever, the exact hour being given in every case.

Note.—Every such entry shall contain detail of the article deposited or removed and shall be signed by the Sub or Branch Postmaster effecting the deposit or removal.

(n) A reference to every information relating to the commission of a cognizable offence, and action is taken under section 157, Code of Criminal Procedure, the number and date of the first information report submitted.

Note.—In case where the information relates to the commission of cognizable offence triable by a Panchayat, mention shall also be made in the Daily Diary of the measures taken to send a copy of the first information report to the Panchayat concerned as required by Police Rule 24.5 (2).

(o) In Monday's diary a list shall be given of all papers pending for over a work.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Daily Diary maintained as per PPR 22.48 (Register No. II)	All the details in r/o criminals arrested and entry of arrival/departure of all enrolled police officers on duty with nature of their duties, duty performed and places visited etc.	All Police Stations, Police Posts & Police Lines	To be destroyed after 10 years from the date of last entry and after ensuring that no entry is required to be preserved.

SYNOPSIS

1. *Summoning of persons to Police Station.*
2. *Entry as to arrival and departure on duty at or from a police station of all enrolled police officers-Requirement of maintenance thereof.*
3. *Non-production of relevant records-Effect of.*

1. Summoning of persons to Police Station.—The underlying object of Rules 22.49 and 25.2 of the Punjab Police Rules is that no citizen should unnecessarily be arrested or dragged to the Police Station and under the pretext of interrogation be improperly or illegally detained. There is no reason why the imperative provisions of these rules pertaining to the issue of process and making of entry of that process should not have been complied with.

If these rules are duly observed imperative as they are in their nature the device of deliberately omitting to observe compliance with these rules which police officers conducting investigation adopt and in this way illegally detain innocent person under the excuse of interrogation, whould cease to be workable and the cases of illegal detention for investigational purposes are found to be minimised, if note eliminated. These are whosesome rules. Their compliance enables the person sought to be summoned to know the purpose for which he is being summoned. *Parshotam Dass v. State of Punjab, 1971 P.L.R. 912: 1969 Cur. L.J. 445.*

2. Entry as to arrival and departure on duty at or from a police station of all enrolled police officers-Requirement of maintenance thereof—The entry as to arrival and departure on duty at or from a police station of all enrolled police officers of whatever rank are required to be maintained in the Daily Diary Register kept in the Police Station has been admitted by DW-9 in his evidence. Thus, even if PW-3 was not arrested, records were required to be maintained in Police Station, Balachaur with regard to both the arrivals of the Appellants and PW-3 and their departure giving the exact hour of arrival and departure. *Charanjit and others v. State of Punjab and another, AIR 2013 SC 2896: AIR 2013 SC (Cri) 1649: (2013) 11 SCC 163: (2013) 4 SCC (Cri) 717: (2013) CriLJ 3728: (2013) 10 JT 10: (2013) 8 SCALE 301: (2013) 10 SCR 688: 2013 AIR SCW 4105: (2013) 3 CCR 377: (2013) 6 Law Herald (SC) 5009: (2013) 4 RCR (Criminal) 866 (SC) (DB).*

3. Non-production of relevant records-Effect of—If Ex. DW 1/A was to be treated as a genuine document, records of Police Station, Balachaur, containing relevant entries ought to have been produced by the Appellants to show that Ex. DW 1/A was contemporaneously created on 09.02.1989. Since the Appellants did not produce the aforesaid records in their defence, the trial court and the High Court acted within their powers to reject the defence of the Appellants and instead believe the evidence of PW-1, PW-2 and PW-3 that PW-3 was released only on 10.02.1989 at 4.30 p.m. *Charanjit and others v. State of Punjab and another, AIR 2013 SC 2896: AIR 2013 SC (Cri) 1649: (2013) 11 SCC 163: (2013) 4 SCC (Cri) 717: (2013) CriLJ 3728: (2013) 10 JT 10: (2013) 8 SCALE 301: (2013) 10 SCR 688: 2013 AIR SCW 4105: (2013) 3 CCR 377: (2013) 6 Law Herald (SC) 5009: (2013) 4 RCR (Criminal) 866 (SC) (DB).*

22.50. Punishment for making false entry.—Any police officer who enters or causes to be entered in the daily diary a report he knows, or has reason to believe, to be untrue, whether he has or has not been directed to make such entry by a superior officer, shall ordinarily be dismissed the service.

A copy of this rule and also a copy of the following certificate shall be affixed to the cover of the daily diary in every police station or post and in lines.

"Certified that this register contains—leaves in duplicate. No page should be removed from it. Wrong entries, if any, should be scored out by means of single line and initialed by a Senior Police Officer; in no case should any such entry be mutilated or rendered illegible nor should paper be pasted over it."

22.51. Destruction of daily diaries.—Daily diaries may be destroyed two years after the date of the last entry.

22.52. Copies of certain entries to be sent to orderly head constable.—(1) A copy of extract of the relevant portions of every entry in the daily diary relating to the arrival or departure report of any police officer posted to, or transferred from, the police station or a post subordinate thereto, shall be sent without delay to the orderly head constable. Copies of the reports of the deaths, admission to and discharge from hospital of police officer attached to the police station, or its subordinate posts, shall be similarly sent.

(2) All copies required to be made of entries in the daily diary by this or any other rule shall be made at the time of original entry by means of the carbon copying process, as many sheets of paper being inserted under carbon paper as may be required.

22.53. Register No. III.—*Part I.*—All standing order by the Inspector-General, Deputy Inspector-General or Superintendent shall be entered in a file book which shall be of the size of a quarter sheet of country paper. These standing orders shall be continuous for five years and the file shall be indexed. These orders will be checked annually in accordance with rule 14.55.

Part II.—In each police station an annual file shall be maintained of all circular and other orders issued for the instruction and guidance of the police and not being standing orders or orders on which a reply is returned in original. Each paper before being placed on this file shall receive a registration number in the corresponding register, where the subject and the fact of its being placed in the file shall be noted. These files shall be destroyed after two years.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
All Standing Orders & Circular Order (part 1 & 2) as per PPR 22.53 (Register No. III)	Certain instructions/ directions/guidelines on various subjects issued internally to all police personnel/officials by PHQ	All offices/police stations	Part-1 to be revised after 5 years and part II after every 2 years.

22.54. Register No. IV. Absconders and deserters.—In addition to the list of all proclaimed offenders to be hung up in the office and on the notice-board of police stations in accordance with rule 23.25, the register of absconders shall be maintained in the following parts—

Part I.—In Form 22.54 (a) containing the names of all absconders in cases registered in the home police station.

Part II.—In Form 22.54 (a) containing the names of absconders in cases registered in other police stations, but resident of or likely to visit the home police station.

Note.—All entries regarding residents of the home police station shall be made in red ink.

Part III.—List of deserters from the army, in Form 26.16(6).

Part IV.—A list in Form 22.54 (b) of all absconding members of registered criminal tribes resident of the police station or who were originally registered at the police station. in this connection see rule 23.24 (3).

As soon as an absconder has been proclaimed under section 87, Code of Criminal Procedure, has name shall also be entered among the proclaimed offenders in Part I of Register No. X.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Information about absconders and deserters maintained as per PPR 22.54 (Register No. IV)	Details of all proclaimed offenders and deserters from the army.	All police stations	Continuous record renewed annually, Old register may be destroyed after un-cancelled entries are transferred to a new register.

22.55. Register No. V.—The correspondence register shall be maintained in two parts in Form 22.55. Each part shall contain 400 pages.

(1) In Part I shall be entered a brief abstract of all reports and orders received at the police station and of all letters and replies despatched which are not entered in any other book.

(2) When any entry is made in the receipt columns the corresponding despatch column shall be left blank for the reply and *vice versa*.

This register is a receipt and despatch register and is not meant as a record of the full correspondence. Correspondence received and not meant to be forwarded or returned shall be filed in monthly files. These shall be destroyed after two years.

(3) In Part II the receipt and return of processes shall be entered.

Processes include—

(a) Summonses to appear or to produce.

(b) Warrants of arrests.

(c) Search warrants.

(d) Orders of proclamation, attachment, injunction or otherwise under sections 87, 88, 95, 99, 133, 140, 143, 144 and 145, Code of Criminal Procedure.

Warrants in all non-cognizable criminal cases and summonses in noncognizable criminal cases in which Government is the complaint are served through the police.

On the last day in each month a statement giving the following information shall be entered in the daily diary and sidelined in red ink—

(a) The number of warrants remaining unexecuted at the end of the previous month, received and executed during the current month and remaining unexecuted at the end of it.

(b) Similar information regarding summonses in cognizable and non-cognizable cases.

(c) Similar information regarding other processes.

At the end of the year any statistics required shall be compiled from such entries in the daily diary.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Correspondence register maintained as per PPR 22.55 (Register No. V) Correspondence file	Details of letters/reports/ orders received/dispatch at police stations and record of summons, warrants, search warrants and orders of proclamation, attachment and injunction	All police stations/ offices	To be destroyed after 5 years from the date of last entry

22.56. Register No. VI.—This register shall be divided into four Parts—

Part I.—List of character rolls of applicants for Government service verified by the police in Form 22.56 (1).

Part II.—List of persons on security in Form 27.16 (6).

Note.—Particulars of arrest under section 109, Code of criminal Procedures, of persons who are residents of another police station shall be entered in red ink and given a separate serial number, the form being completed when the result of the case is intimated by the prosecuting agency.

Part III.—Carbon copies of all reports submitted for action under the Indian Penal Code and Criminal Procedure Code or local and special laws such as prosecutions under section 182, Indian Penal Code, preventive security under the Criminal Procedure Code or action against village officials under the Punjab Laws Act when no first information report or charge-sheet is submitted.

Part IV.—Carbon copies of reports of investigation into accidental deaths of human beings in which Forms 25.35 (1) A, B and C, are submitted. A yearly index will be maintained for this part.

This register may be destroyed seven years after the date of the last entry.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Kalandra and Inquest register maintained as per PPR 22.56 (Register No. VI)	All carbon copies of Kalandras and Inquest report of the Police Station are kept in this register	All police stations	To be destroyed after 7 years from the date of last entry or to destroyed 3 years after all the inquest reports have been by the SDM

22.57. Register No. VII.—(1) The cattle pound register is printed and supplied by the local bodies concerned and is divided into two parts—

Part I.—The register of impounded cattle.

Part II.—The cash account.

(2) A book of receipts is also supplied to the pound-keeper who shall give a receipt to ever seizure or to his agent who beings cattle to the pound.

The instructions contained in rule 22.20 and in the extracts from the District Board Accounts Code, 1926, Appendix 22.20 shall be strictly followed in maintaining these registers.

22.58. Register Nos. VIII (A) and (B).—*Register VIII (A).—Adult Criminal Tribes Register.*—This register shall be maintained in Form 22.58 (A) For all adult members of criminal tribes whose registration has been ordered under section 4 of Act VI of 1928. In the cases of those members concerning whom a further notification has issued under section 10 of the Act, a note of this effect will be entered in column 10 of the form. Column 7 will be left blank except in the case of those

persons whose restriction has been ordered under section 11 of the Act. As history sheets are not usually maintained for registered members of criminal tribes it is essential that as much information as possible concerning each member should be mentioned in column 10.

The register shall be maintained in as many parts as there are tribes and further sub-divided into sub-parts according to residence under rule 23.28. Care must be taken to allow a sufficient number of blank sheets at the end of each sub-part for persons whose registration may have to be effected after the preparation of the register has been completed.

Register VIII-B.—Register of male children of members of criminal tribes.— This register shall be maintained by tribes in Form 22.58 (B) for male children under 12 years in the case of wandering tribes and under 18 years in the case of settled *tribes notified as criminal under section 3 of Act VI of 1924.* Sons of both exempted and registered members of criminal tribes shall be entered in this register as soon as their birth is reported and intimation sent to the Superintendent of Police at headquarters to enable an entry also to be made in the make juveniles register maintained in English in From 22.58 (C), in the District Police Office.

Officers in charge of the police stations will report to the Superintendent particulars of male children who attain he age of 12 years in the case of wandering tribes and 18 years in the case of settled tribes with a view to their registration and entry in the Adult Criminal Tribes Register. Such registration shall not, however, be carried out in the case of privileged persons as defined in rule 4 of the rules made under the Criminal Tribes Act (VI of 1924).

22.59. Register No. IX, the Village Crime Register.—(1) This register shall be maintained in five parts as follows—

Part I.—Notes on the village community containing the particulars required by Form 22.59 (1) A.

Part II.—The crime register, in Form 22.59(1) (B) Cognizable cases decided by Panchayats shall be entered in parts II and IV of this register as cases dealt with direct by magistrates.

Part III.—Cases traced to the village in Form 22.59 (1) C.

The term "cases traced to the village," as used above, shall be held to include only cognizable cases under Chapter XVII, Indian Penal Code, in which strong suspicion rested on any resident of the village whether the case occurred in village itself or not. When a case under Chapter XVII remains untraced or fails in court the necessary entry in this register should never be omitted. Information Sheets, Book XVII-A [Form 23.17(3)] will also provide valuable material for making this important register complete. In combination with the conviction register it should be used as an index to the criminals of the ilaqa. A separate entry shall be made for each suspect with a separate serial number. When a person is again suspected, the fresh entry shall bear the same serial number as the previous suspicious and the number of suspicious shall be entered below it, in the form of a fraction similar to the system of numbering used in Part V of Register No. IX.

Part III-A.—Visits to the village of persons of doubtful character, i.e.,—

(i) persons whose history sheets are in record on Bundle A;

(ii) persons established through information sheets (strangers' roll) to be of doubtful character *either* by reason of having been suspected or convicted of offences in respect of which entries are required to be made in Part III or Part V of their home police station or for other adequate reasons;

(iii) persons arrested in the village under section 55/109. C.P.C. Provided that no entry shall made unless the persons concerned are placed on security.

Note.—This provision will not apply in cases where particulars of the person concerned would otherwise normally be entered by virtue of (i) and (ii) above.

Part IV.—Notes on crime in the village (confidential) in Form 22.59 (1) D.

Part V.—The Conviction Register, in Form 22.59 (1) E.

Note.—Before proceeding to the scene of an offence Investigating Officers should take down in a note-book all the information from parts II, III and III-A of the village Crime Register which is likely to be of assistance to them in their investigation.

(2) Parts I, II, III and III-A shall be loosely bound together in a cover of standard pattern for each village or group of villages. When a group of closely allied villages is combined in one volume, separate pages in each part shall be allotted to each village. The prescribed cover for the village crime note-book is obtainable from the Controller, Printing and Stationery Department, Punjab.

(3) An alphabetical list of all convicts belonging to any town or village shall be bound up with Parts I to III of the village crime register concerned and shall be kept up to date from the conviction register.

(4) Each part in each volume shall be paged. The cover shall bear clearly on the outside the name of the village or villages to which it relates.

The binding edges of the pages and of the cover shall be punched with two eyelet holes before issue from the office of the Superintendent of Police and tape shall be provided, so that the volumes may be neatly kept at all times, but may be easily opened for the insertion of extra pages where necessary. Additional pages shall be given the same number as the page they follow and distinguished by consecutive letters of the alphabet.

(5) Part IV shall be kept in separate volumes corresponding to the volumes of Parts I to III, but shall be treated as confidential and shall remain in the personal custody of the officer in charge of the police station. Matters to be entered are detailed in rule 23.15.

(6) The whole of the Village Crime Register Parts I to V, is an unpublished official record relating to affairs of State and is privileged under section 123, Indian Evidence Act. No part of the register may be shown to, nor may any copy or extract therefrom or any information derived therefrom be given to any person not entitled by his official position to obtain such information.

22.60. The conviction register.—(1) Part V of the Village Crime Register shall be maintained as a separate register, in volumes of not more than 100 pages each, known as the Conviction Register. Entries shall be made by the officer in charge of the police Station personally or, under his special or general orders, by such one of his subordinates as writes the best hand. Entries in this register shall be confined to the offences mentioned in rule 27.29.

(2) The conviction register is a permanent record of the crime and criminals of each village and of previous convictions, and is to great extent the basis for the preparation of history sheet and other measures of surveillance.

(3) On the first page of each volume of the register shall be entered in alphabetical order a list of the towns and villages of the jurisdiction, the conviction records of which are contained in such volume. The serial number of each town and village shall be entered to the left and a reference to the pages allotted to it to the right. At the end of the last volume of the register pages shall be allotted for the names of convicts, whose residence cannot be traced or who are residents of places outside British India, but who commonly frequent the jurisdiction of the police station. So far as may be possible every conviction required to be entered in the register shall be entered in the pages allotted to the town or village in which the convict ordinarily resides.

In all cases of conviction in an offence on the railways the letter "R" in red ink shall be entered in the remarks column of the entry in the conviction register. Information regarding the conviction shall also be sent by the Superintendent of Police to the Assistant Inspector-General, Government Railway Police, for the use of the railway police Central Investigation Agency. All subsequent convictions of the offender shall also be communicated to the Agency which will in turn communicate the information to the railway police sub-inspector charged with surveillance work and the maintenance of the original history sheet of the criminal.

(4) When two or more offenders are jointly convicted of committing one and the same offence and when there is reason to believe that they acted in concert, cross references shall be inserted in the remarks column of the register, drawing attention to the fact.

(5) When a convict has been classed "P.R." under the rules in the Police Finger Print Bureau Manual the Letters "P.R." and a general description of the convict, giving age, colour of hair and eyes, marks, scars, peculiarities of speech and gait, as endorsed on his "P.R." slip shall be entered in column 3.

(6) When a person is reconvicted, the fresh entry shall bear the same serial number in column 1 as the previous conviction, and the number of the convition

shall be entered below it, in the form of a fraction, e.g., 16/3 signifies the third conviction of the person originally entered at serial number 16. The serial number allotted to a convict shall be a permanent one, just as a constabulary number is permanent. In the remarks column (column 11) of each re-conviction entry shall be entered references to the number, offence and page of entry of previous convictions.

Illustration.

When the reconviction of a person having six previous convictions is made, the entry in column 11 shall be of the following nature – " $379\frac{1}{3}$; 457 $\frac{3 \text{ and } 6}{3 \text{ and } 9}$; 110 Code of Criminal Procedure $\frac{2 \text{ and } 4}{3}$ 9 $\frac{5}{78}$". Here the first figure refers of the nature of the offence the numerator to the serial number of the conviction, and the denominator to the page of the register.

(7) Each entry shall be signed by the officer in charge of the police station personally, the conviction slip being retained till this has been done. At every inspection of a police station by a gazetted officer, the conviction register shall be produced and the inspecting officer shall attest every entry made since the last inspection, recording orders in column 11 regarding any action, such as the opening of a history sheet, which he may require to be taken. The inspecting officer shall also assure himself that orders given at previous inspections have been complied with, and shall erase or transfer the names of convicts, who are shown to his satisfaction to have died or permanently changed their residence. When the name of a deceased convict is erased, a reference shall, if possible, be given to the entry regarding his death in register No. XV.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Crime Record Register maintained as per PPR 22.59 and PPR 22.60 (Register No.IX)	Details of notes on community, persons of doubtful character having convicted or suspicious and cognizable cases. The topography of the area population etc. are also kept in this register. Through this surveillance on criminals is maintained.	All police stations	Permanent. It is confidential and unpublished official record.

22.61. Registers Nos. X, X (A) and X (B).—The surveillance register shall be maintained in accordance with the orders contained in rules 23.4, 23.5 and 23.16. Registers Nos. X (A) and (B) shall be destroyed two years after the dates of last entries.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Surveillance register maintained as per PPR 22.61 (Register No. X, X-A & X-B)	History sheets of persons habitually addicted to crime made by the ranks not below Inspector after receipt of orders of Supdt. of Police	All Police Stations	Retained upto 2 years after the date of last entry. It is confidential and nothing contained in them may be communicated to any person nor may inspection be allowed or copies given save as provided in police rules. The rights of district and ilaqa magistrates to examine such records are governed by rules 1.15 and 1.21.

22.62. Registers No. XI.—An index to history sheets and personal files will be maintained in Forms 23.14 (1)(A) and 23.14 (1)(B).

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Index to history sheets and personal files in serial order and alphabetical form maintained as per PPR 22.62 (Register No. XI)	Indexing of history sheet and other record is done in this register.	All police stations	Permanent On completion of the register the entries remaining should be transferred in a new register and the old one destroyed.

22.63. Registers Nos. XII and XII (A).—The registers of information sheets shall be maintained in the form and subject to the orders contained in rule 23.17.

These registers shall be destroyed seven years after the despatch or receipt of the last sheet.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Registers of Information Sheets maintained as per PPR 22.63 (Registers No. XII and XII-A	Information sheets issued by Incharge Police Station as a means of ascertaining the antecedents of persons who have been arrested under section 55 Criminal Procedure Code or of suspicious character or committed an offence.	All Police stations	Retained upto 7 years after the dispatch or receipt of the last sheet.

22.64. Register No. XIII Minute book for gazetted officers.—(1) This is a blank book of foolscap size in which shall be entered the dates of all inspections and any matters requiring the attention of the officer in charge of the police station which have not been entered in the inspection report. Inspecting officers shall satisfy themselves that old volumes of this register, which form a valuable record of the past history of the police station, are intact.

(2) Notes should be made in this register of matters permanently affecting the conditions of the police station, e.g., changes in police station or jail boundaries; imposition and removal of additional police posts; construction of new buildings, etc.

(3) The register is a confidential and privileged record; with the exception of gazetted police officers, no one except the District Magistrate, and a Sub Divisional Officer specially authorized under rule 1.20, may enter remarks in it or examine it.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Minute book for G.Os maintained as per PPR 22.64 (Register No. XIII)	Details of any matters regarding crime, criminals and maintenance of record and P.S. building requiring the attention of the officer in-charge of the P.S. which have not been entered in the inspection report and the matters permanently affecting the conditions of the police station e.g. changes in police station or jail boundaries, imposition and removal of additional Police Posts and constructions of new buildings etc.	All police stations	Permanent record. The register is a confidential and privileged record with the exception of Gazetted Police officers, no one except the Distt. Magistrate and a Sub-Divisional officer specifically authorized under rule 1.20 may enter remarks in it or examine it.

22.65. No. XIV – File book of inspection reports.—A file book shall be maintained for the record of gazetted officers' inspection reports. Covers of standard pattern, in which reports can be kept without risk of damage, are obtainable through the annual indent for departmental forms (*vide* rule 11.42). an index of inspection reports shall be maintained on the inside of the front cover.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
File book of inspection reports maintained as per PPR 22.65 (Register No. XIV)	Record of inspection (Quarterly/Six Monthly) reports conducted by G.Os are kept in this register.	All police stations	Permanent

22.66. Register No. XV. Vital Statistics.—(1) These registers are provided by District Boards and Municipal Committees and are compiled from the figures recorded in the registers of vital statistics which are supplied to village watchmen who bring their registers for inspection to the police station at prescribed intervals. The registers supplied to village watchmen are also provided by local bodies on application by the police.

(2) Copies of the death register and abstracts of the information contained in the birth register shall be submitted fortnightly in prescribed form by each police station to the Superintendent who shall countersign such copies or abstracts and forward them to the Civil Surgeon.

(3) All entries in the registers and in such copies and abstracts relating to deaths from cholera or plague shall be made in red ink.

(4) The vital statistics or each town containing 3,000 or more inhabitants shall be recorded and reported separately under the name of the town.

(5) Birth and death registers shall be retained at the police station for one year after the date of the last entry and shall then be sent to the Civil Surgeon for record.

Village registers of vital statistics shall be retained by village watchmen for two years after the date of the last entry and shall then be sent to the police station for transmission to the Civil Surgeon for record.

(6) Police station clerks, who maintain the registers of vital statistics, shall be granted an allowance of Re. 10 per mensem.

(7) If there is reason to believe that a village watchman is neglecting to report the births and deaths of his village correctly, the officer-in-charge of the police station shall take steps to find out if he has been guilty of negligence and, if so, shall report the matter to the District Magistrate through the Superintendent.

(8) Further instructions regarding vital statistics are contained in the Punjab Medical Manual.

22.67. Register No. XVI.—This register shall contain 200 pages which will be divided into four parts as follows—

Part I.—List of village watchmen in the station jurisdiction, with the days fixed for their attendance at the police station, in Form 22.67 (a).

Part II.—List of police officers attached to the police station with the dates of their appointment and transfer, in Form 22.67 (b).

Part III.—Register of all Government property in use at the police station in Form 5.16(1). A printed list of the various kinds of articles supplied to police stations will be sent out to all police stations before the 15th March and 15 September. This list will be completed (as regards the number of each article on charge) from the balances in Part III of this register and will be submitted every half year to the Reserve Inspector or Lines Officer before the 31st March and 30th September. A note will be attached

explaining all changes from the list last submitted quoting the dates of and the authority for all receipts, transfers, destruction or other disposal of property.

Part IV.—List of all land in the police station jurisdiction which is Government property in the possession of the police in accordance with rule 3.3(2). The dimensions, area, locality, boundaries and boundary pillars of any place of worship or praying platform situated on police land shall be entered in this register. Such entries must correspond with the permanent record maintained at headquarters under rule 3.3(2).

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Register containing list of village watchmen in the PS jurisdiction, list of police officers, Government properties and land maintained as per PPR 22.67 (Register No. XVI)	Detail of village watchmen, police officers, Govt. properties and land etc in the jurisdiction of P.S.	All police station	Permanent record

22.68. Register No. XVII.—(1) This register shall be maintained in separate parts as follows—

Part I.—List of Arms Act Licenses; Sub-divided into five parts, in Forms 2.68 (a) (1), (a) (2), (a) (3), (a) (4) and (a) (5) in the Kangra District, a sixth part in Form 22.68 (a) (6) shall also be maintained.

Part II.—List of licences under the Excise Laws in Form 22.68 (b).

Part III.—List of licences under the Explosives Act in Form 22.68 (c).

Part IV.—List of licences under the Petroleum Act in Form 22.68 (d).

Part V.—List of licenses under the Poisons Act, in Form 22.68(e).

Part VI.—List of sarais registered under the Saries Act, in Form 22.68(f).

Parts I to V, except Form 22.68 (a) (4), may be destroyed one year after the expiration of the period for which the licenses were granted.

When the existing Part VI is filled up, all uncancelled entries shall be transcribed in a new register and the old one destroyed.

(2) Powers and duties of police officers under the Acts mentioned in sub-rule (1) are given in Appendix 22.68 (2).

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Register for Arms Act licenses, licenses under Excise laws, licenses under Explosives act, licenses under petroleum act, licenses under poisons act and sarais under Sarais Act maintained as per PPR 22.68 (Register No. XVII)	Record of Arms Act licenses, licenses under Excise laws, licenses under Explosives act, licenses are kept in this register	All police stations	Permanent record

22.69. Register No. XVIII.—A receipt book in Form 22.69 shall be maintained in which shall be entered a descriptive list in triplicate of all arms, ammunition or military stores deposited in, or seized and brought to, the police station when such seizure is not otherwise reported. The form shall be made out by the carbon copying process. One copy shall be affixed to the weapon or articles, and the duplicate shall be given to the depositor.

This book shall be destroyed five years after the date of the last entry.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Arms & Ammunition Receipt book maintained as per PPR 22.69 (Register No. XVIII)	Detail of all arms ammunition or military stores deposited in, or seized and brought to, the Police Stations	All police stations	Retained upto 5 years after the date of last entry.

22.70. Register No. XIX.—This register shall be maintained in Form 22.70.

With the exception of articles already included in register No. XVI every article placed in the store-room shall be entered in this register and the removal of any such article shall be noted in the appropriate column.

The register may be destroyed three years after the date of the last entry.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Case Property Register (Malkhana Register) No. XIX maintained as per PPR 22.70.	Detail of entry of all articles placed in the storeroom except articles already included in register No. XVI are made.	All Police Stations	After 10 years the date of last entry and only if in all cases final order has been passed provided no appeal/ writ petition/D.E. or PE is pending or contemplated.

SYNOPSIS

1. *Case property-Requirement of necessary entry thereof.*
2. *Case property-Requierment of entry thereof.*
3. *NDPS cases-Entry of case property.*
4. *Case property in NDPS cases-Custody thereof.*

1. Case property-Requirement of necessary entry thereof—In this case, it was held by the Hon'ble High Court of Punjab and Haryana that as per Rule 22.70 of the Punjab Police Rules, 1934, it is necessary that as and when case property is taken out from Malkhana, necessary entry is required to be made in the Malkhana Register and also at the time when case property is re-deposited in the Malkhana. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

2. Case property-Requierment of entry thereof—In the present case, it was held by the Hon'ble High Court of Himachal Pradesh that it is necessary that as and when case property is taken out from Malkhana, necessary entry is essential to be made in the Malkhana Register and also at the time when case property is re-deposited in the Malkhana. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR(HP) 964 (HP) (DB).*

3. NDPS cases-Entry of case property—In this case, it was held by the Hon'ble High Court of Punjab and Haryana that case property in NDPS cases is required to be kept in safe custody from the date of seizure till its production in the Court. It is also necessary that when case property is taken out from Malkhana, DDR is made and also at the time when case property is re-deposited in the Malkhana. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

4. Case property in NDPS cases-Custody thereof—In the present case, it was held by the Hon'ble High Court of Himachal Pradesh that case property in NDPS cases is

required to be kept in safe custody from the date of seizure till its production in the Court. It is also necessary that when case property is taken out from Malkhana, DDR is made and also at the time when case property is re-deposited in the Malkhana. Thus, it casts doubt whether it is the same case property which was recovered from the accused and sent to FSL or it was case property of some other case. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

22.71. Register No. XX. Accounts.—This register shall be maintained in Forms 10.52 (a) and (b).

(1) A cash account shall be kept of all receipt and expenditure, other than those in connection with the cattle pound. This account shall be kept separately in two parts as follows—

(a) Other moneys, such as receipt and disbursement of pay, travelling allowance, etc.

(b) Permanent advance.

(2) The account shall be balanced daily at the time fixed for the daily diary to close.

(3) At the end of the month any expenditure from (sic) been pending for over a month, shall be specially the permanent advance, the recovery of which has detailed.

(4) If the permanent advance becomes exhausted and further expenditure has to be incurred. The minus balance shall be shown in red ink. Such minus balance shall be shown also in the daily diary. Gazetted officers shall ensure that such entries in diaries are specially brought to their notice so that prompt measures may be taken to place the account in credit and to deal with those responsible for delay in the refund of advances.

(5) The purpose and principles of permanent advances are detailed in rule 10.105.

The method of recovery of expenditure on account of died money, etc., is given in rules 26.27 and 27.28.

(6) The officer-in-charge of the police station shall personally check the correctness of the cash account once a month and certify over his own signature in the register that he has done so.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Accounts register maintained as per PPR 22.71 (Register No. 20)	Detail of entry of all receipts, expenditure, disbursement of pay, TA and permanent	All DCsP offices, Police Lines, and Police Stations	To be destroyed after 5 years from the date of last entry.

22.72. Register XXI.—A bound book of road certificates in Form 10.17 containing sufficient certificates in duplicate to last for three months, shall be issued to each police station as required.

Each certificate, both office copy and duplicate, shall be given an annual serial number for each police station and, when returned receipted, the copy issued or the receipt in lieu thereof shall be pasted on to the place from which the copy issued was taken.

Each book shall be destroyed when the last certificate therein is three years old.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Road Certificate maintained as per PPR 22.72 (Register No. XXI)	Issuing/transfer of cash and other store articles through road certificate	All DCsP office/Police Station and Police Lines	After 10 years the date of last entry and only if in all cases sent under the Road certificate, final order have been passed, provided no appeal/writ petition DE or PE is pending or contemplated.

22.73. Register No. XXII.—(1) Printed receipt books in Form 10.14 (1) each containing 100 receipt forms in the duplicate shall be issued to each police station.

(2) The pages of such books shall have printed serial numbers office copies and duplicates having the same numbers and only one such book shall be in use at a time.

(3) It shall be the duty of the station clerk to count and stamp with the station seal the receipts in the book before bringing it into use. Any receipt missing or bearing a wrong printed page number shall, before the book is brought into use, be brought to the notice of the officer in charge of the police station and a report entered in the daily diary.

(4) For all sums of money received in a police station, whether in cash or otherwise on any account whatever, a receipt from this book shall be issued to the remitting party under the signature of the officer in charge of the police station or the station clerk. The officer signing the receipt shall satisfy himself that necessary entry has been made in the cash account which shall be duly attested under his initials at the same time.

(5) The road certificate, if any, received with the money, shall be pasted in place of the receipt issued in the receiving police station. The receipt issued in

lieu thereof shall be pasted in the remitting office in place of the road certificate issued.

Note.—A road certificate is only an acknowledgement and not a receipt (Rule 10.14 (4)).

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Printed Cash Receipt maintained as per PPR 22.73 (Register No. XXII)	All sums of money received in a office/ police station whether in cash or otherwise on any account whatever, a receipt from this book is issued to remitting party	All DCsP offices/ Police Stations	To be destroyed after 4 years from date of last entry.

22.74. Register No. XXIII.—The *Police Gazette* and the *Criminal Intelligence Gazette* will be neatly filed in cardboard covers immediately on receipt. All orders contained in the Gazette, affecting the officers of the police station as a whole or any individual officer, shall be announced at the first roll call held after the receipt of the Gazette-vide rule 22.11.

Gazetted officers will see at inspections that these rules are carefully followed and that all orders, etc., in the Gazette are properly dealt with

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Copies of all Police gazette, Criminal intelligence gazette and all orders maintained as per PPR 22.74 (Register No. XXIII)	The police gazette, criminal intelligence gazette and all orders contained in the gazette, affecting the officers of the police station as a whole or any individual officer.	All DCsP Offices/ Police Stations	To be destroyed after 2 years from date of last entry.

22.75. Register No. XXIV.—All copies of Police Rules must be kept up to date and gazetted officers shall see that this is done as soon as correction slips are received from the press.

22.76. Register No. XXV.—A blank register of foolscap size shall be maintained in every police station, in which the officer in charge of the police station, on handing over charge on permanent transfer, shall record a confidential charge note for the assistance of his successor. This note should not recapitulate matter which is already on record in Part IV of the village crime register or in other registers of the police station, but should deal with miscellaneous local information, which the outgoing officer has gathered during his stay in the jurisdiction, and which would be lost to his successor if not recorded.

Matters which may suitably be mentioned in these charge notes are—

(a) the character and capacity of members of the staff of the police station, including notes of constables who are specially useful for particular types of work;

(b) residents of the jurisdiction who are useful to the police as informers or helpers and others who are particularly to be guarded against;

(c) directions in which co-operation with other police stations is specially necessary owing to the habits of the criminals of one or the other jurisdiction;

(d) special factors affecting crime such as seasonal immigrations of labour, local customs or superstitions, etc.;

(e) matters of temporary importance, such as serious cases under investigation, preventive action pending, or important orders under compliance.

This list is not intended to be exhaustive, the object of confidential charge notes is that miscellaneous information, which the experience of successive officers accumulates, and which would not otherwise come on to record, should be available to new comers.

COMMENT

As per Delhi Police Manual 6.

A statement of the categories of documents that are held by it for under its control

[Section 4(1)(b)(vi)]

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Copies of all Police rules maintained as per PPR 22.76 (Register No. XXIV)	Copies of all police rules are kept upto date for the perusal of G.Os	All DCsP Offices/ Police Stations	Permanent record

Nature of Record	Details of information available	Unit/Section where available	Retention period where available
Transfer/ handover charge register maintained as per PPR 22.76 (Register No. XXV)	On permanent transfer officer incharge have to record a confidential charge note mentioning the character and capacity of members of the staff of the police station and residents of the jurisdiction who are useful to the police as informers for the assistance of his successor	All Police Stations/Offices	Permanent Recors

22.77. Station clerk as officer in charge of police station.—In the absence of senior officers, the station clerk is frequently called upon to act as officer in charge of the police station. He must, therefore, be fully acquainted with all the powers, responsibilities and duties of that officer as laid down in the law and in Police Rules. The most important of these and the most important of the other duties devolving on the station clerk and not already detailed in this chapter are—

(1) registration of cognizable cases and action subsequent to registration—Rule 24.1;

(2) recording of complaints in non-cognizable cases—Rule 24.3;

(3) despatch of special reports—Rule 24.12;

(4) disposal and completion of case files and completion of registers on the passing of orders in cases— Rule 27.29;

(5) carrying out arrests—Rule 26.8;

(6) granting of bail—Rule 26.21;

(7) submitting applications for remands to police custody—Rule 26.25 (2);

(8) patrolling at rural stations—Rule 23.1;

(9) issuing orders on the use of handcuffs—Rule 26.23.

In all these matters the station clerk will be guided by the rules referred to and connected law.

22.78. Visit of chaukidars to police station.—(1) The visit of village watchmen to police stations mentioned in rule 21.3 (4) shall be so arranged that while no inconvenience is caused to the watchmen concerned they shall arrive at the police station on different days as far as possible. Opportunity shall be taken of these visits by the police station staff to obtain local information of occurrences in villages, to disseminate intelligence relating to crime, absconders, etc., and to impart instruction as to the action required by village officials on the occurrence of crime, etc.

(2) Officers in charge of police station will be held responsible that village watchmen on their periodical visits to the police station are not detained, and that their services are not utilized in improper ways. Any disobedience of these orders must be severely dealt with and gazetted officers should, by personal enquiry when on tour, ensure that these instructions are strictly complied with.

22.79. Orders regarding notices.—(1) When it is considered necessary to record or communicate to other police stations information regarding unidentified corpses, missing persons, unclaimed, lost or stolen cattle or other property, notices in the forms given below shall be prepared by the carbon copying process and dispatched to the Central Investigating Agency at headquarters and to such police stations as the officer in charge of the police station thinks fit, care being taken that only property easy of identification is included—

(a) Unidentified corpses— Form 22.79 (1) (a).

(b) Missing persons— Form 22.79 (1) (b)

(c) Unclaimed property, including cattle— Form 22.79 (1) (c).

(d) Property lost or stolen including cattle— Form 22.79 (1) (d).

(2) If the matter is urgent the necessary copies shall be made at and despatched direct from the police station, otherwise notices shall be submitted to the Central Investigation Agency at headquarters where the required number of copies shall be made by means of duplicating process and despatched without delay to such police stations or posts as the submitting officer may recommend, and also, in exceptional cases where such a course is likely to prove effective, to the office of the Assistant Inspector-General, Crime and Criminal Tribes, for puglication in the *Criminal Intelligence Gazette*. In addition, in all important cases, the information should be communicated to the chaukidars visiting the police station with a view to its circulation throughout the jurisdiction of the police station.

(3) Office copies of the notices referred to shall be kept and these, as well as the notices received from other police stations, shall, respectively, be given an annual serial number under each class separately and filed for seven years in two bundles, one containing notices of the home police station and the other those received from other police stations.

(4) Notices shall be compared with a view to tracing missing persons, owners of unclaimed property, establishing identity of unidentified corpses, etc., and results noted in the column of remarks.

(5) In the case of similar notices received from other districts or provinces, Superintendents shall exercise their discretion as to the police stations to which they should be circulated and the necessary number of copies shall be made in their own offices if duplicate copies are not received from the forwarding district.

APPENDIX 20.20

EXTRACTS FROM THE DISTRICT BOARD ACCOUNT CODE, 1926

60. Pound Registers to be maintained.—(1) On the admission of an animal to a pound, the pound-keeper shall fill up columns 1 to 8 of a pound Register to be maintained in Form 42, taking the signature or thumb mark of the person impounding the animal in column 7, and shall issue a receipt for the impounded animal in Form 43.

(2) If more than one animal is admitted at a time, each animal shall be entered in a separate line in the Pound Register.

61. Procedure of release of animals from pound.—(1) When the owner of an impounded animal or his agent appears to demand the release of his animal the pound-keeper shall make the necessary entries in columns 9 to 16 of the Pound Register (Form 42) and fill up a Release Pass, with its counterfoil in Form 44; he shall then demand the fines and charges due on account of the impounded animal, and on their receipt shall take the signature or thumb mark of the owner or his agent in column 20 of the Pound Register and the signature or thumb mark of some person who can identify the person claiming the animal as the owner thereof or his agent in column 21 and shall then release the impounded animal.

(2) The progressive total of the sums received shall be entered at the foot of each counterfoil of the Release Passes at the time when the counterfoil is filled up and the pass issued, and the entering of the totals shall not be deferred till the end of the day.

62. Sales to be conducted under supervision.—When a pound is directly managed by the Board, every sale of impounded animals shall be conducted under the direct supervision of the secretary or of a member of the Board, or such other person as the Board may appoint in this behalf or, with the consent of the District Magistrate, a responsible Government official.

63. Pound-keeper to attend sales unless exempted.—The pound-keeper shall attend every sale of impounded animals, unless exempt. from such attendance by general or special order of the Board on the ground that his absence would prejudice his other duties; he shall take with him Pound Register and his counterfoil book of receipts for the purchasers of impounded animals sold to be kept in Form 45.

64. Memorandum to be sent to pound-keeper if not present at sale.—When under the provisions of rule 63 if the pound-keeper does not attend a sale, the officer conducting the sale shall send the sale-proceeds to the pound-keeper with a memorandum showing—

(a) number and description of animals sold;

(b) date on which sold;

(c) name and address of the purchaser;

(d) amount for which sold; and

(e) number of animals, if any, returned unsold.

65. Receipt to be issued to purchase of animals.—When impounded animals are sold, the pound-keeper shall enter the details of the sale in the Pound Register and give to the purchaser of such animals a receipts in Form 45; if the sale is one that the pound-keeper has not attended, he shall immediately, on the arrival of the memorandum referred to in rule 64 from the officer conducting the sale, send the receipt (Form 45) to the purchaser by registered post, and paste the post-office receipt for the letter on to the counterfoil.

66. Memorandum showing disposal of proceeds of sales.—When impounded animals have been sold under the authority of section 14 or section 16 of the Cattle Trespass Act, 1871, the account to be delivered to the owner as required by that section, shall be drawn up be the pound-keeper in the form of a memorandum in Form 46, and the receipt prescribed by the final clause of the section shall be taken in the last column of the counterfoil.

67. Net sale-proceeds to be sent to Court.—When animals impounded otherwise than under Chapter III of the Cattle Trespass Act, 1871, have been sold, the pound-keeper shall fill up a memorandum in the same manner as prescribed in rule 66; but the sale-proceeds, after deduction of the fines leviable, the expenses of feeding and watering, and the expenses of sale, if any, shall be made over to the court or officer under whose authority the sale was ordered, the words "authorising officer or his agent" being substituted for "owner" wherever the latter occurs in the memorandum in Form 46.

68. Sums received on behalf of Board to be entered on Counterfoil of Release passes.—The pound-keeper shall, immediately on receipt, add to the last progressive total entered in the counterfoil of release passes (Form 44) all sums received by him on behalf of the Board on account of impounded cattle sold.

Explanation.—Charges for feeding and watering appropriated by the pound-keeper, the "balance of the purchase money" under section 16 of the Cattle Trespass Act, and the net sale proceeds under rule 67 are not received on behalf of the Board.

Note.—(1) See section 17 of the Cattle Trespass Act, 1871.

Note.—(2) The balance of the purchase money should be noted separately in red ink below the progressive total and carried forward till the collections are remitted to the treasury.

69. Remittance of pound collections to treasury.—(1) At such times as may be fixed by the Board, but at least once a month, the pound-keeper shall remit his collections to the Treasury with a challan in Form 8; of the two foils of the challan received back from the Treasury duly signed, one shall be returned to the pound-keeper, who shall paste it in his Release Pass Book as evidence of the remittance having been made, and the other shall be sent to the Secretary to enable him to enter the amount in his General Cash-book.

(2) The challan submitted under sub-rule (1), shall specify—

(1) net sale-proceeds of unclaimed cattle,

(2) other receipts.

Explanation.—The amount shown under head (1) shall be the sums entered in column 18, Form 42, as "Surplus credited to account".

(3) The Board shall arrange for the remittance of the collections by money order in case where this course is necessary in order to avoid interruption in the poundkeeper's duties.

70. claims for sale-proceeds of sale of unclaimed animals.—(1) When a claim is preferred under section 17 of the Cattle Trespass Act, 1871 to any sum credit as the net sale proceeds of unclaimed cattle, the original credit shall be traced in the Pound Register, and, if on investigation the claim is established, the amount repayable shall be paid under the written orders of the Chairman, and the payment shall be brought to account direct in the General Cashbook (Form 2); the fact of the payment, and the number and date of payment vouchers shall be noted in the remarks column of the Pound Register against the entry of the original credit.

(2) No claim for refund of the net sale-proceeds of unclaimed animals shall be entertained if it is made after the expiry of three months from the date of the sale.

(3) When an investigation into a claim cannot be undertaken by the Board, it may, at the request of the Board, be made through the District Magistrate.

71. Feed and watering of animals.—(1) The Board may give an advance, not exceeding ten rupees, to the pound-keeper for the purpose of feeding impounded animals.

(2) The charge for feeding and watering different classes of animals shall be fixed by the Board, from time to time, at such rates that the receipts from this source do not exceed the actual cost of feeding and watering, provided that half the daily charges for feeding shall be recovered when an animal has been in the pound for less than eight hours.

72. Inspection of pounds.—A pound directly managed by the Board shall be open to inspection by any member of the Board or of the District or Audit Staff, and so far as possible it shall be inspected once a quarter and the results of the inspection shall be recorded in an inspection book, to be kept up at the pound, and any irregularity in its accounts shall at once be brought to the notice of the Chairman.

73. Pounds Ledger to be maintained.—A Pound Ledger shall be maintained in the accounts office of the Board in Form 47, a separate page being assigned to each pound, in which shall be shown all expenditure on each pound and all income received from each pound, and at the end of the year a statement shall be complied by the Secretary and laid before the Board showing the net loss or gain to the Board during the year from each pound.

APPENDIX 22.26.

MEMORANDUM OF INSTRUCTIONS FOR COLLECTORS AND DEPUTY COMMISSIONERS WITH REGARD TO TROOPS MARCHING THROUGH DISTRICTS UNDER THEIR JURIDICTION

PART I

1. (i) On receipt of information that troops are to march through the district under his jurisdiction, the Collector or Deputy Commissioner concerned will detail a police officer or other official to accompany them and take steps to prevent the irregular sale of liquor or fruits to the troops on or near the route, and exclude from the camp or its vicinity all women of loose character.

   (ii) The official will report himself to the officer commanding the troops the day before the troops enter the limits of his jurisdiction and remain with them until they leave it.

   (iii) He will be the medium of communication in his district between the officer commanding the troops and the subordinate civil officials and inhabitants generally and will give all the assistance in his power to the officer commanding the troops.

   (iv) He will settle, in communication with the officer commanding, all disputes with the inhabitants, or with any transport establishments engaged by the civil authorities, within his powers, and be responsible for reporting cases beyond his powers to his superiors.

   (v) He will be provided with written instruction by the Collector or Deputy Commissioner defining his duties and powers, which he will show to the officer commanding the troops.

(vi) if irregularities committed by the troops are not discovered until they have proceeded outside the limits of the jurisdiction of the Collector or Deputy Commissioner, he will send a full report of the occurrence to the Officer Commanding the Brigade Area in which it occurred, who will investigate the matter and take all action necessary for its disposal.

2. (i) Rationing arrangements for all troops, and animals are made by the Indian Army Service Corps under the orders of the General Officer Commanding concerned. A suitable detachment of supply personnel will be in supply charge of the units whilst on the march. The civil authorities may be called upon to provide supplies of the kind mentioned on Indian Army Form S-1526, and such articles as are not ordinarily kept in stock (e.g., sheep, fowls and eggs) or which are rapidly perishable (e.g., milk); other ration articles will not be demanded from the civil authorities.

(ii) When, the assistance of the civil authorities is necessary, and in the case of prearranged marches, ie., when marches are not due to a sudden emergency, the General Officer Commanding concerned will detail an advance party consisting of personnel of the supply service, or of the unit marching, to go ahead of the troops and associate themselves with the civil officials in the purchase of supplies. The Civil authorities should be informed that an advance party is being sent to assist in the necessary purchases.

(iii) All indents on the civil authorities, for the class and quantity of articles which they are required to supply, should be preferred on them a fortnight before they are actually required. Any changes in dates, routes or quantities of supplies must be communicated at once to all concerned. Losses due to these circumstances will only be borne by the State when the competent financial authority is satisfied that they were unavoidably due to circumstances beyond the control of the responsible authority or unit. Losses due to excessive estimates will be borne by the unit responsible.

(iv) To enable the civil officials to purchase supplies, the military authorities, when submitting their indents for supplies, will arrange to pay in advance to the responsible civil authorities a sum to cover the cost of the supplies requisitioned. This advance will be obtained from the Controller of Military Accounts concerned. If time does not permit of an advance being obtained from the Controller of Military Accounts, it should be obtained from the civil treasury on the authority of a station order as provided for the paragraph 16 (viii) or Pay and Allowance Regulations, Part II.

(v) The advance party is responsible for the actual acceptance of supplies, the passing on of which should be done in the presence of the civil official. The military authorities will then be responsible for the payment of the demand made by the civil official for the above accepted supplies. Rejections should only be made when the articles tendered are unfit for consumption owing to their being below the standard usually consumed by the persons or animals for whom they are intended. Supplies which have been accepted by the advance party will not be subject to further passing in the decision of the officer commanding the advance party being final. If the supplies become unfit for consumption owing to the late arrival of the unit or to causes outside the control of the supplier, a receipt for the supplies must be granted by the officer commanding the troops to the civil official concerned.

(vi) The military officer who takes over supplies from the civil official will furnish the latter with a receipt for the supplies actually received and will send a duplicate of this receipt to the military authority responsible for the submission of the original indent.

(vii) When supplies of a quality inferior to that which might reasonably have been expected are provided, a report to this effect will be made by the officer commanding the troops to the district civil officer.

(viii) If shops are, or can be, established on or near the camping ground, articles such as sheep, fowls, eggs, milk, etc., will be retailed by the shop-keeper; if shops neither exit nor can be arranged for, these articles will be supplied in the usual way and arrangements made for their retail issue and the subsequent disposal of any surplus.

(ix) In the case of marches due to *sudden* emergencies when sufficient notice of the arrival of a unit in a district cannot be given, or an advance party sent ahead of the troops, and the supplies have consequently to be arranged by the civil authorities in a hurry, the Indian Army Service Corps officer or, in his absence, the officer commanding the troops should bear in mind the following factors before rejecting supplies arranged for by the civil authorities—

(a) The notice given and the circumstances in which the supplies were purchased.

(b) The quality which might reasonably be expected in the district traversed.

(c) Whether the supplies are fit for consumption though below the usual standard.

If it is necessary to reject supplies on account of unfitness for consumption, the officer commanding the troops will furnish the civil official concerned with a statement showing the nature and quantity of supplies so rejected, and will furnish a duplicate copy of this statement to the military authority originally responsible for making the demand, who will arrange with the Controller of Military Accounts concerned to obtain a refund from the civil authorities in respect of such supplies.

(x) The officer commanding will be responsible that whenever any articles is taken without payment, or when dasturi is enacted, the responsible person is severely dealt with. He will cause the officer of the day to visit the bazaar frequently to see that the guard or military police, which should be posted thereon, are doing their duty and that no irregularities are permitted. The officer commanding will ensure that he is readily accessible to any civil official or inhabitant who may be desirous of lodging a complaint.

(xi) The civil supply official should report to the officer commanding each evening whether any claims remain unsettled, and, if so, the latter will personally see to their immediate settlement. The civil official should endorse all receipts given for payments made, and the officer commanding should not accept receipts unless so endorsed.

(xii) Individuals or small parties will ordinarily purchase their own supplies from bazaars. If any assistance is required, they will apply to the local police officer.

3. (i) The Collector or Deputy Commissioner is responsible (except in the case of Baluchistan where the Military Engineer service authorities will be responsible), for the maintenance in good order of all established camping grounds outside cantonments within his jurisdiction.

(ii) He will be responsible that they are not cultivated, and that jungle growth is removed, also that boundary pillars are kept in repairs, that the wells are in good order, and also incinerators are provide.

(iii) When troops are to march through his district, the officer commanding the unit concerned has orders to send him a copy of the itinerary in good time to enable him to make all arrangements for the wells to be cleaned out if they have not been in regular use.

4. When any special arrangements for troops are required at ferries, the Brigade Commander concerned has orders to give the civil authorities concerned ample notice.

5. Unless prevented by urgent business in another part of the district, the Collector or Deputy Commissioner should make a point of being present at his headquarters to receive the troops with due honours.

6. The higher officer of the several departments serving in the district or present on tour in it should be informed of the coming of the troops so that they may have an opportunity of participating in their reception.

7. The President and Councilors of the local municipality should be invited to meet the troops at the entrance to the town.

8. The educational authorities should be directed to turn out schools on the line of march.

9. The instruction in paragraphs 5, 6, 7 and 8 apply only in the case of those routes which are infrequently used by troops and to occasions when the special object of the march is to impress people with the strength and importance of the Military arm of Government.

PART II

RULES FOR THE SUPPLY OF CARRIAGE BY THE CIVIL AUTHORITIES

1. Indents.—Indents on the civil authorities for hired carriage required for the movements of troops or stores will be prepared on India Army Form S-1675, giving full details of requirements and sent so as to reach the district or political officer concerned if possible not less than 15 days (one month in Gwalior State and 21 days in cases of marches through the desert talukas of the Thar Parkar District of Sind) before the carriage is required.

2. Collection and payments.—Hired carriage will not ordinarily be required to proceed beyond the limits of the next civil district on the route, but will be exchanged, if possible, at such stations as may be fixed by the local civil authorities.

It will be paid for at the authorized local rates from the date on which it is engaged for the march to the date of its discharge, both inclusive. Half hire will be paid for the return journey from the exchanging station to the place where the carriage was engaged. If the carriage is taken beyond the exchanging station, full hire will be paid for the return journey, from the place where the carriage is released to the place where it was engaged without any allowance for halts. If it carriage has to be collected before the date on which it is required, the civil authorities will inform the indenting officer of the time required for collection before the start, and the probable extra expense that will be incurred. Carriage which ordinarily piles for hire, and is on the list to be kept by the district officer, will first be called upon and the balance will be made up by impressments. Carriage indented for in excess of requirements, and discharged, will be paid for at the full hire rates for each

day or part of a day for which it is retained. If carriage is declared unserviceable through deliberate fault or culpable negligence of the cartman by a committee of officers (which will include the civil officer), it will not be paid for. When chaudhries are engaged to collect carriage, their fees, at the local rates, will be paid for by the Army Department.

3. Advances and handing over of carriage.—On engagement of the carriage, the civil or political officer will advance to the owners half the estimated hire for the full journey, and obtain a receipt for the same. To enable the civil official to make these advance, the indenting officer when submitting his requisition for carriage will remit to the civil officers concerned a sum sufficient to cover the amount which the latter will be required to advance. A receipt will be obtained for this advanced which will be subject to adjustment.

The carriage will be sent to the place required in charge of a tehsil or durbar official who will hand to the indenting officer a detail of the composition of the carriage, authorized loads, owner's name, amount advance and the receipt for the same, and intimation as to the station at which the carriage should be exchanged (See India Army S.–1675). The advance remitted to the civil officials will then be adjusted at once.

4. Exchanging station.—The civil officer supplying the carriage will at the same time warn the civil officer at the first exchanging station of the transport requiring exchange, and the date and place at which it will be required. A copy of this should be furnished to the indenting officer to enable an advance to be remitted. The civil officer at the first exchanging station will then proceed in paragraph 3 and warn the next exchanging station. Similar action will be taken at each exchanging station on the route.

5. Change in original transport, requirements.—If any change is required en route in the original quantity and description of transport supplied, the officer commanding the troops will give the civil officer at the exchanging station concerned as much notice as possible.

6. Unserviceable carriage.—Carriage breaking down between exchanging stations should be replaced on the spot in communication with the local civil officials and paid off. If the advance received has not been liquidated, the owner must refund the amount then due.

7. Discharge of carriage.—On arrival at an exchanging station or at destination the carriage will be at once released and paid off by the Indian Army Service Corps Officers, if there is one, otherwise by a British officer of the marching unit in the presence of the civil official attached to the troops, the acquaintance roll being signed by both and countersigned by the Officer Commanding. Any disputes will be referred to, and settled by, the district civil officer at the place at which the transport is released.

8. Detention of transport.—If carts are brought from a distance and detained at a camp of exercise, etc., the full hire will be paid for each day of such detention. Carriage will not, however, be detained at a camp which lasts for five days or over, except in very special circumstances.

9. Protection certificate.—When a carriage is discharged, a certificate in English and the vernacular should be given by the civil officer at the exchanging station, or by the civil officer accompanying the troops, to each person in charge thereof, to protect the carriage from being taken for the use of troops while on its return journey unless such troops are marching in the direction of the owner's home. If so employed, the full hire rate will be paid.

APPENDIX 22.68 (2)

POWERS AND DUTIES OF POLICE OFFICERS UNDER THE INDIAN ARMS ACT, EXCISE LAWS, EXPLOSIVES ACT, PETROLEUM ACT, POISONS ACT AND SARAIS ACT

I.—THE INDIAN ARMS ACT, No. XI OF 1878

1. Since section 5 of the Act requires a person who sells arms or ammunition lawfully possessed by him for his private use, to a person other than a person exempted under section 27 of the Act, to give, without unnecessary delay, notice of sale with name and address of the purchaser, to the officer in charge of the nearest Police Station, it shall be the duty of such Police Officer to record such notice.

On receipt of such notice the Police Officer may make enquiries as to the correctness of the purchaser's name and address, if necessary obtain a report from the Superintendent of Police of the district in which the purchaser lives,—*vide* Rule VIII of the Rules promulgated with Punjab Government notification No. 8404, dated the 5th March, 1929 (reproduced in Appendix No. 20.14).

2. All police officers not below the rank of an officer in charge of a police station are empowered to detain arms, ammunition or military stores under section 6 of the Act,—*vide* rule 1 of the Rules promulgated with Punjab Government notification No. 8408, dated the 5th March, 1929 (reproduced in Appendix No. 20.14).

3. Under section 12 of the Act, any police officer may apprehend without warrant any person found carrying or conveying any arms, ammunition or military stores, whether covered by a licence or not in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, and also take such arms, ammunition or military stores from him.

All persons so apprehended by, or persons apprehended (under section 12) by a person not being a Magistrate or a police officer and delivered to, a police officer, and all arms and ammunition seized by or delivered to any such officer under this section, shall be taken without unnecessary delay before a magistrate.

4. Under section 13 of the Act, any police officer may disarm any person who is found going armed with any arms except under a licence and to the extent and in the manner permitted thereby.

5. An officer in charge of police station shall receive any arms, ammunition or military stores deposited by any person under the provisions of section 16 of the Act and will as laid down in paragraph 22.69, Police Rules, and after seven 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 Headquarter of the district and kept in the Malkhana of the District Magistrate or in the Police Magazine.

6. Under section 17 of the Act, the powers and duties of the police officers as regards inspections of licenced premises and maintenance of registers under the Arms Act have been detailed in paragraph 20.14 of the Police Rules.

7. Under section 19 of the Act, the Police has powers to arrest, without a warrant, those persons who commit breach of sections 5, 6, 10, 13, 14, 15, 16 or 17 as given in the said section.

8. Under section 20 of the Act, the Police has powers to arrest, without a warrant, those persons who commit secret breaches of sections 5, 6, 10, 14 and 15 as mentioned in clauses (a), (c), (d) or (f) of section 19 of the Act.

9. Under section 25 of the Act, all police officers not below the rank of officer-in-charge of police station have been empowered (subject to the orders of a Magistrate) to conduct searches by themselves or in their presence.

10. Under section 30 of the Act read with rule III of the Rules promulgated with Punjab Government notification No. 8408, dated the 5th March, 1929 (reproduced in Appendix No. 20.14), all police officers of rank not below that of officer-in-charge of a police station have been appointed by virtue of their office to conduct searches for offences punishable under section 19(f) of the Act.

II.—EXCISE LAWS

(1) The Punjab Excise Act No. of 1914.—Under section 11, read with notification No. 5708-E. & S., dated the 27th October, 1932, the following officers of Police have been invested with the powers of an Excise Officer of the 1st Class—

(i) All Superintendents, Assistant Superintendents and Deputy Superintendents of Police.

(ii) All Inspectors, Sub-Inspectors and Assistant Sub-Inspectors of Police.

(iii) All Head Constables.

All Constables of Police have been invested with the powers of an Excise Officer, 3rd Class.

Under section 10(b) of this Act, the Powers of Excise Officers of the classes specified below been declared to be as follows—

A.—Powers of an Excise Officer of the 3rd Class—

(i) Power under section 47 to arrest without a warrant any person found committing an offence under section 61 (1) (a) or (c) or section 61 (2) (a), (c) or (e).

(ii) Power under section 47 to seize and detain excisable or other articles liable to confiscation in connection with any of the aforesaid offences and to detain and search persons upon whom and any vessel, raft, vehicles, animal package, receptacle or covering in or upon which he may have reasonable cause to suspect any such article to be.

B.—Powers of an Excise Officer of the 2nd Class—

(i) All the powers of an Excise Officer of the 3rd Class.

(ii) All powers not included in the foregoing and conferrable under section 47.

(iii) Power to enter and inspect places of manufacture and sale, and to examine and seize accounts and registers, test measures, weight and seize any materials, stills, utensils, implements, apparatus or excisable article as provided in section 45.

C.—Powers of an Excise Officer of the 1st Class—

(i) Power to investigation under section 46.

(ii) Power to search without warrant as provided in section 49 (1) and to seize, detain, search and arrest as provided in section 49 (2).

(iii) Power to grant bail under section 73.

Under section 50 of this Act, any offence under this Act may be investigation by an officer empowered under section 46.

Whenever any police officer makes any arrest, seizure or search, he shall within 24 hours thereafter make a full report of all the particulars of the arrest, seizure or search to his immediate official superior and shall unless bail be accepted under section 73, take or send the person arrested or the articles seized, with all converted despatch to a Magistrate for trial or adjudication.

Under section 51 all Police Officers are required to aid the Excise Officers in the due execution of this Act, upon a request made by such Excise Officers.

Under section 53 every officer in charge of a Police Station shall take charge of and keep in safe custody, pending the orders of a Magistrate or of the Collector or an officer empowered under section 46 (1) to investigate the case, all articles seized under this Act which may be delivered to him, and shall allow any Excise Officer who may accompany such articles to the Police Station, or may be deputed for the purpose by his superior officer to affix his seal to the articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the Officer-in-charge of the Police Station.

Offences under section 61 and 63 are cognizable by the Police as also their attempts and abetments. The powers of arrest have been detailed above.

Under section 73, the Police Officers not empowered to take security (i.e., constables), should take or forward the person arrested under this Act, otherwise than on a warrant, to the officer empowered under section 10 (b) or to the Officer-in-charge of a Police Station whoever is nearer.

(2) The Opium Act I of 1878.—Under section 9, read with section 14 and notification No. 5708- E. & S., dated the 27th October, 1932, a Police Officer of and above the rank of Head Constable may, if he thinks proper, arrest any person whom he has reason to believe to be guilty of any offence relating to opium under this or any other law for the time being in force.

Under the same section read with section 15, any Police Officer may detain and search any person whom he ahs reason to believe to be guilty of any offence against this or any other such law, and if such person has opium in his possession, arrest him and any other person in his company.

Since Section 11 requires that in any case in which an offence under section 9 has been committed—

(a) the opium in respect of which any offence under the same section has been committed,

(b) Where in the case of an offence under clause (b) or (c) of the same section, the offender is transporting, importing or exporting any opium exceeding the quantity which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting importing or exporting.

(c) where in the case of an offender under clause (d) of the same section, the offender has in his possession any opium other than the opium respect of which the offence has been committed, the whole of such other opium, and

(d) the vessels, packages and coverings in which any opium liable to confiscation under this section is founds and the other contents (if any) of the vessel or

package in which such opium may be concealed, and the animal and conveyances used in carrying it, are liable to confiscation, it shall be the duty of the Police to take all these articles into possession.

Under section 14, read with Government notification No. 5708 –E & S., dated the 27th October, 1932, any Police Officer above the rank of Constable, who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Act, is kept or concealed in any building, vessel or enclosed place may, between sunrise and sunset—

(a) enter into any such building vessel or place;

(b) in case of resistance, break open any door and remove any other obstacle to such entry;

(c) seize such opium and any other thing which he has reason to believe to be liable for confiscation under section 11 or any other law for the time being in force relating to opium; and

(d) detain and search, and if he thinks proper, arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force.

Under section 15 of the Act, any Police Officer may—

(a) seize in any open place or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium;

(b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other person in his company.

Under section 16, all searches under sections 14 and 15 shall be made in accordance with the provisions of Criminal Procedure Code.

Under section 17, it is the duty of all Police Officers, upon a notice given or a request made, to assist all officers mentioned in section 14 in carrying out provisions of this Act.

Under section 20, every person arrested and thing seized, by a Police Officer under section 14 or section 15 shall, if he is not an Officer-in-charge of the Police Station, be forwarded without delay, to the Officer-in-charge of the nearest Police Station; and every person arrested and thing seized under section 19 shall be forwarded without delay by the Police Officer to the Officer by whom the warrant was issued.

The Officer-in-charge of Police Station to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal, according to law, of such person or thing.

Under section 21 of the Act, when any arrest for seizure is made under this Act by any Police Officer, he shall within 48 hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure, to his immediate official superior.

(3) The Punjab Opium Smoking Act, No. VI of 1923.—Under section 14, every officer of the Police shall be bound to give reasonable aid to any Excise Officer in carrying out the provisions of this Act upon notice given and request made.

(4) The Dangerous Drugs Act, No. II of 1930.—Offences under Sections 10 to 15, the attempts and abetments thereof described in sections 20 and 21 are cognizable by Police,

section 23 and Government orders thereunder empower all Police Officers of and above the rank of Head Constables to arrest, if they think proper, any person whom they have reason to believe to have committed an offence punishable under Chapter III, relating to a dangerous drug, whereas section 24 empowers any Police Officer to arrest any person who is found to be in unlawful possession of a dangerous drug.

Under section 18, the Police can recommend, for the persons sent up under sections 10, 12, 13 or 14 that security for abstaining from the commission of offences punishable under those sections be taken from them.

Under section 23 any Police Officer above the rank of constable, who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that any dangerous drug in respect of which an offence punishable under Chapter III of this Act been committed is kept or concealed in any building, vessel or enclosed place may, between sunrise and sunset—

(a) enter into any such building, vessel or place;

(b) in case of resistance, break open any door and remove any other obstacle to such entry;

(c) seize such drug and all materials used in the manufacture thereof and any other articles which he has reason to believe to be liable to confiscation under section 33 and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug; and

(d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed an offence punishable under Chapter III relating to such drug:

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, vessel or enclosed place at any time between sunset and sunrise, after recording the grounds of his belief.

Under sub-clause 2 of this section, such officer, where he has recorded information under sub-section 1, or recorded grounds of his belief under the proviso thereto, shall forthwith send a copy thereof to his immediate official superior.

Under section 24, any Police Officer may—

(a) seize in any public place or in transit any dangerous drug in respect of which he has reason to believe an offence punishable under Chapter III has been committed, and along with such drug, any other article liable to confiscation under section 33, and any document or other articles which he ahs reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug;

(b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter III, and, if any such person has any dangerous drug in his possession and such possession appears to him unlawful, arrest him and any other person in his company.

Under section 26, it is the duty of all Police Officers upon a notice given or a request made to assist all officers mentioned in section 23 in carrying out the provisions of this Act.

Under section 27, whenever any Police Officer makes any arrest or seizure under this Act, he shall, within 48 hours next after such arrest or seizure make a full report of all the particulars of such arrest or seizure to his immediate official superior.

Under section 29, every person arrested and article seized under a warrant issued under section 22 shall be forwarded without delay to the authority by whom the warrant was issued; persons arrested and articles seized under sections 23 and 24 shall be forwarded without delay to the officer-in-charge of the nearest Police Station to the nearest officer of the Excise Department empowered under section 30.

The officer-in-charge of the Police Station to whom any person or article is forwarded under this section shall, with all convenient despatch, take such measure as may be necessary for the disposal according to law of such person or article.

Since section 33 requires that whenever any offence has been committed which is punishable under Chapter III, the dangerous drug materials, apparatus and utensils in respect of which or by means of which such offence has been committed, shall be liable to confiscation and also any dangerous drug lawfully imported, transported manufactured, possessed or sold along with, or in addition to, any dangerous drug which is liable to confiscation under sub-section 1 of that section, and the receptacles, packages and coverings in which any dangerous drug, materials, apparatus or utensils liable to confiscation under sub-section1 of that section is found, and the other contents, if any, of such receptacles or packages and the animals vehicles, vessels and other conveyance used in carrying the same, shall be liable for confiscation, it shall be the duty of every Police Officer acting under the provisions of this Act, to take into possession all the things enumerated above.

III.—THE INDIAN EXPLOSIVES ACT, IV OF 1894

1. Under rule 106 of the rules made under section 7 of the Indian Explosive Act, IV of 1884, promulgated by the Government of India notification No. M-1217, dated the 30th November, 1940, all Police Officers of the rank not below that of Sub-Inspector are authorized within their respective areas to enter, inspect and examine the licence's premises, check the stores with the Stock and Sale Register and report the result of such inspection to the District Magistrate through the Superintendent of Police.

2. They are also authorized to search and place in which an explosive has been or is being manufactured, possessed, used or sold illegally and to seize, detain and remove any such explosive found therein. All such searches and seizure shall forthwith be reported to the District Magistrate through the Superintendent of Police, by telegram if necessary.

3. They may take samples of the explosive found therein on payment of the value thereof, if such payment is demanded at the time.

4. The shops, premises, and stocks of all licensed manufactures and dealers shall be inspected once a month by the Sub-Inspectors of Police and once in every quarter by the Inspectors and Gazetted Officers in supervisory charge of the Illaqa in which the premises are situated. At least one inspector in each year shall be performed by the Superintendent of Police.

Surprise visits to these places shall also be made by the Police officers especially on the eve of festivals when stocks of fire-works are likely to exceed the limit prescribed in the license.

5. Section 13 of the Act empowers any Police Officer to arrest, without a warrant, any person who is found committing any act punishable under the Act, or the Rules under the Act, which tends to cause explosive or fire in or about any place where explosive is manufacture or stored, etc.

IV.—THE PETROLEUM ACT, XXX OF 1934

Under section 13, read with Central Government notification No. M-826 (1), dated the 22nd March, 1937, as amended by notification No. M-826 (4), dated the 15th September, 1937, all Police officers of or above the rank of Inspector of Police have been authorized by virtue of their office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of Chapter I of this Act and the Rules made thereunder; within the respective areas over their authority extends.

Under section 14, read with Central Government notification No. M-826 92), dated the 22nd March, 1937, as amended by notification Nos. M-826, dated the 26th August, 1937, and M-826 (5), dated the 15th September, 1937, all Police Officers mentioned in the above paragraph may enter any place where petroleum is being imported, transported, stored, produced, refined or blended and inspect and take samples for testing of any petroleum found therein, with the respective areas over which their authority extends.

Under section 26, read with Central Government notification No. M-826 (3), dated the 22nd March, 1937, as amended by notification No. M-826 (7), dated the 15th September, 1937, all Police Officers of rank not below that of Sub-Inspector in the respective areas over which their authority extends to have been authorized by virtue of their office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed. The searches under this Act shall be made according to the Code of Criminal Procedure, 1898, so far as they are applicable.

V.—THE POISONS ACT, XII OF 1919

Under rule XII of the Rules framed under section 2 of the Act a Police Officer of or above the rank of Sub-Inspector may at any time visit and inspect the premises of a licence-holder where poison is kept for sale and may inspect all poisons found therein and the register of sale of poisons and stock of poisons maintained under rules X and XI.

VI.—THE SARAIS ACT, XXII OF 1867

Since under rule 2 of the Rules framed under Section 13 on the Act,—*vide* Government notification No.177, dated the 15th February, 1911, the District Magistrate may refuse to accept as the keeper of a Sarai any person who does not produce a certificate signed by the Officer-in-charge of the Police Station in whose jurisdiction the Sarai is situated, to the effect that, to the best of his belief, the applicant's character is not such as to preclude his being permitted to keep a Sarai, it shall be the duty of the Officer-in-charge of the Police Station to verify and furnish a certificate accordingly.

On being authorized by the District Magistrate under section 7(2) of the Act, any Police officer not less in rank than a Sub-Inspector may visit and inspect at any time of the day or night any Sarai so registered or any part thereof.

FORM No. 22.40

CHARGES FOR MAINTENANCE OF ANIMALS

POLICE STATION _____ **DISTRICT**_____

F.I.R. NO. _____ **DATE**_____

Number of animals	* Kind of animals	Rate per day	Number of days	Total	REMARKS

Grand Total.

Complainant.

The above charges are due to _____

Surety.

*1. Buffalo.
2. Bullock or cow.
3. Horse.
4. Pony.
5. Camel.
6. Donkey.
7. Sheep or goat.

FORM No. 22.43(3)

No._____ **Date** _____

VOUCHER ENGAGING ACCOMMODATION BY MOTOR-VEHICLE

Certified that_____ seat(s)_____has been engaged for the journey from_____to_____on motor omnibus owned/driven _____ by _____on account of prisoners/Constables.

Purpose of journey _____

No. and date of entry in Police Station Daily Diary _____

Amount of fare due for payment Rs. _____

Signature of police officer engaging accommodation

(Signature) _____

Rank _____

Date of payment and signature of gazetted officer signing the bill.

(Signature)_____

FORM No. 22.48(1)

REGISTER No. II.—THE STATION DAILY DIARY.

STATION _____ _____DISTRICT.

The following officers were present at morning roll-call_____Sub-Inspector _____Assistant Sub-Inspectors _____head constables_____ constables_____mounted head constables_____ mounted constables. The remaining staff were_____ on duty _____sick. The station is_____under/over sanctioned strength.

Remarks_____

Dairy of the above station commencing at _____ o'clock on the _____and ending _____ o'clock on the_____.

Serial No.	Name of Reporter	Substance of report

Signature of officer incharge of Police Station

FORM No. 22.54(a) Part I.

POLICE DEPARTMENT _____DISTRICT

PART I.—*Absconders in cases registered in the home police station*

(Residents of the home police station to be written in red ink)

1	2	3	4	5	6	7	8	9
Sr. No.	Name, parentage, caste and description of absconders.	Residence, i.e., village, police station and district	Offence, F.I.R. No. and date, places and date of offence.	Reward offered.	Clues to probable whereabouts.	Action taken to procure arrest, details to be given as to: (a) Police Station of the home district to which notices sent (b) Police Station of other district to which notices sent (c) Date on which notices sent for publication in "C.I. Gazette". (d) If a P.R- convict, date of information to F.P. Bureau. (e) Action taken under sections 512/87/88, Code of Criminal Procedure, with dates. (f) Details of any other action taken, with dates and name of court. (g) Has Histroy Sheet been opened in home district and name entered in Registers No. X?	Signature of gazetted officer.	Date of arrest, death, cancellation or removal to proclaimed offenders' list.

Note.—This register is to be printed on foolscape folio size ruled paper.

FORM No. 22.54(a) Part II

POLICE DEPARTMENT _____DISTRICT

***PART II.*—Absconders in cases registered in other police stations, but residents of, or likely to visit this, police station**

(Residents of the home police station to be written in red ink)

1	2	3	4	5	6	7	8	9	10
Sr. No.	Police station or district submitting notice, name of absconder	Parentage, caste and description	Residence, i.e., village, police station and district	Office, F.I.R. No. and date, place and date of offence	Reward offered	Clues to probable whereabouts	Action taken to procure arrest, details to be given as to— (a) Action taken under sections 512, 87/88, Code of Criminal Procedure, with date. (b) Details of any other action taken, with dates and name of Court	Signature of gazetted officer	Date of arrest, death, cancellation or removal to proclaimed offenders list

Note.—This Register is to be printed on foolscape folio size raled paper.

FORM No. 22.54(b)

ABSCONDING MEMBERS OF REGISTERED CRIMINAL TRIBES

1	2	3	4	5	6	7	8
Sr. No.	Name, parentage and full description	If proclaimed under section 87, Code of Criminal Procedure, number and date of court	Tribe or caste	Residence or where last settled	Reference to police station register No. 8	Associates	Places he is likely to visit

(To be drawn by hand)

FORM No. 22.55

REGISTER No. V.—REGISTER OF CORRESPONDENCE

STATION_____ _____DISTRICT

1	2	3	4	5	6	7
No.	Date of order, etc.	By whom issued	Substance of order letter received	No.	Date of report	Substance of report or letter despatched

Note.—To be drawn by hand. The heading to be written on the first page only.

FORM No. 22.56(1)

CHARACTER ROLLS OF GOVERNMENT SERVANTS OR APPLICANTS FOR GOVERNMENT EMPLOY, VERIFIED BY THE POLICE

1	2	3	4	5	6	7	8	9
Annual Serial No.	Date of receipt of roll	From whom received	Where employed or service for which applying, i.e., Railway, Police, Military, & C.	Name and parentage of applicant	Village of which resident	How, when and by whom character tested, and result of enquiries	Date of return of roll	REMARKS

FORM No. 22.58(a)

Register of adult criminal tribes residing in_____ District

Settlement

(Prepared in accordance with sections 4, 5, 7 and 8 of Act VI of 1924)

1	2	3	4	5	6	7	8	9	10	11
Sr. No.	Name with *alias's* and father's name	Caste and sub-caste	Residence time of registration with Police Station and District and date of registration	Date of birth, height, distinctive physical features	Number and date of notification under section 11 or 12 of Act under which restricted, with No. of Government notification	Area to which movements are restricted or place in which settled	Signature of officer preparing register under section or making an entry or erasure under section 7 or 8 and date	Convictions given sections of law, places and dates and sentences (entries after registration to be shown in red ink)	Subsequent orders, date of transfer. Cancellation of registration, death, remarks, etc.	Left thumb-impression of person registered with District serial No. of Finger-print slip and signature of recorder with date

FORM No. 22.58(b)

POLICE DEPARTMENT _____DISTRICT

Register of male children of members of Criminal Tribes

1	2	3	4	5	6	7	8
					AREA TO WHICH THE GANG OR TRIBE IS RESTRICTED		
Sr. No.	Name	Father's Name	Tribe	Date of birth	Village	Police Station	Remarks

FORM No. 22.58(c)

POLICE DEPARTMENT _____DISTRICT

REGISTER OF BOYS OF CRIMINAL TRIBES TO BE MAINTAINED AT THE DISTRICT POLICE OFFICE

(Entries to be made strictly by date of birth, irrespective of caste and residence)

1	2	3	4	5	6	7	8	9	10	11	12
Sr. No.	Police Station	Village of birth or present residence	Name of boys	Name of his father and grand-father	Date of birth accord-ing to Chris-tian Era	Tribe	Date on which regis-tration will become due	Date of father's death, if orphan	Whether he is comply-ing with Rule 42	Date of exemp-tion under rule 4(b) with re-ference to District Magis-trate's order	Subs-equent remarks regarding orders of registra-tion or change of residence, & c.

FORM No. 22.59(1) A

VILLAGE CRIME NOTE BOOK OF VILLAGE _____

POLICE DEPARTMENT _____DISTRICT

PART I

Population by census of 19 Male

Female

No. of houses _____

Names of outlying hamlets with number of houses in each

Revenue

Market days, fair and festivals

Principal castes and tribes

Headmen	Other leading men	Village watchmen

B.—Part II

FORM No. 22.59 (1) B

PART II.—*Crime Register*

1	2	3	4	5	6	7
Sr. No. in First Information Report Register	Date of occurrence and name of complainant	Section of Law, nature offence and class of property attached	Name, parentage, caste and residence of accused or suspect	Place where property was recovered and where criminals were found	Name's and particulars of persons suspected of having helped to conceal property or the criminals by furnishing bail or otherwise	Result of case

Note.—This register is to be printed in duplicate on foolscap folio size ruled paper and to be written by carbon copying process, duplicate copy being perforated.

FORM No. 22.59 (1) C

Part III.—*Cases traced to the village during the year 19*

1	2	3	4	5	6
Sr. No.	Police Station, village and district Number of First Information Report, with date	Section of law, nature of offence and class of property attached	Name parentage and caste of accused	Name parentage, caste and address of all criminals implicated in the case whether convicted, acquitted or suspected of committing the offence, and of harhourers receivers or other helpers of the accused	Results of the cases against each man mentioned in column 5

Note.—This Register is to be printed in duplicate on foolscape folio size ruled paper and to be written by carbon copying process, duplicate copy being perforated.

FORM No. 22.59 (1) C

PART III-A.—*Visits to the Village*

1	2	3	4	5	6	7
Sr. No.	Name, parentage, caste and relation-ship, if any, of person visited	Name, parentage, caste and address of visitor	Brief reasons for suspecting visitor	Object and dates of visit	Number and date of bad character roll or information sheet received	REMARKS

Note.—This form shall be maintained—

(1) for the visits to villages of (a) history sheeters in bundles (a) and (b) persons established through information sheets (Strangers roll) to be of doubtful character; and

(2) for persons arrested in villages under sections 55/109, Criminal Procedure Code, provided that they are placed on security.

In the case of persons in class (2) the names of their sureties and the reason for standing surety should be entered in the "Remarks" column.

Note.—This register is to be printed in duplicate on fullscape folio size ruled paper and to be written by carbon copying process, duplicate copy being perforated.

FORM No. 22.59 (1) D

PART IV

Notes on crime in the village with special reference to factions, land or water disputes, presence of criminal tribes or gangs, occurrence of obstructions on or damage to railway line within the village, special outbreaks of crime in the village, etc., in accordance with Rule 23.15.

FORM No. 22.59 (1) E

REGISTER IX

POLICE STATION (NAME) NAME OF TOWN OR VILLAGE

PART V.—*Names of residents who have been convicted of certain offences*

1	2	3	4	5	6	7	8	9	10
Sr. No.	Name of convicted persons and age on date stated column 5	Parentage, caste and occupation with description, particular marks and P.R. No., if any	Section and Act under which convicted and nature of the offence	Name of Court, district, sentence and date of conviction	Date of release	Whether entered in Book X (Surveillance Register) with No. of History sheet, if any	Signature of Police officer making the entry and date of making it	Place of crime, if committed outside the village	REMARKS (Names, parentage, caste and address of convicts and co-suspects, places where arrested and property recovered and residences of persons who stood bail)

Note.—This register is to be printed on foolscap size ruled paper with heading on first page only.

FORM No. 22.59 (1) E

PART V

POLICE STATION (NAME) NAME OF TOWN OR VILLAGE

NAMES OF RESIDENTS WHO HAVE BEEN CONVICTED OF CERTAIN OFFENCES

1	2	3	4	5	6	7	8	9	10	11
Sr. No.	Name of convicted persons and age on date stated in column 6	Parentage and caste with description and particular marks, and P.R. No., if any	Occupation	Section and Act under which convicted	Name of court the convicting, with name of the presiding officer of such court, district in which the trial was held, the powers exercised by the court and whether the case was tried summarily or otherwise, sentence and date of conviction	Date of release	Whether entered in Book X, surveillance register, with number of History Sheet, if any	Signature of Police officer making the entry and date of making it	Place of crime, if committed outside the village	REMARKS

FORM No. 22.67 (a)

Police Station Register No. XVI. Part I

LIST OF VILLAGE WATCHMEN

1	2	3	4	5	6	7
Sr. No. of village according to the Index to Register No. IX	Name of village	Distance and direction from police station	Numbers of watchmen sanctioned	Name, parentage and caste of watchmen	Residence	Date of appointment

8	9	10	11	12	13
Age when appointed.	Rate of pay.	Population of village	Number of houses	Date of week fixed for attendance at Police Station (vide Rule 22.67, Police Rule)	REMARKS.

FORM No. 22.67 (b)

Police Station Register No. XVI. Part II

LIST OF POLICE OFFICERS ATTACHED TO THE POLICE STATION

(Officers, head constables and constables to be shown on separate pages.)

1	2	3	4			5	6	7
			RESIDENCE					
Sr. No	Constabulary No.	Name	Village	Police Station	District	Date of enlistment	Date of posting to the police Station	Literate or illiterate

8			9	10	11	12
DATES OF BEING SENT TO HEAD QUARTERS FOR TRAINING						
For the 1st time	For the 2nd time	For the 3rd time	Date of transfer	Where transferred to	Reason to transfer	REMARKS

FORM No. 22.68(a) (1).

(FORM E)

_____DISTRICT

REGISTER OF LICENSES TO MANUFACTURE, CONVERT, SELL OR KEEP FOR SALE ARMS, AMMUNITION OR MILITARY STORES

1	2	3	4	5	6	7				8	9
						INSPECTIONS BY. *Assistant or Deputy Superintendent of Inspector of Police*					
Tehsil	Number	Name of Licensee	Father's name, caste and residence	Place of business	Date	1st	2nd	3rd	4th	By Magistrate of District, or Superintendent of Police	REMARKS

FORM No. 22.68 (a) (2)

(FORM F)

Is the same as Form E, except that in heading for "licensed to manufacture," & C., read "licenses to keep and sell."

FORM No. 22.68(a) (3)

(FORM G)

REGISTER OF LICENSES TO POSSESS ARMS, AMMUNITION OR MILITARY STORES GRANTED UNDER RULE 31

DISTRICT _____

1	2	3	4	5	6	7	8	9	10
Tehsil	No.	Date	Name of license-holder	Father's name, caste, etc.	Residence	Number and description of weapons	Place where arms to be kept	Terms for which license is valid	REMARKS

FORM No. 22.68 (a) (4)

(FORM H)

REGISTER OF LICENSES TO POSSESS ARMS AND AMMUNITION AND TO GO ARMED FOR THE PURPOSES OF SPORT, PROTECTION OR DISPLAY. (A SEPARATE PART OF REGISTER TO BE RESERVED FOR EACH DESCRIPTION OF WEAPON, i.e., SHOT GUN, RIFLES, REVOLVERS, SWORDS, ETC.), THE REGISTER TO BE PERMANENT

1	2	3	4	5	6	7	8	9	10
Sr. No.	Tehsil	Number and description of weapons	Name of license-holders	Father's name, caste, etc.	Residence	Number and date of license	Period for which license is available	Date of renewal of license	REMARKS:— Action taken when license expires, loss of weapon licensed, sale etc., etc.

FORM No. 22.68 (a) (5)

(FORM I)

REGISTER OF LICENSES GRANTED UNDER RULES 35 AND 36 TO POSSESS ARMS AND AMMUNITION AND TO GO ARMED FOR THE PURPOSE OF DESTROYING WILD ANIMALS WHICH DO INJURY TO HUMAN BEINGS CATTLE OR CROPS

IN _____DISTRICT

1	2	3	4	5	6	7	8	9
Tehsil	Form and No.	Date	Name of license-holder	Father's name and caste	Residence	Place for which license is valid	Weapon	Date of expiry of license

10					11
INSPECTION BY MAGISTRATE OF WEAPON AND LICENSE					
1st year	2nd Year	3rdYear	4th Year	5th Year	REMARKS

FORM No. 22.68 (a) (6)

(FORM J)

_____ DISTRICT

REGISTER OF LICENSES TO POSSESS ARMS AND AMMUNITION OR MILITARY STORES, IN A DISTRICT WHICH HAS NOT BEEN DISARMED

Columns 1-7.—The first seven columns as in form.

Columns 8.—Place where the arms are to be kept.

Columns 9.—Term for which license is valid.

Columns 10.—Remarks.

FORM No. 22.68 (b)

POLICE DEPARTMENT _____DISTRICT

Register of licenses granted under Excise and opium Acts for vend in the Police Station.

1	2	3	4	5	6	7	8		9
							Period Within Which License is Valid		
Sr. No.	No. of license.	Name and address of license-holder	Locality of shop	Articles which the licensee is authorised to stock and sell	Whether licensed to sell whole-sale or by retail	Amount of license fee for the year	From	To	REMARKS

FORM No. 22.68 (c)

POLICE DEPARTMENT _____DISTRICT

Register of licenses to manufacture, possess and sell explosives in the District/Police station

1	2	3	4	5	6	7		8	9
						Period For Which License is Valid.			
Sr. No.	Name, parent-age and place of residence of license	Place of business, factory or shop	Maximum quantity of ex-plosives to be possessed at any one time	Description and quantity of explosives to be manu-factured during the year	Description and quantity of explosives to be possessed and sold during the year	Form	To	Date of Inspection made by police officers of and above the rank of Sub-Inspector	REMARKS

FORM NO. 22.68 (d)

POLICE DEPARTMENT _____DISTRICT

Register of licenses to possess petroleum under the Petroleum Act

1	2	3	4	5	6		7		8
					Period For Which Licence is Valid.		Inspection		
No. of licence	Object of licence	Name and address of licensee	Description and quantity of petroleum to be possessed	Place and full details of storage shed	From	To	Date	By whom	REMARKS

FORM No. 22.68 (e)

POLICE DEPARTMENT _____DISTRICT

Register of license under the Poisons Act, No. 1 of 1904

1	2	3	4	5		6		7
No. of licence	Name and address of licensee	Place of business	Description of poisons to be possessed	PERIOD FOR WHICH LICENSE VALID		INSPECTION		REMARKS
				From	To	From	To	

FORM No. 22.68 (f)

POLICE DEPARTMENT _____DISTRICT

_____POLICE STATION

Register of sarais registered under Act XII of 1867

1	2	3	4	5	6	7	8
Sr. No.	Name and parentage of keeper of Sarai	Residence Sarai	Name of Sarai	Situation of Registration	Date of in this Register	Date of entry	REMARKS

FORM No. 22.69

POLICE DEPARTMENT _____DISTRICT

Police Register No. XVIII

Receipts for arms, ammunition or military stores deposited in the above Police Station under the Indian Arms Act XI of 1878

Serial No. _____ Date_____

Nature of arms, ammunition of military stores and condition in which received_____

Name father's name and Address of depositor _____

_____

I certify that I have received the above-mentioned articles and have deposited them in the station store room after labelling them. The articles will be forwarded to headquarters if the owner has not obtained a license to possess them within seven days from date.

(Sig.)_____

Station Clerk

FORM No. 22.70

POLICE STATION_____ _____DISTRICT

Register No. XIX. –Store - Room Register (Part I)

Column 1.—Serial No.

2. No. of first information report (if any), from whom taken (if taken from a person), and from what place.
3. Date of deposit and name of depositor.
4. Description of property.
5. Reference to report asking for order regarding disposal of property.
6. How disposed of and date.
7. Signature of recipient (including person by whom dispatched).
8. Remarks.

(To be prepared on a quarter sheet of native paper.)

FORM No. 22. 79 (1) (a)

POLICE DEPARTMENT _____DISTRICT

DESCRIPTIVE ROLLS OF UNIDENTIFIED PERSONS FOUND DEAD

1	2	3	4	5	
				PLACE WHERE FOUND	
Annual Serial No.	District	Name, parentage and residence of informant	Date on which found	Village	Police Station

6					7	8	9
DESCRIPTION							
Sex	Apparent age	Height	Complexion	Particular marks	Detail of property found	Circumstances under which found and particulars likely to afford a clue to the identity of the deceased	REMARKS

(Standard Form)

Dated _____

Superintendent of Police.

The _____19.

FORM No. 22. 79 (1) (b)

POLICE DEPARTMENT _____DISTRICT

LIST OF PERONS LOST OR MISSING

1	2	3	4	5	6		7	
							RESIDENCE	
Annual Serial No.	District	Name of informant and his relation to the person missing	Name of Police Station and village of person missing	Apparen-tage	Cast	Village Name	Railway Station	District

8	9	10	11	12	13
Date of disappearance	Place from which missing	Description	Circumstances of disappearance	Detail of property which the missing person took with him or which was worn by him when last seen	REMARKS

(Standard Form)

Dated _____

Superintendent of Police

The _____19

FORM No. 22.79 (1) (c)

POLICE DEPARTMENT _____DISTRICT

LIST OF UNCLAIMED *PROPERTY*
CATTLE

1	2	3	4		5	6	7	8
Annual Sr. No.	District	Name, parentage and residence of person from whom recovered or by whom deposited	PLACE OF RECOVERY Village		Date of recovery	Circumstances under which recovered and particulars likely to afford clue to the owner	List of *articles* *Cattle* with full description And value	RE-MARKS
			Village	Police Station				

FORM No. 22.79 (1) (d)

POLICE DEPARTMENT _____DISTRICT

LIST OF *PROPERTY LOST* OR STOLEN

CATTLE STRAYED

1	2	3	4	5	6	7	8	9
Annual Sr. No.	District	Name, parentage Police Station and No. and date of first information report, if any, with description of offence	Date of loss of theft	Name, parentage and residence of complainant/ owner	Description and value of property lost/cattle strayed or stolen	Brief particulars of the case and circumstances likely in any way to afford a clue to the property/cattle or the thief	Reward offered	REMARKS

(Standard Form)

Dated _____

Superintendent of Police

The _____19.

❑❑❑

CHAPTER 23

PREVENTION OF OFFENCES

23.1. Patrolling at rural stations.—(1) The officer in charge of police stations and assistant sub-inspectors at those station shall move about in their jurisdictions freely. They shall pay special attention to villagers where crime has occurred, or where registered bad characters and suspects whose history sheets are on record live, but shall visit every village occasionally, for the purpose of adding to their local knowledge, becoming known to the people, collecting information, and checking the proper performance of their duties in relation to crime by zaildars, inamkhors, lambardars and chaukidars.

(2) Information regarding the mode of livelihood of bad characters shall be obtained mainly by personal visits and enquiry, but head constables and constables shall, from time to time, be sent to village with definite orders to ascertain whether certain specified bad characters are present or not, and trace and whereabouts of proclaimed offenders or absconders.

Except to carry out definite orders constables shall not be deputed to visit villages, but they may be deputed to visit serais, ferries, camping-grounds, motor vehicles stands and other places of public resort for the purpose of collecting information, maintaining order or other police purposes.

SYNOPSIS

1. *History sheet.*

1. History sheet.—The word 'ordinarily' in Police Rules 23.5(2) does not make it incumbent on the Superintendent of Police to open a History Sheet before the name of a habitual offender can be entered into the Surveillance Register and there can be exceptional circumstances in which both these measures can be taken simultaneously. *Sadhu Ram v. Superintendent of Police, AIR 1971 Punjab 252.*

Name of a non-convicted person can be entered in history sheet and surveillance register. In that case reasons should be recorded specifically. In the instant case entry in history sheet is not permanent. The concerned person has to prove his goodness and represent himself that he has improved his conduct and his name must be deleted from the concerned register. Held, review of entries in every six months in any case. *Sarjeet Singh v. Commissioner of Police, 2002 (3) RCR (Criminal) 95 Delhi (DB).*

Opening of history sheet—Opportunity of being heard is not necessary. The person is to be informed of the fact that his name is in the history sheet and it be used against him. *Sarjeet Singh v. Commissioner of Police, 2002 (2) RCR (Criminal) 95 (Delhi) (DB).*

Whether High Court can interfere in order of opening of history sheet of a person? It depends on satisfaction of concerned officer. If order is not malafide and with application

of mind or is not Contrary to the strict provision of Rules and Act, the High Court wouldn't interfere. *Sarjet Singh v. Commissioner of Police, 2002(3) RCR Criminal 95 (Delhi) (DB).*

Petitioner was charged with 9 cases, out of them, he was acquitted in 3 and was discharged in 2 cases and 4 cases are still pending. He was not convicted in any of the cases. Officer had no specific answer to enter his name in history sheet. Order quashed. *Sarjeet Singh v. Comissioner of Police, 2002(3) RCR Criminal 95 (Delhi) (DB).*

23.2. Co-operations with railway police at stations—(1) Where possible, a constable in plain cloths shall be deputed from the police station to each railway station within its jurisdiction to meet all trains which halt there and to keep a look-out for bad characters and suspicious persons.

Constables who have special knowledge of local bad characters shall be selected for this duty.

(2) Particulars regarding the mode of livelihood of bad character observed taking a ticket or travelling in a train shall be reported to the railway police, if any are on the platform and also to the travelling constables.

(3) Any information received from the railway police regarding bad characters or suspicious persons alighting from a train shall be communicated to the officer in charge of the police station.

23.3. Patrolling by villagers.—The organization of *thikri pahra* and *naka-bandi*, whether under the provisions of the Village Patrol Act (VIII of 1918) or on a voluntary basis, is one of the most important duties of the officer in charge of a police station. Such an organization should be carefully planned, with the object of providing the best protection against criminals and securing that duties are allotted fairly and with as little inconvenience to the individual as possible. Areas or locations of patrols and picquets should be carefully selected and the available strength of police should be disposed to the best advantage for assisting and supervising parties of villagers. Zaildars and other village official should be encouraged to participate actively in this duty: their responsibilities should be insisted upon, and energy and co-operation should be promptly rewarded. Gazetted officers and Inspectors are required to take a close personal interest in this branch of preventive action.

Thikri pahra and naka-bandi shall on no account be regarded as a matter of routine. The former can be enforced under the Act if necessary, but both systems are better worked on a voluntary basis, through the goodwill of the communities concerned. These services should be demanded temporarily and for special purposes only during epidemics of crime.

23.4. Surveillance Register No. X.—(1) In every police station, other than those of the railway police, a Surveillance Register shall be maintained in Form 23.4 (1).

(2) In Part I of such register shall be entered the names of persons commonly resident within or commonly frequenting the local jurisdiction of the police station concerned, who belong to one or more of the following classes—

(a) All persons who have been proclaimed under section 87, Code of Criminal Procedure.

(b) All released convicts in regard to whom an order under section 565, Criminal Procedure Code, has been made.

(c) All convicts the execution of whose sentence is suspended in the whole, or any part of whose punishment has been remitted conditionally under section 401, Criminal Procedure Code.

(d) All persons restricted under Rules of Government made under section 16 of the Restriction of Habitual Offenders (Punjab) Act, 1918.

(3) In Part II of such register may be entered at the discretion of the Superintendent—

(a) persons who have been convicted twice, or more than twice, of offences mentioned in rule 27.29;

(b) persons who are reasonably believed to be habitual offenders or receivers of stolen property whether they have been convicted or not;

(c) persons under security under section 109 or 110, Code of Criminal Procedure;

(d) convicts released before the expiration of their sentences under the Prisons Act and Remission Rules without the imposition of any conditions.

Note.—This rule must be strictly construed, and entries must be confined to the names of persons falling in the four classes named therein.

SYNOPSIS

1. *Opening of History Sheet*
2. *Surveillance Register No. 10*

1. Opening of History Sheet.—A history sheet may be opened by or under the written orders of a police officer not below the rank of Inspector for any person not entered in police register No. 10 'who is reasonably believed to be habitually addicted to crime or to be an aider or abettor of such persons'. We are of the view that condition precedent for an order under police rule 23.9(2) is not satisfied. We are of the view that the cases mentioned in Annexure R-1 are not such on the basis of which an opinion could be formed that the petitioner is habitually addicted to crime. The cases mentioned are also not of the category which may endanger public peace or security. *Ved Prakash Gulati v. Commissioner of Police, 1984(1) S.L.R. 298.*

It is a very serious matter having impact of the personal liberty of that person whose name is entered in Surveillance Register. Before entering the name of the person in the Surveillance Register, police has to act within the four corners of the rules. *Lakha Singh v. State of Punjab, 2004(2) RCR (Criminal) 78: 2004 Cr.LJ 2156 (P&H).*

Entry in History sheet of in Surviellance Register can be challanged on the ground that entry is not based on any reasonable belief. *Narain Singh v. State of Punjab, 2002(2) Criminal Court Cases 327 (P&H).*

Entry is Surveillance register and in History Sheet. Authority can review the entry either *suo moto* or on representation. *Narain Singh v. State of Punjab, 2002(2) Criminal Court Cases 327 (P&H); 2002(2) RCR (Criminal) 502 (P&H).*

Opening of History Sheet–Four types of person can be entered in Part II of surveillance register namely:

(a) persons, who have been convicted twice, or more than twice of offences mentioned in rule 27.29.

(b) persons, who are reasonable believed to be habitual offenders or receivers of stolen property whether they have been convicted or not;

(c) person under security under section 109 or 110 CrPC; and

(d) Convicts released before the expiration of their sentences under the Prison Act and Remission Rules without the imposition of any conditions. *Narain Singh v. State of Punjab, 2002(2) Criminal Court Cases 327 (P&H): 2002(2) RCR (Criminal) 502 (P&H).*

History sheet of a person can be opened by authority even if he has not convicted in any offence, and if he is reasonable to be habitual offender or receiver of stolen property. In that case Authority has to set an opinion is their mind that the concerned person is either habitual offender or receiver of stolen property, a person addicted to crime or aider or abeltor of such person. *Narain Singh v. State of Punjab, 2002 (2) RCR (Criminal) 502 (P&H): 2002 (2) Criminal Court Cases 327 (P&H).*

2. Surveillance Register No. 10.—The maintaining of Surveillance Register No. 10 under Police Rule 23.4 is, in no way, unconstitutional or illegal provided the police officer does not interfere with the personal liberty or movements of the individuals whose names are entered in the register. *Naurata Ram v. The State, AIR 1966 Punjab 268: 1967 P.L.R. 528.*

The Surveillance Register is a confidential document and an entry made in it does not affect the personal liberty of the individual in any way. Therefore, it is not necessary that any notice should be given to the person concerned before his name is entered in this register. *AIR 1959 Punjab 323: ILR (1959) Punjab 1369.*

Petitioner's name was entered in the Surveillance Register on the basis of resolution of the village Panchayat and the belief of Inspector of Police that the Petitioner had links with bad elements, habitually addicted to crime and disturbing peace of village. No material to justify the action. Mere belief of an officer is not sufficient. Belief must be supported by material and reasons. Authority directed to remove the name of petitioner from Basta A of Bad Character Register No 10, Part II and history sheet. *Lakha Singh v. State of Punjab, 2004(3) Criminal Court Cases 172 (P&H): 2004(2) RCR (Criminal) 77: 2004 Cr. LJ 2156 (P&H).*

It is a very serious matter having impact of the personal liberty of that person whose name is entered in Surveillance Register. Before entering the name of the person in the Surveillance Register, police has to act within the four cørners of the rules. *Lakha Singh v. State of Punjab, 2004(2) RCR (Criminal) 78: 2004 Cr.LJ 2156 (P&H).*

Taking of finger prints and foot print of thieves and burgars and their names mentioned in the dossier. Held not unconstitutional in the impugned circular. *Jamil Ahmad@ Jamaluddin v. State, 2006 (134) DLT 297: 2007(1) RCR (Criminal) 449 (Delhi): 2006(3) JCC (Delhi) 1810.*

23.5. Entries in and cancellations from surveillance register.—(1) The surveillance register shall be written up by the officer in charge of the police station personally or by an assistant sub-inspector in a clear and neat script. No entry shall be made in Part II except by the orders of the Superintendent, who is

strictly prohibited from delegating this authority. No entry shall be made in Part I except by the order of a gazetted officer. Entries shall be made either under the personal direction of, or on receipt of a written order from, an officer authorized by this rule to make them. In the latter case, original orders shall be attached to the register until the entry has been attested and dated by a gazetted officer.

(2) Ordinarily, before the name of any person is entered in Part II of the surveillance register, a history sheet shall be opened for such person.

If, from the entries in the history sheet, the Superintendent of opinion that such person should be subjected to surveillance he shall enter his name in Part II of the surveillance register; provided that the names of persons who have never been convicted or placed on security for good behavior shall not be entered until the Superintendent has recorded definite reasons for doing so. The record of such reasons shall be treated as confidential and the person concerned shall not be entitled to a copy thereof.

SYNOPSIS

1. *Surveillance Register-Entry thereof.*
2. *Reason for recording name in Surveillance Register-Held mandatory.*
3. *Entering the name of any person in surveillance register-Condition for.*
4. *Surveillance of the petitioner-Continuity of.*

1. Surveillance Register-Entry thereof—The law regarding the order passed by the competent authority to enter the name of any person in the Surveillance Register is very clear according to which, for prevention of crime and to maintain peace and tranquility in the area, entering the name of any person in Surveillance Register is an administrative and non-judicial act and the enquiry in that regard is always confidential. *Jai Karan v. State, (2016) 10 AD (Delhi) 309: (2017) 1 JCC 163 (Del.).*

2. Reason for recording name in Surveillance Register-Held mandatory— There must be authentic record of the person to establish that he is habitually indulging in the criminal activities which demand supervision over his activities with a view to have a check on the crime. The competent authority must record reasons to keep a person's name in the surveillance register. *Jai Karan v. State, (2016) 10 AD(Delhi) 309: (2017) 1 JCC 163 (Del.).*

3. Entering the name of any person in surveillance register-Condition for—So far as the contention of the petitioner that he has not been convicted in any of the cases registered against him and therefore his name should not remain in the Surveillance register is concerned, this Court is of the opinion that for entering the name of any person in surveillance register, only a reasonable belief about a person being habitual addicted to crime is sufficient for a competent authority, irrespective of the fact whether or not such person is convicted in any case. *Jai Karan v. State, (2016) 10 AD(Delhi) 309: (2017) 1 JCC 163 (Del.).*

4. Surveillance of the petitioner-Continuity of—The history sheet in respect of the petitioner is also reported to have been reviewed vide directions given by this court on 03.12.2015 and considering the gravity of offences committed by the petitioner and his addiction to crime, the surveillance of the petitioner was ordered to be continued for prevention of crime and to maintain peace and tranquility in the area. *Jai Karan v. State, (2016) 10 AD (Delhi) 309: (2017) 1 JCC 163 (Del.).*

23.6. Notice to headmen.—(1) When the name of any person has been entered in the surveillance register a confidential notice in Form 23.6 (1) shall be issued to the headman of the village in which the surveille resides and the headman's receipt shall be taken on the foil.

When a name is removed from the register intimation shall be sent to the headman concerned and a similar receipt obtained.

(2) It is most important that the notices referred to in this rule would be issued promptly in respect of every person whose name is entered in the surveillance register in either Part I or II, and that intimation of cancellation should similarly be sent. On the proof of issue of such notices the enforcement of the responsiblity of headman, both for ascertaining the whereabouts and assisting in the capture of proclaimed offenders and for reporting the movements of persons restricted or under surveillance, mainly depends.

23.7. Mode of surveillance.—(1) Police surveillance shall comprise such close watch over the movements of the person under surveillance, by police officers, village headmen and village watchmen, as may be practicable without any illegal interference.

(2) Care shall be taken not to have under surveillance in any police station more person than the police station staff can reasonably be expected to watch efficiently.

SYNOPSIS

1. *Periodical review of the Surveillance Register by the concerned authority-Requirement of.*
2. *Principles of judicial review-Limitation for.*

1. Periodical review of the Surveillance Register by the concerned authority-Requirement of—When the name of any person is entered in the Surveillance register or is described as a history sheeter, as the case may be, the person concerned is required to be informed of the fact. Simultaneously, the same is required to be periodically reviewed by the concerned authority and if it is found that the person is no more active criminal, his name be kept in Bundle B or only his personal file is to be maintained. *Jai Karan v. State, (2016) 10 AD (Delhi) 309: (2017) 1 JCC 163 (Del.).*

2. Principles of judicial review-Limitation for—The court cannot invoke its power under section 482 or Cr.P.C. to quash the administrative order, especially when it is made for prevention of crime and to maintain peace and tranquility in the area. No doubt, one of the principles of judicial review is one of the basic structures of our Constitution and only if the order is violative of the Rules and the Act, or is without application of mind or is mala fide, the court would certainly not hesitate to set aside such an order. *Jai Karan v. State, (2016) 10 AD (Delhi) 309: (2017) 1 JCC 163 (Del.).*

23.8. Preparation of history sheets.—The initial preparation of a history sheet requires great care, and should invariably be done by the officer in charge of the police station himself or by a thoroughly experienced assistant sub-inspector under specific orders.

(1) The description of the criminal should be such as will enable the person reading it to form for himself a picture of the individual described, special attention being given to peculiarities of appearance, gait, speech, etc., by means of which the man may be distinguished.

(2) The space for "relations and connections" should be filled in with a view to affording clues to those persons with whom the criminal is likely to harbour when wanted by the police, including relations or friends living at a distances from his home, and his associates in crime, abettors and receivers. The particular nature of each person's connection should be noted against each, and, when persons shown as connections themselves have history sheets, a cross reference with those sheets should be given.

(3) Under property, and mode of earning livelihood, such particulars should be entered as will facilitate a judgment as to whether the criminal is at any time living beyond his means; whether he is capable of furnishing a personal recognizance of any value; whether he is an owner of property, a tenant or a wage-earner, and so on.

(4) The "description of crime to which addicted" should be in some detail, showing not merely the class of crime, but the particular type of that crime, methods followed localities chiefly frequented, weapons or instruments used, etc.

When these particulars have been carefully and concisely entered, the initial entry on the reverse side of the form should be made in the form of a summary of the individual's criminal career up to the date of his history sheet being prepared, and should include the particular reasons and authority for its being prepared. Copies of history sheets prepared and published by the Criminal Investigation Department and published in the Criminal Intelligence Gazette shall be filed with the history sheets of the persons concerned in their home police stations. The police station history sheets in all such cases will be endorsed with the letters C.I.D. and the criminal's provincial numbers in red ink. The activities of all such criminals subsequent to the publication of their provincial history sheets must be communicated promptly to the Criminal Investigation Department through the District Central Investigation Agency. Duplicate of the sheets of criminal known or suspected to operate on the railway shall be supplied to the nearest railway police station and the originals of such sheets shall be endorsed with the letter 'R' in red ink. The District Police shall also supply the Railway Police Station with copies of all subsequent entries made in such History Sheets, so that the Railway Police copies may be kept strictly up to date.

23.9. History sheets when opened.—(1) A history sheets, if one does not already exist, shall be opened in Form 23.9 for every person whose name is entered in the surveillance register, except conditionally released convicts.

(2) A history sheet may be opened by, or under the written orders, of, a police officer not below the rank of inspector for any person not entered in the surveillance register who is reasonably believed to be habitually addicted to crime or to be an aider or abettor of such persons.

(3) The Government Railway Police will maintain the history sheets of criminals known or suspected to operate on the railway in accordance with Police Rule 23.8. They will open history sheets themselves for criminals living in railway premises, who have been absent from their original homes so long that the railway premises may be regarded as their permanent residence. They may also open history sheets for wandering strangers reasonably believed to be habitually addicted to crime on the railway, whose original homes cannot be traced.

23.10. Custody of history sheets.—(1) The history sheets at each police station shall be kept in three separate bundles as follows—

(a) Bundle containing the history sheets of persons whose names are entered in the surveillance register.

(b) Bundle containing the history sheets of persons whose names are not entered in the surveillance register and which have not been removed to personal files under rule 23.12. In this bundle should be recorded the history sheets of persons who (1) have been removed from surveillance on probation owing to there being no recent complaints against them, but who cannot be said definitely to be no longer addicted to crime, (2) have been the subject of action under rule 23.30, but have not yet been placed on security for good behaviour or under surveillance.

(c) Bundle containing the history sheets of bad characters undergoing sentences of imprisonment sufficient long to justify the removal of their names from the surveillance register until their release. These history sheets shall be put up by the officer in charge of the police station before a gazetted officer for orders six months before the nominal date of the release of the bad character concerned.

(2) In each bundle, the history sheets of each village shall be kept in a separate cover on the inside of which a list of the history sheets pertaining to the village with their index serial numbers shall be maintained. The prescribed covers for history sheets are obtainable from the Superintendent, Government Printing, Punjab.

SYNOPSIS

1. *Inclusion of names in list 'E'.*

1. Inclusion of names in list 'E'.—The representations were submitted in December, 1989 or soon thereafter, no notice whatsoever has been issued to Sh. Prem Chand for the withdrawal of benefit already conferred on him. It is not understood as to on what basis the learned counsel states that the benefit given to Sh. Prem Chand is likely to be withdrawn. In fact, not even a prima facie case for the withdrawal of benefit from Sh. Prem Chand has been made out. Sh. Jagdish Rai, who was admittedly junior to Sh. Prem Chand having been given certain benefits, it is not understood as to how the benefit of seniority etc. given to Sh. Prem Chand can be withdrawn by the department. Nothing has been pointed out to Show as to how the Department was justified in sending Shri Jagdish Rai for the Intermediate School Course prior to the petitioners. Mr. Jaswant Singh made a faint attempt to suggest that the action was permissible under Rule 19.22. Under this rule, the principal

of the Police Training College, Madhuban may be competent to depute Drill Instructors etc. for the course. However, such out of turn deputation for the course cannot confer any benefit of inclusion in the promotion list or actual promotion out of turn. Furthermore, it has not even been shows that Sh. Jagdish Rai was posted as a Drill Instructor at the Police Training College, Madhuban at the relevant time. In this situation, the order passed by the D.I.G. granting certain benefits to Sh. Prem Chand seems to be in accordance with the principle of equality of opportunity enshrined in Article 16 of the Constitution. No. infirmity in the order has been brought to my notice at the time of hearing. *Mohd. Yunus, Assistant Sub-Inspector of Police v. State of Haryana and ors., 1992(2) S.L.R. 288.*

23.11. Checking of history sheets.—Gazetted officers on tour and Inspectors shall personally check the entries in history sheets by local enquiry, in the presence of the persons concerned and their Zaildars and lambardars, and so far as possible, at their homes. Such officers shall also carefully scrutinize the conviction register [rule 22.59 (e)], in order to see that history sheets are opened or properly kept up, as the case may be, for all convicts, whose record justified such action.

In checking history sheets of proclaimed offenders they shall make sure that constant and recent enquiries have been made to ascertain the proclaimed offender's whereabouts and to effect his capture, whether he be in the jurisdiction or elsewhere, and that all necessary information about the proclaimed offender and his associates has been obtained from or communicated to other district and police stations.

23.12. Treatment of history sheets and personal files.—(1) The history sheet of a person who is no longer addicted to crime shall be transferred to his personal file. Under no circumstances shall the history sheet of a person who is undergoing sentence be relegated to his personal file.

(2) The history sheet and personal file of a person who takes up his residence permanently in another police station jurisdiction shall be transferred to such police station.

(3) The history sheet and personal file of a person who dies shall be destroyed.

(4) All disposal action referred to in this rule shall be taken in accordance with the orders of a gazetted officer.

23.13. Personal files, Maintenance and disposal of.—(1) The starting of a personal file should always be the first stage in compiling the record of a suspect. As soon as suspicions have come into record regarding an individual to an extent which indicates that he is addicted to crime or is the associated of criminals, such record should be tabulated to from the foundation of a personal life. Subsequently, all information obtained about such persons, whether in his favours or against him, shall be added to his life. The personal file shall form the main material by which superior officers will be guided as to whether to open a history sheet or not. It follows that a personal file must be maintained for every person of whom a history sheet exists. On such file, bad character rolls, papers relating to information sheets, etc., shall be recorded. See rule 23.7 (B) in this connection.

(2) All personal files shall be paged and indexed.

(3) (a) The personal files of persons for whom history sheets have been opened shall be given the same serial number as the history sheet and kept separately in a bundle.

(b) The personal files of persons for whom no history sheet exists shall be kept in a separate bundle. These files shall not be numbered, but a list of them shall be kept in the bundle and they shall be arranged according to villages.

(4) To prevent the undue accumulation of useless personal files, the Superintendent may, at his discretion, order the destruction of the personal file of any person of whom a history sheet does not exist when such person has been of good behavior continuously for seven years and the up-keep of his personal file appears unnecessary.

23.14. Index to history sheets and personal files.—(1) A register containing a general index to history sheets and personal files shall be maintained in two parts.

Part I shall consist of a list in Form 23.14 (1) (A) of the history sheets and personal files in serial order as they are opened.

Part II shall be an alphabetical index in Form 23.14 (1) (B).

(2) When a history sheet is opened it shall be given a permanent serial number and entered in the general index. Such number shall not be altered when the history sheet is transferred from one bundle to another, and shall not be re-allotted until the history sheet is destroyed or transferred to another police station.

23.15. Part IV—Village Crime Register No. IX.—The ensure that the confidential notes on village crime are kept up methodically and that information contained in them can be readily referred to, all entries should be classified under headings as follows—

(i) Notes regarding influential individuals resident in or connected with the village, who habitually abet or share in the proceeds of crime or shelter criminals.

(ii) Special types of lawlessness or crime to which inhabitants of the village are addicted.

(iii) Notes on gangs, with cross references in the books of other villages to which members of the same gangs belong, and particulars of the associates and methods of such gangs.

(iv) Notes on personal, land, communal and other feuds, which are liable to cause breaches of the peace or to affect evidence in investigations.

(v) Notes on fair and similar occasions requiring the special attention of the officer in charge of the police station.

(vi) Notes on individual criminal which supplement and facilitate reference to history sheets – for instance: lists of habitual railway thieves, cattle

thieves, etc., with the localities they chiefly separate in; lists of criminals of other villages or jurisdictions who commit crime in the village.

(vii) A list of convicts released under the Good Conduct Prisoners Probational Release act (Punjab Act X of 1926), — vide rule 23.35.

(viii) A list of respectable inhabitants of the village who have migrated to colony areas and who can provide important information regarding proclaimed offenders and absconders.

(ix) Convictions under sections 124–A and 153–A Indian Penal Code.

23.16. Bad character rolls.—(1) When a person who is under surveillance leaves his home or residence, the village headman is, under sections 18 and 19 of the rules made by Government under section 39A of Act IV of 1872, required to send immediate information to the officer in charge of the police station regarding the departure and alleged destination of such person. Under the same rules village headmen are required to report immediately any information obtained by them regarding the whereabouts of proclaimed offenders, whose names are entered in Part- I (a) of register X, or regarding the absence from the limits to which they are restricted of persons entered in Part I(b), (c) or (d) of the same register, and the surveillance of these persons and the verification of their whereabouts, shall, thereafter, be effected in the manner prescribed in the following sub-rules.

(2) Upon receipt of such information the officer in charge of the police station shall send a bad character roll prepared by the carbon copying process in Form 23.16 (2) (Police station register X-A), to the officer in charge of the police station to whose jurisdiction such person is believed to have gone. A roll shall similarly be sent when credible information is received of the presence of a proclaimed offender in another police station.

(3) The officer receiving the bad character roll shall acknowledge its receipts and shall take steps to ascertain whether the bad character has arrived within his jurisdiction and if so, shall arrange to have his movements watched, or, in the case of a proclaimed offender arrest him and take suitable against his harbourers.

A note of the movements and doings of the bad character shall be made in the roll and, if he moves on to another police station, the roll shall be forwarded to such police station and the same procedure followed. An entry regarding each such roll received shall be made in police station register X- B, Form 23.16 (3).

(4) When the roll is received back in the police station from which it was originally despatched a note of any useful information recorded therein shall be made in the history sheet and the roll filed with the personal file, the acknowledgement referred to above being attached to the foil of the bad character roll. The date and time of the bad character's return to his home shall be verified and noted on the back of the roll before it is finally filed.

(5) If a notorious bad character or a convict, who has been classed P.R.T. under the rules in the Police Finger Print Bureau Manual absents himself and is

likely to visit two or more districts, a copy of his bad character roll shall be sent to the office of the Superintendent and Form 23.16 (5) completed and submitted to the Assistant Inspector-General, Crime and Criminal Tribes, for publication in the *Criminal intelligence Gazette.*

When necessary, information regarding the movements of such persons may be communicated by telegraph.

(6) The district police shall send information by the quickest means to the Railway Police Station concerned about the absence of a bad character for whom the Railway Police maintains a history sheet. Message should be sent by telephone or telegram where possible and bad character rolls should be forwarded without delay. Information should also be given to the Superintendent of Police who will pass it on as quickly as possible to the Assistant Inspector-General, Government Railway Police.

23.17. Information sheets.—(1) Information sheets in Form 23.17 (1) shall be used by an officer for the double purpose of obtaining and communicating information about residents of other police station jurisdictions who are known or believed to have visited his police station jurisdiction with criminal intent.

(2) Information sheets shall be issued by an officer in charge of a police station as a means of ascertaining the antecedents of persons—

(a) who are genuinely believed to have committed an offence whether or not they have been or are to be arrested;

(b) who have been arrested under section 55, Criminal Procedure Code;

(c) who are genuinely believed to be of suspicious character.

The officer in charge of police station shall send an information sheet in Form 23.17 (1) as soon as possible to the officer in charge of the police station of which such person claims to be a resident, giving—

(i) an account of the circumstances in which such person came to notice.

(ii) an account of the offence if any with which such person is believed to be connected.

(iii) the names and a statement of the characters of the persons with whom such person has been associating, and

(iv) any statement made by such person about his own reputation and status and associates in his own jurisdiction,

and enter its despatch in Police Station Register No. XII Form 23.17 (2)

(3) Continuation information sheets shall be issued whenever necessary as a means of communicating information obtained or genuine suspicious formed after the issue of the original information sheet.

(4) Final information sheets shall be issued as soon as possible after the conclusion of the police investigation, or of the judicial trial, or of magisterial proceedings. Such final reports shall as far as possible be drafted by the officer in

charge of the police station himself and shall be summary of the whole matter, giving in detail the result of the investigation or trail or proceedings, the names of c-accused or associates, if any, the names of sureties and of discredited defence witnesses, if any, the places if any where property was recovered or absconders found, and any other facts that may be of value for criminal intelligence records.

(5) Information sheets, original, continuation and final, shall be issued in triplicate. The officer in charge of the police station shall send one copy to the Superintendent of Police of his own district to enable the Criminal Investigation Agency to extract any information of value, and shall send the other two copies to the officer in charge of the police station addressed.

(6) The officer in charge of a police station receiving an information sheet in duplicate shall cause an entry to be made to register XII-A [Form No. 23.17 (6)], the index of information sheets received. He shall then record on the back of the copies all the information about the person, such as his antecedents, relations and associates as may help the enquiring officer in his investigation or in his search for absconders or for co-accused or for stolen property. One copy shall then be returned to the enquiring officer and the other copy shall be filed in the police station receiving the information sheet.

(7) (a) In the police station issuing the sheet, information sheets of persons finally considered to be of criminal suspect character shall be filed in bundles according to the village visited by such persons and within such village bundle according to the type of crime to which they are suspected of addiction.

(b) In the police station receiving the sheet, information sheets of persons finally considered to be of criminal or suspect character shall be filed with their personal files, if any, if there is no personal file, and if none is started on receipt of the information sheet, it shall be filed according to the village of residence and within the bundle relating to such village according to the type of crime of which the person is suspected.

(c) In both issuing and receiving police stations information sheets of persons finally considered to be of good character shall be destroyed.

23.18. Hue and cry notices.—(1) Whenever it is required to have a search made for an absconding suspect, or to issue warnings for precautions to be taken against a particular type of offence or particular individuals, the officer in charge of the police station or the investigating officer shall, in addition to such action as may be taken in accordance with rule 26.5, issue a hue and cry notice in Form 23.18 (1). The officer who decides to issue such a notice shall personally complete the original form, recording all descriptive and other information, which may assist the recipient of the Form to take effective action, paying particular attention to the specification of the routes and places to be watched. He shall cause the original form to be conveyed as speedily as possible to the police station, with precise instructions as to where copies are to be sent after the necessary entry has been made in Register No. IV. Hue and cry notices shall not be broadcasted

indiscriminately, but shall be sent with the utmost despatch to those places, whether within or outside the jurisdiction of issue, where special action is required. In all cases, when an absconder is likely to travel by railway, copies of hue and cry notices shall be sent to the railway police stations and outposts concerned.

(2) A copy of every hue and cry notice of an absconder shall also be sent to the office of the Superintendent of Police, in order that an entry may be made in the district register of absconders (rule 23.20) and that, if the Superintendent of Police or head of the prosecuting branch thinks it fit, copies may be sent to other districts or to the Criminal Investigation Department.

(3) In cases where the absconder is known to have associates, relatives, or resorts in two or more districts and when the offenders is not immediately arrested, a notice in Form 23.18 (1) in English shall be sent to the Assistant Inspector-General, Crime and Criminal Tribes, for publication in the Criminal Intelligence Gazette, In cases where a reward is offered the amount should be stated on the form.

(4) Officers in charge of police stations receiving hue and cry notices shall take immediate action, as the circumstances of each case may indicate to be necessary.

(5) Care shall be taken that, whenever the necessity for action asked for in a hue and cry notice ceases to operate, a notice of cancellation shall be issued to all to whom the original notice was sent.

23.19. Dissemination of intelligence of serious offences.—(1) In cases of murder by decoits or robbers, drugging with intent to rob, dacoity, serious robbery and serious offences involving interference with the working of the railway, when the culprits are not immediately apprehended, the officer in charge of the police station shall send written notices, or telephone or telegraph messages, to neighbouring police stations and to such other police stations as are concerned, whether in the same district or not, giving all particulars likely to afford a clue to the oftender. He shall also arrange for the dissemination of such intelligence throughout his jurisdiction.

(2) In order that this rule, and rule 23.18 above, shall be promptly complied with, officers in charge of police stations shall have ready a system by which intelligence can be quickly disseminated. They shall use for this purpose any telephone and telegraph system existing, the visits of chaukidars and other persons to police stations, the post office and any other existing local means.

23.20. District register of absconders.—(1) In each district a register of absconders in Form 23.20 (1) shall be maintained by the head of the prosecuting agency. The register shall be divided into two parts—

Part I will contain the names of all absconders in cases of the home district, irrespective of their residence, about whom information in their residence, about whom information in Form 22.54 (a), or otherwise, has been received.

Part II will contain the names of absconders in cases of other districts who are resident of the home district or likely to visit it. All entries regarding residents of the home districts shall be made in red ink.

The names in both parts shall be entered, as far as possible, according to the police stations of which the absconder is resident or from which he is absconding.

(2) As soon as an absconder has been proclaimed under section 87, Code of Criminal Procedure, his name shall be entered in the Proclaimed Offenders register prescribed in rule 23.22 (1), a note being made in the column for remarks to this effect.

(3) Should action under section 87, Code of criminal Procedure not be taken against an absconder for any reason, such as lack of evidence, etc., his name shall be struck out and a remark added giving reasons in the column for remarks.

(4) When a person whose finger impression slip is on record absconders, information of the fact shall be sent of the Finger Print Bureau. All re-arrests of such absconders shall be communicated to the Finger Print Bureau.

(5) When a criminal tribesmen restricted under section 11 of the Criminal Tribes Act absconds, information of the fact together with as many particulars of the individual as possible, shall be communicated promptly to the Assistant to the Inspector-General, Criminal Tribes. All re-arrests of such absconders shall be communicated to that officer in a monthly return to be submitted in the first week of each month.

Note 1.—The term absconder shall be held to mean a person of a cognizable offence against the officer incharge of the police station concerned considers that there is sufficient evidence to justify his arrest, but whose whereabouts are unknown.

Note 2.—A separate register shall be maintained for absconding member of criminal tribes wanted in connection with offences under the Criminal Tribes Act.

23.21. Register showing progress of action against absconders and proclaimed offenders.—In order that a proper check may be kept on the progress of action prescribed in rule 21.5 and 26.5, the head of the prosecuting agency, shall maintain a register in Form 23.21. The register shall be examined at frequent intervals by the Superintendent of Police, gazetted officers and inspectors in supervisory charge of police stations and by prosecuting officers, and the latter shall be held responsible that no delay in proclamation and attachment of property or perfunctory action in regard thereto, whether on the part of police officer or the court, is allowed to occur.

23.22. Register of proclaimed offenders.—(1) A register of proclaimed offenders in Form 23.22 (1) shall be maintained in each district by the head of the prosecuting agency. The register shall be in two parts—

Part I.—shall contain the names of all residents of the home district irrespective of the district in which proclaimed. The names shall be entered according to the police station of which the proclaimed offenders are resident.

Part II.—shall contain the names of all offenders proclaimed in but not resident of the district. These will be entered as far as possible, according to the district of which they are said to be resident, residents of independent territory being shown separately.

(2) In January of each year a statement in English in Form 23.22 (2) shall be submitted to the Deputy Inspector-General, Criminal Investigation Department, showing the result of action taken against proclaimed offenders during the past year. An abstract of such a statement shall be prepared in the office of the Deputy Inspector-General, Criminal Investigation Department, and published in the Police Gazette. The figures relating to proclaimed offenders, who are registered members of the criminal tribes, shall be given separately.

23.23. Revision of lists of proclaimed offenders.—(1) Every Superintendent shall carefully revise his list of proclaimed offenders periodically and omit thereform, after consultation with the District Magistrate and the Superintendent of the district in which such person was proclaimed, the names of person accused of trivial offences or concerned in cases where from lapse of time, no sufficient evidence is on record or is procurable.

(2) Due intimation of such omission shall be sent to the officer-in-charge of the police station concerned; intimation shall also be sent to the Deputy Inspector-General, Criminal Investigation Department, in those cases in which intimation of proclamation was given, or in which a notice issued in the Criminal Intelligence Gazette.

(3) A separate revised list shall be submitted for proclaimed offenders who are register members of criminal tribes.

23.24. Procedure when person is proclaimed an offender.—(1) Immediately proceedings under section 87, Criminal Procedure Code have been taken, intimation shall be sent by the prosecuting agency to the police station initiating such proceedings and to the police station of which the proclaimed offenders is believed to be a resident Such intimation shall be sent through the Superintendent of Police concerned, if the person proclaimed is a resident of another district. The primary responsibility for securing the arrest of such offender rests with the police of the station in which he is a resident. Immediately on receipt of intimation of proclaimation of a resident of the police station jurisdiction a history sheet shall be opened, particulars being ascertained from the police station, which has instituted proclamation proceedings, if necessary, and the offender's name shall be entered in Part I of the surveillance register.

(2) Thereupon intimation in Form 23.24 (2) shall be sent to the headmen and watchmen of the village of which the proclaimed offender is a resident, and intimation in the same form shall be sent separately, and through the police stations concerned, to the headmen and watchmen of all village where the proclaimed offender is known to have relatives or friends whom he is likely to visit. When the offender is a resident of a police station other than that in which he is proclaimed,

the officer-in-charge of the latter police station shall immediately furnish the police station of the offender's residence with all available information for the completion of his history sheet and issue of notices.

(3) In the case of members of registered criminal tribes proclaimed solely for absconding from their area of restriction, intimation in Form 23.24 (2) shall be issued to places where there is a likelihood of the offender being found, but names shall not be entered in the surveillance register or shall history sheets be prepared unless specially ordered by the Superintendent of Police.

(4) Whenever a proclaimed offender is arrested, intimation shall be sent direct to the district and police station of which he was a resident. On receipt of such intimation a note shall be made in the surveillance register of the date and place of arrest, and his name shall be struck off the register, and intimation issued respecting him shall be withdrawn and his history sheet submitted for orders of disposal.

23.25. List of proclaimed offenders at police station.—(1) A list shall be hung up in the office of each police station, and a duplicate thereof in a conspicuous place on the police station notice board, of all proclaimed offenders whose names have been entered under rule 23.5 above in the surveillance register. Lists shall be similarly posted of all proclaimed members of criminal tribes whose names have not been entered in the surveillance register.

(2) Every police officer shall be instructed, as soon as possible after joining a police station, in the names, descriptions and likely resorts of all proclaimed offenders included in the lists prescribed above. Police officers shall be frequently tested by officers in charge of police stations and inspecting officers in their knowledge of proclaimed offenders and shall be required at all times, when moving about the jurisdiction, themselves to obtain all possible information which may facilitate the arrest of such offenders and to inform the public of the proclamation of arrest, and of any reward offered, and warn them of the penalties of harbouring.

23.26. Proposals regarding criminal tribes or classes.—(1) When there are indications that two or more persons are associated in the systematic commission of non-bailable offences a proposal shall be submitted for their notification as a criminal tribe under section 3 of the Criminal Tribes Act (VI of 1924) and for such further action as may be considered desirable under sections 10,11 and 12 of the Act. Such proposal shall not be made until preventive action under section 110, Criminal Procedure Code, and the Habitual Offenders Act has failed, and shall in the first instance, be prepared by the Superintendent of Police and the Deputy Commissioner in consultation with the Assistant Inspector-General of Police, Crime and Criminal Tribes. The proposals shall be framed on the lines prescribed in Chapter IX, section 4 of the Punjab Reclamation Manual, 1932 and shall be forwarded, through the Deputy Inspector-General of the Range, to the Commissioner for scrutiny and submission to Government through the Inspector-General of Police.

(2) Before the submission of the case by the Superintendent of Police, a gazetted police officer shall personally see every individual whom it is proposed to notify under section 3 and shall enquire into his or her means of subsistence and mode of livelihood.

23.27. Criminal Tribes Act, VI of 1924.—The rules made by the local Government under the Act and the more important circulars dealing generally with the administration of criminal tribes are contained in the Punjab Reclamation Manual, 1932, a copy of which has been supplied to all district police officers. Gazetted officers and all upper subordinates are required to make themselves thoroughly acquainted with the provisions of the Act and the rules made thereunder.

23.28. District criminal tribes register.—The form of the English register to be maintained by Superintendents of Police is given as Form A in the Rules made under the Criminal Tribes Act and corresponds with Police Rule Form 22.58-A. As many registers shall be maintained as there are police stations in which criminal tribesmen reside or are restricted. Each register shall be further sub-divided into parts according to tribes. Entries in column 7 when made shall be in red ink. A vernacular copy of each register shall supplied to the police station concerned which copies shall constitute police station register No. VIII.

The Criminal Tribes register shall contain the names of all male children of members of registered criminal tribes over the age of 12 years in the case of wandering criminal tribes, and over the age of 18 years in the case of settled criminal tribes, unless exempted by the District Magistrate under rule 4 of the rules made under the Act.

23.29. Criminal tribes—Supervision by gazetted officers.—Gazetted officers on tour shall take with them those parts of the register which concern the police stations they intend visiting, shall interview individual members of criminal tribes as frequently as possible and shall satisfy themselves that the subordinate police are not abusing their powers of granting leave to members of criminal tribes, and that the conditions of passes are being strictly complied with. They shall enquire into the means of livelihood of the criminal tribes and satisfy themselves that rule 42 of the rules made under the Act is being enforced. They shall also enquire into the past conduct of members of criminal tribes and make recommendations under rule 24 to the District Magistrate for the cancellation of the registration of men who have reformed and for the registration of other who may have reverted to crime.

23.30. Proceedings under section 110,Criminal Procedure Code or Act V of 1918.—(1) When the history sheet of a bad character furnishes sufficient material, a report shall be prepared in Form 23.30 (1) with a view to his being called upon to furnish security under section 110, Code of Criminal Procedure or restricted under the provisions of the Habitual offenders Act (V of 1918). The preparation of such reports shall not be undertaken without the orders of a gazetted officer or inspector. When possible a number of such cases shall be prepared and collected for presentation to the magistrate of the ilaqa on tour at some place near the home of the accused persons and witnesses.

(2) Proceedings under sections 110, Criminal Procedure Code, against Zaildars, Lambardars and Inamdars require the special order of the District Magistrate (Chapter 3, paragraph 19 of High Court Rules and Orders, Volume III).

23.31. Surveillance records confidential.—All records connected with police surveillance are confidential; nothing contained in them may be communicated to any person nor may inspection be allowed or copies given, save as provided in Police Rules. The rights of district and ilaqa magistrates to examine such records are governed by rules 1.15 and 1.21, and the rules regarding their production in court are contained in Chapter XXVII.

23.32. Preventive action under sections 151 and 107, Code of Criminal Procedure.—Section 151, code of Criminal Procedure, empowers a police officer knowing of a design to commit any cognizable offence to arrest the person so designing, if it appears to such officer that the commission of the offence cannot otherwise be prevented.

These are the only circumstances under which the law empowers police officers to interfere in disputes between individuals have interested parties, or the zail of village officials, complain of apprehension of a breach of the peace.

Police officers have no power to investigate formal/complaints under section 107, Code of Criminal Procedure, except as provided in section 23, Act V of 1861. They shall, however, be on the constant look out for genuine information of disputes likely to lead to a breach of the peace. Such information, whether collected direct or received by complaint at the police station, shall be recorded in the daily diary, and a copy of the complaint forwarded without delay to the magistrate of the ilaqa, unless an immediate breach of the peace is anticipated, when the officer in charge of the police station shall act under section 151, Code of Criminal Procedure, on his own responsibility. Government has held that it is important that magistrates receiving such reports from the police should give immediately to them their close and personal attention and take suitable action on the merits of each report.

Complaints of this nature made to superior police officers shall not be endorsed for enquiry by officers in charge of police stations unless it is anticipated that action under section 151, Code of criminal Procedure, will be required and in no case shall endorsed complaints be despatched to officers in charge of police stations by hands of the complaints or informants or otherwise than through a strictly official agency. Complainants in case in which no action under section 151, Code of Criminal Procedure, appears necessary shall be referred to the magistrate of the *ilaqa*.

23.33. Convicts released before expiration of sentences under the Prisons Act remission rules.—The Government of India have decided that all remissions earned under the remission rules by prisoners of any class in jail are to be of considered absolute and not to be made subject to the and imposition of any conditions.

At it is desirable, however for the police to be apprised of the release of such convicts, a descriptive-roll in Form 23.33 of all such convicts will be sent by the Superintendent of Police of the Jail to the Superintendent of the district of which the convict is a resident. The Superintendent of Police shall, in an examination of all the relevant circumstances, exercise his discretion as to whether any such convict shall be subjected to police surveillance or not or whether preventive action is to be taken by the preparation of a history sheet or a personal file.

23.34. Convicts conditionally released under 401, Criminal Procedure Code.— When a convict is to be conditionally released under section 401, Criminal Procedure Code, the Superintendent of Police will be supplied by the local Government through the District Magistrate with—

(a) A certificate copy of the order of conditional release with the date of release endorsed on it, and

(b) A descriptive roll of the convict.

(2) If release is subject to conditions of police surveillance, the rules contained in Appendix 23.39 (1) shall be applied.

(3) If release is subject to other conditions and the police are required to take measures to secure the observance of those conditions, the Superintendent of Police shall issue suitable orders and instructions of subordinate officers concerned.

23.35. Conditional release under the Good Conduct Prisoners Probational Release Act (Punjab Act X of 1926).—(1) Under the terms of the Good Conduct Prisoners Probational Release Act, convicts, other than those specially excepted by rules made under the Act, may be selected to serve the concluding period of their sentences outside jails limits in licensed and paid employment. Such employment may be either under individual employers or in settlements managed by Government.

(2) The licence under which convicts may be so employed is in a form prescribed under the act; it provides for the fixing of the residence of the convict, the reporting of his movements, the restriction of such movements, and for his good behaviours, and may be revoked for breach of these conditions. A convict whose licence is revoked is required to return to jail for the rest of the period of his sentence, and, if he absconds he becomes liable to additional imprisonment up to two years.

(3) The selection of convicts for Probational release and their control in accordance with the terms of the Act and of the licence is vested in a Reclamation Officer and Probation Officers appointed by Government. The police have no powers or duties in this respect. The Reclamation Officer is required prior to the release of a prisoner to inform the Superintendent of Police of the district where he is to be employed. A list of such convicts shall be maintained by the officers in charge of police stations concerned in their confidential note-books (rule 21.28). No surveillance shall be exercised by the police over such persons who should be given every opportunity to take their places as respectable members of society, but officers in charge of police stations shall report, through the Superintendent

of Police, to the nearest Probation Officer, any reliable information received regarding the commission of crime, absence or other breach of the condition of release by them.

(4) The Reclamation Officer or Probation Officers may call upon the Superintendent of Police to enquire into the conduct of convicts released on probation and to render assistance in tracing, arresting and escorting to jail, persons who have contravened the conditions of their licence. Such requests shall be complied with.

(5) The release on probation and probable date of final release of P.R. convicts is required to be intimated by the Superintendent of the Jail to the Superintendent of Police of the district in which such prisoner ordinarily resides.

(6) Offences under section 7 of the Act viz., absconding from supervision or failing to return to jail on the revocation of a licence are cognizable by the police.

23.36. Release notice of prisoners.—The following instruction regarding the disposal of release notice shall be observed—

(1) The release notices of prisoners classed P.R.T. shall be forwarded by the Superintendent of the Jail direct to the Assistant to the Inspector-General of Police, Crime and Criminal Tribes, Punjab, at least two months before the date of release.

(2) The release notices of prisoners classed P.R. shall be made over by the Superintendent of the Jail from which such prisoners are to be released to an officer to be specially deputed for the purpose by the local Superintendent of Police. In the case of persons to be released from the jail of the district in which they were convicted, the release notices shall be made over to the police on the Saturday preceding the dates of release. In the case of persons to be released in a district other than that in which they were convicted, the release notices shall be made over to the police at least one month prior to the dates of release.

23.37. Procedure when release notices are received.—(1) P.R.T. Convicts—

(a) On receipt of the release notices of P.R.T, convicts, the Assistant to the Inspector-General of Police, Crime and Criminal Tribes Punjab, shall take such action as may be necessary in his office and shall then forward the notices in original, by registered post, to the Superintendent of Police of the district of which the criminal is a resident. The latter officer, on its receipt, shall cause it to be entered to once in the district Finger Print Register prescribed in rule 34(1) of the Police Finger Print Bureau Manual and shall cause translations in Form 23.37 (1) to be despatched to the police station of conviction, if the convict was convicted in his district, and to the police station of residence as in accordance with rules all convicts classed R.T. are required to be released from the jails of their home districts.

(b) If the convicts is a resident of another Province or an Indian State, an extract of the release notice shall be forwarded by the Assistant to the Inspector-General of Police, Crime and Criminal Tribes, Punjab, to the Criminal Investigation Department of the Province or Head of the State Police concerned.

(c) If the criminal is a resident of the Punjab, but of a district other than that in which he was convicted, the Assistant to the Inspector-General of Police, Crime and Criminal Tribes, Punjab, shall also forward a copy of the release notice to the district of conviction.

(2) P.R. Convicts.-On receipts under rule 23.36 (2) of release notice of prisoners classed as P.R. the following procedure shall be observed—

(a) In the case of a person to be released in the district, of which he is a resident and in which he was convicted, necessary entries shall be made in the District Finger Print Register, information in Form 23.37 (1) shall be sent to the Police Station of residence without delay, and the release notice shall be filed.

(b) In the case of a person to be released in the district, of which he is a resident on expiry of a sentence inflicted in another district, the police station of residence shall be informed in Form 23.37 (1), a duplicate copy of the release notice shall be prepared and forwarded without delay to the district of conviction for completion of the District Finger Print Register, and the original release notice shall be filed.

(c) In the case of a person to be released in the district in which he was convicted, but who is a resident of another district in the Province, or of Delhi, the North-West Frontier Province or any of the Indian States referred to in Section 1(10), Police Finger Print Bureau Manual, Part I, a duplicate copy of the release notice shall be prepared, necessary entries shall be made in the Finger Print Register and the original release notice sent to the district or State of residence to be filed. If the convict is a resident of a Province other than that of the Punjab, Delhi, or the North-West Frontier Province, or of an Indian State other than those mentioned in Section 1 (10), Police Finger Print Bureau Manual or is of unknown residence, or has no fixed residence the original release notice shall be retained and filed. All such notices shall be kept together in a separate file.

The release notice of a prisoner who has died shall be forwarded by the Superintendent of Police of the district of which the prisoner was a resident to the Finger Print Bureau for disposal and the name of such person shall be erased from the conviction register.

23.38. Surveillance over released prisoners.—(1) Within ten days of a prisoner's release the officer in charge of the police station of residence shall report whether or not he has returned to his home.

(2) If the release notice refers to a convict classed 'P.R.T.' the Superintendent shall take suitable measures to have such convict shadowed and shall note the substance of any orders issued in this connection in Form 23.37 (1) sent to the police station.

(3) Should a release notice refer to a person convicted of an offence on the Railway, an extract shall be sent by the Superintendent of the district of which such criminal is a resident to the Assistant Inspector-General, Government Railway Police.

23.39. Released convicts with regard to whom order under section 565, Code of Criminal Procedure has been made.—(1) The mode of surveillance over released convicts in regard to whom an order under section 565, Code of Criminal Procedure, has been made is described in Appendix 23.39 (1).

(2) Changes of residence of such convicts shall be entered in their history sheets and reports thereof made in Form 23.39 (2).

(3) On the expiration of the period for which the surveillance of a released convict is ordered the Superintendent shall exercise his discretion as to whether such prisoner's name shall be transferred to part II of the Surveillance Register or not.

23.40. Control of professional criminals.—(1) Files of important cases of a special type shall be maintained in the Crime Branch of the Criminal, Investigation Department, together with History Sheets of important provincial criminals, and a brief account of the offences for which convicted. The class of offences in which such records are to be maintained are—

(a) Administering stupefying drugs with intent to rob;

(b) Offences relating to coin, counterfeiting coin and the forgery of Government Currency Notes;

(c) Professional cheating;

(d) Dacoities and offences committed by professionals, such as gang burglaries;

(e) Theft of arms and ammunitions;

(f) Offences committed by criminal tribes;

(g) Offences indicating a special technique.

(2) Reports of such cases, containing all important particulars shall be forwarded by Superintendents of Police to the Assistant Inspector-General, Crime and Criminal Tribes, as they occur.

23.41. Distribution of Professional Criminals.—On the conviction of a gang of professional criminals the Superintendent shall, if he considers such a course advisable, forward to the Superintendent of the Jail or submission to the Inspector-General of Prisons a recommendation giving the names of members of the gang who should be separated and confined in different jails.

A copy of such recommendation shall be forwarded to the Deputy Inspector-General Investigation Department.

23.42. Pathan immigrants.—Certain sections of Pathan immigrants to the Punjab are addicted to crime; all such immigrants, whether nomadic or settled in towns and villages, should therefore, be observed, and either through the agency of their own headmen, or the headmen of villages where they are settled, enquiry should be made with a view to ascertaining their antecedents. Should any such immigrants be suspected of criminal propensities, information should be sent, as early as possible, to the Assistant to the Inspector-General of Police, Crime and Criminal Tribes, who is in a position to supply the district police with the services of an experienced officer.

Extracts from a note on Pathan immigrants, prepared in 1926, are printed as Appendix 23.42 for the guidance of district police officers.

23.43. Controls of traffic in police stations jurisdictions.—Police officers attached to police stations shall pay attention to the control of traffic on the roads of their jurisdiction. It is part of the duty of officers present at police stations to take legal action in respect of traffic offences committed by traffic passing the stations house and similarly themselves to take cognizance of or report all such offences, which may come to their notice while travelling in their jurisdiction.

By constant warnings and prosecutions under the appropriate sections of the Indian Penal Code, or special laws, in flagrant or recalcitrant cases, the amenities of traffic can and shall be ensured. The keeping of slow-moving traffic to the side of the road; the prevention of obstructions of the road by gross overloading of carts; the prevention of cruelty to animals and overloading of tongas; the enforcement of the rules under which public motor vehicles are allowed to ply, especially in respect of authorized loads, display of the required particulars on vehicles, validity of permits and driving licenses, and legibility and correct position of registration plates are all part of the duties of the staffs of police stations. Supervising officers shall insist on the proper performance of those duties.

23.44. Conditions of colony tenancies.—Superintendents and other gazetted officers serving in colony areas should acquaint themselves with the conditions regulating the tenure of land in such areas. Under these conditions Government usually demands active loyalty from all occupiers of land, and reserves powers of forfeiture of tenancies or restriction of rights as a punishment to individuals or communities, which fail to render assistance in the suppression of crime. Details instructions on this subject are contained in notifications published from time to time in the Punjab Government Gazette, or in orders issued by the Financial Commissioners which are available in the offices of Deputy Commissioners.

APPENDIX No. 23.39 (1)

No. 7336 (H-Jails), Dated Lahore, the 6th March, 1931.

From—The Home Secretary to Government, Punjab.

To—All Commissioners of Divisions and Deputy Commissioners in Punjab.

Punjab Surveillance over release convicts in regard to whom an order has been made under section 565 of the Code of Criminal Procedure.

I am directed to forward the accompanying rules framed by the Governor in Council under the provisions of sub-section 3 of section 565 of the Code of Criminal Procedure, 1898.

2. The following instruction are issued with a view to explain the procedure more fully—

(1) In every case in which a criminal court makes an order under section 565 of the Code, directing that the person sentenced to imprisonment shall notify his residence and any change of residence after release, a copy of such order will be transmitted by the court passing the sentence and order, with the warrant of commitment issued under section 384 of the Code, to the officer-in-charge of the jail or other place in which the prisoner is, or to be, confined. The Honorable Judges of the High Court have been asked to issue instruction regarding this.

(2) Not less than fourteen days before any prisoner, in regard to whom an order under section 565 of the Code has been made, is to be released, the officer-in-charge of the jail or other place in which such prisoner is then confined shall explain to the prisoner the nature of the order and the requirements of the rules, and shall call upon him to state the place at which he intends, after his release, to reside. The officer-in-charge of the jail or other place of confinement will thereupon inform the Superintendent of Police of the district in which such jail or other place of confinement is situated of the name and other particulars necessary for the identification of the prisoner and also of the place at which such prisoner intends, after his release to reside.

(3) The District Superintendent of Police will cause intimation to be given—

(a) if the place at which the prisoner intends to reside is situate within his district,— to the officer-in- charge of the police station within the local limits of which such place is situate; and

(b) if such place is situate in any other district, to the Superintendent of Police of that district, who will take action as in clause (a).

(4) The rules provide that every release prisoner to whom they relate shall give not less than one day's notice of any intended change of residence to the officer-in-charge of the police station within the local limits of which the place at which he is then residing is situate. Within twenty-four hours of his arrival at his destination the prisoner is further required to notify the fact of his arrival to the officer-in-charge of the police station within the local limits of which the new place of residence is situate.

(5) The intimations required to be given by rules II, III and IV are ordinarily to be made personally by the released convict, at the proper police station. If any such convict is for any sufficient reason at any time unable to so this, or

if the District Magistrate exempts a prisoner from personal attendance for this purpose, the intimation may be made in writing or in such other manner as the District Magistrate may prescribe in this behalf.

(6) Breaches of the rules are punishable under section 176 of the Indian Penal Code.

(7) The Inspector-General of Police will issue detailed instruction for giving effect to the rules in the Police Department.

3. This cancels Punjab Government circular No. 5—396, dated the 13th March, 1901.

NOTIFICATION

[The 6th March, 1931]

No. 7335.—In exercise of the powers conferred by sub-section (3) of section 565 of the Code of Criminal Procedure, 1898, the Governor in council is pleased to make the following rules regulating the notification of residence or charge of or absence from residence by released convicts in regard to whom an order has been made under sub-section (1) of section 565 of the said Code.

Punjab Government notification No. 395 (H—Judicial), dated the 13th March 1901, is hereby cancelled.

RULES

I. Released convicts to observe rules.—When, at the time of passing sentence of transportation or imprisonment on any person the Court or Magistrate also orders that his residence and any change of residence after release be notified for the term specified in such order, such persons shall comply with and be subject to the rules next following. In these rules a person released subject to an order of the nature hereinbefore described is called a "released convict".

II. Released convict to notify, at the time of release, intended place of residence to releasing officer.—Every convict in regard to whom to whom an order has been made under section 565 of the Code of Criminal Procedure, 1898, shall, not less than fourteen days before the date on which he is entitled to be released, notify the officer-in-charge of the jail, or other place in which he may for the time being be confined, of the place at which he intends to reside after his release.

III. Released convict to notify intention to change first residence at local police station.—Whenever any released convict intends to change his place of residence from the place which he specified at the time of his release as the place at which he intended to reside to any other place, he shall notify the fact of such intention and the place at which he hereafter intends to reside, not less than twenty-four before he so changes his residence, to the officer-in-charge of the police station within the jurisdiction of which he resides at the time when he notifies his intention to change his residence.

IV. Released convict to similarly notify all subsequent intentions to change residence.—Whenever any released convict intends to change his place of residence from any place at which he may, at any time, be residing, under the provisions of rule III, he shall notify any intended change of residence in the manner in that rule provided.

V. Period to be appointed for taking up residence. In default the convict to notify his actual residence.—The officer recording a notification under rule II, rule III or rule IV, shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such

place within the period so appointed he shall, not later than the day following the expiry of such period, notify in person his actual place of residence to the officer-in-charge of the police station within the limits of which he is residing.

VI. Released convict to notify the fact of his having actually taken up his residence at the place specified under preceding rules.—Every released convict shall, within twenty-four hours of his arrival at the place of residence notified under rule II or rule III or rule IV, notify the fact of such arrival to the officer-in-charge of the station within the jurisdiction of which such place of residence is situate.

VII. Particulars of place of residence to be supplied.—In notifying places of residence under these rules released convict shall—

(a) if the place of residence is in a rural tract – specify the name of the village, hamlet, or locality of such places, and the zail, thana, tehsil and district within the limits of which such place is situated;

(b) if the place of residence is in a town or city–specify the names of the town or city and the street, quarter and sub-division of the town or city within the limits of which such place is situated.

VIII. Manner of notifying changes of residence.—Every notification to be made by a released convict under rules III, IV and VI, respectively, shall be made by such convict personally at the proper police station;

Provided that—

(a) the district Magistrate may, by order in writing, exempt any released convict from the operation of this rule and may permit such convict to make such notifications in writing or in such manner as the District Magistrate may, in such order, prescribe in that behalf.

(b) if from illness or other unavoidable cause, any released convict is prevented from making any notification required by these rules personally at the proper police station, he may do so by written communication addressed to the officer-in-charge of the proper Police Station. Such communication shall state the cause of his inability to attend in person at the police station, and shall, before it is transmitted to the proper police officer, be attested by a village headmen or other village officer.

Note.—These rule will also be applicable to special orders of police surveillance issued by the local Government in the cases of prisoners conditionally released before the expiry of the term of their sentence.

Subsidiary Rules issued in the Police Department.

1. In the case of wandering individuals with no fixed "abode", an absence of one night or more will be considered to constitute a change of residence, except when the absence is due to a summons issued by a Civil, Criminal or Revenue Court, or to an order issued by a competent Civil authority. All other cases must be decided on their merits and no hard-and –fast rule can be laid down. It will be necessary to show that the change of residence is of a permanent or *quasi*-permanent nature. Mere absence from home for day or two does not constitute a change of residence.

2. In cases in which at the time of notifying "change of residence," the released convict reports his intention to return to the existing residence already notified

under Rule II, III or IV within a period of one month such change shall be called "temporary change of residence."

3. When the Superintendent of Police receives an intimation from the officer-in-charge of the jail of an intended place of residence notified to the latter under Rule II, he shall at once forward a copy thereof to the officer-in-charge of the police station within the jurisdiction of which such place is situated. This officer will, immediately upon the arrival of the released convict, report the date thereof to the Superintendent of Police.

4. When a released convict notifies a change of resiedence or a temporary change or residence to the officer-in-charge of the police station, the particulars required by Rule VII shall be entered in Form 23.39 (2). The officer-in-charge of the police station will deliver a copy thereof to the released convict and will forward the original to the officer-in-charge of the police station within the jurisdiction of which the released convict has intimated his intention to reside. The latter officer, on arrival of the released convict, will fill up column 6, and, in the case of the residence being of a permanent character, will at once return the form to the police station from which he received it. In case the residence is to be of a temporary character, he will retain the form until the convict reports his departure, when column 7 will be filled up and the form returned to the police station of issue.

5. On arrival at the police station within the jurisdiction of which his new residence is situated, the released convict will produce his copy of the form and get the date of his arrival entered in column 6. In the case of a permanent change of residence his copy will be returned to him at once. In this case of temporary change of residence, it will be kept until the date of departure is verbally reported. Column 7 will then be filled up, and the copy will be returned to the released convict to make over to the officer from whom he originally received it.

6. The names of such released convicts will be entered in the surveillance register (Police Station Register No. X).

APPENDIX No. 23.42.

NOTE ON THE CONTROL OF PATHAN IMMIGRANTS TO THE PUNJAB

I. The temporary sojourn in the Punjab of large numbers of nomad or semi-nomad Pathans results annually in crime, the importance of which is disproportionate to its actual amount. Such crime, if it remains unpunished, is bound to have a demoralising effect on the criminal administration of the districts concerned.

II. The extent of the Pathan immigration.—The first step towards controlling the criminal propensities of pathan immigrants is to appreciate the extent and main components of the Annual influx. Exact figures are not available, but, from what is known of the numbers of Afghan subjects entering British India by various Passes, it is safe to take 1,00,000 as a conservative estimate of the extent of this immigration alone. The whole of this number does not come East of the Indus. The majority of families remain for the winter in the districts of the North-West Frontier Province and a proportion of the able bodied males also find employment in that Province. On the other hand a large number of Pathans, not included in the estimate given, enter or pass through the Punjab every year from the independent tribal territory and the settled districts of the North-West Frontier Province. The number in this latter category probably fully equals that proportion of Afghan nomads which remains West of the Indus; so 1,00,000 is a reasonable figure at which to place the total of those with whom the Punjab is concerned.

It has been suggested, from time to time, that all these immigrants should be registered by some means or another on entering British India. Such a measure could be put into force at the cost of considerable special expenditure and special organisation on the part of Government, and of wholesale interfere with the normal movements of the seasonal migration. A study of the subject shows that registration would not lead to the desired result and is not necessary.

III. The composition of the immigration.—The main division of Pathans who habitually visit India may be briefly described as follows—

A.—Afghan subjects and residents of independent Tribal Territory.

1. Northern Ghilzais, Ningraharis, & c., who enter India, via Khyber Pass and Khurram Valley. These are mainly camel drivers or labourers, and the vast majority of them give no trouble. Occasionally a gang of bad characters from this class is formed, and, the crimes committed by such a gang are often of a particularly violent nature.

2. The Southern Ghizais or "Powindahs," who enter India mainly by the Tochi and Gumal Valleys. These tribes usually leave their families in the Derajat, while the men disperse over the length and breadth of India, trading in cloth or other goods and, with their camels, acting as carriers on a large scale. From the point of view of general public security in the Punjab, this very large class may be classified as non-criminal. They dabble in the arms and forged note traffic and are said occasionally to be addicted to misappropriation of goods entrusted to them as hired carriers. On rare occasions parties which have made their permanent winter encampments in the Mianwali district instead of in the Derajat, may be concerned in a dacoity. The control of such parties, however, is a purely local problem, which the lines stereotyped by long usage in the neighboring trans-indus districts.

3. *Tribal contingents from Khost and other parts of the Afghan Province of "Simat-i-Janubi".*—On the basis of information at present available this division of immigrants appear to be one of the main causes of concern from the point of view of crime. It includes various tribes, but the Jadrans (or Zadrans) come in the greatest numbers to the Punjab. These tribes have in the past given but nebulous allegiance to Kabul and have been a perpetual source of trouble both to their own Government against which they were in open rebellion in 1924-and to the Frontier Province Administration. They are, for the most part exceedingly poor and, compared with most Pathans, degenerate, but hardy. Those who come to the Punjab in the winter scatter all over the Province, but chiefly in the North-Western Districts, in small parties, often with their families, and include a high proportion of criminals. The nature of their activities and proposals for their control will be discussed later.
4. *Immigrants from among the Baluchistan Tribes.*—There is record of occasional crime by this class, and their habits and composition require study.
5. *Immigrants from North-West Frontier Province Tribal Territory.*—This class is distinct from the various categories of Afghan subjects, in that their influx into India is in no sense tribal. Adult males from almost all the trans-border tribes come to or through the Punjab in numbers which vary according to the characteristics of the various tribes and to locally prevailing conditions, but they all come in their individual capacity in search of a temporary livelihood. In the Punjab this class usually finds its way to the scene of work on big contracts. The class includes many habitual criminals, whose control demands special measures.

B. British subjects from the Districts of the North West Frontier Province.—The second main division should, for purposes of applying suitable control be sub-divided into various categories, but it will suffice here to consider it as one, especially as the greater number of immigrants belonging to it come from the Northern districts of Hazara and Peshawar.

The main feature of this class is that it includes a large number or habitual offenders of two kinds; (a) men who desire to escape the attentions of the Police at their homes, (b) men who, to ensure immunity in a deliberately criminal career in the Punjab and other Provinces, are scrupulously careful of their reputation at their homes.

There is one more category of Pathans which must not be overlooked in considering this subject. In many of the large towns of the Punjab there is a considerable number of Pathans permanently settled. Their status varies from that of substantial contractors to tea-shopkeepers or tonga drivers. Their importance lies in their position as "contracts" between wandering Pathans and local people or local knowledge.

IV. The nature of crime attributed to Pathans.—The classes of crime committed by Pathans may be summarized as follows—

(1) Raids by gangs formed in independent territory and descending to commit a specific offence, retiring thereafter back to independent territory. On the grounds of the history of such cases it is an absolutely fair statement to say that, if there are no Punjabi outlaws in tribal territory, there will be no raids of this nature. Between 1915, and 1923, Mahsud gangs harried in the Isa Khel Tehsil, led by Kulu, an Isa Khel Outlaw. The Attock district has suffered when its own outlays have been living with Kohat Pass Afridis and have led

gangs from there. Attock and Rawalpindi suffered in the years before the War, when Sultan, a Rawalpindi outlaw, was in the Black mountain and when Fazlo and his gang were with the Gaduns. The recent Hassanabdal raid is a partial exception, but the local "razdari" without which no raid is ever committed, was provided in that case by the employment of a Pathan (in fact an Afghan Shinwari) as chaukidars – a form of imbecility which might well be prohibited. The prevention of raids in the Frontier Province is mainly a matter of sustained activity against outlaws. In the less complicated conditions in this respect in the Punjab, similar action should provide an absolute preventive.

(2) Dacoities by gangs of Pathans residing temporarily in the Punjab. This is one of the two classes of crime by Pathans, which most requires special measures of prevention. The first stage is evolving such measures is to ascertain the circumstances in which and by whom this class of crime is committed and so to concentrate preventive action where it can be effective.

(3) House breaking, animal theft and cognate offences committed by Pathans. Crime of this type is usually due to large concentration of Pathan labour or to the formation of a particular gang of expert criminals.

(4) Specialised crime carried on by Pathans alone or by Pathans and Punjabis in combination. This now exists to a serious and dangerous extent, especially in respect of the smuggling of excisable commodities and the traffic in arms, and undoubtedly requires special measures of prevention.

V. Organisation.—The foregoing summary shows that the types of crime committed by Pathans and the criminal element among the immigrants are readily defined. Control can be obtained through concentration within these limits rather than by sweeping restrictions.

The primary need is to make generally available to the police in districts as much information as possible in regard to this class of crime and to co-ordinate their methods of dealing with it. The organisation to this end should be suited to the requirements of all India and all that is needed is the development of existing machinery. Bombay and Calcutta already have "Pathan Sections" in the Crime Branch of their Criminal Investigation Departments. The Punjab has the embryo of a similar section. The North-Western Frontier Province have a section which devotes intensive attention to the arms trade.

It has been mentioned that there is a class of criminals, having their homes in the North-West Frontier Province Districts, who have clean records at their homes, but make a profession of crime in other Provinces. The record was published a few years ago of one such individual, against whom nothing was known at his home, though, when finally arrested in the Central Provinces, some thirty serious crimes with violence were traced against him; special attention is needed to ensure that, by the proper use of History Sheets, Bad Character Rolls and Intimation Sheets, such cases are brought under strict surveillance at their homes, and are treated precisely as if they were locally troublesome. The not unnatural tendency, in the absence of special supervision is for the local police to turn the blind eye to such cases.

So far as residents of the administered districts of the Frontier Province are connected effective control of wandering criminals is quite practicable, provided the normal police machinery for the interchange of information is efficiently worked and followed by action in the "home" Police Station under the security sections of the Criminal Procedure Code,

and for restriction of movement under the Habitual Offenders Act (which is in force in the North-West Frontier Province) or under section 36 of the Frontier Crimes Regulation. The control of these British subjects covers quite half the danger field.

Where Afghan subjects and independent tribesmen are concerned direct control is not easy, and wholesale scrutiny is almost impracticable in view of the fact that the migration in the autumn and spring is compressed into a few weeks, during which, literally, a torrent of humanity flows through the passes. Friendly contact can be made with the Maliks and leading men of the vast majority of well behaved immigrants, and, through them, much valuable information and assistance in controlling lawless elements can be obtained. The pathan is peculiarly amenable to friendly cooperation of this nature, and nothing is likely to be so effective is isolating the criminals from the well behaved and bringing them under effective control, as the provision of a sufficiency of officers in the Punjab, who understand enough about Pathans to gain some measure of the confidence of the well conducted, and to inspire some wholesome dread in the ill-disposed.

It appears essential that the Punjab Criminal Investigation Department should have a Pathan section consisting of at least 1 Inspector, 1 Sub-Inspector and 4 or 5 head constables, obtained on deputation from the Frontier Province with perhaps an element from Baluchistan. Although the Pathan immigration is a matter of the winter months only, it will be shown that the staff suggested could be most usefully and fully employed throughout the year. This section of the Punjab Criminal Investigation Department (and similar sections in other Provinces which suffer from Pathan criminality should work in the completest co-operation with the Peshawar Criminal Investigation Department, by exchanging information, by seeing that information is both made available to and used by districts and in devising and operating methods to meet different varieties of crime. It is noticeable at present, both the ridiculously little information is generally available on the subject of Pathan crime, and that what little has been made available is not acted upon. The Criminal Intelligence Gazette should be much more freely used both or the publication of particulars of individual suspects, for general information regarding the habits and *modus operandi* of different gangs or classes of Pathans and for instruction in regard to methods of prevention and detection. The Pathan experts in the Criminal Investigation Department should also be used, especially during the winter, in touring areas where Pathans are settled either in villages or on big contracts, with the object of brining the local police into touch with the settlers, marking down and initiating action in respect of bad characters among them, and assisting in the investigation of cases in which Pathans are suspected to have been concerned.

To supplement this small body of experts it is suggested that selected sub-inspectors of the Punjab Police might be sent in batches of 4 or 5 every year for a period of 3 months attachments to the North-West Frontier province. In this period they should covers as many of the Frontier Province. In this period they should covers as many of the Frontier Districts as possible with the object of acquiring an elementary acquaintance with the many different types of Pathans, and with their country and language. Such selections would naturally be made chiefly from the North-Western Districts of the Province, as these are most closely concerned. It would be advantageous that these Punjab officers should be attached definitely to an experienced inspector in each Frontier District which they visit, so that one individual may be responsible for giving them the most comprehensive instruction and hints. In some instances in the past, districts such as Sargodha have obtained the loan for one or more Pathan Non-commissioned Officers direct from one of the Frontier Province Districts; this is a useful supplement to other measures suggested. The object of

the deputation to Frontier Districts is to meet to some extent the present practical difficulty in Pathan cases. There is often no single police official in a district who knows enough about Pathans to make even the simplest enquiries from them or to distinguish between a Powindah and a Peshawari. With the machinery improved on the lines suggested it would become possible systematically to tackle the various classes of crime and professional criminals which have been described.

VI. Preventive measures.—Dacoities other than raids, are committed by two main classes of Pathans, the poverty-striken laborers from Khost, who have been already described, and bad characters mainly from the Peshawar or Hazara Districts. All such cases should be regarded as requiring Criminal Investigation Department assistance in their investigation, in order that all the resources of "intelligence" on the subject may be brought to bear and that gang ramifications may be thoroughly sifted with a view not only to convictions in isolated cases, but comprehensive preventive action. Investigations now proceedings the Western Range afford instances both of the benefit of Co-ordinated and the defects of isolated action. From the pooling investigations in several districts it is now clear-and there are good ground for hope that the case can be proved-that for years past dacoities of a particular type have been committed, to the number of about a dozen annually, by the "badmash" element of one or two small sections of the Jadran tribe from Khost. The culprits probably amount to not more than 60 or 70 in all, from which total, gangs 5 to 20 in number have been habitually formed for committing specific dacoities at places previously spied out by individual members of the fraternity. More than 40 arrests have been made of persons suspected to belong to this criminal group, but, before co-operation could be fully set going, several of these suspects had been released by individual districts, because in their own particular cases, evidence for prosecution was lacking. The investigation is now being controlled by the Criminal Investigation Department, and special assistance has been obtained from peshawar. It is premature to recommended any particular action, but apart from the possibilities of individual or gang prosecutions, it seems probably that it will be possible to put forward a strong case for excluding the particular. Afghan-tribes concerned from India for a term of years, or for registering it as a "Criminal Tribe" in the Punjab.

This investigation affords a clear indication of the process by which special staff of exports should be able, by investigations into the habits of all classes of Pathans immigrants, to eliminate the well behaved and concentrate on the genuine criminals. The action to be taken where dacoities are being committed by Pathans of British territory is, as has already been indicated, merely the thorough application of normal police procedure.

The use of the provisions of section 109, Criminal Procedure Code and of the Foreigners Act have repeatedly been advocated for controlling suspected Pathans. The former is not a very valuable weapon when almost every Pathan found in the Punjab is able and willing to earn his living by honest labour and can always produce evidence to that effect. The use of the Foreigners Act is confined to Afghan subjects and independent tribesmen and their deportation to the Frontier is of no avail if they return immediately to another part of the Punjab, where the chances of their suffering the penalty of violation of the expulsion order are negligible. Where the Foreigners Act is used seems advisable that photographs, fingerprints and descriptive rolls of the deportee should be widely circulated. There appears to be no legal method of deporting from the Punjab, merely on suspicion, a resident of one of the administered districts of the Frontier Province, but, whenever a conviction, even under section 109, Criminal Procedure Code, or in a trivial offence, has been obtained against such an individual, it is possible to get him back to his home by classifying him for transfer to his home jail for release (i.e., P.R.T.). The Regulations might will be amended,

if necessary, to permit of this being done. Police co-operation would ensure that a habitual criminal so transferred would be restricted on release from Jail.

The next category requiring attention is the gang labour under contractors. This branch of the subject requires detailed study by the expert staff. It appears that these labour gangs are on the whole well behaved-through if memory serves, Pathan labour gave considerable trouble when the Upper Jhelum Canal was being dug. Lately they have come chiefly to notice in connection with fairly petty thefts of cattle, contractor's donkeys and so on. There is no doubt, however, that dangerous criminals are likely to be found among such gatherings-both men who will commit skilled or violence crime and men who desire to disappear from a serious hue and cry elsewhere. Labour contractors-often themselves Pathans-or 'Jemadars' should be made to assist the police in shifting the antecedents of their men, reporting suspicious absences, etc. Police activity of this sort requires to be conducted with considerations for the requirements of the Public Works Department or other authority responsible for the work; it would be as well for general instructions, which would meet police requirements in the matter, to be worked out in consultation with the Public Works Department.

Specialised Crime, in which Pathans are prominently concerned, consists mainly of traffic in arms and in Afghan opium and similar excisable commodities. Each such branch of crime obviously requires special attention, for bestowing which the suggested Pathan section of the Criminal Investigation Department is the most suitable agency. It is impossible to discuss the details of this class of crime within the scope of this note, but two special features of it may be noted. It exists because there is the Frontier a source of supply to meet a Punjab demand, and there is a close association which does not exist in other classes of "Pathan crime" between Panjabis and Pathans to the extent that Punjabi frequently visit the Frontier Province to make their illicit purchases. It is clear, therefore, that while the co-operation of the Frontier Province Administration in controlling such entrepots of illicit raid as the village of Jam in the Khyber Agency is called for, it is equally necessary in the Punjab to attack the local traders in and purchasers of the goods obtainable from these sources. A further point worth recording is that the extension of this class of smuggling is a natural consequence of the permanent location of Punjabi troops in a large number of outposts and Cantonments beyond the Administrative Frontier. Before 1915 all these areas were garrisoned solely by local irregular corps. Troops were all in Cantonments in British territory where any illicit traffic between Punjabi soldiers and local residents was bound to come to the notice of the district police before it developed to any serious extent. Now-a-days there is absolutely no effective check on the doings of the thousands of Punjabis contoned in Waziristan and the Khyber. They are in continuous contact with local residents, who have access to camps and contonments on a hundred legitimate excuses; it is little more difficult for the sepoy to buy a revolver or a seer of opium than it is for him to buy a seer of milk. The police are helpless; they cannot except on the strongest of grounds and with the permission of the military authorities, search sepoys going on leave through Bannu, Dera, Ismail Khan, or Peshawar.

An important aid to the control of Pathan criminals generally is that the police (both the special staff and the district police) should acquire as full a knowledge as possible of Pathans who carry on permanent occupations in the Punjab and should cultivate such relations, as will ensure access to all information of importance, with such local residents as have special contact with Pathans. In many Punjab towns there are a considerable number of Pathans settled both in respectable commercial positions and as tonga drivers, tea-shopkeepers and so on; there are also numerous traders, both Hindu and Muhammadans

who have a regular Pathan clientele. It is to the houses or shops of the more respectable of such persons that Pathans seeking work or passing through a town habitually resort for help, for news of their friends and for lodging. Respectable people of this fort, and keepers of tea-shops or lodging houses are frequently used as accommodation addresses for correspondence between Pathans including those who are criminally associated.

While friendly relations with the better class resident Pathans, and other 'contact' such as those mentioned, would open up many sources of valuable le informations, the less respectable resident Pathan community requires more direct supervision, both regard personal character and associates and visitors. Some of these resident Pathan doubtless commit crime themselves, but it is mainly in connection with the disposal of property stolen by 'immigrants' and harbouring the latter before and after the commission of offences, that they are important.

Through the foregoing review shows that the criminal activities of Pathans in the Punjab are not amenable to control by such a method, it is worthwhile to consider briefly the available experience of wholesale-registration. Afghan Passport Regulations have been in existence for some years, including a special form of passport for nomads and drivers of wheeled or animal transport only. Theoretically, every emigrant from Afghanistan who comes within these categories is bound to provide himself annually with such a passport, which should contain his full description and other particulars and a record of the dependents accompanying him. The fee is Rs. 2 and the passport includes the usual request of the officials of friendly Governments to afford the bearer assistance and protection. A considerable proportion of Afghan subjects entering India now-a-days possess these passport. Such persons, when asked, never mention the sum of Rs. 2 as the fee; it is always from Rs. 3 to 5. The passports are signed by the petty 'Moharrirs' they are but little guarantee of identity and none whatever of character. The revenue which they bring in may be of some value of the Afghan Government and to its servants. This aspect of the matter is the only incentive to force them upon as many travellers as possible, but whole classes, which do not pass the headquarters of a 'Hakim' on their way to India, never receive a passport. On the other hand evidence is already appearing of a tendency on the part of subordinate police, village headmen and even magistrates to regard these Afghan passports as guarantees at least to *bona fides*, if not of good character. When the criminal element among the immigrants wakes up to this state of affairs, they will take good care to provide themselves with insurance policies against molestation, even though the issuing moharrir may raise the premium immoderately. Instructions might well be issued that these Afghan passports are of no value whatever as a guide to the character of the holder and confer absolutely no immunity. In point of fact the issue of a passport is in itself of no value without the *visa* of the country to be traversed. No British Indian visa is granted on the Afghan 'Nomads passport' and it is understood that the Government of India have definitely decided to exclude nomads entirely from any system of passport control which may be enforced on the Indian side of the Afghan border.

J.M. EWART,

Superintendent of Police, on Special Duty.

FORM No. 23.4 (1)

POLICE DEPARTMENT _____DISTRICT

SURVEILLANCE REGISTER No. X

1	2	3	4	5	6	7	8	9
Sr. No.	Name	Parentage and caste	Name and Serial No. of village	Number of History Sheet in a bundle	Date of entry	Brief reasons for entry and signature of officer	Date	NAME STRUCK OFF Brief reasons for striking off, with signature of officer

(To be drawn by hand on both sides of a foolscape-size register, columns 1 to 6 being, on the right hand page and columns 7 to 9 on the left hand. The heading to be in big type.

FORM No. 23.6 (1)

CONFIDENTIAL	CONFIDENTIAL
POLICE STATION _____DISTRICT _____DISTRICT	POLICE STATION
Notice to Headmen and Watchmen of village_____ of their duties under - sections 18 and 19 of the rules of Government made under Section 39-A of Act IV of 1872 with regard to _____, son _____, caste_____, a resident of their village. *Signature of Headmen and Watchmen* *Signature of Officer in charge of Station*	To the Headmen and Watchmen of village_____. Be informed that the person named on the reverse of this notice who is a resident of your village, is a bad character and suspicious person within the meaning of sections 18 and 19 of the Rules of Government made under Section 39-A of Act IV of 1872, and has been entered, by order of the Superintendent of Police, in the Surveillance Register of this Police Station. Under the said section you are bound to keep a watch on such person and his associates, and to report to the Police his movements or his associating with individuals of bad repute or ceasing to obtain a livelihood by honest means. You are further required to report forthwith the absence of such bad character at night, and you are liable under sections 43 and 44 of the said rules of Government, if headmen, to imprisonment with or without hard labour for a term not exceeding three months or fine not exceeding Rs. 360, or with both; and if watchmen, to imprisonment with or without hard labour for a period not exceeding three months or with fine not exceeding three months' pay, or with both, on conviction for willful neglect of these duties. Dated_____ 19. (By order) Sub-Inspector. In charge of Police Station.

(To be printed in vernacular and bound in books of 100 pages)

FORM No. 23.9

POLICE DEPARTMENT _____DISTRICT

History Sheet

Name..... alias..... son of..... Caste..... resident of.....age.....

Number of F.P. Slip (if prepared).

1	2	3	4
Serial Index No. in Register	Date of entry	Description	Property and mode of earning livelihood
			Property (Houses, shops, land, etc.) Means of livelihood (Trade, shop keeping, labour, cultivation, etc.

Names and addresses of relations and connections dependent on him _____

Names and addresses of associates_____

In case the name has not been entered in Register No. X, column I will remain bank _____

Description of the crime to which believed to be addicted.

CONVICTIONS

Serial No.	Name and residence of the complainant	Reference to F.I.R. and name of Police cases	Law or Section of Law	Details of the convictions, with the dates convictions and the names of courts deciding the Station

Signature of the officer preparing the sheet with date.

PART I

Written or oral suspicions.

Serial No.	Name and residence of the comp-lainant	Law and Section the Law	Reference to F.I.R. with date and name of the Police Station of F.I.R. of any other case	Brief details of reasons leading to the suspicion of house search, e.g., track evidence, decision of panchayat, enmity with complainant, demand of illegal gratification or any other reason to be entered in full.

PART II

Particulars of movements

Every entry should be attested and dated by the officer making it.

Sr. No.	Suspicions whether written or oral	Information regarding the particulars of movements or general notes as given by the Station House Officer	Remarks or orders by gazetted officers or other officers duly authorized

FORM No. 23.14 (1) A

Index to History Sheets and Personal Files, Part I

1	2	3	4	5	6	7
Serial No. of History Sheet and Personal Files	Name and Father's Name	Village	Date on which History Sheet was opened	Whether History Sheet is in A or B Bundle or on Personal File	Date on which History sheet and Personal File were transferred to and another police station or destroyed	Initials of gazetted officer ordering transfer or destruction of History Sheet remarks

FORM No. 23.14 (1) B

Index of History sheet and Personal Files, Part II.

1	2	3
Name and father's name	Village	Serial No. of History Sheet and Personal File

FORM No. 23.16 (2)

POLICE STATION BOOK No. X-A-ROLL OF
ABSENT BAD CHARACTERS.
ANNUAL SERIAL NO. REPORT FOR ABSENCE OR DEPARTURE OF A BAD CHARACTER UNDER SURVEILLANCE IN No. X.

POLICE STATION_____ _____DISTRICT

1	2	3	4
Serial No.	Points to be reported on	Serial No.	Points reported on
1.	Name, parentage, caste and descriptive marks of bad character		
2.	No. in Surveillance Register and number and description of previous convictions		
3.	Class of offences he commits		
4.	Place to which alleged to have gone and for what purpose, with information as to his relations and associates in such places		
5.	Date and hour at which he left his village and source of information i.e. whether the absence was reported by a Lambardars, & c., or ascertained by a police officer		
6.	Date and hour of despatch of this report and whether sent by hand or by post.		
	Signature Designation Date REVERSE OF FOIL		
	Reference to subsequent reports received regarding this absence.		

POLICE STATION BOOK No. X-A-ROLL OF
ABSENT BAD CHARACTERS.
ANNUAL SERIAL NO. REPORT FOR ABSENCE OR DEPARTURE OF A BAD CHARACTER UNDER SURVEILLANCE IN No. X.

POLICE STATION_____ _____DISTRICT

1	2	3	4
Serial No.	Points to be reporte"d on	Serial No.	Points reported on
1.	Name, parentage, caste and descriptive marks of bad character		
2.	No. in Surveillance Register and number and description of previous convictions		
3.	Class of offences he commits		
4.	Place to which alleged to have gone and for what purpose, with information as to his relations and associates in such places		
5.	Date and hour at which he left his village and source of information i.e. whether the absence was reported by a Lambardars, & C., or ascertained by a police officer		
6.	Date and hour of dispatch of this report and whether sent by hand or by post.		

Signature with designation and date.

Acknowledgement of receipt.

(To be torn off and returned immediately on receipt of report.)

Bad Character No. X absence report No._____ of Police Station _____ district_____ was received by me at _____ AM/PM., on Inquiries are being made.

Signature, designation and date.

REVERSE OF COUNTERFOIL

_____DISTRICT

Report on conduct and movements of the bad character during his absence, specifying dates and hours of arrival as and departure from places visited, names and character of persons visited and object of visit.

FORM No. 23.16 (3)

POLICE STATION REGISTER No. X-B- BAD CHARACTER ROLLS RECEIVED

1	2	3	4	5	6	7
No.	Number of bad character roll and date of receipt	Police Station from which received	Name, parentage and residence of suspects	Details contained in roll received as to visit	Date of return of roll with précis of reply	Action taken, if any, such as entry in history sheets or personal files of confidence-rates, & c

FORM No. 23.16 (5)

POLICE DEPARTMENT _____DISTRICT

BAD CHARACTER ROLL FOR PUBLICATION IN CRIMINAL INTELLIGENCE GAZETTE.

The bad character/Conditionally released convict whose description is given below has been absent from his home since _____.

He is under police surveillance and it is likely that he will commit crime during his absence—

I. Description—

Name ....., Father's name ....., Caste ....., Village ....., Police station..... Date of birth ....., Height....., feet ....., Inches..... Build....., complexion.

II. Convictions on record—

(1)

(2)

(3)

(4)

III. Probable associates, relatives and resorts—

(Name of police stations and districts to be given in large type and underlined).

(1) (2)

(3) (4)

(5) (6)

IV. Form of crime to which addicted and modus operandi.....

Superintendent of Police,

_____District.

Form 23.17 for Haryana

FORM No. 23.17 (1)

POLICE DEPARTMENT _____DISTRICT

INFORMATION SHEET

No._____ Dated_____

Information Sheet regarding _____ alias_____, son of _____ caste_____, resident of Village/Mohalla_____, police station _____ district_____, age_____, height _____ particular marks_____ Other details _____.

Dated_____

Sub-Inspector,

in charge of Police Station.

Note.—The reasons for believing that the person named is a habitual offender or a suspected person, to be given, on the lower half of the page and additional sheets to be attached, if necessary.

(This form is to be printed bilingual in triplicate for copying by the carbon process.)

Form 23.17(1) for Punjab

[1][**FORM No. 23.17 (1)**

POLICE STATION DISTRICT_____

INFORMATION SHEET

No.....

Dated.....

Information Sheet regarding.....

alias (give second name, if any.....

son/daughter/wife of.....

resident of village/Mohalla.....

Police Station..... District.....

Year of birth..... Religion .....

Caste..... Tribe..... Educational qualification.....

Occupation.....

Descripitive Particulars:—

1.	Built	2.	Height (in Cms)
3.	Beard	4.	Complexion
5.	Deformities	6.	Eyes
7.	Face	8.	Hair
9.	Moustaches	10.	Nose
11.	Teeth	12.	Location of :
(a)	Burn Mark	(b)	Leucoderma

1. Form 23.17(1) substituted by Punjab Notification dated 24.8.1979.

(c) Mole (d) Scar

(e) Tattoo

13. Habits 14. Speech

15. Dress habits

(Sd/-).....

Sub-Inspector,

Incharge of Police Station,

Note.—The reasons for believing that the person named is a habitual offender or a suspected person, to be given, on the lower half of the page and additional sheets to be attached, if necessary.

(This form is to be printed bilingual in triplicate for copying by the carbon process.)]

FORM No. 23.17 (2)

POLICE DEPARTMENT _____DISTRICT

POLICE STATION REGISTER No. XII

Information Sheets Despatched

1	2	3	4	5	6	7	8
Date of issue	Date of issue of sheet	Name of Police Station in which issued	Name, parentage, caste and address of suspect	Full description of suspect	Details communi-cated in information sheet	Date of return of sheet	Action taken, such as preparation of personal file or history sheet etc.

FORM No. 23.17 (6)

POLICE DEPARTMENT _____DISTRICT

POLICE STATION REGISTER No. XII-A

INFORMATION SHEETS RECEIVED

1	2	3	4	5	6	7	8
Date of receipt	Date of sheet	Name of Police Station from which received	Name, parentage, caste and address of suspect	Full description of suspect	Details communi-cated in information sheet	Date of return of sheet	Action taken, such as preparation of personal file or history sheet etc.

FORM No. 23.18 (1)

POLICE DEPARTMENT _____DISTRICT

HUE AND CRY NOTICE

The Station House Officer of _____ Police Station gives notice that _____, son of_____, alias _____, caste _____, resident of village_____, Police Station _____, District _____, whose description is given below (and whose photograph is attached) is evading arrest in a case under section _____, is absent from his home and is likely to commit offences of_____ I.P.C., F.I.R. No._____ of 19_____ of Police Station_____ District_____.

Action under sections 87/88 Cr.P.C. is being taken against this man and any person giving information leading to his arrest will be rewarded.

Reward offered _____

Description—

Name_____, age_____, years_____, build_____, height _____, complexion.

Characteristics, mannerisms, & c. _____

District Serial No. of P.R. Slip if on record.

Probable associates and resorts

He is reported likely to visit—

1. .....

2. .....

3. .....

4. .....

5. .....

(Signature)

Station House Officer

_____*Police Station.*

FORM No. 23.20 (1)

District Register of Absconder

POLICE DEPARTMENT_____ _____DISTRICT

PART I.—ABSCONDERS IN CASES REGISTERED IN THE HOME DISTRICT

(Residents of the home district to be written in red ink)

1	2	3	4	5	6	7	8	9
Serial No.	Name of absconder	Parentage, caste and descriptive roll	Residence, i.e., village, Police station and district	Offence	F.I.Report No. and date, place and date of offence	Reward offered	Clues to probable whereabouts	Date of arrest, death, cancellation or removal to proclaimed offenders list.

PART II.—ABSCONDERS IN CASES REGISTERED IN OTHER DISTRICTS BUT RESIDENT OF, OR LIKELY TO VISIT, THE HOME DISTRICT.

(Residents of the home district to be written in red ink)

1	2	3	4	5	6	7	8	9	10
Sr. No.	Police Station or district sub-mitting notice	Name of abscon-der	Parentage, caste and descrip-tive roll	Residence, *i.e.*, village, Police Station and district	Offence	F.I. Report No. and date, place and date of offence	Reward offered	Clues to probable where-abouts	Date of arrest, death, cancellation or removal to proclaimed offenders, list.

FORM No. 23.21

POLICE DEPARTMENT_____ _____DISTRICT

REGISTER SHOWING PROGRESS OF ALL ACTION AGAINST ABSCONDERS AND PROCLAIMED OFFENDERS

1	2	3	4	5	6	7
Serial No.	Name, parentage caste and residence of the absconder	F.I.R. No. offence and police station	Date of absconding	A-Date of application for warrant of arrest B-Date of return of warrant of arrest unexecuted	Date of publication of proclamation under Section 87, C.P.C., with name of court	Date of publication of proclamation under section 87, C.P.C. and steps ordered for giving effect to proclamation

8	9	10	11	12	13
Date of issue of attachment order under section 88, C.P.C. and name and designation of officer to whom issued	Detail of attachable property of the absconder and date of attachment	Action of Police	Property attached with date of order of court	Date of removal to proclaimed offenders register	RE-MARKS

FORM No. 23.22 (1)

POLICE DEPARTMENT_____ _____DISTRICT

REGISTER OF PROCLAIMED OFFENDERS UNDER SECTION 87, CRIMINAL PROCEDURE CODE

1	2	3	4	5	6	7	8	9
Serial No.	Descrip-tion	Descrip-tion	Resi-dence	Section of offence	F.I.R. No. and date	Police Station District	Detail of stolen property	In the case of condi-tionally released who has been declared proclaimed offender— (1) Offence in which conditionally released (2) Village in which released; (3) Jail from which conditionally released. (4) Date of release

10	11		12	13	14
	Names of Relations whom the proclaimed offenders is expected to visit or enter in communication				
(1) Place which the accused has visited; (2) or is expected to visit	In his own district— (1) Names (2) Relations (3) Residence	In outside district— (1) Names (2) Relations (3) Residence	Reward offered for arrest	District Serial No. of P.R. slip	REMARKS

FORM No. 23.22 (2)

POLICE DEPARTMENT_____ *District*
Range

Statement showing the result of action taken against Proclaimed Offenders during the *Year 19*
month of

Serial No.	Details
1.	Class of proclaimed offenders
2.	Number of proclaimed offenders residents of the district at the commencement of the year/month
3.	Number of persons proclaimed during the year/month
4.	No. of proclaimed offenders resident of the district arrested during the year/month
5.	Percentage item 4 bears to items 2 and 3.
6.	No. of proclaimed offenders residents of the district struck off under the provisions of rule 23.23.
7.	No. of proclaimed offenders still at large at the end of the year/month, i.e., items 2+3-4-6 who were proclaimed—
	(a) Within three months of the close of the year/month
	(b) Between 3 to 6 months of the close of the year/month
	(c) Between 6 to 12 months of the close of the year/month
	(d) More than 12 months ago.
8.	Rewards paid for the arrest of proclaimed offenders during proceeding year/month.

Note.—Separate sheets will be prepared for proclaimed offenders who are members of registered criminal tribes and others.

FORM No. 23.24 (2)

Counter-foil No._____

POLICE STATION_____

DISTRICT_____

Notice to headmen and watchmen of village _____ of their duty under section 59, C.P.C. and rule 28 of the rules framed under section 39-A of Act IV of 1872 with regard to _____, son of_____, caste_____, a resident of_____, and a proclaimed offender.

(Date and method of dispatch, i.e., by post, by hand, etc.)

Foil No. _____

POLICE STATION_____

DISTRICT_____

To the headmen and watchmen of village _____. Be informed that the person named and described on the reverse is a proclaimed offender and it is your duty to arrest him wherever found. It is further your duty and that of every owner or occupier of land and of every person employed in the collection of revenue to report immediately to the police any information which you or he may receive as to the presence of such person. You are required to publish this fact and to warn all concerned and take warning yourself that any person assisting the proclaimed offender in any way to evade arrest or withholding information about him renders himself liable to severe penalty under the law.

By orders,

Sub-Inspector,

*incharge of Police Station*____

Signature of Headmen and Watchmen,

*Dated*_____

Description of proclaimed offender.

Names and particulars of relatives and others with whom the proclaimed offender is likely to associate.

FORM No. 23.30 (1)

POLICE REPORT WITH A VIEW TO THE INITATION OF PROCEEDINGS TO TAKE SECURITY TO BE OF GOOD BEHAVIOUR, SECTIONS 110 TO 118, CRIMINAL PROCEDURE CODE

PAGE I.—Name, parentage, caste, age, occupation and residence of the person reported on—

TABLE 1.—Former convictions-

Column.—1. Serial No.

2. Complaintant's name.
3. No. and date of First Information Report and name of Police station.
4. Law and section of law.
5. Particulars of sentence, date of sentence, particulars of the court in which the conviction was obtained.

Table 2.—Reference to cases in which the person reported about has been suspected or in which his house has been searched.

Column.— 1. Serial No.

2. Name and residence of complainant.
3. Law and section of law.
4. Reference to the first information report, its date, the section to which belonging, or to other first report in the case.
5. Brief particulars of the reason for which suspicion was entertained or house was searched, & c.

Table 3.—Names of persons of bad character with when the person reported associates.

Pages 2 and 3.—Name of witness who give evidence of the reputed bad character. An abstract of their statements.

Pages 4.—Report of the officer-in-charge of the police station.

(The report to include any material information given in the History Sheet Prescribed to Rule 23.9).

FORM No. 23.33

Descriptive roll of convict_____ released from the_____ Jail on the_____

1	2	3	4	5	6	7	8		9	10
							PERSONAL DESCRIPTION			
Jail Register No.	Name, sex, age and previous occupation	Religion	Caste	Father's name and trade or occupation	Village, Police Station, Tehsil, District	Crime, section of law with term and date of sentence	(a) Features, complexion and distinguishing marks	(b) Height Ft. Inch	Conduct in Jail	REMARKS

FORM No. 23.37 (1)

REPORT OF ARRIVAL AT HIS HOME OF A.P.R. OR P.R.T. CONVICT ON RELEASE FROM JAIL.

1	2	3	4		5	6	7	8
			RESIDENCE					
District Serial No. of P.R. Slip	Name, with aliases	Father's name and caste	Village	Police Station	Offence	Date of release and name of Jail	Report of officer in charge of police station of convict's arrival at his home or otherwise (to be submitted with in 10 days of date release)	Final order of superintendent.

Signature of F.P. Recorder.

Dated the _____19.

FORM No. 23.39 (2)

POLICE DEPARTMENT POLICE STATION_____DISTRICT

Report of change of residence of convict subject to surveillance under section 565, Code of Criminal Procedure.

1	2	3	4	5	6	7	8
		RESIDENCE	CHANGE OR TEMPORARY CHANGE OF RESIDENCE		TO BE ENTERED BY OFFICER IN CHARGE OF POLICE STATION		REMARKS
Name and father's name	Caste	Village, Zail, Police Station, Tehsil, District, or Town, Street, Mohalla, Police Station, District	Village, Zail, Police Station, Tehsil, District, or Town, Street, Mohalla, Police Station, District	Date of departure	Date of departure	Date of arrival	Change of residence permanent or temporary

□□□

CHAPTER 24

INFORMATION TO THE POLICE

24.1. First Information how recorded.—(1) Section 154 and 155, Code of Criminal Procedure, provide that every information relating to an offence, whether cognizable or non-cognizable, shall be recorded in writing by the officer incharge of a police station.

The distinction between the form of reports required by the above-mentioned two sections has been defined as follows by the Punjab Chief Court (now High Court)—

Every information covered by section 154, Criminal Procedure Code, must be reduced to writing as provided in that section and the substances thereof must be entered in the police station daily diary, which is the book provided for the purpose. It is only information which raises a reasonable suspicion of the commission of a congizable offences within the jurisdiction of the police officer to whom it is given, which compels action under section 157, Criminal Procedure Code.

(2) With the exception of cases mentioned in rule 24.10 below, in every case in which the officer in charge of police station from information or otherwise, has reason to suspect the commission of an offence, which he is empowered under section 156, Criminal Procedure Code, to investigate, he shall enter in fill such information or other intelligence as soon as practicable in the First Information Report Register, shall have each copy singed marked or sealed by the informant, if present shall seal each with the station seal, and shall dispose of the copies in accordance with rule 24.5 and if he abstains from investigation under either of the proviso to section 157 of the code he shall submit the copy intended for the Magistrate through the Superintendent. At the same time a reference to such report shall be entered in the Station Diary, register No.II

(3) All such entries shall, if possible, be made by the officer in charge himself and, if not so possible by the station clerk under his direction. Short lists of property stated to have been transferred by the offence may be entered in the report, as also details of any property recovered without search under section 103, Criminal Procedure Code, but detailed lists of property so transferred or recovered on search shall be entered in the first case dairy submitted in the case.

(4) When it is necessary to question a person bringing information of the commission of an offence, special attention, shall be paid to the following matters and the result of the inquires shall be clearly recorded in the first information report—

(a) The source form which the information was obtained and the circumstances under which the information ascertained the names of the offenders and witnesses (if any are mentioned).

(b) Whether the information was an eye-witness to the offence.

SYNOPSIS

1. *Substance of the first information report.*
2. *First Information Report-Registration of.*
3. *Preliminary inquiry-Requirement of.*
4. *Copy of First Information Report-Supply of.*
5. *Registration of First Information Report-Nature of.*
6. *Registration of First Information Report-Obligation of Police Officers.*
7. *Preliminary inquiry-Scope of.*
8. *Preliminary inquiry-Category of cases needed for.*
9. *Preliminary inquiry-Limitation for.*
10. *Recording of information relating to cognizable offences-Held mandatory.*

1. Substance of the first information report.—Murder Information given to police. Substance of information entered in daily diary where in names of the accused and the deceased disclosed but name of witness not stated. Mere non-disclosure of the names of the witnesses in the daily diary as well as mortuary register, *ipso facto*, doesn't affect the prosecution case and more so when their names are disclosed in the FIR. Under provisions of Cr.PC, 1973 and Rule 24.1 of PPR, What is required to be mentioned in the daily diary is substance of the information received and the same cann't be said to be repository of everything. *Gurpreet Singh v. State of Punjab, 2006(1) Criminal Court Cases 117 (SC): 2005(4) RCR (Criminal) 980: 2005(3) Apex Criminal 653 (SC).*

2. First Information Report-Registration of—It is clear that registration of First Information Report is to be done in a book called First Information Report book or First Information Report Register. of course, in addition, the gist of the First Information Report or the substance of the First Information Report may also be mentioned simultaneously in the General Diary as mandated in the respective Police Act or Rules, as the case may be, under the relevant State provisions. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

3. Preliminary inquiry-Requirement of—If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236:*

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4. Copy of First Information Report-Supply of—If the inquiry discloses the commission of a cognizable offence, the First Information Report must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further. *Lalita Kumari v. Government of U. P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

5. Registration of First Information Report-Nature of—The registration of First Information Report is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

6. Registration of First Information Report-Obligation of Police Officers—The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the First Information Report if information received by him discloses a cognizable offence. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

7. Preliminary inquiry-Scope of—The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

8. Preliminary inquiry-Category of cases needed for—As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over three months delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

9. Preliminary inquiry-Limitation for—While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

10. Recording of information relating to cognizable offences-Held mandatory—Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, hence, all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

24.2. Written reports by village headmen.—(1) With a view to encouraging written reports, village headmen shall be furnished with a supply of printed copies of Form 24.2 (1) for written reports of cognizable offences. The substances of the form shall be explained to them, and they shall be instructed to give a form to every person who requires one for use, and if so requested by the complainant to send the form by post "service unpaid" or by the village watchmen to the police station after it has been filled up and signed, sealed or attested by the thumb impression of the complainant and by the signature or seal of the lambardar. Opportunity shall be taken to bring to the notice of the public, verbally and by means of notices affixed to the police station notice boards, the facilities which exist for making reports of offences in writing. It shall be explained that it is not compulsory on any complainant to make a written report, if he prefers to make a verbal one.

(2) Whenever a written report of a cognizable offence is received at a police station, it shall be attached to the copy of the First Information Report which is retained in the police station and copies shall be attached to the duplicates, provided that only the check receipt prescribed by the form need be sent to the complainant. The original written report shall be detached from the police station copy of the First Information Report and attached to the chargesheet or final report when the investigation is completed. When a case is sent up on an incomplete charge sheet the original report shall be similarly attached.

(3) A notice in Urdu shall be prominently displayed in every police station in the province, drawing the attention of the public to the fact that the payment of gratuities by the public to police officials for regarding compliants is strongly disapproved by Government. The notice shall state as briefly as possible that police officials are the servants of the public and paid by it, and that acceptance of gratuities is strictly forbidden by the rules of the police department and renders defaulters liable to serious penalties. The notice shall conclude with an admonition that demands for such gratuities should be invariably resisted and reported to the Superintendent of Police.

24.3. Action on report of non-cognizable offence.—Where the information relates to a non-cognizable offence, it shall be briefly but intelligence recorded in the station diary, shall be signed sealed or marked by the person making it on both foil and counterfoil, and all particulars required by section 44 of Act V of 1861 shall also be noted. A copy of the entry in the diary made by the carbon copying process and singed and sealed with the station seal by the recording officer, shall made over to the informant who shall be referred to the Magistrate in accordance with section 155, Code of Criminal Procedure.

24.4. Action when reports are doubtful.—(1) If the information or other intelligence relating to the alleged commission of a cognizable offences is such that an officer in charge of a police station has reason of the information or intelligence to suspect that all alleged offence has not been committed, he shall enter the substance in the station diary and shall record his reasons of suspecting that the alleged offence has not been committed and shall also notify to the information, if any, the fact that he will not investigation the case or cause it to be investigated.

(2) If the Inspector or other superior officer, on receipt of a copy of the station diary, is of opinion that the case should be investigated, he shall pass on order to the effect, and shall in any case, send, on the diary or an extract therefrom to the District Magistrate for his perusal and orders.

(3) When a counterfeit currency note is found in circumstances which indicate that owing to absences of guilty knowledge no offence under section 489-B, Indian Penal Code, or cognate section has been committed, the information shall be recorded under section 154, Criminal Procedure Code, in the station diary, the special report required by rule 24.16 shall be submitted and enquiry shall be made to trace the point in the movements of the note at which a cognizable offence

appears to have been commited. When reasonable suspicion of such commission arises a First Information Report shall be recorded in the police station concerned and investigation under section 157, Criminal Procedure Code, shall be made.

Rule 24.5 for Punjab

24.5. First Information Report Register.—[1][(1) The First Information Report Register shall be a printed book in Form 24.5 (1) consisting of 500 pages and shall be completely filled before a new one is commenced. Cases shall bear on annual serial number in each Police station for each calendar year. Every five pages of the register shall be numbered with the same number and shall be written at the same time by means of the carbon copying process.

The original copy shall be a permanent record in the Police Station. The other four shall be submitted as follows—

(a) One of the Senior Superintendent of Police or any other Gazetted officer nominated by him.

(b) One of the Magistrate empowered to take cognizance of the offence is required by section 157, Criminal Procedure Code. In murder cases, the following procedure shall be followed—

(i) The FIR shall be sent to the Magistrate concerned immediately in his court during court hours and at his residence thereafter.

(ii) In case the Magistrate concerned is out of station, the FIR shall be submitted to the Duty Magistrate.

(iii) If the Magistrate is not available after court hours, the copy of the FIR shall be left at his house by the messenger noting the date and hour of delivery on the cover with the contents.

(iv) If on account of difficulties of communication or other causes the delivery is delayed, the reasons and delay shall be noted on the cover.

(v) As soon as the FIR is received by a Magistrate, he shall affix his initials therefore and note thereon the date and hour at which the report has been received by him. In the case of delayed FIR, if he disagrees with the reasons given by the Police Officer for such delay, he shall also give his own reason for the same, if any.

(vi) In cases where the Police Station is not situated in the same place where the Magistrate resides or where the Police Station is situated in and out of the way place, the carbon copy of the FIR after it has been recorded, shall be posted at once at the nearest post office, addressed to the Magistrate by name before the first clearance of the dak. In such cases the Magistrate shall check

1. Subs. by Punjab Govt. Notification No. G.S.R 20-/C.A.V./1861/S. 46/Amd. (23)/2003, dated 6.3.2003.

that the FIR has been dispatched by the earliest post after its registration in the Police Station as shown by the time recorded on it.

(c) One to the complainant unless a written report in Form 24.2 (1) has been received in which case the check receipt prescribed will be sent.

(d) One legible copy shall be submitted to the District Crime Record Bureau at District Headquarters concerned where necessary codes relating to FIR will be filled in for Computerisation purposes.]

(2) In cases relating to cognizable offences trible by Panchayat one extra copy of the first information report shall be prepared on plain paper bearing the seal of the Police Station, and shall be sent to the Panchayat concerned for information, mention being made in the body of the that his action is being taken.

Note.—The cognizable offences triable by Panchayat are detailed in Appendix 24.5

(3) In the case of the railway police, the copy intended for the Magistrate empowered to take cognizance of the offence shall be submitted through the Superintendent of district police; Provided that at railway police station other than district headquarter stations, where there is a magistrate having jurisdiction, one copy shall be sent to such magistrate direct, one to the Deputy Superintendent of the railway Police and another to the Superintendent of district police. The extra copy required in such cases will be made inserting are extra sheet of paper and carbon paper and afterwards filling in the printed headings etc., by hand.

(4) All information required by the form shall be filled in and the rafter the serial number of each case diary submitted shall be noted on the reverse of the original copy which is to remain at the police station.

(5) On the conclusion of the case the particulars contained in the charge sheet slip shale be filled in on the reverse of the original copy and the slip returned to the Superintendent's office.

Rule 24.5 for Haryana

24.5. First Information Report Register.—[(1) The First Information Report Register shall be printed book in Form 24.5 (1) consisting of [1][375] pages and shall be completely filled before a new one is commenced. Cases shall bear an annual serial number in each police station for each calendar year, Every [2][five] pages of the register shall be numbered with the same number and shall be written at the same time by means of the copying process.

The original copy shall be a permanent record in the police station. The other [3][four copies] shall be submitted as follows—

1. Subs. for "200" by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.
2. Subs. for "four" by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.
3. Subs. for "three copies" by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

(a) One to Superintendent of Police or other gazetted officer nominated by him.

(b) One to the Magistrate empowered to take cognizance of the offence as is required by section 157, Criminal Procedure Code. In murder cases the following procedure shall be followed—

(i) The FIR shall be sent to the Magistrate concerned immediately in his court during court hours and at his residence thereafter.

(ii) In case the Magistrate concerned is out of station, the F.I.R. shall be submitted to the Duty Magistrate.

(iii) If the Magistrate is not available after court hours, the copy of the FIR shall be left at his house by the messenger noting the date and hour of dilivery on the cover with the contents.

(iv) If on account of difficulties of communication or other causes the delivery is dealyed, the reasons and delay shall be noted on the cover.

(v) As soon as the FIR is received by a Magistrate he shall affix his initials therefore and note thereon the date and hour at which the report has been received by him. In the case of delayed FIR if he disagrees with the reasons given by the Police Officer for such delay, he shall also give his own reason for the same, if any.

(vi) In cases where the Police Station is not situated in the same place where the Station resides or where the Police Station is situated in an out-of-the way place, the carbon copy of the FIR after it has been recorded, shall be posted at once at the nearest post office, addressed to the Magistrate by name before the first clearance of the dak. In such cases the Magistrate shall check that the F IR has been despatched by the earliest post after its registration in the Police Station as shown by the time recorded on it.

(c) One to the complaint unless a written report in Form 24.2 (1) has been received in which case the check receipt prescribed will be sent.

[1][(d) One legible copy shall be submitted to the District Crime Record Bureau at District Headquarters. Necessary codes relating to First Information Report will be filled in for Computerisation purposes, where required.]

(2) In cash relating to cognizable offences tribal by Panchayat one extra copy of the first information report shall be prepared on plain paper bearing the seal of the Police Station, and shall be sent to the Panchayat concerned for information, mention being made in the body of the FIR that his action is being taken.

Note.—The cognizable offences triable by Panchayat are detailed in Appendix 24.5.

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1. Added by Haryana Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

(3) In the case of the railway police, the copy intended for the Magistrate empowered to the take cognizance of the offence shall be submitted through the Superintendent of district police; Provided that at railway police station other than district headquarter stations, where there is a magistrate having jurisdiction one copy shall be sent to such Magistrate direct, one to the Deputy Superintendent of the railway Police and another to the Superintendents of district police. The extra copy required in such cases will be made inserting an extra sheet of paper and carbon paper and afterwards filling in the printed headings etc., by hand.

(4) All information required by the form shall be filled in, and the reafter the serial number of each case diary submitted shall be noted on the reverse of the original copy which is to remain at the police station.

(5) On the collusion of the case the particulars contained in the charge sheet slip shale be filled in on the reverse of the original copy and the slip returned to the Superintendent's office.

SYNOPSIS

1. *Object of.*
2. *General Diary-Maintainance of.*
3. *General Diary-Obligation of sending its copy to the Judicial Magistrate having jurisdiction over the police station.*
4. *General Diary-Significance of.*
5. *Gist or substance of each First Information Report-Mentioning thereof.*

1. Object of.—If the facts given in the first information report disclose the commission of an offence of murder, it is not open to the officer recording the first information report to the circumvent the requirements of the R. 24.5 by registering a case under S.304, I.P. Code, instead of Section 302, I.P. Code. *(1963) 65 Punjab LR 409.*

2. General Diary-Maintainance of—Since General Diary is a record that is maintained chronologically on day-today basis (on each day, starting with new number 1), the General Diary entry reference is also mentioned simultaneously in the FIR Book, while FIR number is mentioned in the General Diary entry since both of these are prepared simultaneously. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

3. General Diary-Obligation of sending its copy to the Judicial Magistrate having jurisdiction over the police station—General Diary contains a huge number of other details of the proceedings of each day. Copy of General Diary is not sent to the Judicial Magistrate having jurisdiction over the police station, though its copy is sent to a superior police officer. Thus, it is not possible to keep strict control of each and every FIR recorded in the General Diary by superior police officers and/or the court in view of enormous amount of other details mentioned therein and the numbers changing every day. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR*

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4. General Diary-Significance of—The General Diary is a record of all important transactions/events taking place in a police station, including departure and arrival of police staff, handing over or taking over of charge, arrest of a person, details of law and order duties, visit of senior officers etc. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

5. Gist or substance of each First Information Report-Mentioning thereof—The gist or substance of each First Information Report being registered in the police station is also mentioned in the General Diary since registration of First Information Report also happens to be a very important event in the police station. *Lalita Kumari v. Government of U.P. and others, AIR 2014 SC 187: (2014) 2 SCC 1: (2014) 1 SCC (Cri) 524: (2014) 1 SCJ 68: (2013) 8 Supreme 1: (2013) 4 CriCC 619: (2014) CriLJ 470: (2014) CriLR 236: (2013) 14 JT 399: (2013) 13 SCALE 559: 2013 AIR SCW 6386: (2014) 1 Law Herald 137: (2013) 6 Law Herald (SC) 4401: (2013) 12 AD (SC) 209: (2013) 4 RCR (Criminal) 979 (SC) (FB).*

24.6. Railway cases.—Every offence shown in the returns of the railway police shall also be shown in the returns o the district police of the district in which it was either reported or tried.

24.7. Cancellation of cases.—Unless the investigation of a case is transferred to another police station or district, no first information report can be cancelled without the orders of a Magistrate of the 1st class.

When information or other intelligence is recorded under section 154, Criminal Code, and, after investigation is found to be maliciously false of false owing to mistake of law or fact or to be non-cognizable or matter for a civil suit, the Superintendent shall send the first information report and any other papers on record in the case with the final report to a Magistrate having jurisdiction and being a Magistrate of the first class, for orders of cancellation. On receipt of such an order the officer in charge of the police station shall cancel the first information report by drawing a red lines across the page, noting the name of the Magistrate cancelling the case with number and date or order. He shall then return the original order to the Superintendent's office to be filed with the record of the case.

24.8. Register of Cognizable Offences.—(1) Each Superintendent shall maintain a register of cognizable offences in Form 24.8(1), styled for English Register of Cognizable Offences. It shall be sent on each working day to the District Magistrate when such officer is at the district headquarter.

(2) The serial number in columns one shall commence and end with the calendar year. Cases cancelled or transferred shall be erased by ruling a red lines through them, and shall, at the end of the year be deducted from the total.

24.9. Register of Petty Offences.—(1) A book, to the called the register or Petty Offences, consisting of one hundred blank pages with printed headings, in Form 24.9 shall be kept up as a permanent record at each police station where there is a resident magistrate having power to entertain complaints of the offences hereinafter mentioned, and whose headquarter is either—

(i) a town to which Act III of 1911 (the Punjab Municipal Act) has been extended;

(ii) a town to which section 34 of Act V of 1861 has been extended;

(iii) a military cantonment;

(iv) a place outside the limits of a military cantonment to which any of the rules and regulations for such cantonment have been lawfully extended.

(2) The register of Petty offences as mentioned in sub-rule, shall also be kept at each Government Railway Police Station and Out Post.

24.10. Register of petty offences- Classes of offences to be entered.—The offences which may be recorded in the register mentioned, and which are referred to in the last, preceding rules are—

(1) cognizable offences under municipal bye laws;

(2) offences under section 34 of Act V of 1861, committed in the view of a police officer;

(3) cognizable offences under cantonment rules and regulations;

(4) cognizable offences under section 112 of the Railway Act, 1890.

24.11. Register of Petty Offences- procedure.—(1) The Register of Petty Offences shall be sent daily, whenever offences are reported and when the courts are open, to the magistrate, empowered to take cognizable of them, and afterwards, in the case of headquarter police stations, to the Superintendents of Police for scrutiny.

No first information report, case dairy or charge sheet shall be submitted in such cases.

(2) A return shall be submitted from such police stations as maintain the register at the end of each year showing the entries in the register.

Such return shall be recorded by the return-writer in the general crime register.

24.12. Special reports from Police stations.—(1) Every officer in charge of a police station shall, as soon as possible after the received information of the commission within his jurisdiction of an offence mentioned in the subjoined table, submit a vernacular special report in Form 24.12(1) to the officer, or officers, mentioned in the third column of the table; provided that if a first information report containing the same information is required by law to be sent to any such officer, and is sent with equal despatch no special report need to be sent to the officers who receive first information reports.

(2) Vernacular special reports and first information reports sent in lieu of them shall be enclosed in red envelopes.

Serial No.	Offences	Officers to whom reports are to be made
1.	Administering drugs or poison for hurt or robbery.	
2.	All offences committed by Europeans of any class.	
3.	Unnatural or sudden death of an American or European.	
4.	Counterfeiting coin.	
5.	Loss or theft of firearm, whether Government or private property, component parts of such arms, or ammunition; and all recoveries of the same.	
6.	Dakaiti	
7.	Escapes from and deaths whilst in, police custody.	
*7A.	Assault on police officers.	Superintendent of Police
8.	Grievous hurt when the person hurt is a European.	Superintendent of Police
9.	Murder	
10.	Attempt to commit murder when the person hurt is a European.	
11.	Theft or robbery of Government treasure, or of property in the possession of the Post Office, when the property exceeds Rs. 500 in value.	
12.	All serious charges against the police.	
13.	All cases in which an Indian dies, or is reported to have died, of injuries inflicted by a European of any class or by the police; and the occurrence of all collisions between Europeans of all classes and Indians whether alleged to be accidental or intentional.	
14.	Damaging the telegraph with intent to prevent transmission to tap, or to commit mischief within the meaning.	Nearest Telegraph Master and Superintendent of Police.
15.	Will ful act or omission endangering of section 25 of Act XIII of 1885, person on railway, under section 128 of Act IX of 1890.	Nearest Station Master and Superintendent of Police.
16.	Rioting	Tahsildar.
17.	Offences under Chapters XII and XVII of the Indian Penal Code by members of notified criminal tribes and arrests of nomad gangs irrespective of the Punjab or not.	
18.	Arrest of women—whether with or without warrant, bailable or non-bailable,— *vide* Police Rule 26.18-A (1).	Superintendent of Police
19.	All cases in which a person in police custody or under police interrogation becomes seriously ill or sustain injury.	

*Vide C.S. No. 107

24.13. Despatch of Special reports.—Officers in charge of police stations shall be held responsible for communicating special reports with the greatest possible

despatch to the officers concerned and in serious cases shall make free use of the telegraph and telephone.

24.14. Special reports for Superintendents.—(1) Every Superintendent shall, as soon as possible after he receives information of the occurrence within his jurisdiction of a case mentioned in the table subjoined to rule 24.15, submit special reports in Form 24.14 to—

(i) the District Magistrate;

(ii) the Deputy Inspector-General of the Range;

(iii) the officer mentioned in the third column of the table; and

(iv) any neighbouring Superintendent, or political officer whom he considers should be informed of the occurrence:

Provided that in the case of the railway police, the copy intended for the District Magistrate shall be sent through the Superintendent of the district concerned.

(2) The officers to whom special reports are forwarded, in accordance with this rule shall be detailed on each of the report.

(3) Gazetted officer shall be responsible that special reports are concisely and intelligently written and that developments of the case and important stages in this progress are promptly reported by continuation special report.

24.15. Special reports- cases when reported and to whom.—District Magistrates and Deputy Inspector-General shall at their discretion forward copies of special reports in cases to Commissioners and to the Inspector General, respectively for information. The Inspector-General shall send copies to Government and heads of departments in any cases which he considers are of sufficient importance to be brought to their notice. Commissioner should only send copies to Government when they have any particular comment to make on the case.

Serial No.	Offences	Officers to whom reports are to be made	
1.	Culpable homicide, or attempt to commit culpable homicide, or grievous hurt, or attempt to commit grievous hurt, when the offence is committed by a religious fanatic, and also when the person assaulted is an American or European whether the offender is a fanatic or not.	Deputy Inspector-General Criminal Investigation Department.	
2.	Deaths whilst in police custody.	Ditto	Ditto
3.	Escapes from police custody	Ditto	Ditto
3A.	Assault on Police officers	Ditto	Ditto
4.	All serious charges against the police including strictures on the conduct of Police Officers by the Courts	Ditto	Ditto
5.	Theft or robbery of Government treasure		Nil
6.	Serious cases of rioting		Nil

7.	Administering drug or poison for hurt or robbery	Deputy Inspector-General, Criminal Investigation Department, and Assistant Inspector General, Government Railway Police.
8.	Dakaiti	Deputy Inspector-General, Criminal Investigation Department.
9.	Serious cases of robbery	Ditto Ditto
10.	Robbery of European traveller of any class	Ditto Ditto
11.	Unnatural or suspicious death of an American or Europeans.	Ditto Ditto
12.	Counterfeiting coins or any offence committed in respect of counterfeit coins, forgery of Government currency notes of Rs. 10 or more in value and new forgeries of Government currency notes of any value, forgery of Government stamps, or fraudulent alteration or re-use of the same, when the circumstances are novel or important.	Ditto Ditto
13.	Loss, theft or recovery of arms and important component parts, and ammunition (See appendix 24.15) falling under the following category—	By telegram whenever there is *prima facie* evidence or reasonable suspicion of a recent theft, otherwise by letter.
	(a) Machine guns, Light automatic, Grenades and articles of Royal Air force armaments.	(a) When losses are sufficiently serious to be brought to the notice of Government of India.
	(b) Rifles, revolver and pistols, Government or private property.	(b) When the theft appears to be the work of Ut. Khela or other professional thieves, and
	(c) Barrels and bolts of .303 bore.	(c) When the loss appears to indicate that statding rules for the custody of arms and ammunition, either in possession of regiments or individuals or during transit by rail or otherwise are defective and should be amended, telegraphic information should be sent.
	(d) Ammunition for cannons, machine guns and high velocity rifles.	
	(e) High explosives, whether in bulk or in made up charges including fuses and detonators.	

14.	All serious cases of professional crime, especially when the offenders are believed to be professionals from other provinces and all serious cases in which offenders are believed to be residents of Independent Territory or of the North-West Frontier Province.	Deputy Inspector-General Criminal Investigation Department.
15.	All offences of a particularly starting or atrocious nature, or which are likely to attract public interest or to be discussed in the public press.	Ditto Ditto
15A.	All crimes of violence against money-lenders where there is reason to suppose that debtors are concerned either in the commission or abetment of the offence.	Ditto Ditto
16.	Cases in which an Indian dies, or is reported have died of injuries inflicted by Europeans of all classes or by the police; and the occurrence of all collisions between Europeans of all classes and Indians, whether accidental or intentional, except when there is no confirmation or, when they are of a positively insignificant character.	Ditto Ditto
17.	All offences committed by residents of the Punjab outside the limits of the province of which Superintendent receive information and which, if committed in the Punjab, would be specially reported.	Ditto Ditto
18.	Murder	Nil
19.	Damaging the telegraph with intent to prevent transmission, to tap, or to commit mischief within the meaning of section 25 of the Act XIII of 1885.	When no report has issued from the police station, a copy also to be nearest Telegraph Master.
20.	Robbery of the mail.	The Postmaster-General and in serious cases to the Deputy Inspector-General, Criminal Investigation Department.
21.	Maliciously wrecking or attempting to wreek a train, and endangering safety of persons travelling by railway by willful act or omission (vide sections 126, 127 and 128 of Act IX of 1890)	Where no report has issued from the police station, a copy also to the nearest Station Master.
22.	Any offence or occurrence resulting from religious or political excitement affecting the peace of a town or of the district.	Commissioner, Deputy Inspector-General, Criminal Investigation Department and Officer Commanding Station.
23.	All cases of disturbances between the military and the civil population.	Ditto Ditto
24.	Robbery of the British mail in foreign territory.	Commissioner and Deputy Inspector-General, Criminal Investigation Department.

25.	Serious Railway accidents	Nearest Station Master (when report has not been made direct by the officer in charge of the station), Agent or Manager of the Railway, Deputy Inspector-General, Criminal Investigation Department.
26.	Other serious accidents resulting in the loss of more than three lives.	Chief Engineer, Public Works Department, Buildings and Roads Branch and Secretary, Provincial Transport Authority in case of road accidents.
27.	Cases of defalcations or fraudulent loss of Government money or stores in the Police Department (vide Article 29, Civil Account Code). See also rule 10.172.	Inspector-General of Police, Punjab, Lahore (two copies, one of which will be forwarded when necessary to the Accountant-General, Punjab).
28.	All important cases of smuggling of opium, cocaine and drugs.	Financial Commissioners, Punjab, through the Collector of the district.
29.	All cases in which a person in Police custody or under Police interrogation becomes seriously ill or sustains injury.	Deputy Inspector-General of Police, Criminal Investigation Department.
30.	Calamities such as floods or earthquakes, which cause serious damage to life or property.	Commissioner and Deputy Inspector-General Criminal Investigation Department.
31.	Convictions of all Non-Asiatics for offences which render them liable to have their finger print slips prepared in accordance with paragraph 25 of the Finger Print Manual.	Deputy Inspector-General of Police, Criminal Investigation Department, Punjab.

Note.—(i) Matters referred to in serial Nos. 14, 22 and 22 shall ordinary be reported by letter and telegram to the officers mentioned. The other matters may be reported by letter or telegram at the discretions of the Superintendent.

(ii) A notes of all arms etc., lost, stolen or recovered,- *vide* serial No.13 should be maintained by the Criminal Investigation Department, Punjab and a return sent in annually to the Director, intelligence, Bureau.

Notes (i) and (ii) for Haryana

Note.—(i) Matters reffered to in Serial Nos. 14, 22 and 23 shall ordinary be reported by letter and Police Radio Messenger or Teleprinter message telegram to the officers mentioned. The other matters may be reported by letter and Police Raidio Message or Teleprinter message at the discreation of the Superintendent.

(ii) A note of all arms, etc., loss, stolen or recovered,—*vide* serial No. 13 should be maintained by the Criminal Investigation Department, Haryana, and a return sent in annually to the Director, Intelligence Bureau.

24.16. Forgery of currency notes and coining cases.—(1) In special reports of forgeries of stamps, fraudulent alternation and re-use of stamps, full particular of the case shall be given, and specimens of the fraudulent stamps shall if possible, be sent with such reports.

(2) In cases of counterfeiting coin, the reports should contain full information on the following points—

(i) The represented value of the coins which are counterfeits, i.e. counterfeits, of a rupee, and eight four two anna pieces;

(ii) The data on the counterfeit coin;

(iii) Whether cast in a mould; or

(iv) Struck between dies;

(v) Good bad or indifferent – if bad or indifferently why so considered, i.e want of sharpness, ring different form that of a true coin, or other cause;

(vi) Metal of which made and percentages of silver;

(vii) Is Superintendent of opinion form the facts before him that any person arrested is an habitual dealer in false coin?

Explanation.—The information under sub-rule (2) (vi) above will be obtained from personal conservation, a local inquiry from a silver-smith, or otherwise, as may be practicable. In all cases where the coins appear to have been struck from a die and are good imitations, specimen of the counterfeit coin or coins should, if possible, be sent to the Officer-in-charge. His Majesty's New Mint at Baghbanpura, Lahore, for report, and when it his reported is received, a copy should be sent by continuation special report. All coins to be assayed should be sent direct, to the Mint Master, Calcutta, and not through Inspector-General.

(3) On the appearance in any district of any forged currency note of Rs. 10 or more in value or of any new forgery of a currency note of any value, the Superintendent shall send a copy of the special report required by the rules above to the Currency Officer, Lahore. Such reports shall state whether the note is process made or hand drawn and give the denomination of the forged note, the circle, the date, the serial letters the number, and the consecutive number, Continuation and final reports shall be submitted to the Criminal Investigation Department in *duplicate*, giving particulars of the notes passed and the *modus operandi* of the forgers or utterers and of other persons concerned. On the completion of the police enquiry, the note shall be sent to the Currency Officer, Lahore, through

the Criminal Investigation Department, together with a report explaining the facts. Special reports of forgeries of currency notes, or of the appearance of forged currency notes, of less than Rs. 10 in value are not required in the case of old forgeries which have come to notice before and have appeared in the lists printed in the Criminal Intelligence Gazettee, but a list of the presentation of all such forgeries of notes than Rs. 10 in value should be submitted on the first of each month; together with the notes in questions, to the Currency Officer, through the Criminal Investigation Department.

24.17. Continuation and final reports.—(1) Each successive special report in the same case shall bear the same number as the first report and shall be distinguished by the additions of a capital. Roman letter in the order of the alphabet.

Illustration.—The first special report of the murder of X is No. 20 The next special report shall be numbered 20-A, the next 20-B and so on.

(2) Successive special reports shall be submitted whenever there is matter or importance to communicate.

(3) A final reports shall be submitted without delay in all cases when (a) the investigation is dropped or (B) the case is finally decided in court.

24.18. Record of special reports.—(1) Three general files of special reports shall be maintained as follows—

(a) Murder

(b) Dacoities.

(c) Other offences.

(2) A special file may be opened if necessary for any particular case.

24.19. The duties of the Police as Excise Officers.—(1) Co-operation between the excise and police forces is necessary for the detection and investigation of excise offences. The Inspector-General of Police and the Financial Commissioner lay stress upon this co-operation as one of the principal secrets of successful working. Any case of jealous or obstructive working will be severely with.

(2) When an officer in charge of a police station becomes aware of an excise offence shall at once register it as a police case and inform the District Excise Officer, who with respect to such cases shall be regarded as the magistrate in charge of the police station. The excise sub-inspector concerned shall also be informed and his co-operation invited, but no delay shall be allowed to occur merely in order in obtain his presence.

(3) All excise inspector and sub-inspector are required to maintain a First Information Report Register for the registration of complaints and report of excise offences. In all cognizable cases a copy of the First Information Report shall be sent to the police station in whose jurisdiction the offence is reported. In return the excise inspector or sub-inspector will be given a cope of the Police First Information Report as a report.

(4) An excise inspector or sub-inspector shall not ordinarily attempt a search or make on arrest by himself. He shall always obtain the assistance of police sub-

inspector. If, however, delay is likely to defeat the ends of justice, the excise inspector or sub-inspector shall make the arrest or search himself, and at the same time send to the police sub-inspector for assistance.

(5) The prevention of illicit distillation or spirit is one of the must important of the duties of the police. This will not be effected by isolated seizures. It involves careful and sustained enquiry and a complete knowledge of his jurisdiction by the officer in charge of the police station. As a rule the manufacture of illicit spirit is confined to certain castes which are habitual consumers of spirit. The must probable localities of illicit traffic should thus be easily ascertainable by the officer incharge of the police station. It is impossible for an illicit still of the regularly worked in the village without the knowledge of the chaukidars and lambardar. The trade betrays itself by the resulting smell, the accumulation of refuse, and the occurrence of drunkenness, where no means of elicit supply exist. If these things happen and the village officials make no report, it is obvious that they are conniving at the offence. In such cases the officer in charge of the police station must at once take steps, to have these rural officials punished. Where it is notorious that illicit stills are worked, the officer in charge of the police station neglects his duty if he does not arrange to put in operation the provisions for search, seizure, and persecution contained in the Excise Act.

(6) If it is found that illicit manufacture of country spirit has been extensively carried on in a police station jurisdiction and preventive action has not been taken by the police, neglect of duty on the part of the officers in charge of the police station will be presumed.

(7) Attentions must also be paid to the unlicensed sale of spirit in large towns by soda water sellers and others, and to the smuggling of country spirit in thanas adjoining India States.

(8) Any *charas* coming into Punjab by any other routes than those sanctioned should at once be detained under section 61 of the Excise Act, and the orders of the Collector taken. *Charas* smugglers generally travel by rail and can easily be captured in co-operation with the railway checking staff, who while examining their tickets can also examine their luggage.

(9) The use of cocaine, except for medical and surgical purpose is altogether prohibited in the Punjab. The principal places in the Punjab into which it is smuggle are Lahore, Amritsar, Rawalpindi, Ambala and Karnal.

(10) Offences against the opium law vary in their nature with various district; the most important offences, viz smuggling and illicit sale of smuggled opium (whether contrived by licensed vendors themselves or by private individuals) being common or uncommon according to the geographical position of districts with reference to Rajputana. Afghanistan and the Hill States, or even railway communication with Nepal.

(11) No opium can be imported into a district without a pass; and any police officer can, therefore, detain bulk opium if there is no pass. He can also search a person whom the believes to be guilty of having excess quantities of opium in

his possession. Any police officer above the rank of head constable may search premises in which he believes smuggled or illicit opium is stored.

The legal limit of possession of opium is two *tolas* and any person bringing it from any Indian State in excess of this amount is liable to arrest and prosecution under section 9 of the Act.

(12) The sale of all preparations of opium for smoking is illegal. There is need of continued activity in tracking out and prosecuting proprietors of *chandu* and *madak* dens in which sales occur, the object being to make indugance in opium smoking so difficult and disreputable that the younger generation will be unlikely to acquire it.

Under the Opium Smoking Act, 1922, members of opium smoking assemblies well as proprietors or houses used for opium smoking are liable to prosecution. Under section 14 of the Act every officer of the police department is required to give reasonable aid to an excise officer making any arrest or search under the Act. The police have no powers of search, seizure or arrest under the Punjab Opium Smoking Act: but they have such powers under sections 14 and 15 of the Opium Act. 1978, against any individual in possession of more than the half *tola* of preparations of admixtures of opium used for smoking which is the limit of legal possession under section 9 of that Act.

(13) The Financial Commissioner has impressed upon all Deputy Commissioner the necessity of granting liberal rewards both to informers and to arresting officer in all excise cases. Rewards to sub-inspectors and officer of lower rank may be sanctioned by the Deputy Commissioners up to Rs. 200, but the sanction of the financial commissioner is required for larger rewards and for rewards to officers of higher rank.

APPENDIX NO. 24.5(2)

The following cognizable offences are tribal by Panchayats—

Section	Offence
269	Negligently doing any act known in the likely to spread infection of any disease dangerous to life.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.
277	Defiling the water of a public spring or reservoir.
288	Causing danger, obstruction or injury in any public way or line of navigations.
289	Omitting to take order with any animal in possession so as to guard against danger to human life, or of grievous hurt, from which animal.
291	Continuance of nuisance after injunction to discontinue.
294	Doing of obscene acts or singing obscene songs etc., in a public place to the annoyance of others.
336	Doing any act which endanger human life or the personal safety of others.
341	Wrongfully restraining any persons.
379	Theft.
411	Dishonestly receiving stolen property knowing it to be stolen.

Provided, that.—(1) a Panchayat shall take cognizance of offences under section 379 and 411, Indian Penal Code, only where the value of the property stolen does not exceed Rs.100 and the accused is named in the complaint.

(2) A Panchayat shall not take cognizable of any complaint under sections 379 or 411, Indian Penal Code, if the accused—

(i) has been previously convicted of an offence under Chapter XII or XVII of the Indian Penal Code punishable with imprisonment of either description for a term of three years or upwards, or

(ii) has previously been fined for theft or receiving or possessing stolen property by any Panchayat, or

(iii) is a registered members of a criminal tribe under section 4 of the Criminal Tribes Act, 1911, or

(iv) has been bound over to be of good behaviour in proceedings instituted under section 109 or 110 of the Code of Criminal Procedure, 1898, or

(v) has had an order of restriction passed against him under the Restrictions of Habitual Offenders (Punjab), Act, 1918—

Section	Offence
447	Criminal Trespass.
448	House Trespass.
461	Dishonesty breaking open or unfastening any closed receptacle containing or supposed to contain property

APPENDIX No. 24.15.

Circular No. 17/A and A/48.dated 25th May, 1949 from Government of India, Intelligence Bureau, Ministry of Home Affairs, New Delhi—

1. In supersession of the existing orders on the subject, the following instructions regarding the reporting of losses and thefts of Government and private fire-arms and ammunition capable of being used for military purpose are issued with the approval of the Government of India.

2. Under Military Regulations, Officers Commanding detachments reports the loss or recovery of arms, important components or ammunition to the Superintendent of Police, or if the loss or recovery takes place in the Indian State or a Union of State, to an appropriate officer of the Government of the State or Union designated, in the behalf. The Superintendent of Police or the or the officer of the State or Union so designated, as the case may be, is then responsible for all further action for tracing and recovery of the lost or stolen articles.

3. Reports should be made by the Superintendent of Police or the Officers of the States or Union, as the case may be, to the Provincial Criminal Investigation Department of the loss, theft or recovery of arms, important components and ammunition coming under the following category, of which they may receive information form any source whether military, civil or private—

(i) Machine Guns, Light automatics, Grenades and articles of Royal Air Force armaments.

(ii) Rifles, Revolvers and Pistols, Government or private.

(iii) Barrels and bolts or .303 bore.

(iv) Ammunition for cannon, machine guns and high velocity riles.

(v) High explosives, whether in bulk or in made-up charges including fuses and detonators.

4. (a) Reports concerning items f the above category should be made by telegram wherever there is *prima facie* evidence or reasonable suspicious of a recent theft. In other cases reports should be made by letter. In all cases every effort must be made to included either in the initial reports or in a very early continuation reports the fullest possible details both for the identification of the missing arms, components or ammunition and as regards the methods and identity of the thieves.

(b) Provincial Criminal Investigation Department on receipt of reports according to the above instruction will be responsible for the direction of suitable action for detection and recovery. If in any case there may appear grounds for suspecting the agency of professional arms thieves from the North West Frontier, Telegraphic information giving the fullest available particulars should be sent to the Deputy Inspectors-General of Police, Criminal Investigation Department, East Punjab (telegraphic address 'CIDEAST, SIMLA')

5. A return of all identification arms, etc, lost or stolen or recovered should be maintained by the Provisional Criminal Investigation Department and should be sent in annually to the Director, Intelligence Bureau.

6. All reports of losses, thefts and recoveries of arms, etc., should be published by Provincial Criminal Investigation Department in their Criminal Intelligence Gazettes or Confidential Supplementary. Such repots must invariably include all details necessary to establish the identity of any particular weapon, or component part.

7. When losses are sufficiently serious to be brought to the notice of the Government of India, or to rank as matters of public interest, as well as in the following cases—

(a) when the theft appears to be the work of Ut khels or other professional rifles thieves,

(b) when the loss appears to indicate that standing rules for the custody of arms and ammunition, either in possession of regiments, or individuals or during transit by rail or otherwise, are defective and should be amended,

intimation of such losses should be telegraphed to the Director Intelligence Bureau, New Delhi, by the Provincial Criminal Investigation Department, and copies of all subsequent report's submitted by the Superintendent of Police should also be sent to him.

8. In the particular case of revolvers, rifles, and pistols, all losses, thefts and recoveries of such weapons as bear the manufacturer's number should be reported to the Director, Intelligence Bureau, by the Provincial Criminal Investigation Departments. The reports regarding recoveries should included information, if possible, as to where, when and from whom the weapon was obtained by the person from whom it is recovered, All reports should be submitted as soon as convenient after the loss, theft or recovery.

9. No report need be made under these rules in the case of the loss or theft of smooth bore weapons, ammunition for such weapons, swords, bayonets, or accutrements. Converted Martini-Henries and Snider are classed as smooth bore weapons.

10. Deliberate attempts to smuggle arms and ammunitions into India, by land or sea or air, should promptly be reported to the Director, Intelligence Bureau. Similarly the discovery of firearms which appear to have been deliberately smuggled into India should also be reported to the same quarter.

In all instance, full particular of the articles seized, such as the maker's name, place of manufacture, number, bore and other distinguishing marks in the case of fire-arms, and maker's name, bore and distinguishing marks in the case of cartridge, should be communicated at the time the report is made or as soon afterwards as possible, Information, if available, obtained from the smugglers or otherwise as to where, when the from whom the weapons, etc., were obtained should also be given. Whenever a prosecution is initiated with respect to a reported case of smuggling or, or attempt to smuggle, arms and ammunition, the result should also be communicated to the Director Intelligence Bureau.

"These instructions do no affect the quarterly returns of arms and ammunition seized by the customs, which should continue to be submitted by the Criminal Investigation Departments of maritime provinces and the provinces having air ports in their jurisdictions."

FORM No. 24.2 (1)

FIRST INFORMATION REPORT BY A COMPLAINANT

Name percentage and residence of complainant or informant.

Date and time of writing the slip and delivery to Chaukidars.

Date and time of receipt of Police Station.

Substance of complainant or information which shall be attested by signature, seal or thumb-impression of complainant or information, and signature or seal of lambardar as witness.

(Check receipt to be sent to the complainant)

Received a written complaint form_____ of village_____ dated _____. First Information Report No._____ under section_____ I.P.C has been registered this day.

Name of Police Station_____ Signature of Officer-in-charge

Date_____

If a First Information Report has not been registered then these words should be struck out and a brief note given below of the action taken.

Form No. 24.5(1) for Punjab

[1]**FORM No. 24.5(1)**

FIRST INFORMATION REPORT

FIRST INFORMATION OF A COGNIZABLE CRIME REPORTED

Under section 154, Code of Criminal Procedure

1. District_____ Police Station_____Year_____FIR No._____Date_____

2. (i) Act : Sections : _____

(ii) Act : Sections : _____

1. Subs. by Punjab Govt. Notification No. G.S.R. 20/C.A.V./1861/S. 46/Amd. (23)/2003 dated 6.3.2003.

(iii) Act : Sections : _____

(iv) Other Acts : _____

3. (a) Occurance of Offence Day_____ Date From_____ Date To _____

Time Period_____ Time From_____Time To_____

(b) Information recieved at Police Station Date_____Time _____

(c) General Diary Reference Entry No.(s) _____ Time_____

4. Type of Information : Written/Oral_____

5. Place of Occurence :

(a) Direction and Distance from Police Station_____Beat No._____

(b) Address_____

(c) In case outside limit of the Police Station, then the name of Police Station_____ District_____

6. Complainant/Information :

(a) Name_____

(b) Father's/Husband's Name_____

(c) Date/Year of Birth_____(d) Nationality_____

(e) Passport No. _____ Date of Issue_____ Place of issue_____

(f) Occupation _____Address_____

7. Details of known/suspected/unknown accused with full particulars (Attach separate sheet if necessary):

_____

_____

_____

Physical features, deformities and other details of the suspect:

Sl. No.	Sex	Date/Year of Birth	Build	Height in Cms.	Complexion Marks(s)	Identification
1	2	3	4	5	6	7

Deformities/Peculiarities	Teeth	Hair	Eye	Habit(s)	Dress Habits
8	9	10	11	12	13

Language/Dialect			Place of		
	Burn Mark	Leucoderma	Mole	Scar	Tatto
14	15	16	17	18	19

These fields will be entered only if complainant/informal gives any one or more particular about the suspect. This will be used only for the purpose of preliminary retrieval to assist Investigating Officer.

A data base created will subsequently link one suspect in several cases, if any.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

8. Reasons for delay in reporting by the Complainant/Informant :

9. Particulars of properties stolen/involved (attach separate sheet in necessary);

10. Total value of properties stole/involved_____

11. Inquest Report/UD Case No. if any_____

12. F.I.R. Contents (Attach separate sheets, if required);

13. Action taken: Since the above report reveals commission of offence (s) under section as mentioned at Item No. 2

(1) Registered the case and took up the investigation

(2) Directed Sh./Smt./Km. to take up the investigation (Name of I.O.)_____Rank/No._____or

(3) Refused investigation due to_____or

(4) Transferred to P.S._____District_____on point of jurisdiction

F.I.R. read over the complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

R.O.A.C.

Signature of Officer Incharge, Police Station

14. Signature/Thumb Impression Name_____

of the Complainant/Informant Rank_____No._____

15. Date and Time of despatch to the court :]

Form No. 24.5(1) for Haryana

[1]FORM No. 24.5(1)

FIRST INFORMATION REPORT

FIRST INFORMATION OF A COGNIZABLE CRIME REPORTED

Under section 154, Code of Criminal Procedure

1. District_____ Police Station_____Year_____FIR No._____Date_____

2. (i) Act : Sections : _____

(ii) Act : Sections : _____

(iii) Act : Sections : _____

(iv) Other Acts : _____

3. (a) Occurance of Offence Day_____ Date From_____ Date To _____

Time Period_____ Time From_____Time To_____

1. Substituted by the Haryana Govt. Notification No. G.S.R 110/Const./Art. 309/98, dated 4.2.1998.

(b) Information recieved at Police Station Date_____Time _____

(c) General Diary Reference Entry No.(s) _____ Time_____

4. Type of Information : Written/Oral_____

5. Place of Occurence :

(a) Direction and Distance from Police Station_____Beat No._____

(b) Address_____

(c) In case outside limit of the Police Station, then the name of Police Station_____ District_____

6. Complainant/Information :

(a) Name_____

(b) Father's/Husband's Name_____

(c) Date/Year of Birth_____(d) Nationality_____

(e) Passport No. _____ Date of Issue_____ Place of issue_____

(f) Occupation _____%_____

7. Details of known/suspected/unknown accused with full particulars (Attach separate sheet if necessary):

_____

_____

_____

Physical features, deformities and other details of the suspect:

Sex	Date/Year of Birth	Build	Height in Cms.	Complexion	Identification Marks(s)
1	2	3	4	5	6

Deformities/Peculiarities	Teeth	Hair	Eye	Habit(s)	Dress Habits
7	8	9	10	11	12

Language/Dialect			Place of		
	Burn Marks	Leucoderma	Mole	Scar	Tatto
13	14	15	16	17	18

These fields will be entered only if complainant/informal gives any one or more particular about the suspect. This will be used only for the purpose of preliminary retrieval to assist Investigating Officer.

A data base created will subsequently link one suspect in several cases, if any.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

8. Reasons for delay in reporting by the Complainant/Informant :

9. Particulars of properties stolen/involved (attach separate sheet in necessary);

10. Total value of properties stole/involved_____

11. Inquest Report/UD Case No. if any_____

12. F.I.R. Contents (Attach separate sheets, if required);

13. Action taken: Since the above report reveals commission of offence (s) under section as mentioned at Item No. 2, registered the case and took up the investigation/ directed_____ Rank_____ to take up the investigation/Refused investigation/ transferred to Police Station_____ on point of jurisdiction.

First information Report read over the Complainant/Informant, admitted to be correctly recorded any a copy given to the Complainant/Informant free of cost.

Signature of the Officer-in-charge, Police Station.

14. Signature/Thumb Impression Name_____
of the Complainant/Informant Rank_____No._____

15. Date and Time of despatch to the court :]

FORM No. 24.8 (1)

POLICE STATION _____DISTRICT

ENGLISH REGISTER OF COGNIZABLE OFFENCES

1	2	3	4	5	6	7	8	9	10	11
	DATE OF				CASES REPORTED ON DATE					
Annual Serial No.	Entry in this register	Commi-ssion of offence	Police station sub-mitting report	Place where offence was co-mmitted	Number of first infor-mation report	Section of law offen-ded against	Cases not in-vestigated under section 157, (b), C.P.C	PROPERTY		Persons arrested
								Stolen.	Reco-vered	
12	13	14	15	16	17	18	19	20		

CASES DECIDED ON DATE

PERSONS

Serial No. of former report in this register	Cases can-celled	Arrested	Released on bail or recogni -zance	Sent for trial	Dis-charged	Acquitted	Convicted or ordered to find security	Remarks by Superintendent of Police

FORM No. 24.9

POLICE DEPARTMENT _____DISTRICT

Register of Petty offences

Under Section 154, Cr. P. Code, intimidation under section 157, Cr.P.Code, diary under section 172, Cr. P. Code and final report under section 173, Cr.P. Code of offences against cantonment and municipal by-laws and under section 34 of Act V of 1861.

1	2	3		4	5	6			7
		NAME, PARENTGE AND RESIDENCE OF				ACCUSED HOW FORWARDED			
Offence, section and law offended against	Substance of information, date when and place where offence was committed	Complaint ant	Accused	Date and time at which information reached Police Station	Names of the person who appear to be acquainted with the circumstances of the case and details of any property seat in the case.	On bail	On recognizance	In Custody and the reason why	Finding and sentence

FORM No. 24.12 (1)

POLICE STATION_____ _____DISTRICT

VERNACLAR SPECIAL REPORT ON AN OFFICE

No. of 19 Dated 19

1	2	3	4	5	6
	NUMBER OF PERSONS		VALUE OF PROPERTY		
Offence and section of law offended against; distance and direction of place form Police Station, and name of Sub-Inspector in charge	Supposed to have been concerned	Arrested	Taken	Recovered	Statement of the case, conduct of the Police and steps taken by them Date and time of occurrence. Date and time of report to Police

Singature of Officer-in-charge of Police Station.

FORM No. 24.14

POLICE DEPARTMENT _____DISTRICT

SPECIAL REPORT ON AN OFFENCE

No. of 19 Dated 19

1	2	3	4	5	6
	NUMBER OF PERSONS		VALUE OF PROPERTY		
Description of offence and section of law offended against; also distance and direction of place from Police Station and name of Sub-Inspector in-charge	Supposed to have been concerned	Arrested	Taken	Recovered	Statement of the case conduct of the Police and steps taken by them Date and time of occurrence. Date and time of report to Police

Superintendent of Police

Copy sent to—

(1) District Magistrate_____

(2) Deputy Inspector-General_____ Range.

(3) _____

(4) _____

❑❑❑

CHAPTER 25

INVESTIGATION

25.1. Powers to investigate.—(1) An officer in charge of a police station is empowered by section 156, Criminal Procedure Code, to investigate any cognizable offence which occurs within the limits of his jurisdiction.

(2) He is also empowered under section 157(1), Criminal Procedure Code, to depute a subordinate to proceed to the spot to investigate the facts and circumstances or the case, and if necessary, to take measures for the discovery and arrest of the offenders. Any police officer may be so deputed under this section, but where a police officer under the rank of assistant sub-inspector is deputed the investigation shall invariably be taken up and completed by the officer in-charge of the police station or an assistant sub-inspector at the first opportunity.

(3) An officer in charge of a station shall also render assistance whenever required to all officers of the Criminal Investigation Department working within his jurisdiction.

25.2. Power of investigating officers.—(1) The power and privileges of a police officer making an investigation are detailed in section 160 and 175, Criminal Procedure Code.

An officer so making an investigation shall invariably issue on order in writing in Form 25.2 (1) to any person summoned to attend such investigation and shall endorse on the copy of the order retained by the person so summoned the date and time of his arrivals at, and the date and time of his departure from, the place to which he is summoned. The duplicate of the order shall be attached to the case diary.

(2) No avoidable trouble shall be given to any person from whom enquiries are made and no person shall be unnecessary detained.

(3) It is the duty of an investigation officer to find out the truth of the matter under investigation. His object shall be to discover the actual facts of the case and to arrest the real offender or offenders. He shall not commit himself prematurely to any view of the facts for or against any person.

25.3. Action when offence occurring in another police station is reported.—When the occurrence of a cognizable offence in another police station jurisdiction is reported, the fact shall be recorded, in the daily diary and information shall be sent, to the officer in charge of the police station in the jurisdiction of which the offence was committed. Meanwhile all possible lawful measures shall be taken to secure the arrest of the offender and the detection of the offence.

25.4. Where offence appears to have occurred in other police station.—(1) If a police officer after registering a case and commencing an investigation discovers shall that the offence was committed in the jurisdiction of another police he shall at once send information to the officer in charge of such police station.

(2) Upon receipt of information such officer shall proceed without delay to the place where the investigation is being held and undertake the investigation.

25.5. Disputes as to jurisdiction.—Should the officer who is the summoned to the spot dispute the jurisdiction, the both officer shall jointly carry on the investigation under the orders of the senior officer and neither shall leave until the question of jurisdiction has been settled and acknowledged. The case record shall be kept at the police station where the information was first received until the question of jurisdiction has been decided.

25.6. Relieving and relieved officers sign case diaries.—When a police officer is relieved in the course of an investigation he shall record a report of all that he has done in a case diary and sign it, giving the date and hour of his relief. Such case diary shall be made over to the relieving officer who shall certify thereon, that he acknowledges the case to have occurred within his station limits, or to be one which he is empowered to investigate, as the case may be.

25.7. Cancellation of a case in one police station and registration in another.—When a case is transferred from one police station to another, the offence registered in the original police station shall be cancelled by the Superintendent and a first information report shall be submitted from the police station in the jurisdiction of which the case occurred.

25.8. Cases which may be lawfully investigated in more local areas one than.—(1) If the case is one which the officer in charge of the police station, may lawfully investigate, but which may also be lawfully and more successfully investigated in another police station, such officer while continuing his investigation, shall refer the matter to the Superintendent, who shall transfer the case or no as he sees fit.

(2) If it is desired to transfer the case to a police station in another district, the Superintendent shall refer the matter to the District Magistrate and move him to act according to the orders contained in Chapter 26, Volume III, of the Rules and Orders of the High made.

(3) When an investigation has been transferred from one district to another the police files with original first information report shall be forwarded to the Superintendent of the district to which the transfer is made.

25.9. Optional investigation.—(1) Section 157 (b), Criminal Procedure Code, gives wide powers to an officer in charge of a police station to retrain from investigation in unimportant cases. It is the duty however, of every officer receiving a report to consider not only the intrinsic importance of the offence alleged and the expressed wishes of the complainant but the bearing which the reports has or may have on the detection of other cases or on the prevention of crime and the

control of criminals. Very many cases which appears trivial in themselves may, if investigated furnish a clue to the operations of professional criminals or afford valuable materials at a later date for preventive action. In practice it is seldom advisable for an officer in charge of a police station to avail himself of the power to refuse investigation, which the law gives him.

(2) When, at the time when a report of a cognizable offence is received the investigating, staff of the police station concerned is already occupied with more important cases, the investigation or which would suffer by being interrupted, such reports shall be duly recorded and investigation may be dispensed with. Such action not be held to limit the discretion of the officer-in-charge of the police station to investigate the case at a later dete, if he thinks it desirable to do so.

(3) If the informant is present when the first information report is recorded, he shall be informed forthwith that no investigation will be made, and after noting this fact in the first information report, his signature or thumb-mark shall be taken on it. If the informant is not present, he shall be informed in writing by post card, or by the delivery of a notice by hand, and the fact that this has been done shall be noted in the first information report.

(4) When investigation is dispensed with, a note shall be made in the first information report stating whether the complainant desires an investigation or not and full reasons shall be given for abstaining from investigation. All such cases shall be brought to the notice of the Superintendent of Police personally, who shall pass such orders no them as he may think fit in accordance with the principal embodied in this rule.

25.10. Immediate despatch of an officer to the spot.—When a report of a cognizable case is recorded and it is decided not to dispense with investigation under section 157(b), Criminal Procedure Code, a police officer shall proceed to the sense immediately. The officer who first proceeds to the spot shall, if he be not competent to complete the investigation, take all possible steps to preserve the scene of the crime from disturbance, to record particulars of and secure the presence of potential witnesses, obtain information relating to the case and arrest the culprit.

25.11. Investigation in non-cognizable cases.—(1) No police officer shall investigation a non-cognizable offence unless ordered to do so by a competent magistrate under section 196-B or 202, Criminal Procedure Code.

(2) When an investigation in a non-cognizable case is thus orders and is taken up by the police under section 155(3), Criminal Procedure Code, it must be carried through in the same manner as if the offence were cognizable, except that no arrest shall be made without a warrant. In every such case a police officer making an investigation shall day by day enter his proceedings in a case diary and submit them daily as prescribed for cognizable cases in Police Rules 25.53. Case diaries shall be submitted through the gazetted officer concerned to the court which has ordered investigation. No copies shall be prepared or kept by the police.

(3) The High Court has ordered that only serious cases, and cases in which there are special reasons to do so, shall referred to the police under section 202, Criminal Procedure Code (Rule 4, Chapter I-B of Rules and Orders of the High Court of Judicature at Lahore, Volume III-1931). Superintendents of Police shall decline to accept for action references in which provisions of section 202, Criminal Procedure Code, itself, and the instructions of the High Court referred to above have not been strictly complied with.

25.12. Orders in writing.—All orders in writing made in a case, i.e., order to arrest to search and to summon, etc., shall be attached to the case diaries, or their absence shall be satisfactorily accounted for.

25.13. Plan of scene.—(1) In all important cases two plans scene of the scene of the offences shall be prepared by a qualified police officer or other suitable agency one to be submitted with the charge sheet or final report and the other to be retained for departmental use.

(2) The following rules shall govern the preparation of maps or plans by patwaris or other expert—

(i) Pursuant to paragraph 26 of the Patwaris Rules, the Financial Commissioner, with the concurrence of the Inspector-General of Police, issues the following instructions concerning the preparation by patwaris of maps needed to illustrate police inquires.

(ii) In ordinary cases no demands for such maps will be made upon patwaris.

(iii) In the case of heinous crime, especially in cases of murder or riots connected with land disputes, the police officer investigating the case will, if he considers an accurate map in required, summons to the scene of the crime the patwaris of the circle in which it occurred and cause him to prepare two maps, one for production in court as evidence and the other for the use of the police investigating agency. In the former reference relating to facts observed by the police office should be entered while in the latter references based on the statement of witnesses which are not relevant in evidence may be recorded. He will be carefully not to detain the patwaris longer than is necessary for the preparation of the maps.

(iv) It is necessary to define clearly the responsibility of the patwari and police officer in respect of these maps.

(v) The police officer will indicate to the patwari the limits of the land of which he desire map, and the topographical items to be shown therein. The patwari will then be responsible for drawing the maps correctly, by tracing, if necessary, the second copy, for making accurately on maps all these items and for entering on the maps true distances. He will not write on the map, intended for production as evidence in the court any explanations. The police officer may write any explanations on the traced copy of the map.

(vi) It is for the police officer himself to add to the second copy of the map such remarks as may be necessary to explain the connection of the map with the case under inquiry. He is also responsible equally with the patwaris for the correctness of the distances, but on the copy of the map drawn by the patwaris for presentations, in court he will make no, remarks or explanations based on the statements of witness.

(vii) It will be convenient if all the entries made by the patwari are made in black ink, and those added by the police officer in red ink.

(viii) Patwaris will not in any case be required by a police officer to make a map of an inhabited enclosure or of land inside a town or village site.

25.14. Technical assistance in investigation.—(1) Investigating officers are expected to take steps to secure expert technical assistance and advice, whenever such appears desirable in the course of an investigation for purposes of evidence or for demonstration in court.

(2) The Criminal Investigation Department is able to obtain expert technical assistance on many subjects and should be freely consulted in that connection by investigating officers through their Superintendents of Police. When such assistance is required a full report shall be sent to the Assistance Inspector-General, Crime and Criminal Tribes, so that he may be is a position to decide whether it is essential of send an expert to the scene of the crime or whether the material to be dealt with should be sent to the expert. In making such reports use should be made of telegraphic and telephonic facilities.

(3) The Criminal Investigation Department, in conjunction with the Finger Print Bureau, undertakes photographic and some other varieties of technical works. In addition it is in contact with technical experts on many subjects, whose services can frequently be obtained for work in connection with criminal investigation. In respect of the examination of handwriting, investigating officers can obtain the services of the Examiner of Questioned Documents with the Government of India, through the Criminal Investigation Department. That department is also the channel for obtaining the services of the Inspector of Explosives for Northern India who, as well as advising on explosives generally, can give expert opinion as to whether a weapon has been recently fired, whether certain matter is gunpowder on not, and all question generally souring of chemical analysis.

25.15. Hand-writing.—(1) The above rules do not apply to references to the Finger Print Bureau and the Chemical Examiner to the Punjab Government, to whom, under the rules applicable, Superintendent of Police are required to make reference direct. The Criminal Investigation Department is, however, in direct contact with both these technical officer and investigating officer should enlist its co-operation when any specially intricate work is required of them.

(2) Nothing in the preceding sub-rule shall debar a Superintendent of Police or investigating officer from availing himself of any expert technical assistance, when may be directly available to him, for the purpose of investigation. If expert

evidence is to be given in court, however it should be provided by Government expert only, when such experts exist.

(3) In connection with the examination of arms and ammunition, arsenal officals should only be required to report, and if absolutely essential give evidence (i) on technical factory points, e.g. whether a weapon is in serviceable condition; whether a particular part of a weapon is factory or *mistri* made and the like; (ii) on the type of ammunition intended to be used (*not can be used* as experience shows that there is practically no limits in this respect) in a particular weapon; and (iii) whether a cartridge has been reloaded, nature of load, and the like. Arsenal experts shall not be used for elaborate and definite sworn testimony as to whether a particular missile was or was not fired from a particular weapon, Should districts desire opinions of this nature they may apply to the Criminal Investigation Department for assistance but such references should be confined to cases major importance only.

25.16. Cases against Government servants.—When a Government servant is accused or is suspected of the commission of an offence in the course of his official duties his service immediate departmental superior shall, as far as may be wise and practicable, be kept informed regarding the course of the police investigation.

25.17. Supervision by gazetted officers.—(1) In all important cases gazetted officers are required personally to supervise the investigation so far as is possible and when necessary to visit the scene of the offence.

(2) A record of investigations by gazetted officers shall be kept in the prescribed column of the register of cognizable offences and an abstract thereof shall be shown in the quarterly Inspection Statement and in the Annual Provincial Statements.

(3) Every gazetted office shall maintain a running note-book of offences, in which he shall enter the salient points of the first information report and case diaries as he hears them. The following are some of the points that should be entered in this note-book—

First Information Report—

(a) Police Station, village, section, date and time of offence;

(b) Distance of village from police station and date and time of investigation opening;

(c) Name and rank of investigating officer, who should always be the senior officer available. Reasons for junior officer taking up cases should be most *carefully* checked; and

(d) Salient features of the case.

Case Diaries—

(a) Dates of case diaries;

(b) By whom written and where; and

(c) Salient features.

All unnecessary delays in the course of investigation, in *chalaning* successful cases or in submitting final reports in untraced cases should be carefully observed and stopped. Deputy Inspector-General shall call for these note-book at their inspections and insist on their being intelligently used for the purpose of efficient supervision of investigations.

(4) Gazetted officers shall interest themselves in the *Challan* of cases in their charge as they come in and discuss them with the prosecuting inspector, and, if possible, with the officers who investigated them; and shall keep in touch with the proceedings in court.

(5) Every gazetted officer in headquarters should see daily the English register (27.36) of cognizable offences, with special reference to columns 14 to 17 in regard to cases in his charge, and he should bring to the notice of District Magistrate through the proper channel, any unnecessary delays that occur in dealing with cases in courts, instances in which witnesses come up with *challan* and are sent back unheard, and delays in framing charges, hearing arguments or pronouncing judgments.

(6) Gazetted officers should follow closely the progress of cases in their charge through the courts and acquittals. If the grounds for the discharges or they should ascertains, as soon as possible, the grounds for all discharges and acquittance appear to be unreasonable, they should at once bring the cases prominently to the notice of the District Magistrate through the Superintendent of Police.

25.18. Statements recorded under section 161, Code of Criminal Procedure.— Statements recorded by an investigating officer under section 161, Code of Criminal Procedure shall not form part of the case diary prescribed by section 172, but shall be recorded separately and attached to the case diary, the necessary number of copies being made by the carbon copying process on case diary continuation sheets [Form 25.54 (1)]. The number of statements attached to a particular case diary, and the number of pages in each statements, shall be noted in the case diary. An investigation officer, after examining a persons orally or recording a statements under section 161, Code of Criminal Procedure shall make a brief note of the fact in his case diary.

25.18A. Communications of official documents of information.—(1) It is universally recognised and fundamental principle of police procedure than the identity of sources and agents from whom secret information is obtained shall be known only to the officer who employs them and that every precaution shall he taken to protect them from exposure. Except by direction of the Governor, a Police officer shall on no account disclose the identity of a source or agent to any officer or person outside the Force. Within the force he shall disclose it only to or as ordered by the superior officers mentioned below. In the Criminal Investigating Department this superior officer is the Deputy Inspector-General in the case of

the whole department and the Superintendent of Police, Political and Assistant to the Inspector-General for Crime and Criminal Tribes as regarded the Special and Crime Branches, respectively. In a district it is the Superintendent of Police or the gazetted officer immediately under whom the police officer employing an agent or source is working. When information obtained from an agent has to be transmitted to others, the greatest care shall be exercised to avoid the exposure of such agent. The original report or an exact copy of the original report shall not be transmitted but the substance or a paraphrase shall be sent.

(2) All sources of police information are protected in judicial trails by sections 124 and 125 of the Indian Evidence Act which provide respectively that no public officer should be compelled to disclose communication made to him in official confidence and that no Magistrate or police officer shall be compelled to say whence he obtained any information as to the commission of any offence. Instructions regarding the production of police record as evidence are contained in Rule 27.24.

(3) The Governor's Rules to secure the protection of sources of information under section 58 of the Government Act,1935 and the Inspector- General's directions framed under those Rules will be found in Appendix 25.18-A.

25.19. Medico-legal opinion.—(1) When a medical opinion is required in police cases, the persons to be examined shall be produced before the highest medical authority available on the medical staff of the district. Persons requiring examination at the headquarters of a district shall be taken to the Civil Hospital and not to a branch dispensary; similarly in rural areas, where a hospital is accessible, medical-legal cases shall be sent there and not to a rural dispensary.

(2) Medical officers of the Irrigation Department are prohibited from undertaking medico-legal work and officers in charge of district board dispensaries may only be called upon to do such work, for which they must be qualified in other respects, in cases of emergency. Medical officers may not be called upon to proceed to the scene of an occurrence to examine injured persons except in cases of real urgency and when it is impossible to convey the injured person to the nearest dispensary or hospital.

(3) Police officers cannot legally compel injured persons to submit to medical examination and such persons have a right to be examined privately at their own expense by medical practitioners. "Injury Statements"[Form 25.39 (1)], are intended solely for the use of the Civil Surgeon of the district or any medical officer subordinate to him, on whom the police may call for a report. Such forms must not be given to injured persons for the purpose of examination at their private choice, nor must they be sent with injured persons to Government medical officers of another district.

All medical officers in charge of hospital and dispensaries are required to report to the nearest police station within 24 hours all cases of serious injury or of poisoning admitted by them for treatment, whether such cases have been brought in by the police or not.

(4) Medical officers or Government, or those employed by local bodies, are entitled to charge fees for medico-legal work performed in their private capacities for parties to cases, but no fees whatsoever are leviable by Government of medical officer for work in case in which the Crown is the complainant, including all *post mortem* examinations, such work being part of their regular duties. The rule under which medical officers, other than those subordinate to the Civil Surgeon,may charge fees for medico-legal work on behalf of Government are given in the Punjab Medical Manual; in certain cases fees may also be charged by medical officers employed by district boards. In no case, however, are such fees debitable to the police department; any claims submitted to Superintendents should be passed on, with the necessary information, to the District Magistrate.

(5) Police officers should refrain from sending persons whose injuries are obviously slight for medico-legal examination, and should exercise their discretion in obtaining a medical opinion as to whether injures received by complainants constitute a cognizable offence.

(6) Medico-legal cases not requiring urgent attention should be sent for examination during hospital hours only.

Note.—This rule does not entitle the medical officer concerned to refuse to examine a case out of hours because in his opinion it is not an urgent one.

(7) The unnecessary summoning as witnesses of medical subordinates, to the detriment of their proper activities, shall be avoided as far as possible, and when the attendance of such an officer is necessary, as much notice as possible shall be given him. When the necessary evidence can be given by the investigating officer or by another medical witness stationed at the place where the case is being prosecuted a medical subordinate should not be summoned from a distance merely to give corroborative evidence.

25.20. Wounded complaints and witnesses.—(1) When a complaint or a witness of importance in an important case is seriously ill or is wounded, but does not appear to be by dying, the police officer making the investigation shall prepare a charge sheet in accordance with Rule 25.56 (1) if this has not already been done and shall either—

(a) with such persons, consent sent him or her, for medial treatment to the station of the magistrate having jurisdiction and invite such magistrate to take such persons, deposition in the presence of all accused person or,

(b) if such complainant or witness cannot be move, or refuses to be sent, such officer shall apply for an order of detention in respect of the accused person if he is in custody and such order is necessary, and invite the magistrate having jurisdiction to record the deposition of such complainant or witness in the presence of the accused person at the place where the former is lying.

25.21. Dying declarations.—(1) A dying declaration shall, whenever possible, be recorded by a Magistrate.

(2) The person making the declaration shall, if possible be examined by a medical office with a view to ascertaining that he is sufficiently in possession of his reason to make a lucid statement.

(3) If no magistrate can be obtained, the declaration shall, when a gazetted police officer is not present, be recorded in the presence of two or more reliable witnesses unconnected with the police department and with the parties concerned in the case.

(4) If no such witnesses can be obtained without risk of the injured person dying before his statement can be recorded, it shall be recorded in the presence of two or more police officers.

(5) A dying declaration made to a police officer should, under section 162, Code of Criminal Procedure, be signed by the person making it.

SYNOPSIS

1. *Dying Declaration.*

1. Dying Declaration.—Recording of dying declaration following procedure to be adopted:

(1) A dying declaration shall whenever possible be recorded by a Magistrate;

(2) The person making the declaration shall, if possible be, examined by a medical officer with a view to ascertaining that he is sufficienty in possession of his reason to make a lucid statement;

(3) If no magistrate can be obtained the declaration shall, when a gazetted police officer is not present, be recorded in the presence of two or more reliable witnesses unconnected with the police department and with the parties concerned in the case;

(4) If no such witness can be obtained without risk of the injured person dying before his statement can be recorded, it shall be recorded in the presence of two more police officers;

(5) A dying declaration made to a police officer should under section 162, Code of Criminal Procedure, be signed by the person making it. *Manphool (since deceased) & Jagan v. State of Haryana, 2007 (3) RCR (Criminal) 232 (P&H) (DB) : 2007(4) Criminal Court Cases 554 (P&H) (DB).*

Dying declaration. Doctors admitted that Patient was fit to make statement. Police officer recorded the statement but not in presence of Doctor inspite of his presence. Dying Declaration could not be relied upon. *Manphool (since deceased) and Jagan v. State of Haryana, 2007(3) RCR (Criminal) 232 (P&H) (DB) : 2007(4) Criminal Court Cases 554(P&H)(DB).*

25.22. Medical examination of women.—No examination by a medical officer of a living women's persons shall be made without her consent and without a written order for a magistrate, addressed to the medical officer, directing him to make such examination.

In all cases in which the police consider such an examination to be necessary, the women shall be taken before a magistrate for order. This rule shall also apply to similar examinations by dhais or any other persons.

The work "persons" applies only to those parts of the body, to expose which would violate a woman's modesty.

Female Assistant or Sub-Assistant Surgeons in Government service shall only be required to do medico-legal work on behalf of Government when the woman or girl concerned refuses to be examined by male doctor. When a female doctor is summoned by a Court she must attend.

(Punjab Government endorsement No. 558-M-36/9932, dated the 25th March, 1936).

Rule 25.23 for Punjab

25.23. Searches by police officers.—[1][(1) The rules regarding searches by Police Officers are contained in sections 165 and 166 of the Code of Criminal Procedure, 1973. Notices of search under section 165, summons to persons to witness search under sub-section (4) of section 100 of the said Code and search lists under sub-section (5) of the said section 100 shall be prepared in property search and seizure Form appended to in chapter XXI. One carbon copy of the same shall be submitted for record to the District Crime Record Bureau of the concerned District Head Quarters.]

(2) An officer in charge of a police station receiving a requisition to search, under section 166, Code of Criminal Procedure, or other law applicable, shall comply without unnecessary delay and shall take all necessary precautions to ensure a successful search.

A police officer making such requisition may attend personally and assist in such search or may send one or more of his subordinates for that purpose.

(3) Gazetted officers supervising investigations and inspecting officer shall take disciplinary action against investigation officer who carry out search under section 165, Code of Criminal Procedure with our sufficient justifications.

Rule 25.23 for Haryana

25.23. Searches by police officers.—(1) The rules regarding searches by police officers are contained in sections 165 and 166, Code of Criminal Procedure. Notices of search under section 165, Criminal Procedure Code, summons to persons to witness seach under section 103(1), Criminal Procedure Code, and search lists under section 103(2), Criminal Procedure Code, shall be prepared in Form[2][25.23(1)], respectively.

(2) An officer-in-charge of a police station receiving a requistion to search, under section 166 of Criminal Procedure or other law applicable, shall comply without unnesssary delay and shall take all necessary precautions to ensure a successful search.

A police officer making such requisition may attend personally and assist in such search or may send one or more of his subordinates for that purpose.

1. Substituted by Punjab Govt. Notification No. G.S.R. 20-C.A.V./1861/S. 46/Amd. (23)/2003, dated 6.3.2003.
2. Substituted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

(3) Gazetted officers supervising investigations and inspecting officers shall take disciplinary action against investigating officers who carry out searches under Section 165, Code of Criminal Procedure, without sufficient justification.

[1][One carbon copy shall be submitted to the District Crime Recorded Bureau of the concerned district for record.]

25.24. Recorded in custody of the post office.—The law regarding the production of documents or things in the custody or the Postal of Telegraph Department is contained is section 95, Code of Criminal Procedure.

The instructions issued by the Director-General of Post Offices (paragraph 152 of Volume V or the Posts and Telegraphs Manual) regarding productions of records in the custody of the post officer are as follows—

Records of a post office or mail office should be produced and information available in them should be given on the written order of any police officer who is making investigation under the Code of Criminal Procedure; but only those entries in the record should be disclosed which relate to the person or persons accused of the offence under investigations or which are relevant to that offence. In any other case the official in charge of the office should without delay refer for orders to the Postmaster-General, who will decide whether or not under section 124 of the Indian Evidence Act, I of 1872, the information asked for should be withheld. When the information asked for by a police officer is not available in the records of the post office, the police officer should be informed accordingly, irrespective of the questions whether the information if available might or might not be given under the foregoing rule.

25.25. Track law.—Provisions of law regarding tracking are contained in section 41 and 42 of Act IV of 1872 (Punjab Laws Act).

25.26. For Important of foot-prints and track evidence.—(1) Footprint are of the first importance in the investigation of crime. For this reason all officer in charge of police stations shall instruct their subordinates as well as all lambardar and chaukidars that, when any crime occurs all footprints and other marks existing on the scene of the crime should be carefully preserved and a watch set to see that as few persons as possible are permitted to visit the scene of the crime.

[2][(2) When it desired to produce evidence of the identity of tracks should at the scene of or in connection with a crime, the procedure for securing the record of such evidence shall be similar to that prescribed in Rule 26.32 for the identification of suspects. The attendance of a Magistrate of the highest available, status, shall be secured, but if no Magistrate is available and the case is of great, urgency, independent and literate witnesses of reliable character like Sarpanches or Panches or Lambardars, shall be requested to conduct proceedings, but before they hold the parade; the rule regarding the holding of parade shall be explained to them. In the presence of the Magistrate or other persons conducting the test and in

1. Added by Haryana Govt Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.
2. Substituted by correction slip No. 135 dated 13.7.1961.

conforming with any reasonable directions which they may give, ground shall be prepared for the tests. On this ground the suspect or suspects and not less than five other persons, for each suspect, shall be required to walk. The Magistrates of the persons conducting the test shall record the names of all these persons and the order in which they enter the test ground. The suspect shall, of course be given option to take any place of his choice in the Parade and a note to this effect shall be recorded in the Memo of proceedings which will also indicate whether he has availed of this option. While these preparations are proceeding the tracker of other witness who is to be asked to identify the tracks shall be prevented from approaching the place or seeing any foot-prints of the persons joining the test parade. When all preparations are complete, the tracker or the identifying witness shall be called up and required to examine both the original tracks whether lifted on the moulds or otherwise and those on the test ground and hereafter to make his statement. The Magistrate or the persons conducting the test, shall record the statement of the tracker or the identifying witness as to the grounds of his claims to identify the tracks, and shall put such other questions as he may deem proper to test his bonafides. Neither any Police Officer nor any person connected with the case shall be allowed to take any part in the conduct of the test. The persons other than the Magistrate conducting the test may, however, associate with them one or more independent witnesses of reliable character.

If the tracks of culprits found at the scene of crime areshort footed, the Magistrate or the other persons conducting the parade, shall be requested to take the shoes into possessions, paste their signed paper slip on the shoes and seal them after the parade. When admitting the accused or suspect whose track prade is to be held, in Jail a request in writing shall be made to the Jail authorities to see that the accused or suspect does not change the shoes. At the time of arrest in such cases, the Police Officer making or ordering the arrest will take the shoes of the accused in possessions, paste a chit signed by himself and witnesses on it and seal them. The parcel will be opened by the Magistrate of other person conducting the parade and resealed after their parade as above.

If, however, the tracker, for any reason such as inefficiency, carelessness, confusion or adverse influence of the suspect, fails to correctly identify the tracks, the matter should not be left there. It is still open to the Investigator, if another more efficient and reliable tracker is not available, to get the moulds for foot-prints found at the scene of crime and those prepared and duly initialled by the Magistrate or other person holding the parade at the time of the track identification parade, compared by the Director, CID, Scientific Laboratory Phillaur, and obtain his expert opinions as to whether the foot impressions in both the moulds tally.

Tracks which it is desired to test by comparison as above, shall be protected immediately on discovery, and their nature, measurements and peculiarities shall be recorded at the time in the case diary of the investigation officer.

The details of the preparation of the test ground and the actions required of the suspect and those with whom his tracks are mixed must vary according to

the circumstances of the case. The persons conducting the test shall so arrange that the identifying witness may be given a fair chance, but under the strictest safeguards, of comparing the original tacks with other tracks, made on similar ground and in similar conditions.

Before inviting person other than the Magistrate to conduct the proceedings, the Police Officer concerned will ensure that his is not interested in or against the suspect or accused.]

(3) The evidence of a tracker or other experts described in the foregoing rule can be substantiated by the preparation of moulds of other footprints of the criminal or criminal found at the scene of the crime. The method of making moulds of footprints by means of Plaster of Paris or a composition of two parts of resin to one part of wax or paraffin is taught to a student at the Police Training School but requires practice before an officer can become proficient. The only advantage in the first method(plaster of Paris) is the quickness with which the material sets. Resin and wax are cheap and can be used more than once.

In making moulds for production as evidence the following precautions should be observed—

(a) The footprints found on the scene of the crime must be pointed out to realise witness at the time and these same witnesses must be present during the preparation of the moulds;

(b) The latter must also be signed or marked by witnesses and the officer preparing them while still setting;

(c) After the procedure described in sub-rule (2) above has been completed a mould should be prepared of the magistrate or witnesses of one of the foot prints of the suspect made in their presence. This mould should be signed by the magistrate or witnesses when still setting.

(d) Both moulds should be carefully preserve for production in court for identification by witnesses and comparisons by the court.

Method of recording footprints.—(1) by tracing through glass footprints found on the ground or other surface, and (2) by taking impression of feet direct on to paper, as in the finger impression, are taught at the Police Training School. Such records shall be utilized in the case of notorious criminals for comparison with footprints found at the scene of offence. They may also be used to check the reliability of local trackers.

25.27. Confessions.—The order of the High Court by which magistrate are bound in respect of the record of statements or confessions are contained in Appendix No. 25.27. All supervising and investigating police officer must familiarises themselves with these instruction and conform strictly to them in producing accused persons for the record of their statements.

25.28. Statements recorded by magistrates.—(1) The circumstances under which police officers may require a statements to be recorded by a magistrate are as follows—

(a) The statements made in the course of an investigation by witness or an accused person, and not mounting to a confession, may be recorded by a magistrate under section 164, Code of Criminal Procedure, in order that it may be available as evidence at a later stage. Such statements may be recorded in any of the manners prescribed for recording evidence.

(b) A confession may be recorded under section 164, Criminal Procedure Code, irrespective of the tender to a pardon, and of whether its involves more persons than the individual accused making it.

(c) In the classes of offences specified in section 337, Criminal Procedure Code, a police officer may at any stage of the investigation, inquiry or trial, move a magistrate empowered under that section to tenders a pardon to an accused person.

(d) In case in which a pardon cannot be tendered under section 337, Criminal Procedure Code, but in which it is desirable to obtain the evidence of a suspect against his accomplices, a police officer may recommend ot the District Magistrate that the local Government be moved to give promise not to prosecute an offender, subject to this fulfilling whatever conditions might be imposed in giving such promise. Action of this nature can only be taken before the case has been sent for trial.

Note.—The original orders on which this paragraph is based are contained in Punjab Government Circular 2/117 of 27th April,1898 as qualified by circular No. 426 of 30th September, 1906 and were reproduced as Appendix 25.14 (3) of Punjab Police Rules, Edition 1915.

(2) If a professional offender is convicted and sentenced to imprisonment or transportation and it appears that he belongs to a gang of offenders and is willing to do everything in his power to bring the members of such gang to justice, or to give valuable information leading to the discovery the stolen property, the Superintendent may apply to the State Government for suspension or remission of the sentence of such prisoner under section 401, Criminal Procedure Code. Such application shall be made through the District Magistrate.

25.29. Confession accused and approvers.—(1) The Criminal Procedure Code supplemented by the High Court instructions quoted in Appendix 25.27 prescribe a number of precautions which are intended to give to a court conducting a trial the maximum assurance that a confessing accused has not been subjected to such pressure or inducements as to invalidate this evidence under section 24, Indian Evidence, Act. All police officer, who exercise any authority in connection with investigations, are required to have a thorough understanding of these provisions. The departmental instructions here give merely supplement and in no sense replace them.

(2) The main requirements, in so far as the police are concerned, are—

(a) No police may offer a pardon. An accused person desirous of making a statement with a view to obtaining a pardon shall be told that no promise whatsoever can be made, but that, if a statement is made and verified and found to be of sufficient importance to merit such action, the facts will be reported to a magistrate, who has power to offer a pardon. No steps may be taken in this connection by subordinates police officers without the previous sanction in writing of a gazetted police officer.

(b) Statements, whether under section 164 or 337, Criminal Procedure Code, shall be recorded by the magistrate, other than the District Magistrate, having the highest powers, who can be reached within reasonable time . Save for special reasons, which must be explained by the investigating officer such statements shall never be recorded by 2nd class magistrates unless they have been specially empowered to record such statements.

(c) The magistrate is required to make enquiries as to the circumstances leading up to the confession; and police officer shall invariably furnish, so far as is in their power, information required of them in this respect.

(d) Police officers connected with the investigation shall not be present while the confession is being recorded.

(e) Magistrates are required to give orders, when remanding to custody persons who have made a confession, that they shall kept separate from other prisoners.

(f) Approvers shall remain under arrest until the conclusion of the trial.

(g) When more than one person confesses or turns approver in a case, their confessions shall, if possible, be recorded by different magistrate and they shall not be allowed to meet one another till their evidence has been recorded in court.

(h) Magistrates shall be moved to record statements of confessing persons in full detail; in political cases and those in which professional criminals whose activities extend over a large field are suspected; copies (in English) of approvers' statements and confessions shall be sent to the Deputy Inspector-General, Criminal Investigation Department.

(3) It must be remembered that the prosecution of a gang case, even without an approver, in a section 30 magistrate's court, is a very lengthy and difficult task owing to the large number of witnesses and the numerous linked individual cases. If, however, the prosecution relies upon an approver, the length and difficulty of the task is at least doubled as, in accordance with section 337 (2-A), Code of Criminal Procedure, the case has to be committed to the Sessions or High Court. Therefore, before launching a gang case under section 400 or 401, Indian Penal Code, with an approver, the District Magistrate and Superintendent of Police

should first satisfy themselves that it is not possible to secure satisfactory results by proceeding in individual cases without resort to sections 400 and 401, India Penal Code, If however, it should still appear expedient to conduct a gang case, they should ascertain whether the district resources are equal to the strain of both committal proceedings and trial in the Sessions or High Court without outside assistance. If the district resources appear to be inadequate, the case should then be referred through the Deputy Inspector-General of the range to the Deputy Inspector-General of Police, Criminal Investigation Department, for decision whether the case should or should not be undertaken.

25.30. Place of trial.—With regard to the place of trial of cases falling under sections 179-183, Code of Criminal Procedure, police officers shall act solely with reference to the public convenience.

Ordinarily such cases shall be sent up for trial in the district in which the witnesses can attend with the least inconvenience to themselves.

25.31. Inquests.—(1) An officer in charge of a police station shall, upon receipt of information of the sudden or unnatural death of any person, when the body of such person is within the local jurisdiction of his police station, immediately send information to the nearest magistrate authorized to hold inquests and shall proceed to the place where the body is and hold an investigation in the manner prescribed by section 174, Code of Criminal Procedure. When the Sub-Inspector in charge of the Police Station illness or absence from the station house, is himself unable to carry out the investigation, be shall at the first convenient opportunity proceed to the place where the body of the deceased person was found, and shall personally verify the result of the investigation.

(2) In cases where the body is not found, or has been buried, there can be not investigation under section 174, Code of Criminal Procedure

In such cases, if there are reasonable grounds for suspicious that a cognizable offence has been committed, that police shall register a case and commence investigation:

Provided that the following cases shall be exceptions to this rule—

(a) When the death of any person is caused by injuries unlawfully inflicted by soldier or camp follower, or occurs within the limits of a military cantonment, the inquest shall be conducted by the Cantonment Magistrate, under section 176, Code of Criminal Procedure or by the nearest competent magistrate if the post of Cantonment Magistrate is held by an officer not specially empowered to hold inquests or if the scene of death is outside cantonment limits.

If the magistrate invited to hold the inquest fails to do so, the superintendent or other gazetted officer shall make an investigation under the combined provisions of section 174 and 551, Code of Criminal Procedure, and if no gazetted officer is available such investigation shall be made by the officer in charge of the police station concerned.

Such inquest or investigation under the Code of Criminal Procedure shall be held in addition to any military court of inquest which may be held.

(b) In the case of the sudden or unnatural death of a European solider, non-commissioned officer, or officer the inquest shall be held under section 176, Code of Criminal Procedure, by the nearest magistrate duly authorized to hold inquest.

(c) In the case of death by violence occurring within the walls of a military prison or civil jail the police shall not make an investigation into the cause of death when an inquest has been held by a competent magistrate.

(d) Upon receipt of information of a sudden or unnatural death within the walls of a prison the officer in charge of the police station concerned shall send immediate intimation to the senior magistrate present at headquarter and shall proceed to the prison and place a guard over the body and shall allow neither the body nor anything which may have caused the death of the deceased to be moved until the arrival of a magistrate.

25.32. Investigations under section 174, Code of Criminal Procedure.—The respectable inhabitants who are require by section 174, Code of Criminal Procedure, to take part in any investigation into a sudden or unnatural death shall be selected with reference to any special attainments, they may possess which are likely to be of use in such investigation.

25.33. Investigation officer- action of at scene of death.—On arrival at the place where the body of a deceased person is lying, the police officer making the investigation shall act as follows—

(1) He shall prevent the destruction of evidence as to the cause of death.

(2) He shall prevent crowding round the body and the obliteration of foot-steps.

(3) He shall prevent unnecessary access to the body until the investigation is concluded.

(4) He shall cover up footprints with suitable vessels so long as may be necessary.

(5) He shall draw a correct plan of the scene of death including all features necessary to a right understanding of the case.

(6) If no surgeon or other officer arrives, he shall, together with the other persons conducting the investigation carefully examine the body and not all abnormal appearance.

(7) He shall remove, mark with a seal, and seal up all clothing not adhering to, or required as a covering for, the body all ornaments anything which may have caused or been concerned in the death of the deceased and shall make an inventory thereof.

In the inventory shall be described the position in which each thing was found and any blood-stain, mark, rent, injury or other noticeable fact in connection with such thing. The number and dimension of such stains, marks rents, injuries etc. shall also be given in the inventory.

A counterpart of the mark and seal attached to such thing or to the parcel in which it has been enclosed shall be entered in, or attached to, the inventory.

Such inventory shall form part of the inquest report.

(8) He shall take the finger prints of the deceased person if the body in unidentified.

(9) The photographing of the body *in situ* and of the scene of the occurrence may prove of great evidential value.

25.34. Disinterment of bodies.—The following rules relate to the disinterment of bodies—

(1) An officer in charge of a police station and any superior police officer lawfully making an investigation into the unnatural or sudden death of any person shall, on learning that the body of the deceased person has been formally buried, record in writing the information which has reached him and the grounds on which he considers it necessary that the body should be disinterred.

(2) He shall forward the information so recorded to the nearest magistrate empowered to hold inquests and ask for an order under, section 176(2), Code of Criminal Procedure, and in the meantime shall guard the grave.

(3) On receipt of such order, if the magistrate himself does not attend the disinterment, such police officer shall, in the presence of two or more respectable inhabitants of the neighborhood, cause the body to be disinterred. Such police officer shall then comply with provisions of section 174, Code of Criminal Procedure.

(4) Police officer shall invariably examine witnesses to prove the identity of disinterred bodies before commencing their investigation.

(5) When a body has lain in the grave for a period exceeding three weeks no disinterment shall be made by any police officer until the opinion of the Civil Surgeon has been obtained, and then only the concurrence of the District Magistrate.

25.35. The Inquest Report.—(1) When the investigation has been completed the investigating officer shall drawn up a report, in duplicate by a copying process, in Form 25.35(1) A, B or C, according as the deceased appears to have died—

(A) from natural causes.

(B) by violence

(C) by poisoning

(2) Such report shall state the apparent cause of death, give a description of any mark or marks of violence which may be found on the body and described the manner in which and the weapon or instrument with which such marks appear to have been inflicted.

(3) The report shall be signed by the police officer conducting the investigation and by so many of the persons assisting in the investigation as concur therein and shall be forwarded without delay through the Superintendent to the District Magistrate or, if the District Magistrate has so directed, to the Sub-Divisional Magistrate.

(4) The following documents shall form part of such report—

(a) The plan of the scene of death.

(b) The inventory of clothing etc.

(c) A list of the articles and with the body, if the body is sent for medical examination.

(d) A list of articles sent for medical examination, if any

(5) In cases of death by hanging, the report shall give particulars as to the height and sufficiency of the support and the nature of the thing used to bear the weight of the body.

In drowning cases the depth of the water shall be stated.

(6) The carbon copy of such report shall be filed in the police station register No. VI.

(7) A copy of all reports relating to deaths caused by railway accidents shall, when made by police officer other than a railway police officer, be forwarded to the Assistant Inspector-General, Government Railway Police.

25.36. *Post-mortem* examination-when and by whom held.—(1) The legal requirements in respect of *post-mortem* examination by a qualified surgeon are contained is section 174(3) Code of Criminal Procedure. In every case where death appears to have been due to suicidal, homicidal, accidental or suspicious causes and where any doubt exist as to the exact cause of death, of if it appears to the officer conducting the investigation-whether under section 157 or section 174, Code or Criminal Procedure-expedient to do so, the body shall be sent to the nearest medical officer authorized by the Local Government to conduct *post mortem* examinations. The sending of bodies for examination may only be dispensed with, where such action is otherwise required when conditions exist, such as advanced putrefaction, which would clearly make examination useless.

(2) An investigating officer is empowered by law with the discretion to dispense with a surgical examination of the body-(a) if he is fully satisfied that the cause of death is established beyond debut, (b) in the circumstances described at the end of the preceding sub-rule. In regard to the former condition, it must be remembered that the existence of an apparently fatal wound does not necessarily establish the cause of death. In cases where investigation establishes the accidental

nature of the event which led to the death and the history of the deceased and of the case suggests no reasons to suspect that expert examination of the body will reveal any cause of death other than the apparent one, such examination may be displeased with. In all cases where suspicion exists that the death was due either to suicide or to an act rendering the perpetrator thereof liable to a criminal charge the body must be examined by qualified medical officer, if possible.

(3) The law requires that the body shall be sent to the nearest qualified medical officer, and the orders of the Local Government prohibit the summoning the such officer to conduct his examination at or near the scene of the death save in exceptional cause. These may occur, where, owing to advanced putrefaction or the circumstances in which the corpse was found, movement of the corpse may make it impossible for the medical officer to form a correct opinion as to the nature of the injuries or the exact cause of death. In such cases if the investigating officer consider expert *post-mortem*, examination essential in the interests of justice, he shall report the facts by most expeditious means available to the Superintendent of Police or gazetted officer in charge of the case, with a request that a qualified officer shall be sent to the spot. If the officer receiving the report endorses the opinion of the investigating officer, he shall request the District Magistrate or the next senior Magistrate in the absence or District Magistrate from headquarters to give order for the medical examination of the body at the scene of death.

(4) In cases where it is impossible either to send a body to a qualified medical officer or to have it examined by such officer on the spot, the investigating officer may, at his discretion, request the nearest Government medical officer, even through such officer be not authorized to conduce, *post-mortem* examination to assist him with his anatomical and other expert knowledge in estimating the effects and causes of injuries, etc. Such medical officers are not empowered to perform any operation on the body, Medical officers of the Irrigation and Public Health Departments and of local bodies cannot be called upon in this connection unless they have been specially authorized by the Local government to undertake medico-legal work (vide rule 25.19).

25.37. *Post-mortem* examinations-action to be taken by police.—When corpses are sent for medical examination the following rules shall be observed—

(1) The result of the investigating officer's examination of the body shall be carefully recorded in Form 25.39 (1). Clothing found on the body, foreign matter adhering to it and any instruments likely to have caused death remaining in a wound or on the body shall be secure in the position in which found, if possible, or, otherwise shall be carefully packed separately, according to the instructions contained in rule 25.41.

(2) To counteract decompositions as far as possible the body shall be sprinkled with Formal in diluted to 10 per cent and shall also be so used with strong solutions of chloride of lime in water. Bodies which have to be carried long distances should be sprinkled with the dry powder of chloride of lime or with carbolic powder sold commercially

in tin boxes with a perforated lid specially constructed for sprinkling purposes. The use of powdered charcoal is prohibited, as the stains caused thereby complicate the task of *post-mortem* examination.

(3) The body shall be placed on a charpoy or other light litter and protected from the sun, flies and exposure to the weather. The litter shall be transported to the place appointed for the holding of post-mortem examinations by such means as the investigating officer may consider most expedient in the circumstances of weather, distance to be covered and conditions of the body. If necessary and expedient conveyance, including a motor vehicle, may be hire to carry the corpse and those who are required to accompany it as escort of witnesses.

(4) All police officer along the route are required to give immediate assistance to expedite the transportation of dead bodies for medical examination.

(5) Two police officers who have seen the dead body in the positions in which it was first found, and are competent to detect any attempt at substitution or tampering with the body or its covering, shall accompany the body to the mortuary, and remain in charge of it until examination is complete. If necessary an additional guard shall be supplied by the Lines Officer to place a sentry on the mortuary, but the officers who have accompanied the body from the spot shall hand it over personally to the medical officer together with all reports and articles sent by the investigating officer to assist the examination to the medical officer conducting the post-mortem examination and shall receive and convey to the investigating officer the post-mortern report.

(6) As soon as the Civil Surgeon his intimated that his examination is complete, the police shall, unless they have received orders from a competent authority to the contrary, make over the body to the deceased's relative or friends, or if there are no relatives or friends, they decline to receive it, the police shall cause the body to be buried or burnt according to the rules framed in this behalf by the District Magistrate.

25.38. Unidentified bodies.—If a body is unidentified, the officer making the investigation shall record a careful descriptions of it, giving all marks, peculiarities, deformities and distinctive features, shall take the finger impressions and, in addition to taking all other reasonable steps to secure identification shall, if possible, have it photographed, and, in cases where such action appears desirable, a description published in the Criminal Intelligence Gazette.

Unidentified corpses should be handed over to any charitable society which is willing to accept them, and if no such society, comes forward, they should then be buried or burnt.

25.39. Form to accompany body or injured person.—When an injured person or a body is sent to a medical officer, Form 25.39, shall, in addition to any other report prescribed, be prepared by the carbon, copying process and given to the police officer, in duplicate, whom accompanies the injured person or goes in charge of the body. The form shall be prepared in English, if possible.

25.40. Articles for medical examination-how sent.—(1) Articles sent for medical examination, together with a body or injured persons, shall be sent under the charge of the escort which accompanies such body or person.

(2) When no body or injured person is sent, such articles shall be sent in the charge of an escort which shall take them to the Civil Surgeon without relief.

25.41. Chemical Examiner-Channel of communication with.—(1) Superintendent of Police are authorised to correspond with and submit article for analysis to the Chemical Examiner direct in all case other than human poisoning cases. Any references in relation to human poisoning cases shall be made through the Civil Surgeon.

(2) Articles for chemical examination—With regard to the packing of articles sent for chemical examination, the following rules shall be observed—

(i) Liquids, vomit, excrement and the like, shall be placed in clean wide-mouthed bottles or glazed jars, the stoppers or corks of which shall be tied down with bladder, leather or cloth, the knots of the cord being sealed with the seal of the police officer making the investigation.

Such bottles or jars shall be tested by reversing them for a few minutes to see whether they leak or not.

(ii) Supposed medicines or poisons, being dry substances, shall be similarly tied down in jars or made by into sealed parcels.

(iii) All exhibits suspected to contain stains should be thoroughly dry before being packed and despatched for examination. The safest way of drying exhibits is to expose them to the sun. In case of exhibits that become brittle on drying, they should be carefully packed in cotton wool and then in a wooden box.

(iv) Blood-stained weapons, articles or cloth, shall be marked with a seal and made up into sealed parcels. The entries articles shall be sent.

(v) Sharp-edged and pointed exhibits like swords, spears, etc. should be packed in boxes and not bound up into cloth packages. In their transit through the post they are liable to cut through the packing material and the exhibit is exposed.

(vi) On each bottle, jar and parcel and also on each articles or set of articles contained therein, the separate identification of which has to be proved, shall be affixed a label describing the contents, giving full particular and stating where each articles was found.

On such label shall be impressed a counterpart of the seal used to secure the fastening for the bottle, jar or parcel. A copy of each label, and a counterpart impression of the seal shall be given in the inquest report and, in the case of cattle poisoning, in the case diary.

(vii) As far as possible no letter should be glued on to exhibits as they interfere with analysis.

(viii) Exhibits such as clods of search should be packed carefully in wool and placed in a wooden box.

Notes.—(1) Cases in which death is clearly due to natural causes should not be referred to the chemical Examiner. Medical Officers must accept the responsibility of deciding such cases.

(2) In no case should the medical Officer attempt to apply tests for himself. Any such procedure is liable to vitiate the subsequent investigation of the case in the laboratory of the Chemical Examiner.

(3) Exhibits in connection with cases of murder by hurt or violence may be sent direct to the Chemical Examiner. This saves time and relieves the office of the Civil Surgeon of the district of unnecessary correspondence.

(4) Endeavour to send all the exhibits in a case of murder by hurt or violence under one covering letter reducing the cost of examination, etc.

(5) Nail clipping are poor exhibits to send for the detection of blood in murder cases. No court of law could of law could be expected to attach much weight to the finding of human blood on the mails of the accused.

(6) Stomach tubes in hospitals are frequency kept in a solution of mercury. They should be carefully washed with water before use. Traces of mercury found along with another poison in stomach contents might produce such complications as would handicap the successful prosecution of a case.

(7) Carbon copies of reports are sometimes very difficult to read and should be prepared clearly.

(8) Articles of which return is required for production in court or otherwise should be distinctly specified in the forwarding letter sent with articles for chemical examinations.

(3) Any document purporting to be a report from the Chemical Examiner or his assistant is admissible as evidence under section 510, Code or Criminal Procedure. No summons can be issued to the officers of this department in their official capacity without the permission of the Hon'ble Judges of the High Court. Any question or explanation on a certain report should be done by letter or by a personal interview.

(4) Attention is also directed to the further directions, for, and precaution to be taken in forwarding articles to the chemical Examiner for examination report and the rules for preserving and packing exhibits contained in Appendix 25.14 (4).

25.42. Explosives.—(1) Substances or objects suspected of being explosive shall be sent for examination to the Inspector of Explosive, Northern India Circle, whose address is care of Chemical Examiners, Punjab, Lahore (telephone number-Lahore 2248).

(2) Instruction for dealing with substances or objects suspected of being explosives are published in Appendix 25.42 (2).

25.43. Procedure in poisoning cases.—(1) A police officer making an investigation in a case in which poison has been administered shall record in his report all information likely to be of value in assistant the Civil Surgeon or the Chemical Examiner to form an opinion as to the precise poisons employed.

(2) When a treatment has been adopted before the death of the individual, the duration and nature of such treatment shall be communicated to the Civil Surgeon for the information of the Chemical Examiner.

(3) If the body of the deceased person has been burnt, the ashes of the funeral pyre shall be collected and sent in a closed vessel to the Civil Surgeon accompanied by a statement of the circumstances which rendered this course of action advisable.

(4) The ordinary symptoms caused by common poisons are described in Appendix 25.43 (4).

25.44. Procedure in cases of poisoining of animals.—When, in the investigation of the congizable offence relating to the unlawful killing of an animal, it is necessary to obtain a opinion as to the cause of the death of such animal—

(i) If the animal appears to have been poisoned in the ordinary way and these are no signs of puncture on the carcase the month shall be examined and anything abnormal found in it secure and placed in a clean glazed jar or bottle.

(ii) The carcase shall be opened and the stomach removed.

The stomach shall be cut open, and its appearance observed, as to whether it is congested or not.

A piece of the stomach, the most congested part, about a pound in weight the reticulum, and aportion of the liver, about two pounds in weight, shall be cut off and placed in a clean glazed jar or bottle.

Rectified spirit shall be poured into the bottle in sufficient quantity to cover the contents completely in whatever position the vessel may be held.

The quantity of spirits shall be at lease one-third of the bulk of the object in the bottled

(iii) Water shall be gently poured over the remaining portion of the stomach, and any arsenic or any white or yellow particles found shall be carefully collected.

The poison particles, or pebbles, so collected or otherwise found, shall be enclosed in a sealed parcel.

(iv) If the animal appear to have been poisoned by means of needles, the carcase shall be flayed and the flash near the puncture examined.

If the flesh appears infammed, a portion near the puncture shall be cut off and secured in the manner prescribed in sub-section (2). Any needle found shall likewise be secured.

(v) If the animal has been, poisoned by being caused to inhale fumes of arsenic, etc., a portion of the lining membrane of the nostrils and windpipe and in addition, the animals lungs shall be secured.

(vi) Jars or bottles shall be carefully corked or stoppered and the crooks or stoppers tied down with bladder, leather, or cloth.

The knots of the cord shall be sealed with the seal of the police officer making the investigation.

Jars and bottles shall be tested, by reversing them for a few minutes, to see whether they leak or not.

(vii) On each bottle, jar or parcel shall be affixed a label describing the contents and giving full particulars and on such label shall be impressed a counterpart of the seal used to secure the fastening of the bottle, jar or parcel.

A copy of each label and a counterpart impression of the seal shall be given in the case diary accompanying the despatch.

(viii) The jars, bottles and parcels and any supposed poison found shall be despatch to the Superintendent of Police for transmission to the Chemical Examiner with the information required by Form 25.44 (viii).

25.45. Matters how forwarded to Chemical Examiner.—(1) If the Superintendent of Police considers that there are *prima facie* grounds for believing that the animal was poisoned, the bottles, jars or parcels shall be enclosed in a soldered tin case with an outer wooden cover and despatched carriage paid, to the Chemical Examiner. If the box is to be sent by post,. or as prepaid freight by rail, the additional precautions described in Appendix 25.41 (4) shall be taken. A label bearing a reference to the number and date of the letter intimating despatch shall be placed inside the box. Such letter shall contain an inventory of the jars, bottles and parcels despatch with counterparts of their labels and seals. A thin layer of cotton wood shall be placed on each side of the seal impression to prevent its being broken in the post.

(2) As English translation of the material parts of the case diary relating to the poisoning of the animal shall be forwarded with the letter intimating the despatch of the box.

(3) The owner of the carcase of a poisoned animal shall be encouraged to destroy it by cutting up the hide in small pieces, breaking up the horns and bones and buying the whole at a considerable depth. Cattle are sometimes poisoned by hide dealers with a view to obtaining their hides at a cheap rate. The destruction of the hide removes this motive.

(4) Bills for all costs incured in the transmission of substances for medical examination whether connected with the death of human beings or of animals shall be paid from the budget head "Carriage of corpses and transmission of substances for medical examination connected with the death of human beings or of animals under "29-Police-Other Contingencies".

25.46. Imperial Serologist Calcutta-Articles sent to.—The following rules regulate the circumstances under which articles suspected to bear human blood-stains shall be sent to the Imperial Serologist, Calcutta through the Chemical Examiner—

(a) In cases in which the evidence of the blood stained articles is, relatively to the whole body of the evidence, of small importance, the articles shall be sent direct to the Chemical Examiner, Lahore, for examination.

(b) In cases in which the establishment of the fact that blood-stains are of human blood, as distinct from the general classification of "Mammalian" is material to the prosecution and has a really important bearing on the case, the blood- stained articles shall be sent direct to the Chemical Examiner, who will determine which of such articles he will forward to the Imperial Serologist with the necessary sketches, etc. In sending articles for the Serological test, the Superintendent of Police shall specifically ask for examination to determine the source of the blood. The Imperial Serologist will, after examining the articles sent to him by the Chemical Examiner, return them with a copy of his report direct to the Superintendent of Police concerned.

(c) When blood-stained clothing is concerned, the stained portion only shall be cut out by the Chemical Examiner and sent. In the case of weapons and other solid articles the entire articles may have to be sent.

(d) All articles shall be accompanied by a complete medico-legal history of the case.

(e) No articles shall be sent direct to the Chemical Examiner except under the express order of the Superintendent.

25.47. Report of medical officer.—(1) The medical officer having completed his examination of the person, body, or article shall recorded in full the result arrived the at, and, in the case of post-mortem examination, his opinion as to the cause of death. He shall also record a list of any articles which he may intend to send to the Chemical Examiner. The report shall be written on the back of, or attached to Form 25.39 (1) and shall contain such reference to the person or object examined as will leave no possible doubt as to which case the remarks apply.

(2) The report shall be placed with the police file of the case and may be used by medical officer to refresh his memory when giving evidence.

25.48. Maintenance and disposal of stolen cattle during investigation and trial—(1) In case in which cattle or other animals alleged to be stolen are exhibits, the investigating officer shall, if the court of the magistrate having jurisdiction is so distant from the place where the cattle or other animals are kept that evidence of identification is likely to be prejudiced or the cattle are likely to suffer in condition by being driven to and for, send information to the prosecuting branch that the case is ready for trial, and request that it may be heard at or near the place where the cattle have been seized or found. On receipt of such report the head of the prosecuting branch shall, subject to the orders of the Superintendent of Police, represent the facts to the District Magistrate and move him to arrange for case to be tried on the spot.

(2) When a challan is actually laid before a magistrate, the stolen cattle should properly be in the custody of the police, but as soon as the identification evidence has been completed, the police prosecuting agency should at once approach the magistrate under section 516-A of the Criminal Procedure Code with a request that the cattle may be made over to an independent surety on to the complainant on security pending the conclusion of the case.

(3) With the object of mitigating the injury and inconvenience caused to owners of stolen cattle during the investigation and trial of cattle–theft cases, the prosecuting branch shall move Courts trying such cases to award punishment of fine as well as imprisonment and direct such fine to be paid to the owner of the cattle concerned in the case in proportion to the loss or injury he may have suffered by reason of his association with the investigation and trial, as provided by the section 545 (1) (b) and (c) of the Code of Criminal Procedure.

(4) Complainants is cattle-theft cases or sureties to whom cattle have been made over for safe custody and production as and when required during the investigation and trial are entitled to receive the cost of maintaining such cattle. Expenses incurred under this rule during the investigation of a case shall be paid from the allotment at the disposal of the Superintendent of police under "Rewards to private persons (Supplies and Services)", and claims shall by made by officers in charge of police stations in Form 25.48 (4). Payments may be made direct to the person entitled to receive it from the permanent advance allotment of police stations, if the Superintendent of Police by general order so directs. Otherwise the sum claimed shall be drawn by contingent bill as expeditiously as possible and sent to the police station concerned for disbursement. Expenses of maintenance during the pendency of the case in court shall be paid from judicial funds, and the prosecuting branch shall be responsible for recovering amounts due on this account together with and in the same manner as diet and journey money.

(5) The rates authorized for payments under sub-rule (4) above will be notified by the District Board in each district form time to time.

25.49. Property not required to be returned.—On the conclusion of an investigation the investigating officer shall make over to the proper persons all property which he may have taken into his charge in the course of the investigation

and which is not further required in connection with case. A receipt for property so made over shall be taken on the inquest report.

25.50. Seizures of property in extradition cases.—In any proceedings against any person under the Extradition Act (XV of 1903) or any treaty for the extradition of offenders, property in the possession of such person or of other persons, and required in connection with the case, may be seized and disposed of under the provisions of the Code of Criminal Procedure relating to the seizure and disposal of property required in case occurring in British Indian (Government of India Notification No. 362-1 of 22nd July, 1925).

25.51. Recognizances from witnesses.—(1) If the facts disclosed by the investigation indicate the commission of a congizable offence and the person who appears to be guilty of such offence is arrested, the investigating officer shall, when he has completed the investigation, take recognizances from the witnesses as provided by law.

(2) The charge sheet and its preparation and submission are dealt with in Chapter XXVII. To facilitate compliance with Rule 27.1 (4) investigating officers shall, when possible, intimate to the prosecuting inspector some days in advance the date when the challan and witnesses will reach headquarters.

25.52. Dissemination of intelligence and hue and cry notices.—(1) Every officer proceeding on an investigation shall have with him a supply of blank hue and cry notices (Form 23.18) and, shall utilise them as directed in Rule 23.18.

(2) Nothing in this rule, or in Rule 23.18, shall affect the taking of prompt action under sections 87 and 88, Code of Criminal Procedures, as required by rule

25.53. Cases diaries.—(1) Section 172 (i), Code of Criminal Procedure requires that a case diary shall be maintained and submitted daily during as investigation by the investigating officer. In such diary shall be recorded, concisely and clearly, the steps taken by the police, the circumstances ascertained through the investigation and the other information required by section 172(i), Code of Criminal Procedure.

(2) Case dairies shall be as brief as possible; shall not be swollen with lengthy explanations and theories and shall be written either in English or in simple Urdu.

Only such incidents of the investigation shall be included as have a bearing on the case.

(3) Detailed lists of stolen property or of property seized in the course of a search shall be entered in the first case diary submitted after the facts relating to such property were reported to, or discovered by, the investigating officer.

(4) The fact that copies of the record prepared under the provisions of section 165 and 166, Code of Criminal Procedure have been sent to the nearest magistrate empowered to take cognizance of the offences shall also be noted.

25.54. Record of case diaries.—(1) Case diaries shall ordinarily be submitted in Form 25.54 (1) and each sheet shall be numbered and stamped with the station

stamp, Two or more copies, as may be ordered, shall be made by the carbon copying process by the officer conducting the investigation. The officers writing a case diary shall enter in such diary a list of the statements, recorded under section 161, Criminal Procedure Code, which are attached to such diary and the number of pages of which each such statements consists.

(2) They shall be sent from the scene of investigation to the police station without delay.

(3) On arrival at the police station the number and date of each case diary shall be recorded on the reverse of the police station copy of the first information report, and the date and hour of receipt shall be entered on each copy of the diary.

(4) The original shall be despatched with as little delay as possible to the inspector or other superior officers as may be ordered, after the time of despatch has been entered in the space provided in the form on both the original and the copy or copies. Orders for the disposal and record of case diaries in the headquarters office are contained in rule 11.70. Also see rule 27.38.

(5) A copy of every case diary shall be retained at the police station, a separate file being maintained for each case. Such files shall be destroyed in accordance with the periods fixed in sub-rule 27.39 (5).

(6) Copies of all orders received at a police station in connection with case diaries and the replies thereto shall be made on blank sheets of paper and will be attached to the case diary to which they refer.

25.55. Files of case diaries.—(1) When a cases is sent for trial the police station file of case diaries shall be forwarded with the challan to the magistrate, and on completion of the trial shall be returned to the police station for record.

(2) Such files when received back at the police station also files of other cases in which the final report has been submitted, shall be filed at the police station in an annual bundle A in accordance with the serial number of their first information report.

(3) Copies of case diaries in pending cases shall be kept in files at the police station in a separate bundle B in accordance with the numbers of their first information reports.

(4) A list shall be kept in each bundle A and B of all the files contained therein, merely quoting the numbers of their first information reports. Should it be necessary to remove a file from the bundle the fact will be noted in the list.

Rule 25.56 for Haryana

25.56. Procedure when the investigation can not be completed in 24 hours.—(1) When an investigating officer requires authority to detain an accused person in police custody beyond the limits prescribed in section 61 of the Code of Criminal Procedure, 1898 he shall make an application therefore in accordance with the provision of section 167, Code of Criminal Procedure, on an incomplete charge sheet in Form 25.56 (1) to which he shall attach the case diaries or copies thereof.

The Magistrate will record his orders on the incomplete chargesheet which will not be returned to the Police, but will form part of the Magistrate proceedings. The magistrate shall sign and date every page of the case diaries or copies, thereof in token of having seen them. Application for remand shall be prepared in duplicate by the carbon copying process and a copy of the Magistrate's orders will be made by the police Officer on the carbon copy of the application, which will then be attached to the police file of the case. The copy will be attached to the charge-sheet when the case is finally sent for trial. Case diaries will not form part of the judicial file. The orders of High Court in connection with the granting of remands to the police custody are contained in Appendix No. 25.56(1).

(2) No application for remand to police custody shall be made on the ground that an accused person is likely to confess. Grounds for such an application should be of the following nature—

(a) That it is necessary to take the accused to a distance that he may be shown to persons likely to identify him as having been seen at or near the scene of the offence.

(b) That it is necessary to have his footprints compared with those found on or near the scene of offence.

(c) That the accused has offered to point out stolen property or weapons or other articles connected with the case.

(d) Any other good and sufficient special reason.

(3) Provided that in all serious cases, when the accused has been arrested and *prima facie* evidence has been produced, it shall be incumbent on the investigating officers to send the case for trial without delay, whether the investigation is completed or not Witness should invariably accompany such challan, and the Court should be asked to take up the case at the earliest possible moment in accordance with High Court Rules and Orders, Chapter 3(10)Volume IV, in order to record the evidence and thereafter to grant such detention or remand under the provisions of Section 167 or 344, Criminal Procedure Code, as may be found necessary, Evidence obtained subsequently shall be produced before the Court by a subsidiary challan. Superintendent should call up investigating officers for an explanation in all cases where the provisions of this rule appear to have been disregarded.

Rule 25.56 for Punjab

25.56. Incomplete charge sheet.—(1) When an investigating officer requires authority to detain an accused person in police custody beyond the limits prescribed in section 61 of the Code of Criminal Procedure, 1898 he shall make an application therefore in accordance with the provision of section 167, Code of Criminal Procedure, on an incomplete charge sheet in Form 25.56 (1) to which he shall attach the case diaries or copies thereof.

The Magistrate will record his orders on the incomplete chargesheet which will not be returned to the Police, but will form part of the Magistrate proceedings. Application for remand shall be prepared in duplicate by the carbon copying process and a copy of the Magistrate's orders will be made by the police Officer on the carbon copy of the application, which will then be attached to the police file of the case. The copy will be attached to the charge-sheet when the case is finally sent for trial. Case diaries will not form part of the judicial file. The orders of High Court in connection with the granting of remands to the police custody are contained in Appendix No. 25.56(1).

(2) No application for remand to police custody shall be made on the ground that an accused person is likely to confess. Grounds for such an application should be of the following nature—

(a) That it is necessary to take the accused to a distance that he may be shown to persons likely to identify him as having been seen at or near the scene of the offence.

(b) That it is necessary to have his footprints compared with those found on or near the scene of offence.

(c) That the accused has offered to point out stolen property or weapons or other articles connected with the case.

(d) Any other good and sufficient special reason.

(3) Provided that in all serious cases, when the accused has been arrested and *prima facie* evidence has been produced, it shall be incumbent on the investigating officers to send the case for trial without delay, whether the investigation is completed or not Witness should invariably accompany such challan, and the Court should be asked to take up the case at the earliest possible moment in accordance with High Court Rules and Orders, Chapter 3(10)Volume IV, in order to record the evidence and thereafter to grant such detention or remand under the provisions of Section 167 or 344, Criminal Procedure Code, as may be found necessary, Evidence obtained subsequently shall be produced before the Court by a subsidiary challan. Superintendent should call up investigating officers for an explanation in all cases where the provisions of this rule appear to have been disregarded.

Rule 25.57 for Punjab

25.57. Close of investigation and final report.—(1) If on any day, or days, a police officer in charge of the investigation of a case makes no investigation, he shall enter a statement to this effect in the case diary of the day on which the next does something towards the completion of the case.

(2) [1][(i) When the police are unsuccessful, after taking all the measures in their power, and it is considered advisable to suspend the investigation, a final report in Form 25.57 (2) shall be submitted as required by section 173, of the

1. Substituted by Punjab Govt. Notification No. G.S.R. 20-/C.A.V./1861/S.46/Amd. (23)/2003, dated 6.3.2003.

Code of Criminal Procedure, 1973. One carbon copy of final report shall be submitted to the District Crime Record Bureau of concerned District Headquaters for record by the concerned Station House Officer.]

(ii) In cases in which a final report is submitted under sub-rule (2) (i) above and in which a copy of the first information report has been sent to a Panchayat as required by Police Rule 24.4(2), a final report shall also be sent to the Panchayat containing information on the following points—

(a) Whether or not an offence has been proved.

(b) Whether or not the offence proved is tribal by the Panchayat and explaining that the case has not been sent for trial.

(3) If the informant is present when the final report is prepared, he shall be informed verbally of the result of the investigation and, after noting this fact in the final report, his signature or thumb mark shall be taken on it. If the information is not present, he shall be informed in writing by postcard or by the delivery of a notice by hand, and the fact that this has been done shall be noted in the final report.

In final (untraced or cancelled) reports the facts of the case which the investigating officer believes to be correct should be summarised, together with the grounds, for his belief. Information so recorded should be utilised for the completion of preventive records.

Rule 25.57 for Haryana

25.57. Close of investigation and final report.—(1) If on any day, or days, a police officer in charge of the investigation of a case makes no investigation, he shall enter a statement to this effect in the case diary of the day on which he next does something towards the completion of the case.

(2)(i) When the police are unsuccessful, after taking all the measures in their power, and it is considered advisable to suspend the investigation a final report in Form 25.57 (2) shall be submitted as required by section 173, Code of Criminal Procedure. [1][One carbon copy shall be submitted to the District Crime Record Bureau of the concerned district for record.]

(ii) In cases in which a final report is submitted under sub-rule (2)(i) above and in which a copy of the first information report has been sent to a Panchayat as required by Police Rule 24.4(2), a final report shall also be sent to the Panchayat containing information on the following points:—

(a) Wheather or not an offence has been proved.

(b) Wheather or not the offence proved is triable by the Panchayat and explaining that the case has not been sent for trial.

1. Added by Haryana Govt. Noti. No. G.S.R. 110/Const./Art. 309/98 dated 4.2.1998.

(3) If the informant is present when the final report is prepared, he shall be informed verbally of the result of the investigation and, after nothing this fact in the final report, his signature or thumb mark shall be taken on it. If the informant is not present, he shall be informed in writing by postcard or by the delivery of a notice by hand, and the fact that this has been done shall be noted in the final report.

In final (untraced or cancelled) reports the facts of the case which the investigating officer believes to be correct should be summarised, together with the grounds, for his belief. Information so recorded should be utilised for the completion of preventive records.

25.58. Provision of Investigation bag to the investigating officer.—The investigating officer shall be provided with an investigation bag of approved pattern containing—

(1) One bottle of grey order.

(2) One bottle of graphite powder.

(3) One camel hair brush

(4) Folien paper.

(5) Finger print forms.

(6) Finger print ink.

(7) Appliance for finger printing dead bodies.

(8) One magnifying glass.

(9) On finger print impression pad and roller.

Finger print material

(10) One electric torch.

(11) One knife.

(12) One pair of scissors.

(13) One measuring tap 60, long.

(14) One of the foot-rule 2 feet long.

(15) Sealing wax and candles.

(16) Formal in diluted to 10 per cent together with chloride of lime to counteract decomposition of corpses.

(17) Cotton wool and $1\frac{1}{2}$ yards cloth for packing exhibits.

(18) Case diary book with plate, pencil or pen, carbon paper and the usual forms requires in investigation.

APPENDIX 25.18-A

RULES FOR THE PROTECTION OF SURCES OF INFORMATION

In exercise of the powers conferred on him by section 58 of the Government of India Act, 1935, the Governor of the Punjab acting in his discretion is pleased to make the following rules—

1. Except as hereinafter provided a police officer or other servant of the Crown shall not disclose nor be compelled to disclose the source from which or the channel through which any information with respect to the operations of persons committing, or conspiring, preparing or attempting to commit such crime as are mentioned in sub-section (1) of section 57 of the Government of India Act, 1935, has been or may be obtained; and a police officer or other servant of the Crown shall not communicate nor be compelled to communicate any matter whether contained in records or otherwise which discloses, or in his opinion might in conjunction with other circumstances or matters result in the disclosure or, or permit to be inferred; the source from which or the channel through which any such information as aforesaid has been or may be obtained.

Note.—Section 58 and this rule protect also source of information relating to past acts of commission of such crimes, and to past conspiracies, preparations, and attempt to commit such crimes.

2. The provisions of rule 1 shall not apply to a disclosure or communication by a police officer to another member of the same force who is authorized by the Inspector-General of Police either by a general or special direction in this behalf to require or receive such disclosure or communication. In giving general of special direction the Inspector-General of Police shall be under the general control of and comply with such instructions as may for time to time be given to him by the Governor in his discretion.

3. The provision of rule 1 shall not apply to a disclosure or communication by a police officer to any person (not being a member of same force) who is authorised by the Governor in his discretion either by a general or special direction in this behalf to receive such disclosure or communication.

4. The provisions of rule 1 shall not apply to a disclosure or communication by a servant of the Crown (not being a police officer) to any person who is authorised by the Governor in his discretion either by a general or special direction in this behalf to receive such disclosure or communication.

5. The provision of rule 1 shall not apply to a disclosure or communication by any servant of the Crown (not being a police officer) of acts ascertained by himself made to a Superintendent of Police or District Magistrate of a district or to an officer of Criminal Investigation Department of or above the rank of Sub-Inspector or to any police officer conducting an investigation under the Code or Criminal Procedure, 1898.

6. The provisions of Rule 1 shall not affect the procedure followed by a police officer making an investigation under Chapter XIV of the Code of Criminal Procedures, 1898.

7. The Inspector-General of Police shall, with previous approval of the Governor in his discretion give directions as to the custody of the records or any other documents containing such information as is referred to in rule (1), and the person or persons

in whose custody such records or documents are kept shall not disclose them to any person except in accordance with these directions.

8. If in the interests of the administration it is considered necessary by any police officer in possession of any such record or information that such record or information should be disclosed or given to any person other than a police officer serving under the Punjab Government, he shall refer the matter to the Governor through the Inspector-General of Police, and the decision of the Governor in his discretion shall be final.

9. If any person in the service of the Crown in the province other than a police officer considers it necessary in the interests of the administration that such record or information should be disclosed or given to any person, be shall refer the matter to the Governor, and the decision of the Governor in this discretion shall be final.

10. A servant of the Crown who is in doubt whether in any particular case he is compelled by, or permitted under the provisions of these rules to make a disclosure or communication may before making the disclosure or communication require that the matter be referred for direction by the Inspector-General of Police or the Governor in his discretion, as the case may be.

4. The above principles apply equally to Council questions. The great majority of these can be disposed of without reference to local officers. Sometimes when a question consists of several parts, a reference to local officers is necessary only in regard to one or town of these parts. Where a reference is made, it should be stated in regard to which parts information is required. Further, where a question asks for information which will require considerable time and labour for the collection, local officers should not be asked to supply this information, unless the Secretary concerned is satisfied that the information may reasonably be given in spite of the time and labour involved. Where he dose not think that this is the case, he should obtain the orders of the member or Minister concerned before starting inquires which may later prove unnecessary. Where it is decided not to collect information required to answer a council question the proper answer is-"It is not in the public interest to collect this information".

5. In order to secure that the above orders are observed, the following procedure is prescribed—

(i) Except in purely routine matters, no reference to Commissioners or Deputy Commissioners should be made without the approval of a gazetted officer. Important reference should receive the approval of the Secretary or the Head of the Department concerned, unless they are of an immediate nature and the approval of the Secretary or Head of the Department cannot be obtained without delay.

(ii) Commissioners of Divisions should bring to the notice of the Chief Secretary by demi-official letter cases in which unnecessary references are made of inadequate time is given for the disposal of unnecessary references. The Chief Secretary will submit the reference of the Commissioner to the Member or Minster concerned, who will no doubt wish to satisfy himself that that orders of Government have been observed.

6. The above orders relate primarily to references to Commissioners and Deputy Commissioners. They will also apply mutatis *mutations* to references by the Secretariat and heads of Department to another administrative and executive officer, e.g. in the Irrigation Branch of the Public Works Department they will apply to reference by the Secretariat to

Superintending and Executive Engineers; in the Agriculture Department they will apply to references by the office of the Director of Agriculture to Deputy Director of Agriculture and to Extra Assistant Director of Agriculture, and so on.

7. In order that the foregoing instructions are not lost sight of, they should be embodied in departmental Manuals.

Yours sincerely,

F.H. PUCKLE,

Chief Secretary to Government Punjab.

To

(i) All Heads of Departments in the Punjab.

(ii) The Register,High Court of Judicature at Lahore.

(iii) All Commissioners of Divisions, Deputy Commissioners and District and Sessions Judges in the Punjab.

APPENDIX No. 25.27

50. Instructions as to statement and confessions of accused persons.— The following instructions (contained in Rules and Orders of the High Court, Volume III) on the subject of taking and recording statements and confessions of accused persons should be observed—

Confessions and Statements of accused persons

The provisions of sections 164, 342 and 364 of the Criminal Procedure Code with regard to the confessions and statements of accused persons should be carefully studied. Section 164 deals with the recording of statements and confession at any stage before the commencement of an enquiry or trial. Section 342 deals with the examination of accused persons during the course of the enquiry or trail. Section 364 prescribes the manner in which the examination of accused person is to be recorded.

2. The objects of section 164, Criminal Procedure Code, is to provide a method of securing a reliable record of statements or confession made during the course of the police investigation, which could be used, if necessary during the enquiry or trial. Under section 25 of the Indian Evidence Act, a confession to a police officer is inadmissible in evidence, and hence when an accused person confesses during police investigation the police frequently get it recorded by a Magistrates under section 164, Criminal Procedure Code, and it can them be used to the extent to which it may be admissible under the Indian Evidence Act.

3. Under section 80 of the Indian Evidence Act, a Court is bound to presume that a statement of confession of an accused person taken in accordance with law and purporting to be signed by any judge or Magistrate is genuine, and that the certificate or note as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such statement or confession was duly taken. The words "taken in accordance with law" occurring in this section are very important and it is essential that in recording a statement or confession under section 164, the provisions of that section should be strictly followed. Some important changes were made in the section in 1923 and the form of the certificate to be attached to the statements and confessions was also altered. The evidential value of a confession depends upon its voluntary character and precision with which it is reproduced and hence the section provides safeguards to secure this end. These safeguard are of great importance as confessions are often retracted at a later stage and it becomes necessary for the court to ascertain whether the alleged confession

was actually and voluntarily made. The mere fact that a confession is retracted does not render it inadmissible in evidence, but the Court has to scrutinise any such confession with the utmost care and accept it with the greatest caution. Experience and common sense in fact show that the absence of some material corroboration it is not safe to convict merely on a retracted confession, unless from the peculiar circumstances under which it was made and judging form the reasons, alleged or apparent, of retraction there remains a high degree of certainly that the confession, notwithstanding its having been resiled from, is genuine [cf. 30P.R. 1914(Cr.)].

4. Some important features of section 164 as it stands now are—

(a) Statements or confessions made in the courses of an investigation can be recorded only by a magistrate of the first class of a magistrate of the second class who has been specially empowered by the Local Government.

(b) Confession must be recorded and signed in the manner provided in section 364.

(c) Before recording any such confession the magistrate shall explain to the person making it that he is not bound to make a confession, and that if he does so it may be used in evidence against him.

(d) No magistrate shall record any such confession unless upon questioning the person making it, he has reason to believe that it was made voluntarily; failure to question has been held to vitiate the confession (I.L.R 2 Lah. 325)

(e) The memorandum set forth in section 164(3) must be appended at the foot of the record of the confession.

(f) It is not necessary that the magistrate receiving or recording a confession or statement should be a magistrate having jurisdiction in the case.

5. The annexed form for recording confessions taken under section 164 has been prescribed and should invariably be used.

6. Unless there are exceptional reasons to the contrary confessions should be recorded in open court and during court hours, Police officers investigation the case should not be present.

7. An accused person who has been produced for the purpose of making a confession and has declined to do so, or has made a statement which is unsatisfactory from the point of view of the prosecution, should, in no circumstances, be remanded to police custody.

8. Section 342 of the Code empowers the Court to put questions to the accused at any stage of enquiry of trial to enable him to explain any circumstances appearing in evidence against him. The question put under this section must be confined to the points brought out in the evidence and should not be in the nature of cross-examination of the accused person. Nor should the power given by the section be used to elicit information from the accused to fill up gaps in the prosecution evidence (cf.I.L.R. 4 Lah. 55). For the conviction of an accused person can only be based on the evidence produced by the prosecution. No oath can be administered to the accused and the answers given by him can only be taken into consideration in explanation of the prosecution evidence.

8-A. The magistrate is allowed by section 342 of the Code of Criminal Procedure to examine the accused at an early stage of the case for the purpose of enabling him to explain any circumstances appearing in the evidence against him. This provision is intended for the benefit of the accused, and must not be used to elicit his defence before the prosecution evidence is complete. Magistrate sometimes question the accused generally on the case as

soon as a *prime facie* case has been made out, but before the prosecution evidence in complete. This is incorrect. According to the second part of clause (1) of section 342, it is only after the completion of the prosecution evidence that the accused can be questioned generally on the case. The necessity for postponing such examination is not avoided by framing a charge at an early stage.

Even when a charge has been framed, the magistrate should wait until the prosecution evidence is concluded before making a general examination of the accused.

9. Section 342, makes it obligatory for Court to examine the accused generally on the case after the witnesses for the prosecution have been examined and before the accused is called for his defence. Even when an accused person has been examined at an earlier stage the Court must examine the accused generally after the close of the prosecution case (i.e. after the examination and cross-examination of prosecution witness and their further cross-examination, if any, after the charge is framed) and before the accused is called upon to produce his defence so as to give him an opportunity to explain any points which were not included in the questions put to him at earlier stages. Failure to examine the accused at the close of the prosecution evidence has been held to be an illegality which vitiates the trial (vide 7 I.L.R. Lah. 564).

10. Under section 256 of the Code, if the accused person puts in a written statements, it should be filed with the record. But a written statement of this kind does not relieve the Court of the duty of examining the accused in Court after the close of the prosecuting evidence as laid down in section 342.

11. Section 364 provides the mode in which the examination of an accused person is recorded. The questions put to the accused and the answer given by him should be distinctly and accurately recorded. The examination of the accused should be recorded in the language in which he is examined, and, if that is not practicable, in the language of the Court or in English. In cases in which examination is not recorded by the magistrate or Judge himself he must record a Memo, thereof in the language of the Court or in English if he is sufficiently acquainted with the latter language. The examination must be read over to the accused and make conformable to what he declares to be the truth. The Magistrate or Judge must then certify under his own hand that the examination was taken down in his presence and hearing, and that the record contains a full and true accounts of what was stated.

12. Under section 533 of the Code, if any court, before which a confession or other statement, of an accused person recorded or purporting to be recorded under section 164, or section 364, in intended, or has been received in evidence finds that any of the provisions of either of such section, have not been complied with by the magistrate recording the statements it must take evidence that such person duly made the statement recorded and such a statements may then become admissible in evidence notwithstanding the provisions of section 91 of the Indian Evidence Act, provided the error has not prejudiced the accused as to his defence on merits.

RECORD OF A CONFESSION MADE BY AN ACCUSED PERSON
(SECTION 164 OF THE CODE OF CRIMINAL PROCEDURE)

_____Division

In the Court of_____

THE CROWN

Versus

The confession of_____ take by me_____ a Magistrate of the_____ District, this_____ day of_____19.

Memorandum of Enquiry

(The magistrate shall first, as required by section 164(3), Code of Criminal Procedure explain to the accused person that he is not bound to make a confession, and that if he does so, it may be used as evidence against him, and shall them put and record answers to the following questions. If the answer are of such a character as to requires him to do so, he should put such further questions as may be necessary to enable him to judge whether the accused persons is acting voluntarily. In arriving at his conclusion on this point the magistrate should consider *inter alia* the period during which the accused person has been in police custody and make sure that the confession is no the result of any undue influence of ill treatment Special case could be taken when women or children are produced by the police for their confession being recorded)—

Q. Do you understand that you are not bound to make a confession.?

A.

Q. Do you understand that your statement is being recorded by a magistrate, and that if you make a confession, it may be used as evidence against you?

A.

Q. Understanding these two facts, are you making a statements before me voluntarily?

A.

Statement of accused.

(Mark or signature of accused)

Magistrate

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

Magistrate.

Dated_____

APPENDIX 25.41 (4)

DIRECTION FOR AND PRECAUTIONS TO BE TAKEN IN FOR WARDING ARTICLES TO THE CHEMICAL EXAMINER FOR EXAMINATION AND REPORT

All articles should, as far as possible, be sent by registered parcel post. If this cannot be done and the articles are important, they should be sent by hand. Only very heavy and unimportant articles should be sent by rail.

Human poisoning cases.

1. FATAL.—

The following articles should be forwarded in all cases—

(1) Stomach with contents. The stomach should be securely tied at both ends.

(2) A piece of the small intestine (about 3 feet) securely tied at both ends.

(3) A portion of the liver (not less than 16 ounces), one kidney and a piece of spleen.

(4) Urine or stomach washings if available.

(5) A sample of the preservative fluid used.

Note.—(i) Rectified spirit should be used in all cases unless alcohol, phosphorus or carbolic acid poisoning is suspected. In such cases normal saline solution should be used.

(ii) In suspected coal-gas (charcoal) poisoning, a sample of the blood should be sent in a small bottle properly corked. Add two drops only of formative in to prevent decomposition if available

(iii) Ashes and burnt bones should only be sent where a metallic poison is suspected. Vegetable poisons are destroyed during cremation.

Documents which should be forwarded—

A. By post—

(1) Post-mortem Report.

Note.—Information or the following toxicologically important points should invariably be supplied—

(a) Date and hour or onset of; symptoms, (b) date and hour of death; (c) in case where the body has been exhumed, date of burial and of exhumation should be entered in column headed "Death"; (d) in cases of suspected irritant poisoning, the condition of the gastro-intestinal tract, as regards emptiness or otherwise as well as any abnormal appearance of the mucous membrances should be specially noted.

The following information should also be given—

(a) note of symptoms observed by the Medical Officer if the case has been seen during life by him, (b) note of nature and duration of treatment, if any, adopted by the Medical Officer, Police, or friends of deceased.

(2) Statements of symptoms [Police Form 25.35(c)] supplied by the Police to the forwarding Medica Officer. (This form should be carefully filled in by the Police, noting particularly the early or *first* system observed).

(3) Certified copy of the Police Reports (vernacular or otherwise) sent with the case to the forwarding Medical Officer.

(4) Forwarding memo and invoice list of articles forwarded for examining to the Chemical Examiner.

(5) Impression or imprint of seal used to seal the packages.

Note.—(1) The seal should be a private one, and the same seal should be used throughout. This impression should be attached to the forwarding memo. (No.4), and should be protected by a thick layer of cotton wool to prevent its being broken in transit.

(2) An imprint of the seal on apiece of paper is better than an impression of the seal.

B.—Under cover of the box containing the article for examination—

(1) Duplicate copies of forwarding memo, invoice list of articles sent for analysis.

(2) Duplicate impression or preferably imprint of seal used in the case.

Note.—Make sure that the bottles are properly corked and packed otherwise leakage stain the documents inside.

II. NON-FATAL—

Vomit, stomach washings purged matter, urine and suspected articles of food should be sent whenever available.

Documents which should be forwarded—

A.—By post—

(1) Statements of symptoms [Police form 25.36(c)].

(2) Note of symptoms observed by the Medical Officer.

(3) Note of treatment, if any, adopted by the Medical Officer, Police, or patient friends.

(4) Forwarding memo, (original) and invoice list of the articles forwarded for examination. The nature of the preservative fluid used, if any, should be stated;

(5) Impression of imprint of seal used to seal the package.

B. Under cover box containing the articles for examination—

(1) Duplicate copy of forwarding memo and invoice list of articles sent for analysis, and of Police Form No. 25.35 (c).

(2) Duplicate impression or imprint of seal used in the case.

Abortion cases

I. Fatal.—As in fatal human poisoning cases, but, in addition, the uterus and upper part of the vagina should invariably be sent, along with any foreign bodies found in the gential tract.

II. Non-fatal.—As in non-fatal poisoning cases, but, in addition, any foreign bodies expelled or removed from the vagina or uterus should be sent.

Blood-stain cases

The entire garments or other articles suspected to be stained with blood should be sent if possible, not portions removed or cut from them. A label with number and description of the articles should be stitched or tied (not gummed or pasted) to each separate article, care being taken that the labels correspond with the invoice list of articles. When the label is tied to the articles the string should be sealed.

Note.—(1) Take care that stains are quite dry before being packed for examination. Wet stains readily decompose.

(2) Do not make a circle with ink or indelible pencil around the suspected stains. In wet weather or during examination such circles run into the stains and interfere with the tests.

(3) Wet blood stains on a culprit's body should be removed with a clean, cotton swab and property dried before being sent for analysis. Dry blood stains on a culprits body may be gently scrapped into an envelop and then despatched for analysis.

Documents which should be forwarded—

A. By post—

(1) Forwarding memo, and invoice list of articles for examination.

(2) Impression or imprint of seal used in the case.

B. With the articles—

(1) Duplicate copy of forwarding memo, and invoice list.

(2) Duplicate impression or imprint of seal used in the case.

Semen cases

This entire garment, etc., should be sent. The cloth should not be folded at the stained portion. The stain should be kept quite flat, and should be protected by a thin layer of cotton wool and each surface.

Note.—It is better to send swabs from the vaginal mucus than mounted slides. These swabs should be first dried and then forwarded in a small box or phial carefully labelled.

Rules for preserving and packing exhibits for transmission to the Chemical Examiner.

I. The suspected organs or other exhibits should be placed in a clean glass bottle or jar having a good fitting stopper or cork. Wide mouthed bottles or jars of sufficient size must be used, otherwise the contents readily decompose. It is also difficult to empty narrow-mouthed bottled or jars that are tightly packed.

II. Materials that are liable to decompose should be preserved by one of the following methods—

(1) In case of suspected human poisoning other than alcohol, phosphorus, carbolic acid and some of the lesser and known volatile poisons, the material sent should be immersed in rectified spirit. The spirit should be sufficient to cover the material immersed in whatever position the vessel containing it may be held. On no account use common bazaar spirit. A separate four ounce bottled of the rectified spirit added should sent for independent analysis as a control.

(2) In those cases mentioned above where rectified spirit should not be added, the preservative used should be salt solution an the same precautions for impression of material should be exercised. A salt solution is made by adding a full tablespoonful of salt to about a pint of fresh clean water. A separate four ounces bottle of this salt solution should be sent for independent analysis as a control.

(3) If two or more examinations have to be made on the same occasion, the medical officer should complete one and label and seal the articles connected with it before commencing a second examination, otherwise there is risk of the viscera, etc., of one case getting mixed with those of another. He should clean his instruments and vessels before commencing the second case.

(4) In cases of suspected cattle poisoning, the viscera or other material should be prescribed in rectified spirit with the same precautions as those exercised in human poisioning cases (item 2).

(5) It is advisable to keep a sampled of the preservative added under lock and key in case the bottle containing the sample sent to the Chemical Examiner should arrive broken.

III. Great care should be taken that the stopper or cork of the bottle or jar fits tightly; especially is this necessary during the hot weather, when rectified spirit is added as a preservation. The stopper may first be candle-waxed and then carefully tied down with leather or water proof sealed.

IV. To secure identity, the bottles or jars should be properly labelled with a list of the contents.

V. The bottles or jars should then be placed in a strong wooden box with plenty of packing material to ensure against any breakages during transit. Saw dust, cotton, wool and dried grass are suitable for this purpose. Old office papers, etc., should not be used as the copies of the forwarding documents enclosed in the box are liable to be thrown away with this waste paper packing material. Keep these documents well away from the bottles as breakages or leakages are apt to stain them.

VI. The box itself should be covered with common garha cloth properly sewed and sealed. Seals should be at short intervals of three inches along each line of sewing. All the seals must be similar and preferably the wax should be of the same kind. The seal used should be the ordinary office seal and must be kept under lock and key. Current coins, or a series of straight, curved or crossed lines must not be used as seals. The box should be properly addressed and sufficient stamps added to cover postage; the box must be franked.

VII. Under no circumstances should viscera from different cases be included in the same parcel.

VIII. The despatch officer who is invariably that Civil Surgeon or another medical officer authorised to conduct *post-mortem* examination, is personally responsible that these instructions are carefully followed.

Note.—In order to minimise the chances of parcels being lost in transit between that office of the Chemical Examiner and the Railway Station at Lahore, all articles for medico-legal examination should be sent by post as far as possible or better still by hand.

IX. In case where the police send a closed parcel through the medical officer and the latter has no occasion to open it in transmission, the parcel should be packed in a second cloth cover and the forwarding memo, should also be enclosed. This procedure is necessary and prevents cases getting mixed up on receipt in the Chemical Examiner office.

X. The labelling and numbering of articles should not be in the vernacular but in English.

XI. A declaration of the contents to the Postal authorize is unnecessary.

APPENDIX 25.42 (2)

INSTRUCTIONS FOR DEALING WITH SUBSTANCES OR OBJECTS SUSPECTED OF BEING EXPLOSIVE

Introduction.

Explosive substances or objects which may cause explosion may be met within the following forms—

A. Liquids.—For example nitro-glycerine. These will rarely have to be dealt with. The possession of a liquid explosive is generally illegal.

B. Solids—(1) *Blasting explosive.*—Dynamite, Gelatine Dynamite, Blasting Gelatine, Gelignite, etc., These are usually made up in cylinder form about two inches long in waterproof paper, wrappers, stamped with the marker's name. They vary in consistency, from a tough leathery material to a soft one like ordinary stiff jelly.

(2) *Gunpowder.*—May be black, brown or grey and is made up in cylinder form, cubes pebbles, grains and powder.

(3) *Gun cotton.*—Is while and is supplied in slabs or cylinders or loses like cotton wool.

(4) *Gun, rifle and shot gun powders.*—These are generally in cords, tapes or grains, but are found as small cubes or flakers. In color they may be white, pink, yellow blue or black.

(5) *Fulminates.*—These are white or grey powders. They are extremely dangerous. Their possession is generally illegal.

(6) *Picric acid and picrates.*—These are crystalline or may be in powder form. They have a brilliant yellow color if pure. A licence is required for their possession.

(7) (a) *Ammonal.*—This is a mixture of tri-nitro-toluene, ammonium nitrate aluminum powder and charcoal. It is a slivery brown paste.

(b) *Amatol.*—Is mixture of tri-nitro-toluene and ammonium nitrate. In appearance it is a brown paste.

(8) *Chlorate of potash.*—May be found in clear tabular crystals or as a while powder.

(9) *Sulphide of arsenics.*—Is generally found as a yellow or orange powder.

(10) *Carbide or phosphide of calcium.*—Under certain circumstances these may cause violent explosion.

(11) *Detonators and caps.*—These are explosive made up in metal tubes or small metal caps. Military detonators, friction tubes and time fuzes are made in a great variety of forms. All detonation should be handled with the utmost care.

(12) *Fuse.*—This is slow burning gunpowder roiled up in cloth or paper in the form of long cards. Military fuses are made up in metal bodies in great variety of forms.

(13) *Cartridges.*—These are either commercial, military or sporting and generally contain their own means of ignition in the form of a cap of primer. Cartridges for big guns generally consist of explosives made up in silk cloth or shalloon bags or bundles.

(14) *Bombs.*—These are explosives contained in receptacles such as bottles, jars, coconut shells, cloth, jute or hemp, balls or bundles, books letter tins, metal shells, bamboo tubes, water cistern float, chattiest etc., the whole being designed to explode by percussion, fuse, trigger, by being inverted etc.

(15) *Fireworks.*—Fireworks are provided with a fuse of touch papers or slow match. Throwdowns, crackers, explosive corks, or objects designed to explode by percussion, provided they are not detonators, caps or cartridges are not fireworks, but bombs.

(16) *Rockets.*—Some rockets are not fire works. Life saving signal and military rockets are dangerous and should be handled with care.

(17) *Signals.*—These may be ships-flares, signal lights etc. They are not fireworks.

C. Gases.—'Liquid or compressed gases (ammonia, oxygen, hydrogen, acetylene, carbon-di-oxide) in cylinders, sparklets, etc. may under certain circumstances cause violet explosion.

Instructions

A local police officer should communicate at once with the Superintendent of Police, who will himself proceed, or depute some responsible officer to proceed, to the place to carry out the following instruction—

1. If you have any reason, however slight, to suspect that the substance or object with which you, are dealing in dangerous then regard it as being Highly Explosive until such time as it is proved to be otherwise.

2. [***]

3. During the removal, guarding or examination of any substances or object suspected of being explosive, all necessary persons whether police or otherwise should be sent away.

4. If the substances you are examining is—

Liquid, proceed as in paragraphs, 6 or 7.

Solid proceed as in paragraph 8,9,10.

Gas proceed as in paragraph 11.

5. If the objects you are examining is a—

Detonator or cap.
Fuse,
Cartridge,
Firework,
Rocket,
Signal light,
— Procedure as in paragraph 12.

Bomb, proceed as in paragraph, 13.

6. (1) If the substance is a liquid in an open vessel—Carefully dip into the liquid a pencil or thin piece of stick and allow one drop to fall on a small piece of blotting paper of tin foil (silver paper). Remove this ten yards or more from the vessel or vessels containing the bulk of the liquid, place it upon a flat surface or iron or stone and strike it a sharp glancing blow with a flat headed hammer. Repeat the test three times with fresh drops and also by burning a fresh drip of the liquid on the blotting paper in the flame of a spirit or candle.

(A) The substance explodes or burns rapidly. Place about half an ounce of the liquid in small clean bottle, carefully, cork it up (do not use a glass or metal stopper), and after packing in cotton wool in box or tin, sent it by messenger to the Inspector of Explosive, Northern, India, with your report. The bulk of the liquid should be locked up in an isolated place until instructions are received from the Inspector of Explosive, Northern India, as to its disposal.

(B) The substance does not explode or burn rapidly, Please about half an ounce of the liquid in a small clean bottle, cork up and after packing send by post to the Inspector of Explosive, Northern India, with your report, the bulk of the liquid should be locked up in any convenient place until the report of the Inspector or Explosive is received.

7. (2) When the substances is a liquid in a closed vessel,—

(1) If the vessel is a bottle and is not suspected of being a bomb and the stopper will not come out when using only moderate power, do not attempt to open but send it by messenger to the nearest Inspector of Explosive together with your report, first having carefully packed the bottle upright in a box with straw, sawdust, or paper, etc.

(2) If the vessel is a bottle and is not suspected of being a bomb and the stopper will come out, then proceed as in paragraph 6.

(3) If the vessel is not suspected of being a bomb and is of metal or other hard material and the stopper will not come out when moderate force is used, do not attempt to open but remover the vessel very gently, and in such a manner as to expose it to as little shaking as possible, and without turning it over in any way, to such open place of safety in the vicinity as may be available, where its ignition or explosion would be attended with a minimum of mischief, e.g., a yard or a garden or other open space from which the public are or can be excluded. The two pieces or strong cord to the vessel passing one cord round a hook or tree and from round the corner of a building and after all persons have been removed from within range, pull the cords backwards and forwards so that the vessel is upset and given as severe a shaking as possible, then leave vessel is alone for twelve hours.

If explosion is not obtained and the vessel is not too large send it by messenger to the Inspector of Explosives with your report.

If the vessel is a large one, try once more to open it using more force. If you cannot open it, remove the vessel to a convenient place where it can be locked up and send a copy of your report and all connected papers to the Inspector of Explosives.

8. Whom the substance is a solid in an open vessel—

(1) Carefully take out with a piece of cardboard or flat stick a few grains of the solid and after removing it ten yards, or more away from the vessel or vessels containing the bulk of the substance, place it upon a flat surface or iron of stone and strike it a sharp glancing blow with a flat headed hammer. Repeat test three time with fresh substance and also try burning a small portion on blotting paper in the flame of a spirit lamp or candle.

(A) *The substance exploded or burns rapidly.*—Take a very small amount of the substances, add to it a little water and notice what happens. If the substance undergoes no change and there is no sign of any gas being given off, or of heat being generated, place about half an ounce of the substance in a small clean bottle and fill up with clean water. Cork the bottle carefully, taking the precaution not to use a glass or metal stopper, and then pack it cotton wool in a box or tin and send it by messenger to the Inspector of Explosives with your report.

The bulk of the substance should then be covered with clean water and locked up in an isolated place until instructions are received from the Inspector of Explosive as to its disposal.

(B) *The substance does not explode or burn rapidly.*—Test a small amount of the substance with water in exactly the same way as detailed in (A). If the substance undergoes no change and there is no sign of any gas being given off, or of heat being generated, place about half an ounce of the substance in a small clean bottle and fill up with water. Cork the bottle carefully, and after packing, send it by post to the Inspector of Explosives with your report.

The bulk of the substance should then be covered with clean water and locked up in any convenient place until the report of the Inspector of Explosives is received.

(2) If you find that the substance under sub-paragraph (A) and (B) does undergo a charge etc., when water is added proceed exactly as before, except that the sample in all cases should be sent dry, and bulk also kept dry. Make certain that your bottle is absolutely dry before you put the sample into it.

9. When the substance is a solid in a closed vessel—

(1) If the vessel in a bottle and is not suspected of being a bomb and the stopper will not come out when only moderate power is used. Do not attempt to open it but send it by messenger to the Inspector of Explosives together with your report, first having carefully packed the bottle upright in a box with straw, sawdust, paper, etc.

(2) If the vessel is a bottle and is not suspected of being a bomb and the stopper will come not their proceed as in 8.

(3) If the vessel is not suspected of being a bomb and is of metal or other hard material proceed as in 7(2).

10. When the substance is calcium carbide or calcium phosphide. If it is desired to destroy calcium carbide or calcium phosphide, this can be done by dropping them into deep water, but not more than half a pound at a time, waiting until no more gas is given off before a fresh portion is destroyed.

11. *When the substances is a gas.*—Gases are generally found compressed in cylinders, sparklets, etc,. They should be kept cool and away from the direct rays of the sun. If it is desired to know what gas is in any cylinder, the whole cylinder should be even up in a coir matting and sent by the train to the Inspector of Explosives together with your report. Small cylinders or sparklets only a few inches long can be sent by post if well packed in cotton wool in a wooden box.

12. When the object is a detonator, cap, fuse, cartridge, firework, rocket, light, these should never, under any circumstances, be sent through the post. A few should be carefully packed separately in cotton wool in a wooden box and be sent by hand to the Inspector of Explosives together with your report. The bulk should be locked up in an isolated place.

13. When the object is a bomb—

(1) These may be met with in the following forms—

A. Military grenades.

B. Copies of military grenades.

C. Bombs made up the in soda bottles, jam tins, water cistern floats, chatties, coconut shells, bundles of jute of hemp, bamboo tubes, etc.,

D. Book bombs

E. Letter bombs.

(2) Any of these may be designed to explode—

(a) when moved in any way,

(b) when turned over,

(c) when placed in water

(d) when thrown down,

(e) by lighting a fuse,

(f) by clockwork.

(g) by chemical reaction.

(3) Before touching the bomb examined it where it lies and sec of you can detect the arrangement for firing. See if there is any trigger and, if so, if it is set or not. Do not move the bomb, unless you are satisfied than it is safe to do so. If you are not satisfied, them place a guard over the bomb and report to your senior officer.

A. *Military grenades.*—The first thing to do, is to see that the safety pin is in position, that it is not broken or corroded and that the ends are well splayed out so that it cannot be jolted out. See that the jaws of the laver are in good condition and support the striker correctly. Being satisfied on these points, the base should be unscrewed and, if the igniter set is present, if should be carefully removed. Pack the igniter set and the bomb in cotton wool in separate wooden boxes and send by hand to the Inspector of Explosives, together with your report.

If the safety pin and level are missing and the striker is inside that bomb, it will probably have to be destroyed in *situ*. Set a guard over it where it lies and report to your senior officer.

B. *Copies of military grenades.*—These are generally something like a military grenade but are of cruder finish. They must only be handled by persons who have handled bombs before. It is generally possible to render them harmless by removing an explosive cap or tuft of gun cotton. This should only be done when you are satisfied that the trigger is safe. Do not put this type of bomb in water but, provided the trigger has been made safe, it should be packed in cotton wool in a wooden box and be sent by hand to the Inspector of Explosive together with your report.

C. *Bombs made up in soda bottles, etc.*—First arrange a string bag and strong cord over a large bucket of hot water. Carefully remove the bomb keeping it in the same position as found and place it in the bag and from round the corner of a building, first having sent everybody present under cover lower bomb into the hot water and leave it there for 24 hours. The water will then be cold.

It may then be taken out and be carefully placed in wet straw or cotton wool in a wooden box and be sent by hand to the Inspector of Explosives together with report

If the bomb is well made and there is a possibility that the water may not have penetrated inside, it should be given the rough treatment described in paragraph 7(3) before being sent away.

D. *Book bombs.*—These are bombs made up in book form and are generally designed to explode when the book is opened or turned over. Such a bomb should be very carefully

taken to an isolated place, keeping it in the original position all the time and be locked up. Send a report on the subject to the Inspector of Explosives.

E. *Letter bombs.*—These are letters containing explosives which are designed to explode when opened. Place the whole letter in a bucket of water. When the letter is quite wet, pack it in a tin in wet cotton wool and send by hand to the Inspector of Explosives, together with your report.

F. *Booby Traps.*—

1. "Booby Traps" are bomb generally designed to explode in the presence of an officer who is engaged in searching suspected premises.

2. They may be designed to explode when the bomb is moved in any way or electric contract is made by some action of the officer or by clock-work or chemical means.

3. The most prevalent procedure is to cause one bomb to explode in a house by time fuse, such as a burning candle, leaving a second bomb which will explode when the officer may be tempted to the house by a message, telephone call, etc.

4. Another method is to leave the second bomb with an obvious means of ignitions such as burning candle in the hope that the officer will extinguish the candle and them consider the bomb as safe whereas it is really designed to explode if moved in any way.

5. Never enter a house or room in which you suspect booby traps by the obvious way. First smash a window or knock a hole in the wall with a crowbar opposite the door to see if the door can be safely opened.

6. Enter the house or room very slowly touching nothing until each object has been carefully examined. Make a loop at the end of a long rop and drop the loop over each object which might be a bomb without touching it. These may be such things as tins, trunks, kettles, lamps, buckets, boxes, clocks, etc. From outside the room or house jerk the object about by means of the rope and do not enter the room or house again for some minutes in each case. Open the lids of boxes of trunks by means or the rope from round the corner.

7. If an unexploded bomb in discovered after this treatment proceed as in paragraph C above.

APPENDIX NO 25.43(4)

MEMORNDUM OF THE SYMPTOMS

PRODUCED BY THE MORE COMMON POISION

Poison	Native name	Usual symptoms
Arsenic	*Sammulfar Sankhia* *Hartal and Mansil*	Vomiting burning pain in the stomach; great; thirst; sometimes cold skin; cramps in the limbs, and sleepiness.
Opium	*A fiun* *A fiun*	Sleepiness; pupils contracted; completed; insensibility; skin sweating; vomiting seldom occurs.
Aconite	*Bish*	Numbness, and tingling in the mouth and throat, afterwards in the limbs; frothing at the mouth; sleepiness; occasionally convulsions or delirium, or paralysis.

Dhatura	*Dhatura*	Pupils dilated; delirfums; insensibility; vomiting rare.
Nux vomica	*Kuchila*	Twitching in the limbs, followed by violent spasms and often lock-jaw. The spasms ceases for a time and then again return, without often without evident cause; it usually affects the whole body. shortest time before symptons-15 Minutes. Shortest time before death- 1 hour.

Note.—Any one of the above symptoms may be absent, though the poison by which they are caused has been administered.

EFFECT OF COMMON POISION

Poison	Ordinary interval between taking the poison and the appearance of symptoms	Ordinary time before death
Arsenic	Half to one hour	6 to 24 hours
Opium	Half to one hour	6 to 12 hours
Aconite	15 minutes	1 to 8 hours
Dhatura	5 to 10 minutes	6 to 12 hours
Nux vomica	Half to one hour	1 to 6 hours

APPENDIX No. 25.56 (1)

REMANDS TO POLICE CUSTODY

1. Remands to Police Custody when to be granted.—Before making an order of remand to police custody under section 167 of the Code of Criminal Procedure, the custody magistrate should satisfy himself that—

(1) there are grounds for believing that the accusation against the persons sent up the police is well founded.

(2) there are good and sufficient reasons for remanding the accused to police custody instead of detaining him in magisterial custody.

In order to form an opinion as to the necessity or otherwise of the remand applied for by the police, the magistrate should ascertain what previous similar order. (if any) have been made in the case, and the longer an accused persons have been in custody the stronger should be the grounds required for a further remand to police custody.

The accused persons must always be produced before the Magistrate when a remand is asked for.

2. The following principles are laid down for the guidance of Magistrate in the matter of granting remands, and District Magistrates are required to see that they are carefully applied—

(i) Under no circumstances should an accused person be remanded to police custody unless it is made clear that the presence is actually needed in order to serve some important and specific purpose connected with the completion of the enquiry. A general statement by the officer applying for the remand that the accused may be able to give further information should not be accepted.

(ii) When an accused person is remanded to police custody the period of the remand should be as short as possible.

(iii) In all ordinary cases in which time is required by the police to complete the enquiry, the accused person should be detained in magisterial custody.

(iv) Where the object of the remanded is merely the verification of the prisoner's statement, he should be remanded to magisterial custody.

(v) A prisoner, who has been produced for the purpose of making a confession and who has been declined to do so, or has made a statements which is unsatisfactory from the point of the prosecution should in no circumstances be remanded to police custody.

3. In any case when the accused person is remanded to police custody, the reasons must be recorded in the order of remand, and when the magistrate ordering a remand is not himself a Sub-Divisional or District Magistrate, he must at once send a copy of his order, with his reasons for making it, to the Sub-Divisional or District Magistrate to whom he is immediately subordinates.

If the limit of 15 days has elapsed, and there is still need for further investigation by the police, the procedure to be adopted is that laid down, in section 344, Criminal Procedure Code. The case is brought on to the magistrate's file, and the accused, if detention is necessary, will remain in magisterial custody. The case may be postponed or adjourned from time to time for periods of not more than 15 days each, and as each adjournment expires the accused must be produced before the magistrate, and the order of adjournment must show good reasons for making the order.

[1][Appendix 25.57 for Punjab only

1. BODY SKETCH TO ACCOMPANY MEDICO LEGAL CERTIFICATE, POST-MORTEM REPORT AND INQUEST REPORT:

Every Medico-Legal Certificate and Post-Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

Explanation: The printed format of the human body shall contain both the frontal and rear view of the human body as provided in ANNEXURE–A.

2. PHOTOGRAPHS AND VIDEOGRAPHS OF POST-MORTEM IN CERTAIN CASES

(i) In case of death of a person in police action [under *Section 46 of Criminal Procedure Code, 1973 (Cr.PC) or **Sections 129 to 131 Cr.PC] or death while in police custody, the magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.

(ii) Such photograph and videographs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.

(iii) Such photographs or videographs shall be seized under a panchnama or seizure memo and all steps taken to ensure proper proof of such photographs/videographs during trial.

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1. Ins. by Punjab Government Notification No. 11/05/2022-4H1/1560 19th July, 2022.

* Now see Section 43 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

** Now see Sections 148 to 150 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

(iv) The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and ensure that certificate under *Section 65B Indian Evidence Act, 1872 is obtained and taken to be proved during trial.

(v) The video or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under *Section 65B Indian Evidence Act, 1872.

(vi) Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court.

3. SCENE MAHAZAR/SPOT PANCHANAMA

(i) A site plan of the place of occurrence of an incident shall be appended by the Investigating Officer to the scene mahazar or spot panchnama.

(ii) The site plan shall be prepared by the Investigating Officer by hand, and shall disclose—

(a) the place of occurrence,

(b) the place where the body (or bodies) was/were found,

(c) the place where material exhibits and/or weapons were found,

(d) blood stains and/or body fluids had fallen,

(e) the place where bullet shells, if any, were found or have caused impact,

(f) the source of light, if any and

(g) adjoining natural and man-made structures or features such as walls, pits, fences, trees/bushes, if any and

(h) elevation of structures and their location.

(iii) The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.

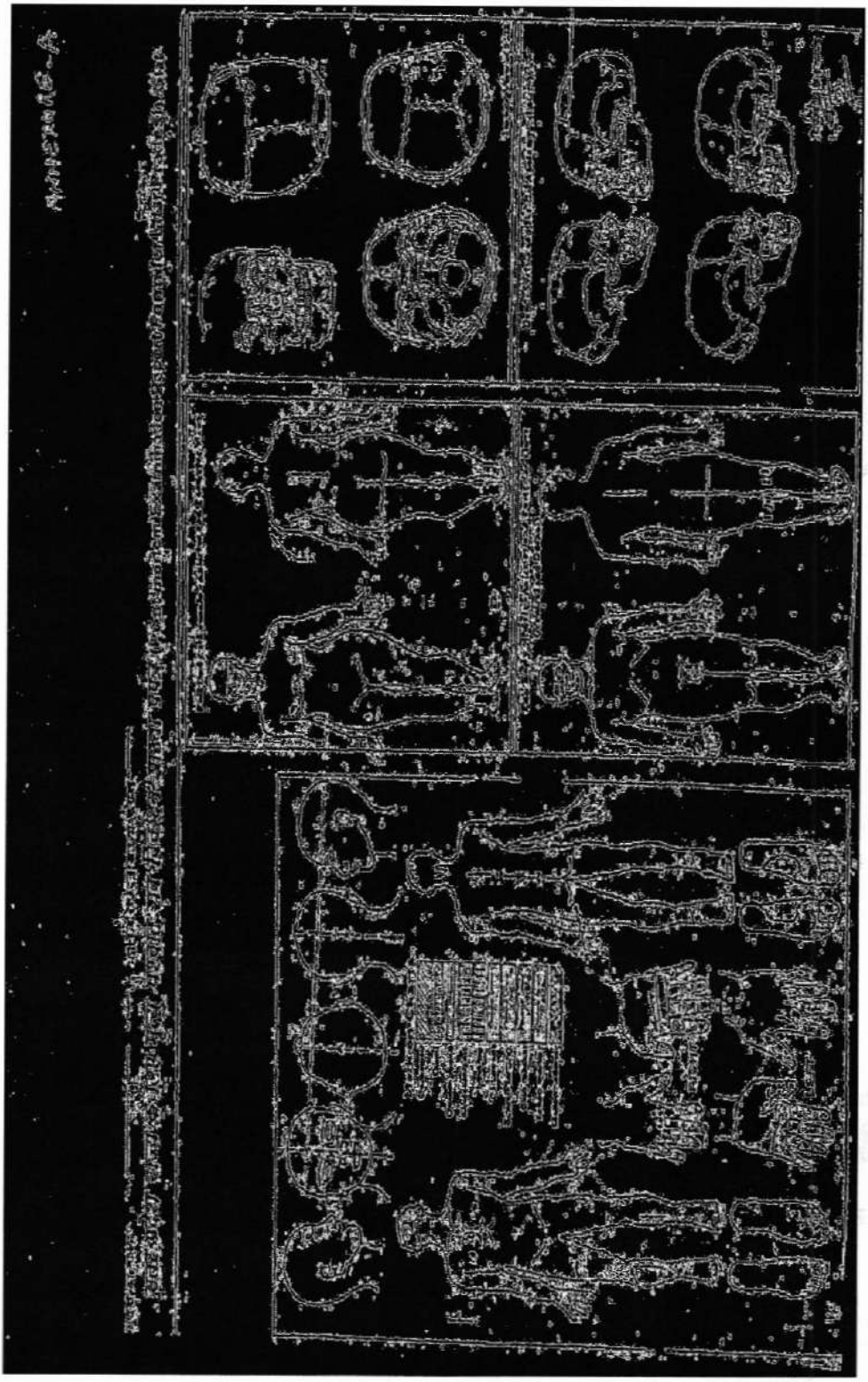
(iv) The relevant details in the mahazar or panchnama shall be marked and correlated in the said site plan.

4. SEPARATION OF PROSECUTORS AND INVESTIGATORS

The Advocates, other than Public Prosecutors, appointed by the State Government shall advise the Investigating Officers during investigation.]

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* Now see Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).



FORM NO. 25.2(1)

ORDER TO REQUIRED ATTENDEANCE AT INVESTIGATION UNDER SECTION 160 AND 175, CRIMINALPROCEDURE CODE.

Name_____son of_____caste_____Resident of_____

Where the persons of the aforesaid persons is necessary for the purpose of enquiry into the offence reported to have been committed under section_____at____Police Station; therefore the said person is hereby directed to appear before the undersigned at (Place_____hour_____date_____) there to give such information relating to the said alleged offence as he may possess.

Signature and Designation of issuing Police Officer.

Date *Hour*

Note—

_____mentioned in this order attended on_____at and was permitted to leave on_____at

at

*Dated*_____

Signature and Designation of issuing Police Officer.

Forms for Punjab Only

[1]FORM No. 25.23 (1) (a)

[1](Omitted)

FORM No. 25.23 (1) (b)

ORDER UNDER SECTION 103(1), CRIMINAL PROCEDURE CODE, REQUIRING ATTENDANCE OF A WITNESS AT A SEARCH

F.I.R No._____ dated_____Section_____Police Station _____

To

_____

_____

WHEREAS, it is necessary to make a search in the above mentioned case of the house/shop/place of_____situated in_____therefore I,_____call upon you to attend at the aforesaid house/shop/place at_____ O' clock on/forthwith_____ to witness the search.

N.B.—Failure to attend without reasonable cause in punishable under section 187, I.P. Code.

Dated_____

Signature and designation of the officer conducting the search

1. Omitted by Punjab Govt. vide Notification No. GSR 20–/CA.V/1861/S.46/And (23)/2003.

FORM NO. 25.23 (1) (c)

FORM OF SEARCH LIST PRESCRIBED BY SECTION 103 (2), CR.PC

F.I.R. No._____ dated_____Police Station_____

The house of_____, son of caste_____, resident of village, _____ was searched in the presence of the under mentioned witnesses and the following articles were recovered and taken into possession by the police on the statement and indication of_____, son of_____, caste_____, village_____, accused in the above mentioned case.*

*Cross out if not applicable.

Articles — Place from which recovered.

Name and signature of the witnesses — *Signature and designation of the officer conducting the search*

*Date*_____

Form No. 25.23(1) for Haryana Only

For Form 25.23(1)(a), 25.23(1)(b), 25.23(1)(c), the following form substituted.

[1]FORM No. 25.23(1)

PROPERTY SEARCH AND SEIZURE FORM

(Search/Production/Recovery under section_____Code of Criminal Procedure Code, 1973,/Indian Evidence Act, 1872)

1. District_____Police Station_____Year_____FIR No./General Diary No._____Date_____

2. Acts and Section : _____

3. Nature of property seized/stolen/unclaimed/unlawful possession/involved/ investate_____

4. Property seized (a) Date : _____ (b) Time _____

(c) Place from where seized/recovered :_____

(d) Description of the place of seizure/recovery : _____

5. Person from whom seized :

Professional Receiver of stolen property _____Yes/No

Name _____Father's/Husband's Name _____ Sex _____ Age_____ Occupation _____ Address _____

6. Witness :

(i) Name _____Father's/Husband's Name _____ Age_____ Occupation_____ Address _____

(ii) Name_____ Father's/Husband's Name _____ Age _____ Occupation _____ Address _____

7. Action taken/recommended for disposal of perishable property :

_____

8. Action taken/recommended for keeping of valuable property :

1. Substituted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

9. Identification required : Yes/No

10. Details of property seized/recovered: Use prescribed form (s) and attach.

Details of identifiable numbered or unnumbered general properties including fire-arms seized/recovered/stolen/involved

District_____Police Station : _____ Year _____ FIR No. ____ Date _____

Serial No.	Type of Property	Estimated Value (in Rs.)	Quantity	Make	Model --------- Bore
1	2	3	4	5	6

Number	Special Marks of identification	Country of origin	Stolen/Recovered seized/involved	Belonging Victim/ to Accused
7	8	9	10	11

Signature of the Investigating Officer.

Details of Cultural Property seized/recovered/stolen/involved

District_____Police Station : _____ Year _____ FIR No. ____ Date _____

Serial No.	Type	Mateiral used	Nomenclature	Height/Cms Mms	Breadth/Cms Mms	Depth/Cms Mms	Weight Kgms-Gms
1	2	3	4	5	6	7	8

Age AD/BC	Estimated Value (in Rs.)	Special Feature 1	Special Feature 2	Special Feature 3	Stolen/Recovered /Seized/involved	Photograph Collected or not
9	10	11	12	13	14	15

Signature of the Investigating Officer.

Details of Automobile seized/Recovered/Stolen/Involved

District_____Police Station : _____ Year _____ FIR No. ____ Date _____

Type of Auto-mobile	Estimated Value	Make	Colour	Model --------- Year	Registration No.	Chasis No.	Engine No.	Stolen/ Recovered/ Seized/ Involved	Belonging/ Victim/Ac cused or abandoned
1	2	3	4	5	6	7	8	9	10

Signature of the Investigating Officer,

Details of Counterfeit currency seized/recovered

District_____Police Station : _____ Year _____ FIR No. ____ Date _____

Serial No.	Number of Pieces	Series	Serial Number	Type of Currency	Denomination
1	2	3	4	5	6

Signature of the Investigating Officer.

Details of Narcotic Drugs seized/recovered

District_____Police Station : _____ Year _____ FIR No. ____ Date _____

Serial No.	Name of the drug	No. of packets	Weight in Kgms	Description of the packing and marking if any	Method of Concealment	Extimated Value (in Rs.)
1	2	3	4	5	6	7

Signature of the Investigating Officer,

Signature of Magistrate when present.

11. Circumstances/grounds for seizures.

12. The above mentioned properties were seized in accordance with the provisions of law in the presence of the abovesaid witness/** and a copy of the seizure memo was given to the person/the occupant of the place from whom seized.

13. The following properties were packed and/or sealed and the signature of the abovesaid witness obtained thereon or on the body of the property.

Serial No.	Property	Signature obtained on the packet or on the body of the property
1	2	3

Specimen of the seal is given below :

Witness - 1

Signature

Witness - 2

Signature

_____

Signature of the Investigating Officer

Name :

Rank_____ No._____

Place_____ Date_____

In case the property is seized from such place that no receipt is required to be given to any body, this portion of the sentence should be struck off.

FORM No. 25.35 (1) (A)

POLICE DEPARTMENT _____ DISTRICT

DEATH REPORT –SUDDEN DEATH FROM NATURAL CAUSES

DEATH REPORT No. POLICE STATION

*Dated*_____

1. Name of place where death occurred	
2. Distance and direction from the police station in whose jurisdiction it is.	
3. Date and hour of discovery of the death.	
4. Name, percentage and residence of two or more persons who identity the body as that of the deceased person named in this report. (**Note.**—Relatives of deceased, or tow respectable witnessess to identification should be obtained if possible)	son of resident of son of resident of
5. Name of deceased Percentage Caste Residence Condition in life	Resident of
6. Age and Sex	Age Sex
7. Condition of clothes, ornaments, & c., as not indicating an unnatural death.	
8. Position of limbs, eyes and month	
9. Expression of the countenance	

	10. Injuries or marks of violence the body may have received. "Wounds and bruises". Position, length and breadth.	
	11. Blood, liquid or clotted; where oozed from and to what amount.	
	12. In what manner, or by what weapon of instrument, such marks of injuries or of violence appear to have been inflicted.	
	13. Is the body well nourished and vigorous or emaciated and weak?	
	14. Apparent cause of death.	
	15. Any signs of death having been caused by violence or poison or any rumors of such being the case?	
To be made out on separate sheets of papers.	16. Description of each article clothing, ornaments, covering, weapons, etc., found on or near the body.	
	17. Sketch plan of the scene of death.	
	18. Brief history of the case	
	19. Signature of two or more respectable inhabitants present at investigation and of investigating officer with date and place of signing.	

FORM No. 25.35 (1)(B)

DEATH REPORT.— UNNATURAL DEATH BY VIOLENCE

DEATH REPORT No. POLICE STATION

*Dated*_____

1. Name of place where the death occurred or where body was found (state which).	
2. Distance and direction from police station in whose jurisdiction it is.	
3. Date and hour of discover of the death.	
4. Names, parentage and residence of two or more persons who identify the body as that of the deceased persons named in the report. [**Note.**—Relations of the deceased or two respectable witnesses to identification should be obtains,(if possible)]	
5. Name, parentages, caste, residence and condition in life of the deceased.	
6. Age and Sex.	
7. Condition of the clothes, ornaments, & c., and mark of either having been forcibly removed or of being stained with blood or other matter. **(Note.**—If the Civil Surgeon or other Medical Officer is expected to attend to examine the body this information should be filed in so far as can be seen and without touching or removing any clothes, and in such case it should be completed after he has finished his examination of the body).	
8. Position of the limbs, eyes and mouth.	
9. Expression of the countenance.	

	10. Injuries or marks of violence the body may have received. *Wounds and bruises.*—Show position length and breath. (***Note.***—Not, depth. Be careful not to probe wounds . *If the Civil Surgeon or other Medical Officer be expected to attend to examine the body, this information should be filled in after he has completed his examination).* 11. Blood, liquid or clotted? Where oozed from and to what amount? 12. In what manner or by what weapon or instrument such marks of injuries or of violence appear to have been committed. 13. Was there any rope of other articles round the neck, or any mark of ligature on the neck? 14. Had such rope article apparently been used to produce strangulation, and, if the body has been suspended by it, could it probably have supported the body? In what mode was the either end of the rope attached to the support? 15. Were there any foreign matters, such as weeds, straw, & c., in the hair or clenched in the hands of the deceased, or attached to any part of the body ? 16. Is the body well nourished and vigorous or emaciated and feeble? 17. Is it stout;thin, or decomposed? 18. Height by measuring from head to feet. 19. Distinguishing marks-Position and appearance of moles, scars, & C. 20. Appears cause of death.	
To be made out on separate sheets of papers.	21. Are there any circumstances or rumors tending to show that deceased killed himself. 22. Description of each articles found on body (to be labelled and sealed.) 23. Description of each articles found near body (to be labelled and sealed.) 24. Sketch plan of the place where body was found. 25. Signature of two or more respectable inhabitants presents at investigation and of investigation officer with date and place of signing.	

FORM No. 25.35(1)(C)

DEATH REPORT.— UNNATURAL DEATH BY POISONING

DEATH REPORT No. POLICE STATION

Particular relating to the case, in addition to those given in Form No. 25.35 (b)

1. Was deceased in good health previous to the attack?
2. If not in good health, what was he suffering from?
3. What medicine was he taking?
4. What did the last meal consist of?
5. What was the interval between the last meal and the commencement of the symptoms?
6. What did the deceased last eat or drink before the commencement of the symptoms?
7. What was the interval between the very last time he ate or drunk, and the commencements of the symptoms?
8. What were the first symptoms?
9. Was he thirsty?
10. Did he become faint?
11. Did he complain of head ached or giddiness?
12. Did he appear to have lost the used of his limbs?
13. Did he sleep heavily?
14. Was he at any time insensible?
15. Did convulsions occur?
16. Did he complain of any peculiar taste in his mouth?
17. Did he notice any peculiar taste in his mouth?
18. Was he sensible in the intervals between the convulsions?
19. Did he complain of burning on ingling in the mouth and throat, or of numbers and tingling in the limbs?
20. Was there vomiting?
21. Was there purging?
22. Was there pain in the stomach?
23. Mention any other symptoms?
24. Had the deceased ever suffered previously from a similar attack?
25. How many other persons partook of the meal of food, or drink by which the deceased is supposed to have been poisoned?
26. How many were affected by it, and in what way?
27. Did the deceased move from the place where the first symptoms were notice; if so, how far?

Date_____19 (Signature of two or more respectable inhabitants of the place present at the investigation) A. B.	*(Signature of officer conducting the inquest* Name Rank

FORM No. 25.39

POLICE DEPARTMENT _____DISTRICT

FORM TO ACCOMPANY BODY OF INJURED PERSONS SENT FOR MEDICAL EXAMINATION.

1. Name of injured or deceased person, parentage, caste, residence and condition of life.
2. Sex and supposed age—
3. Report of Police Officer—
   (a) Description of any injuries or marks of violence received, wounds and bruises, position, length and breadth.
   (b) Brief report by despatching police officer stating the manner in which the injuries of death in supposed to have been caused. If by poison, the poison suspected to have been used.
   (c) Date and hour it was administered, and date and hour commencement of symptoms, the date and hour of death, and the nature and duration of treatment adopted by the police of friends of the deceased.
4. Brief report and opinion in simple language dictated by the medical officer and followed by his initial—
   (a) as to the means by which the injuries were caused.
   (b) In the case of injuries, poisoning not casing death, the extent of the injuries or sickness, and, in the latter case, the nature of the poison ascertained or suspected.
   (c) *In the case of death*—(1) Whether death by violence in ascertained and cause of death and (2) whether death is suspected from poisoning, the poison ascertained or suspected.

The following kinds of hurts only are designated as 'grievous' as stated in section 320, Indian Penal Code—

First	Emasculation
Secondly	Permanent privation of the sight of ether eye.
Thirdly	Permanent private of the hearing of ether ears.
Fourthly	Privation of any member or joint.
Fifthly	Destruction or permanent impairing of the powers of any member or joint.
Sixthly	Permanent disfiguration of the head or face.
Seventhly	Fracture or dislocation of a bone or tooth.
Eighthly	Any hurt which endangers life or which causes the sufferer to be during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Add the following on the back of Police Rule Form No. 25.39-Injury Report Form—

FORM No. 25.44 (viii)

INFORMATION REGARDING ANIMAL POISONING

POLICE DEPARTMENT _____DISTRICT

F.I.R No._____Dated_____ Section_____ Police Station_____

Points to be specially noted		
1.	Class of animals (horse, buffalo or bullock etc.)	1
2.	Age and general condition previous to poisoning.	2
3.	The symptoms after the poison was given or before death.	3
4.	How many after feeding the symptoms were in coming on?	4
5.	What the prominent symptoms were?	5
6.	How long the animal lived after the symptoms made their appearance?	6
7.	What poison was supposed have been used.	7
8.	Apperance presented by the carcase after death.	8
9.	Any other particulars likely to be of value.	9

Dated_____ Officer-in-charge of Police Station

_____19

FORM No. 25.48 (4)

BILL FOR EXPENSES INCURRED IN MAINTANING CATTLE DURING INVSTIGATION

POLICE DEPARTMENT _____DISTRICT

Bill No.

Case First Information Report No._____, dated_____19.

1	2	3	4	5
Date	Name and address of payee	Number and date of case diary	Full detail of cattle and the rate of the amount to be paid	Amount
				Rs. Np.

(To be drawn by hand)

Total (in words) Rs._____

Station_____

Date_____

FORM No. 25.54 (1)

CASE DIARY

POLICE DEPARTMENT _____DISTRICT

First Information Report No. of 19 Case Diary No.

Date and place of occurrence Time and date of receipt in Police Station

Time and date of despatch from Police Station.

Offence—

Date (with hour) on which action	Serial No. of receipt was taken	Record of investigation

CASE DIARY—Continued

FORM NO. 25.56 (1)

CHARGE SHEET

District_____ Charge Sheet No._____, dated_____19_____, Police Station_____ in first information No._____dated_____

1	2	3	4	5	6	7
		NAME AND ADDRESSES OF ACCUSED PERSON SENT FOR TRIAL				
Name, address and occupation of complainant or informant	Name and address of accused not sent up for trial, whether arrested or not arrested; including absconders, (show absenconders in red ink)	In custody	On bail or recognisation	Property (including weapons) found, with particulars or where, when and by whom, found and whether forwarded to Magistrate	Name and addresses of witnesses	Charge of information—Name and offence and circumstances connected with it, in concise detail, and under what section of the law charged.

Despatched at A.M. _____ on_____ 19
P.M.

Signature of investigating officer

Form No. 25.57(2) for Punjab

[1]FORM NO. 25.57 (2)

FINAL FORM/REPORT

Under Section 173, Code of Criminal Procedure, 1973.

In the Court of _____

1. District _____Police Station_____ Year_____FIR No._____ Date_____

2. Final Report/Charge Sheet No. _____

3. Date_____

4. (i) Act : Sections : _____

(ii) Act : Sections : _____

(iii) Act : Sections : _____

(iv) Other Acts and Sections_____

5. Type of Final Form/Report : Charge Sheet/Not charge sheeted for want of evidence/ Final Report Type Undetected/Final Report Type Untraced/Unoccured_____

6. If Final Report Unoccured; False/Mistake of Fact/Mistake of Law/Non-cognizable/ Civil Nature :_____

7. If Charge-sheet

Original/Supplementary_____

8. Name of the Investigation Officer _____ Rank_____No._____

9. (a) Name of Complainant/Informant : _____

(b) Father's/Husband's Name : _____

10. Details of Properties/Articles/Documents recovered/Seized during investigation and relied upon (separate list can be attached, if necessary).

Serial No.	Property Description	Estimate Value (in Rs.)	P.S. Property Register No. Recovered or Seized.	Form whom/where	Disposal
1	2	3	4	5	6

11. Particulars of accused persons charge-sheeted :

(use separate sheet for each accused.)

Serial No._____(i) Name _____ Wheather verified _____

(ii) Father's/Husband's Name: _____

(iii) Date/Year of Birth : _____

(iv) Sex :_____ (v) Nationality : _____

(vi) Passport No. : _____ Date of Issue _____

Place of Issue _____

1. Substituted by Punjab Govt. Notification No. G.S.R. 20/CA V/1861/S. 46/Amd. (23)/2003, dated 6.3.2003.

(vii) Religion : _____

(viii) Whether SC/ST_____

(ix) Occupation_____

(x) Address_____

Whether verified_____

(xi) Provisional Criminal No. _____

(xii) Regular Criminal No. _____

(if known)

(xiii) Date of arrest_____

(xiv) Date of release on bail_____

(xv) Date on which forwarded to court_____

(xvi) Under Acts & Sections_____

(xvii) Name(s) of bailers/sureties and Address(es)_____

_____

(xviii) Previous convictions with case reference :

_____

Status of the accused :

Forwarded/Bailed by Police/Bailed by Court/In Judicial Custody/Absconding/ Proclaimed Offender:

12. Particulars of accused persons not charge-sheeted (suspect) :

(Separate sheet for each for each suspect)

Sr. No. – (i) Name _____ Whether verified_____

(ii) Father's Husband's Name. _____

(iii) Date/Year of Birth_____

(iv) Sex _____ (v) Nationality_____

(vi) Passport No. _____ Date of Issue_____

Place of Issue_____ (viii) Whether SC/ST_____

(ix) Occupation_____

(x) Address_____

Whether verified_____

(xi) Provisional Criminal No._____

(xii) Suspecion Approved Yes/No

(xiii) Status of the accused (suspect):

Bailed by Police/Bailed by Court/in Judicial Custody/Not arrested

_____

(xiv) Under Acts & Sections_____

(xv) Any special remarks including reasons for not charge sheeting_____

_____

13. Particulars of witness to be examined

Serial No.	Name	Father's/ Husband's Name	Date/Year of Birth	Occupation	Address	Type of evidence to be tendered
1	2	3	4	5	6	7

14. If final Report is False, indicate action taken or proposed to be taken u/s 182/211 I.P.C. :

_____

15. Result of laboratory Analysis :

_____

16. Brief Fact of the Case (Add separate sheet, if necessary) :

_____

_____

_____

_____

17. Refer Notice Served Yes/No Date_____

(Acknowledgement to be placed)

18. Despatched on _____

Forwarded by Station House Officer/Officer in charge

Name_____

Rank_____No._____

Signature of the Investigating Officer Submitting the Final Report/Charge Sheet

Name_____

Rank_____No._____.

Form No. 25.57 for Haryana

[1]FORM NO. 25.57 (2)

FINAL FORM/REPORT

Under Section 173, Code of Criminal Procedure, 1973.

In the Court of _____

1. District _____Police Station_____ Year_____FIR No._____ Date_____

2. Final Report/Charge Sheet No. _____

3. Date_____

4. (i) Act : Sections : _____

(ii) Act : Sections : _____

1. Substituted by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

(iii) Act : Sections : _____

(iv) Other Acts and Sections_____

5. Type of Final Form/Report : Charge Sheet/Not charge sheeted for want of evidence/ Final Report Type Undetected/Final Report Type Untraced/Unoccured_____

6. If Final Report Unoccurd; False/Mistake of Fact/Mistake of Law/Non-cognizable/ Civil Nature :_____

7. If Chargesheet

Original/Supplementary_____

8. Name of the Investigation Officer _____ Rank_____No._____

9. (a) Name of Complainant/Informant : _____

(b) Father's/Husband's Name : _____

10. Details of Properties/Articles/Documents recovered/Seized during investigation and relied upon (separate list can be attached, if necessary).

Serial No.	Property Description	Estimate Value (in Rs.)	P.S. Property Register No. Recovered or Seized.	Form whom/where	Disposal
1	2	3	4	5	6

11. Particulars of accused persons charge-sheeted :

(use separate sheet for each accused.)

Serial No._____(i) Name _____ Wheather verified _____

(ii) Father's/Husband's Name: _____

(iii) Date/Year of Birth : _____

(iv) Sex :_____ (v) Nationality : _____

(vi) Passport No. : _____ Date of Issue _____
Place of Issue _____

(vii) Religion : _____

(viii) Whether SC/ST_____

(ix) Occupation_____

(x) Address_____

Whether verified_____

(xi) Provisional Criminal No. _____

(xii) Regular Criminal No. _____

(if known)

(xiii) Date of arrest_____

(xiv) Date of release on bail_____

(xv) Date on which forwarded to court_____

(xvi) Under Acts & Sections_____

(xvii) Name(s) of bailers/sureties and Address(es)_____

_____

(xviii) Previous convictions with case reference :

_____

Status of the accused :

Forwarded/Bailed by Police/Bailed by Court/In Judicial Custody/Absconding/ Proclaimed Offender:

12. Particulars of accused persons not charge-sheeted (suspect) :

(Separate sheet for each for each suspect)

Sr. No. – (i) Name _____ Whether verified_____

(ii) Father's Husband's Name. _____

(iii) Date/Year of Birth_____

(iv) Sex _____ (v) Nationality_____

(vi) Passport No. _____ Date of Issue_____

Place of Issue_____ (viii) Whether SC/ST_____

(ix) Occupation_____

(x) Address_____

Whether verified_____

(xi) Provisional Criminal No._____

(xii) Suspecion Approved Yes/No

(xiii) Status of the accused (suspect):

Bailed by Police/Bailed by Court/in Judicial Custody/Not arrested

_____

(xiv) Under Acts & Sections_____

(xv) Any special remarks including reasons for not charge sheeting_____

_____

13. Particulars of witness to be examined

Serial No.	Name	Father's/ Husband's Name	Date/Year of Birth	Occupation	Address	Type of evidence to be tendered
1	2	3	4	5	6	7

14. If final Report is False, indicate action taken or proposed to be taken u/s 182/211 I.P.C. :

_____

15. Result of laboratory Analysis :

_____

16. Brief Fact of the Case (Add separate sheet, if necessary) :

_____

_____

_____

_____

17. Refer Notice Served Yes/No Date_____

(Acknowledgement to be placed)

18. Despatched on _____

Forwarded by Station House Officer/Officer in charge

Name_____

Rank_____No._____

Signature of the Investigating Officer Submitting the Final Report/Charge Sheet

Name_____

Rank_____No._____.

❑❑❑

CHAPTER 26

ARREST, ESCAPE AND CUSTODY

26.1. General power of arrest.—Section 54, Code of criminal Procedure authorizes any police officer to arrest without a warrant any person who has been concerned in any congizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicious exists, of his having been so concerned. The authority given under this section to the police to arrest without a warrant is, however permissive and not obligatory. Whenever escape from justice or inconvenient delay is likely to result from the police failing to arrest. They are bound to do so, but in no other case. The law allows a police officer to apply to a magistrate for a warrant or a summons instead of making the arrest immediately, and this discretion shall be exercised whenever possible and expedient.

The law also allows a police officer in any bailable case to take security under section 170, Criminal Procedure Code from an accused persons to appear before a magistrate without first arresting him.

26.2. Power of defer arrest.—If the fact that suspicion rests upon a particular person has been kept secret, and there is no risk of his absconding, the police shall defer making the arrest until the investigation is sufficiently complete; but if any interference with the liberty of the accused person is necessary to prevent him from absconding, and the fact justify arrest, the police shall arrest him and shall not interfere with his liberty unless they arrest him.

26.3. Search of persons under arrest.—(1) All persons arrested by the police and not admitted to bail shall, as soon after arrest as possible, be thoroughly searched; in the case of females such search shall be conducted by a woman and shall in all cases be conducted with due regard to decency.

Any inventory of all articles taken into custody by the Police from such persons under section 51 of the Criminal Procedure Code shall be prepared in duplicate by the carbon copying process and the carbon copy thereof shall be sent forthwith to a Magistrate as required by section 523 of the said Code.

(2) Every prisoner in police custody shall be searched on first admission to and on every occasion which he is re-admitted to a lock-up being taken anywhere beyond the precincts of the police station. Sweepers, bhisties and every other person other than a police officer having access to a lock up shall be searched before entering and on leaving. The searching of women shall be done by a woman.

(3) Soldiers in police custody shall not be deprived of their shoulder titles badges of rank and medal ribbons but medals shall be taken into safe custody. Sikh prisoners shall be permitted to retain their *Karas* and Hindus their scared threads.

26.4. Look-ups.—(1) Outside every lock-up which is guarded by police shall be displaced a notice showing, in English and Urdu the maximum number of prisoners which the lock-up is authorised to accommodate. The authorised number shall never be exceeded; any excess shall be accommodated in a convenient building under an adequate guard or transferred to the nearest available lock-up.

(2) The door of a lock up shall not be opened except in the presence and by the direct order of the officer commanding the guard, who shall take all possible precautions to prevent a rush or escape. When the circumstances of the use of a particular lock-up are such that prisoners are constantly being admitted or removed, special standing orders for the safe conduct of the operation shall be framed by the Superintendent of Police and included in the standing orders for the guard over such lock-up.

(3) When it is necessary to keep prisoners in a lock-up which is in an insecure state all male prisoners, who would, under the provisions of rules 26.22 and 26.23, be liable to be handcuffed under escort, shall be handcuffed while confined in such lock-up.

(4) Every under-trial prisoner in the lock-up unable to provide himself with sufficient bedding shall be supplied with such beddings as may be necessary.

Ordinarily 1 blanket and 1 munj or bhabar mat shall be issued to each prisoner in the summer. In the winter 3 blankets shall be issued for each prisoner. For this purpose a sufficient supply of blankets and munj or bhabhar mats shall be obtained from the District Magistrate and maintained for used in lock-up. Blankets and mats shall not be stored in lock-up and issued when required.

Private bedding may be supplied by relatives or friends of the prisoner. All such bedding shall be carefully examined by the Police Officer in charge who shall return the same when the prisoner is released or remained to judicial custody. When private bedding is supplied, a report to this effect shall be entered in the station daily diary.

Jail rules permits the use of beds and provide for special sanitary and bathing facilities for A and B class convicts. Such facilities are not available in all Police Station, but they should be provided for better class prisoners in Police custody so far as is possible. Endeavours should be made to confine better class prisoners in Police Station which possess amenities of this kind and to segregate better class from ordinary prisoners.

(5) An allowance for a sweeper and bhishti for each lock-up will be made by the Jail Department.

26.5. Warrant to be taken out when wanted persons abscond.—Permissive authority is given to the police to arrest without warrant in certain cases, in order that they may not be handicapped by having to obtain a magistrate's warrant under section 204, Code of Criminal Procedure, when the arrest of a criminal or suspect who is present before them is urgent. The law provides, however, no penalty for merely evading arrest by a police officer, though it penalises resistance to, or escape from such arrest. On the other hand the law does provide a severe penalty or recalcitrance to an order in the form of a warrant by a Court, entirely irrespective of the evidence of the guilt of the person against whom the warrant is issued. For merely evading obedience to a warrant of arrest, a man is liable to proclamation and the confiscation of his property and any one who harbours him, as defined in section 52A of the Indian Penal Code, can also be severely punished. Whenever, therefore, person is wanted, whose whereabouts are not immediately known, the notice shall before setting of in search of him, obtain a warrant of arrest from the court having jurisdiction. Unsuccessful search without such a warrant is merely waste of time. On the other hand immediately it is found that, in spite of all reasonable effort a warrant can not be executed, a proclamation order under section 87, Criminal Procedure Code, can be obtained and, on proclamation being duly carried out, attachment under section 88, Criminal Procedure Code, can immediately follow, and connivance by any person at the continued absconding of the person proclaimed becomes punishable under section 216, Indian Penal Code.

Note.—Under section 200 clause (aa), Code of Criminal Producer read with section 204, Code of Criminal Procedure, a Police officer can obtain a warrant on a written complaint.

26.6. Illness of persons under arrest.—When a person in police custody is suffering from any illness or injury at the time of arrest, or becomes ill or sustained injury while in such custody such a person shall be medically examined at the earliest opportunity so that the nature and cause of the illness or injury may be ascertained and proper treatment given.

26.7. Identification of accused.—(1) Whenever there is doubt as to the correctness of a statements made by an arrested person regarding his identity residence or antecedents, an attestation certificate in Form 26.7 (1), shall at once be despatched to the officer-in- charge of the police station in the jurisdiction of which such person claims to be resident; such officer shall immediately make, or cause to be made, all necessary inquiries, and shall ascertain if such person's name is entered in the Village Conviction Register. The certificate shall be returned completed with a little delay as possible and shall be attached to the charge-sheet. This form of attestation certificate shall be used whether the person arrested states he is a resident of the police station in which arrested, or of some other police station, and whether or not a search slip is despatched to the Finger Prints Bureau.

(2) Detailed orders regarding the preparation of search slips and the finger print system are punished in the Police Finger Prints Bureau Manual.

Rule 26.8 for Punjab

26.8. Report of arrest.—(1) Under [1][Section 58 of the Code of Criminal Procedure, 1973], an officer in charge of a police station is required to report to the District Magistrate, Sub-Divisional Magistrate, or such other Magistrate as the District Magistrate may direct, all arrests without warrant made by himself or in his juridiction.

[2][(2) Reports of such arrests shall be made in Form Arrest/Court Surrender Form appended to Chapter-XXI of Punjab Police Rules whether the person arrested has been admitted to bail or not and may be sent by post. One copy of the same shall be submitted to the District Crime Recorded Bureau of the District Concerened.]

Rule 26.8 for Haryana

26.8. Report of arrest.—(1) Under section 62, Code of Criminal Procedure, an officer in charge of a police station is required to report to the District Magistrate, Sub-Divisional Magistrate, or such other Magistrate as the District Magistrate may direct, all arrests without warrant made by himself or in his jurisdiction.

[3][Such arrest report shall be prepared on Arrest/Court Surrender Form viz. Form No. 26.8(1) by means of carbon copying process. One copy of the same shall be submitted to the District Crime Record Bureau of the district concerned for record.]

[4][***]

Rule 26.9 for Punjab

26.9 Arrest on a telegram.—(1) In any case in which he has jurisdiction to arrest, a police officer shall take action on a telegram from a police officer or magistrate requiring him to arrest a person for a congizable offence, but when such telegram is received from a private person he shall not arrest unless the particulars given cover a congizable offence and afford reasonable suspicious that the person to be arrested is the offender.

(2) If a telegram is received by a police officer requesting him to arrest a person for an offence which appears to such police officer to be non-congizable he shall lay information before a magistrate having jurisdiction with a view to the issue of summons or warrant.

If such magistrate declines to issues s summons or warrants that orders of the District Magistrate shall be sought.

(3) A police officer who despatch a telegram to another police officer requesting him to arrest a person without warrant shall be responsible that the information in his possession is sufficient to justify, and that the police officer addressed has jurisdiction to make such arrest.

In all such telegrams sufficient particulars shall be given of the person to be arrested and the offences of which he is accused.

1. Substituted for "Section 62, Code of Criminal Procedure" by Punjab Govt. Notification No. G.S.R. 20/C.A.V./1861/S. 46/Amd. (23)/2003, dated 6.3.2003.
2. Substituted by Punjab Govt. Notification No. G.S.R. 20/C.A.V./1861/S. 46/Amd. (23)/2003, dated 6.3.2003.
3. Added by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98 dated 4.2.1988.
4. Sub rule (2) of rule 26.8 omitted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

Rule 26.9 for Haryana

26.9 Arrest on a telegram.—(1) In any case in which he has jurisdiction to arrest, a police officer shall take action on a telegram, Police Radio Message or Teleprinter Message from a police officer or magistrate requiring him to arrest a person for a cognizable offence, but when such telegram is received from a private person he shall not arrest unless the particulars given cover a cognizable offence and afford reasonable suspicion that the person to be arrested is the offender.

(2) If a telegram is received by a police officer requesting him to arrest a person for an offence which appears to such police officer to be non-congizable he shall lay information before a magistrate having jurisdiction with a view to the issue of a summons or warrant.

If such magistrate declines to issues s summons or warrants that orders of the District Magistrate shall be sought.

(3) A police officer who despatches a telegram, Police Radio Message or Teleprinter Message to another police officer requesting him to arrest a person without warrant shall be responsible that the information in his possession is sufficient to justify, and that the police officer addressed has jurisdiction to make such arrest.

In all such telegrams sufficient particulars shall be given of the person ot be arrested and the offences of which he is accused.

26.10. Co-operation with Police of Indian States.—(1) The procedure for securing the arrest and extradition of offender in Indian States who are accused of having committed offences in British India is prescribed in Punjab Government Consolidated Circular No. 20. The Indian Extraction Act XV of 1903 governs arrests and extradition from British India to Indian States. Detailed instructions regarding the extradition of criminals and foreign jurisdiction and the application of the Indian Extradition Act are contained in Chapter 16 Volume III, Rules and Orders of the High Court of Judicature of Lahore.

(2) The powers of pursuit of offenders conferred by section 58, Criminal Procedure Code do not cover pursuit into the territory of an Indian State; established custom and usage in respect of the relations between the British Government and such States, however, permits such pursuit, and requires the authorities of the States concerned to render all possible assistance in investigation cases, following up offenders and affecting their apprehension and detention pending the grant of extradition. Reciprocal arrangements have however, been made with Jammu Kashmir, Patiala, Jind, Nabha, Kapurthala, Faridkot, Malerkotla and Bikanar and these have been embodied in rule framed by the Government –General in Council under the Indian Extradition Act and stated in Foreign and Political Department notification No. 107-I, dated the 24th February 1932, which appear as Appendix 26.10(2) of these rules. Officers of the Punjab Police entering Indian States territory in pursuit of offenders, or for purposes connected with an investigation, shall invariably inform the nearest police of other official of the State and summon

him to their assistance at the earliest possible moment, and, pending the arrival of such assistance shall take only such action as is necessary to prevent the escape of offenders or the removal of stolen property. Though the right of pursuit is recognised by convention, no rights of search or arrest vest in police officers as such beyond the limits of British India. Searches for and arrests of persons and searches for property must, therefore, be carried out by the State police having jurisdiction, acting on the request of the police of British India.

(3) Section 54 seventhly, Criminal Procedure Code, and Rule 28 of the rules made under section 39-A, Punjab Laws Act (IV of 1872), confer power upon police officer, village headmen and village watchmen to arrest persons suspected of having committed extraditable offences in Indian States. These powers may be exescised upon information received from any source including, the police of an Indian State. Persons so arrested shall be taken before a qualified magistrate without delay with a view to steps being taken for extradition.

(4) Searches for property may be conducted only in according with section 165, 166 or 96 Code of Criminal Procedure. When the police of an Indian State require such a search to be made in British India in connection with a case under their investigation, such search only be conducted if the information is, such as to warrant the police of the British District concerned opening an investigation of an offence punishable under section 411, Indian Penal Code or any other extraditable cognizable offence or on the obtaining by the police of the district of a search warrant under section 96, Criminal Procedure Code Pending the receipt of such warrant the district police shall place a watch on the house to be searched and take all other necessary steps to prevent the removal of the property. State police shall not be permitted to take any such action independently of the police of the district concerned.

(5) General Rules framed by the Punjab Government and the Durbars of certain Indian States to secure co-operation between the police in adjoining jurisdictions are contained in Appendix 26.10(5). In respect of matters not covered by those rules and the preceding sub-rules, the principle that the police of Punjab districts have no jurisdictions in Indian States and the police of such States have no jurisdiction in British Districts must be strictly followed. All action required must be taken by the police having jurisdiction. The handing over of accused persons to the police not having such jurisdiction is strictly prohibited. When it is essential for the purposes of an investigation that an accused person should be sent to any place for the purposes of investigation, he shall be taken by the police who are legally entitled to his custody, and they shall be responsible for him in every respect. The attendance of witnesses from one jurisdiction at an investigation in another cannot be enforced.

(6) All police officers shall at all times do all in their power to promote friendly relations and a spirit of co-operation with the police of Indian States. In the absence of such relations the limitation of jurisdiction must inevitably have harmful effects on the control of crime.

(7) Whenever the police of one jurisdiction demand assistance from the police of another they shall cause entry to be made in the daily diary of the police station concerned.

26.11 Cancelled.

26.12. Communication with authorities outside India.—Should an occasion arise on which a police officer desires to communicate with any authority outside India in respect of the detection or apprehension of an offender he should report the facts to the Deputy Inspector-General. Criminal Investigation Department.

26.13. Arrest of public servants.—Information of the intended arrest of a public servant shall, if possible, be given to such public servant's immediate superior officer before the arrest is made; otherwise information shall be given immediately after arrest.

26.14. Arrest of persons belonging to the Indian Army and instructions regarding Military Criminal Jurisdiction.—(1) On the arrest by the police of a person subject to Military or Air Force law charged with the commission of an offence early shall be sent to the Officer Commanding the unit to which such person belongs.

(2) The general rules defining the procedure in the case of offences committed by persons subject to the Army Act or the Indian Army Act (VIII) of 1911, which can equally be tired by a court-martial or a criminal court, are contained in Appendix IX of the Regulation for the Army in Indian. Extract from this appendix are given in Appendix 26.14 of these rules.

(3) The procedure governing the delivery of an offender to the Civil Power as laid down in Regulations for the Army in Indian is as follows—

> "When a person subject to the Army Act commits an offence under conditions precluding trial by court-martial, or an offence of a grave nature, which could be equally tried by a court-martial or a civil court, against the person or the property of an individual unconnected with the army, his unit commander shall at once inform the police and the nearest magistrate and under the orders of the brigade commander the offender shall for an offence of the former class, and will ordinarily for an offence of the latter class, be handed over to the Civil Power for trial. After a person, subject to the Army Act, accused of an offence such as is referred to in proviso(a) to section 41 of the Army Act, had been handed over to the civil Power for trial, the competent authority (see Appendix, IX, Part II) may instruct the Advocate-General to apply to the High Court for the committal or transfer of the case to the High Court under section 526-A of the Code of Criminal Procedure 1898. *(Paragraph 227 Regulations for the Army in India.)*

26.15. Detention of *sarwan* or camel of a camel cadre.—Cases of detention by the police of a sarwan or of a camel belonging to a camel cadre shall be reported by the officer in charge of the police station to the Commandant or nearest Indian Officer of the cadre within 12 hours, the reason for such detention being given.

26.16. Arrest of deserters.—(1) Any police officer may, without an order from a magistrate, arrest any person reasonably suspected of being a deserter from His Majesty's Army, Navy or Air Force.

(2) A European deserter shall, if possible, be arrested by a European police officer, otherwise by a sufficient number of Indian Police officer's to discourage opposition.

(3) If a sufficient escort can be given and the deserter proceeds quietly he shall be handcuffed.

(4) Deserters shall be taken unnecessarily through crowded streets, bazaars and thoroughfares.

(5) Upon arrest a European deserter shall be brought before a Justice of the Peace-(Section 154 (1) and 190 (35) (d) of Army Act and Section IX of Deserters from the Navy Act 10 and 11 Vict, C.62). An Indian deserter should be brought before the nearest Magistrate or the nearest Military Commanding Officer when no Magistrate is readily accessible. All deserters shall, as soon as possible after arrest, be handed over to military custody.

(6) A register of deserters in English in Form 26.16 (6) shall be maintained by the head clerk in the office of each Superintendent of Police (See also rule 22.54).

(7) Descriptive rolls of deserters shall, if necessary, be published in the *Criminal Intelligence Gazette* in Form No. 26.16 (7).

26.17. Arrests on warrants under Gambling Act.—Warrants issued under section 5, Act III of 1867, shall be executed or if not executed, shall be returned to the magistrate or Superintendent who issued if, within a period of not more than 15 days from the date of issue. The Magistrate or Superintendent will then cancel the warrant, but a fresh warrant can be immediately applied for or issued, if necessary.

26.18. Arrest of civil prisoners.—Under the provisions of section 225-B, Indian Penal Code the police are bound to arrest a civil prisoner who offers any resistance or illegal obstruction to his lawful apprehension, or who escapes or attempts to escape from lawful custody when such resistance, obstruction, escape or attempt of escape is an offence.

26.18-A. Arrest of women.—(1) All arrest of women- whether without warrant or with a warrant billable or non-bankable-shall be carried out by police officers not below the rank of assistants sub-inspector of police or, when no such officer can be made available, by a head constable in presence of responsible male relatives and village or town officials. Such arrests shall be specially reported in the manner prescribed in police rule 24.12 and, when the arrest has been made by an officer of rank lower than assistant sub-inspector the reason shall be clearly explained. Superintendent of Police shall forward special reports as required by the police rule 24.15 and a copy shall be sent to the Deputy Inspector-General of Police, Criminal Investigation Department, Punjab in those cases only in which the women is into sent to judicial custody or released on bail immediately. Where bail is

admissible the women should not be detained longer than is necessary for the production of the bond or sureties. No applications for remand to police custody shall be made without the special order of gazetted officer.

(2) No women in police custody shall be lodged even for a night in a police station except in unavoidable circumstances. They shall be placed at once before a magistrate for remand to judicial custody, except where a remand to police custody is necessary and has been obtained in accordance with (1) above. Women remanded to judicial custody shall be immediately transferred to headquarter or properly equipped sub-divisional female judicial lock-ups. All remands to judicial custody shall be reported immediately to the District Magistrate. The gazetted officer supporting an application for remand to police custody shall be responsible for the taking of necessary measure for the same and decent custody of the prisoner. Where women in police custody have to be escorted about for the purpose of investigation the officer in charge of the police party shall not be below the rank of assistant, sub-inspector; provided that, when no asistant sub-inspector is posted to the police station concerned; a head constable may be placed in charge of the escort.

(3) Women attending police investigations and enquiries-as distinct from those under arrest shall on no account be detained in police stations or with the police any longer than is necessary for the record of the information which they are willing to give. In no case shall they remain with the police between sunset and sunrise. If it is necessary to take a woman witness about the countryside for identification etc., she shall be accompanied by a responsible male relative or the zaildars, sufedposh, lambardar mohalladar or other respectable male neighbours. Gazetted officers hearing and passing orders, on such cases shall take such steps as are necessary to ensure that the above orders are scrupulously observed.

26.19. Arrest of drunken persons.—A drunken person may only be arrested by a police officer in a road, street or thoroughfare, in a town or notified are a to which person Act V of 1861 applies and only when such person is drunk within the view of the police officer and behaves so as to cause obstruction, inconvenience, annoyance, risk, danger or damage to residents and passengers.

26.19-A. Stoppage of trains at non-stop stations to arrest persons.—On receipt of a requisition in writing, from a magistrate or a police officer, not below gazetted rank a train shall be stopped by a station master at a station at which it is not booked stop, with a view to effecting the arrest of a person or persons travelling by it. Such requests shall be made only in special and urgent cases [Authority: Railway Board Letter No. 3334-T, dated 29the July 1932].

26.20. Transfer of arrested persons.—(1) If a police officer lawfully arrests a person, without warrant, in a district in which the investigation, enquiry and trial cannot be held, and the offence is non bailable or such person cannot give ball, he shall take or send such person before the district Magistrate or 1st Class Magistrate having jurisdiction over the area and obtain an order for the transfer of the prisoner to the district in which the offence was committed.

(2) No accused or convicted person shall be taken in custody from one district to another or from one province to another, except under the written order or warrant of the magistrate or other lawful authority directing such transfer.

26.21. Bail and recognizance.—(1) When a person accused of a bailable offence can give good and sufficient bail the police shall accept it unless the law requires such person to be brought before the magistrate having jurisdiction.

(2) An officer in charge of a police, station is empowered under section 497 (1) Code of Criminal Procedure to release not bail a person accused or a non bailable offence (not punishable with death or transportation for life) whom he has arrested or detained without warrant. These powers are permissive and no obligatory and should be exercised with caution. The police officer must satisfy himself that the release on bail is not likely unduly to prejudice the prosecution or to be followed by the absconding of a person *prime facie* guilty.

(3) An officer in charge of a police station shall, in accordance with section 497 (2) Code of Criminal Procedure at any stage of an investigation release on bail or recognizance a person accused of a non-bailable offence when it appears that there are no reasonable grounds for believing that a non-bailable offence has been committed by him, although sufficient grounds may exist for further investigation.

(4) Before any person is released on bail or recognizance due regard should be paid to the provisions of section 498 and 499, Code of Criminal Procedure.

(5) In every case of release on bail or recognizance, whether under section 169 or section 497, Code of Criminal Procedure, full reasons shall be recorded in case diary, and the police officer concerned shall preserve the bond [Form 26.21 (5)] until it is discharged either by the appearance of the accused person or by the order of a competent court.

(6) No police officer has power to re-arrest an accused person who has been released on bail under section 497, Code of Criminal Procedure, When re-arrest is demand necessary, the police shall apply to a competent court for the cancellation of the bail bound and the issue of a warrant in accordance with the provisions of section 497 (5) Code of Criminal Procedure.

26.21-A. Classification of under-trial prisoners.—Under-trial prisoners are divided into two classes based on previous standard of living. The classifying authority is the trying court subject to the approval of the District Magistrate; but during the period before a prisoner is brought before a competent court, discretion shall be exercised, by the officer in charge of the Police Station concerned to classify him either 'better class' or 'ordinary'. Only those prisoners should be classified provisionally as 'better class' who by social status, education or habit of life have been accustomed to a superior mode of living. The fact, that the prisoner is to be tried for the commission of any particular class of offence is not to be considered. The possession of a certain degree of literacy is in itself not sufficient for 'better class' classification and no under trial prisoner shall be so classified whose mode of living does not appear to the Police Officer concerned to have been definitely superior to that of the ordinarily run of the population, whether

urban or rural. Under-trial prisoners classified as 'better class' shall be given the diet on the same scale as prescribed for A and B class convict prisoners in Rule 26.27 (1).

Rule 26.22 for Punjab

[1][**26.22. Conditions in which handcuffs to be used.**—(1) Subject to the provisions of sub-rule (2), a person who is to be escorted in Police custody, whether under police arrest of on remand or under trial shall be handcuffed if there is material sufficiently stringent to satisfy a reasonable mind that there is clear and present danger of escape by breaking out of the police control and further that even by breaking out of the police control and further that even by adding to the escort party or by adopting any other strategy he cannot be kept under control:

Provided that no person shall be handcuffed—

(i) If by reason of age or other infirmity he does not appear to be in health capable of offering effective resistance;

(ii) in routine or merely for the convenience of the escort party;

(iii) on the vague surmises or general averments that he is a crook or desperado, rowdy or maniac.

(2) The discretion to use handcuffs shall be exercised in a bona fide and judicious manner and reasons for handcuffing shall be recorded in the Station Daily Diary and where a person so handcuffed is produced in Court the escorting officer shall forthwith furnish a copy of the reasons so recorded to the Presiding Officer of the Court.]

Rule 26.22 for Haryana

26.22. Condition in which handcuffs are to be used.—(1) Every male person falling within the following category, who has to be escorted under police custody, and whether under police arrest, remand or trial, shall provided that he appear to be in health and no incapable of offering effective resistance by reason of age, be carefully handcuffed on arrest and before removal from any building from which he may be taken arrest—

(a) Persons accused of a non-bailable offence punishable with any sentence exceeding in severity a term of three year's imprisonment.

(b) Persons acceded of an offence punishable under section 148 and 226, Indian Penal Code.

(c) Persons acceded of, and previously convicted of, such an offence as to be bring the case under section 75, Indian Penal Code.

(d) Desperate characters.

(e) Persons who are violent, disorderly or obstructive or acting in a manner calculated to provoke popular demonstration.

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1. Substituted by Punjab Govt. Gazette LSP dated 31.8.1984.

(f) Persons who are likely to attempts to escape or to commit suicide or to be the object of an attempt at rescue. This rule shall apply whether the prisoners escorted by road or in a vehicle.

(2) Better class under-trial prisoners must only be handcuffed when this is regarded as necessary for safe custody. When a better class prisoner is handcuffed for reasons other than those contained in (a), (b) and (c) of sub-rule (1) the officer responsible shall enter in the station Daily Diary or other appropriate record his reasons for considering the use of handcuffs necessary.

Note.—For the definition of better class prisoner see rule 26.21-A

26.23. Condition in which use of handcuffs may be dispensed with.—(1) Prisoners shall not be handcuffed while confined in a lock-up except as provided in rule 26.4 (3).

(2) The handcuffs of prisoners in court shall removed only as provided in rule 27.12 (2)

(3) A prisoner who is charged only under section 124-A or 153-A of the Indian Penal Code shall not be handcuffed unless he is already undergoing sentence or the officer commanding the escort has definite reasons for believing that such prisoner comes within the category described in Rule 26.22 (e) or (f).

26.24. Security of handcuffs.—When handcuffs are used, the senior officer present shall be responsible that they fit properly and that the prisoner cannot get at the key.

26.25. Arrest of sick or wounded persons.—(1) If wounded, or seriously ill, and in need of medical attendance, a person accused of a non-bailable offence, or unable to furnish bail in a bailable offence, shall, if possible be conveyed to the prison hospital at the district headquarter or to a neighboring dispensary.

(2) The police shall take measures to ensure his safe custody in hospital and the magistrate having jurisdiction shall be asked to grant a remand, and, if necessary, to examined such person.

(3) If such person cannot be moved without risk of his life, the magistrate having jurisdiction shall be asked to record his statement at the place where he is lying.

26.26. Production of accused before magistrate within 24 hours.—(1) The case of an accused persons sent in custody for trial shall be brought before the Court having jurisdiction as soon as possible after the arrival of the accused person at the station at which the court sits.

(2) In no case shall an accused person arriving in custody on a close holiday, or after the courts have risen, be placed in the police lock-up for more than 24 hours.

If the second day after arrival is close holiday application for remand shall be made immediately.

(3) If an accused person is in custody charged with an offence in which bail may be taken by the police it shall be the duty of the police to facilitate any attempt to find bail for such person.

26.27. Diet of accused persons.—(1) Officers-in-charge of police stations shall arrange for the dieting of such accused persons arrested by the police as do not provide their own diet. The sum expended on the diet of each individual shall not exceed the scale prescreened from time to time by the local Government.

The police shall provide for dieting on, and from the date of arrest to, and for the date of which the accused is placed in the magisterial lock-up.

Under-trial prisoner classified as 'better class' shall be given the diet on the same scale as prescribed for A and B class convict prisoners. Under-trial prisoners classified as 'ordinary' shall be given diet on the same scale as prescribed for C class convict prisoners. Under-trial prisoners in either class shall be allowed to supplement this diet by private purchase through the Police authorities. The dietary prescribed for A, B and C class convict in jails is given in Appendix No. 26.27 (1). It is recognised that all Police Stations may not be able to adhere strictly to the dietary laid down, but effort should be made to approximate to it as nearly as possible. The cost should not exceed Re.0-8-6 per diem tin the case of vegetable and Re. 0-10-3 per diem in the case of meat eaters.

When an under-trial prisoner in Police custody is being transferred from place to place, his dietary in transit should be approximately of the same type as that laid down in Appendix No. 26.27(1) and the cost should not exceed annas 8 pies 6 or annas 10 pies 3.

(2) Diet money expended under this Rule shall be recovered from the Judicial Department in accordance with rule 10.109 at the time of presenting the charge sheet. If expenditure is considerable owing to the number of person arrested in a case, or owing to remand in police custody being granted, intermediate applications for refund, supported by an explanation of the circumstances, may be made through the prosecuting branch to the magistrate having jurisdiction in the case.

(3) All food brought for a prisoner by relatives or friends shall made over to the police station clerk or head constable in command of the guard and shall be examined for prohibited or injurious articles. After such examination the food shall be given to the prisoners by a police officer. The person bringing the food shall have no access to the prisoners.

(4) In the report in the station daily diary regarding the first admission of a prisoner to lock up, it shall be stated whether he is to be dieted at Government expense or by friends. In the latter case the name of the person who undertakes responsibility for the prisoner feeding shall be entered.

26.28. Interviews with prisoners.—(1) No person shall be allowed to communicate in any way with a prisoner in a police lock-up without the permission of the officer-in -charge of the police station (as defined in section 4(p), Criminal Procedure Code), or written authority from a judicial or superior police officer.

(2) Authorized interviews shall take place in the presence and hearing of the police sentry and the interviewer shall stand sufficiently far from the bars of the lock-up to prevent physical contact or the passage of prohibited articles between

him and the prisoners. When a lawyer wishes to consult, and advice a prisoners confidentially as to the conduct of his case, the prisoner may be removed from the lock-up and allowed to sit apart with his lawyer, but within the precincts of the police station and in the sight of the sentry. At the conclusion of such and interview the prisoners shall be searched provided in sub-rule 26.3 (2).

26.29. Orders to be hung up outside lock-ups.—A printed copy, in English and Urdu, of Rules 26.3, 26.27 and 26.28 shall be hung up outside every police lock-up as a standing order for sentries and for the information of the public.

26.30. Diet and expenses of witnesses.—The instruction regarding the advanced of diet money an travelling expense to witness contained in rule 27.28 shall be strictly followed in all police stations.

26.31. Death in Police Custody.—(1) When any person dies while in the custody of the police, the officer-in-charge of the guard, escort or police station, as the custody case may be, shall make an immediate report of the fact to the nearest magistrate empowered to hold inquests (Section 176, Code of Criminal Procedure).

(2) For the purposes of this rule, a prisoner in magistrate lock-up is considered to being the custody of the turn key and a prisoner in prison or prison camp in the custody of the jailor.

26.32. Identification of suspects.—(1) The following rules shall be strictly observed in confronting arrested suspect with the witnesses, who claim to be able to identify them.

[1][(a) The suspect, who are to be subjected to an identification parade, shall be informed about it at the time of their arrest to enable them to take necessary precautions by way of keeping their faces covered and a request shall be made to the Magistrate to record a note in the remand papers regarding such precautions having been taken by them so as to eliminate any subsequent objection by the suspects that they had been shown to the witnesses before the indemification parade was held. The proceedings shall be conducted by a Magistrate of, if no Magistrate is available and the case is of great urgency then, by Sarpanch who may summon one or two independent and literate if possible, persons or reliable characters, not interested in the case to assist him and to certify that the identification has been conduct under conditions precluding collusion. Such proceedings shall not be conduct by a Police Officer. The Police Officer concerned before inviting a 'Sarpanch to conduct the proceedings must ensure that the Sarpanch is not biased or interested in or against accused or suspect and that he understands the rules of the proceedings. Every effort should be made to secure the presence of a Magistrate and services of Sarpanch only secures when absolutely necessary. In the absence of a Sarpanch, a Lambardar may be invited to do the needful.]

1. Substituted by correction slip No. 134 date 13.7.1961.

(b) Arrangements shall be made, whether the proceedings are being held inside a jail or elsewhere, to ensure that the identifying witnesses shall be kept separate from each other and at such a distance from the place of identification as shall render it impossible for them to see the suspect, or any of the persons concerned in the proceedings, until they are called up to make their identification.

(c) Identification shall be carried out as soon as possible after the arrest of the suspects.

(d) The suspects shall be placed among other persons similarly dressed and of the same religion and social status, in the proportion of 8 or 9 such person to one suspect. Each witness shall then be brought up separately to attempt his identification. Care shall be taken that the remaining witnesses are still kept out of sight and hearing and that no opportunity is permitted for communications to pass between witnesses who have been called up and those who have not. If it is desired, through fear of revenge of for other adequate reasons, that witnesses shall not be seen by the suspects, arrangements shall be made for the former, when called up to stand being a screen or be otherwise placed so that can see clearly without being seen.

[1][(e) The results of the tests shall be recorded by the Magistrate or other person conducting the test in Form 26.32(1)(e) as each witness views the suspect. On conclusion, the Magistrate or the Sarpanch or the Lambardar and the witnesses, if any, shall sign the form and certify that the test has been carried out correctly and that no collusion between the police and witnesses of among the witnesses themselves was possible. It is advisable that, whenever possible, an independent and reliable person, un-connected with the Police, should be present throughout the proceedings at the place where the witnesses are kept, and should be required to devote his attention to the prevention of collusion. It is important that once the arrangements for the proceedings have been undertaken, no police officer whatsoever shall have any access whatever either to the suspects or to the witnesses.]

(2) Proceedings of the nature described above are extra-judicial. It is not the duty of the officer conducting them or of the independent witnesses to record statements or cross examine either suspects or identifying witnesses, but they should be requested to question the latter as to the circumstances in which they saw the suspect whom they claim to identify, and to record the answer in column 4 of the form. While every precaution shall be taken to prevent collusion, the identifying witnesses must be given a fair chance, and conditions must not be imposed, which would make it impossible for a person honestly capable of making an identification to do so. In this connection attention is invited to paragraph 814 of the Punjab Jail Manual, which strictly prohibits the alteration in any way of the personal appearance of unconvicted prisoners, so as to make it difficult to recognise them.]

1. Substituted by correction slip No. 134 date 13.7.1961.

APPENDIX No. 26. 10 (2)[1]

RULES FOR THE PURSUIT AND ARREST IN BRITISH INDIA OF PERSONS ACCUSED OF OFFENCES COMMITTED IN INIDAN STATES.

Foreign and Political Department Notification No. 107-I., dated New Delhi, the 24th February, 1932.

In exercise of the powers conferred by section 22 of the Indian Extradition Act, 1903 (XV of 1903), and in suppression of the notification of the Government of India in the Foreign and Political Department, No. 505 – I., dated the 13th August, 1931, the Governor-General in Council is pleased to make the following rules to provide for the pursuit and arrest in British India of persons accused of offences committed elsewhere—

(1) When a person accused of having committed in a State specified in the first schedule hereto, an offence which, if committed in British India, would be punishable under a section of the Indian Penal Code specified in the second schedule hereto, enters British India with members of the police force of that State in pursuit, the pursuing party may, subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in British India.

(2) The authorisation conferred by rule (1) shall not be operative unless—

(a) the pursuing party includes at least one officer holding in the State police force a rank not lower than the rank corresponding with that of a head constable of police in British India, and

(b) the circumstances are such that an application for the continuance of the pursuit and the effecting of the arrest by the British Indian police would prejudice the prospects of effecting the arrest of the fugitive.

(3) If, when the pursuing party has continued the pursuit into British India under the authority of clause (b) of rule 2, it becomes possible to communicate with the British Indian Police before the fugitive has been arrested and without prejudice to the prospects of effecting his arrest, the pursuing party shall forthwith communicate with the British Indian Police.

(4) A person arrested by the State Police under the authority of these rules shall forthwith be conveyed to the nearest place in which an officer of the British Indian Police is known to be and shall be handed over to the British Indian Police in that place.

FIRST SCHEDULE.

PART A

States permanently included in the Schedule

1. Hyderabad.
2. Mysore.
3. Kashmir.
4. Gwalior.
5. Sikkim.

5A. Baroda

Central India

6. Indore.
7. Bhopal
17. Bijawar.
18. Baoni.

1. Appendix 26.10(2) for Punjab only. Omitted by Haryana.

8. Rewa.
9. Nagod.
10. Maihar.
11. Orchha.
12. Datia.
13. Samtha.
14. Panna.
15. Charkhari.
16. Ajaigarh
19. Chhatarpur.
20. Dewas Senior Branch.
21. Dewas Junior Branch
22. Jaora.
23. Sitamau.
24. Sailana.
25. Rutlam.
25A. Dhar
25B. Barwani

Rajputana.

26. Alwar
27. Bikaner.
28. Bharatpur.
29. Dholpur.
30 Kotah.
31. Jaipur.
32. Jodhpur.
33. Tonk.

Punjab.

34. Patiala.
35. Jind.
36. Nabha.
37. Kapurthala.
38. Sirmoor.
39. Malerkotla.
40. Faridkot.

States of Western India.

41. Cutch.
42. Junagadh.
43. Nawanagar
44. Bhavanagar.
45. Porbandar.
46. Dhrangadhra.
47. Palanpur.
48. Radhanpur.
49. Morvi.
50. Gondal.
51. Jafrabad.
52. Dharol.
53. Limbdi.
54. Wadhwan.
55. Lakhtar
56. Vala.
57. Jasdan.
58. Manvadar.
59. Thana Devli.
60. Vadia.
61. Lathi.
62. Muli.
63. Virpur
64. Malia.
65. Kotda-Sangani.
66. D.S. Vala Mula Suraj of Jetpur.
67. D.S. Vala Rawat Ram of Bilkha.
68. Patdi.
69. Tharad.
70. Wao.
71. M.S. Jorawarkhanji's State Varahi.
72. Thana areas and the Civil Stations of Wadhwan and Rajkot in the Western India States Agency.

Madras.

73. Travancore.
74. Cochin.
75. Pudukottah.

Bombay.

76. Savantvadi.
77. Jath.
78. Savanur.
79. Cambay.
80. Janjira.
81. Kolhapur.
82. Mudhol.
83. Sangli.
84. Miraj (Senior).
85. Miraj (Junior).
86. Jamkhandi.
87. Kurundwad (Senior).
88. Kurundwad (Junior).
89. Ramdurg.
90. Idar.
91. Vijaynagar.
92. Danta.
93. Mansa.
94. Malpur.
95. Surgana.
96. Bhor.
97. Rajpipla.
98. Chhota Udapur.
99. Lunawada.
100. Sant
101. Kadana.
102. Bhadarwa
103. Sanjeli.
104. Jambugoda.
105. Aundh.
106. Phaltan.
107. Akalkot.
108. Khairpur.
109. Bansda.
110. Dharampur.
111. Jawhar.
112. Administered areas comprised in the Thana Circles and Sadra Bazar.
113. Sankeda Mewas.
114. Pandu Mewas.

Bengal

115. Cooch Behar.
116. Tripura.

United Provinces.

117. Benaras.
118. Tehri.

Eastern State Agency

119. Athgarh.
120. Athmallik.
121. Bamra.
122. Baramba.
123. Bastar.
124. Baudh.
125. Bonai.
126. Changbhakar.
127. Chhuikhadan.
128. Despalla.
129. Dhenkanal
139. Kharsawan.
140. Korea.
141. Mayurbhanj.
142. Nandgaon.
143. Narsinghpur.
144. Nayagarh.
145. Nilgiri.
146. Pal-Lahara.
147. Patna.
148. Raigarh.
149. Rairakhol.

130. Gangpur.
131. Hindol.
132. Jashpur.
133. Kalahandi.
134. Kanker.
135. Kawardha.
136. Keonjhar.
137. Khiragarh.
138. Khandpara.
150. Ranpur.
151. Sakti.
152. Sarangarh.
153. Seraikela.
154. Sonepur.
155. Surguja.
156. Talcher.
157. Tigiria.
158. Udaipur.

Assam

158A. Cooch Behar.
158B. Tripura.
159. Manipur

PART B

States included in the schedule for the period terminating on the date specified against each.

State	Date of termination.
Baria	1st January, 1940.
Ali-rajpur	1st October, 1940.

SECOND SCHEDULE.

List of sections of the Indian Penal Code—

Sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402.

APPENDIX No. 26.10 (5)[1]

RULES FOR SYSTEMATIZING CO-OPERATION BETWEEN THE BRITISH POLICE AND THE POLICE OF THE JAMMU-KASHMIR, KAPURTHALA AND MALERKOTLA STATES.

1. The office-in-charge of police stations of the Jammu-Kashmir State and the above-noted States and to British Police stations bordering on the State shall pay periodical visits to one another and exchanging information regarding crime and criminals, and afford every assistance to parties pursuing offenders over the border.

2. The Jammu-Kashmir State and the above-noted States shall depute the Superintendent of the State Police, or some other official engaged in the investigation of criminal matters to meet the Superintendent of Police of adjoining British *Districts on the border*, twice a year, to discuss arrangements for the prevention and detection of crime, and to bring to notice any instances of neglect on the part of their subordinate police, to give prompt and efficient assistance to the party requiring it. Should any serious fault be found with any State officer in charge of the police station or other official, the Superintendents of Police shall address the State Vakil, if one exists, or the Political Secretary of the State.

3. With a view to keeping a check on their subordinates, the Superintendents of Police of the British district, and the Superintendent of the State Police, or other officer appointed by the State, shall send intimation to one another direct of all cases in which the subordinates of either party had occasion to call for assistance from the other.

1. Appendix 26.10(5) for Punjab only. Omitted by Haryana.

4. Arrangements shall be made for watching the fords and ferries with a view to intercepting cattle thieves and other criminals.

5. Lists of persons residing in the Jammu-Kashmir and above-noted States who are suspected of committing offences in British territory shall be prepared by the British police, and similar lists of British subjects suspected of depredating in the Jammu-Kashmir and other above-noted territory shall be prepared by the State police.

6. In addition to the lists mentioned in 5 above lists of the names of persons of both sides of the border, who are in the habit of demanding bhunga for the restoration of stolen property shall be prepared.

7. The lists above referred to shall be revised at least once a year.

8. Every six months, lists of British subjects convicted in the Indian States shall be published in the *Police Gazette*, these lists will be furnished by the Jammu-Kashmir State, and other above-noted States and the Superintendent of Police of British districts concerned shall similarly furnish the Indian states direct with lists of the subjects of such States who have been convicted in British India.

9. Copies of the *Punjab Police Gazette* for every police station in the Jammu-Kashmir and other above-noted States will be supplied by the Central Police Office, Punjab, direct to the headquarters of such States.

10. Notices of proclaimed offenders and of other matters affecting the prevention and detection of crime, which the State officials desire to circulate, shall be sent direct to the office of the Inspector-General of Police, Punjab, for publication in the *Police Gazette*.

11. The Deputy Inspector-General of Police, Punjab, and the Inspector- General of Police, Jammu and Kashmir State, shall meet once a year at such place as may be arranged between them to discuss any difficulties experienced by the State in giving effect to the system of co-operation above suggested, and to arrange any points of difference which may arise between the British police and the police of the State.

Note.—Failure to co-operate on the part of the officials of Indian States should be brought to the immediate notice of the Districts Magistrate, who will, when necessary, report the, matter to the Political Officer deputed to the State or to the Punjab Government, as the case may be.

RULES FOR SYSTEMATIZING CO-OPERATION BETWEEN THE BRITISH POLICE AND THE POLICE OF THE THREE STATES OF PATIALA, NABHA AND FARIDKOT.

Co-operation of Police.

1. The Sub-Inspector of the Patiala, Nabha and Faridkot States and of the British Police Stations bordering on those States shall pay periodical visits to one another, and exchange information regarding crime and criminals, and afford every assistance to parties pursuing offenders over the border.

2. The Superintendent of Police of the three States and of the adjoining British districts shall meet as may be arranged, at least twice a year, to discuss arrangements for the prevention and detection of crime, and to bring to notice any instances of neglect on the part of their subordinate police to give prompt and efficient assistant to the party requiring it.

3. With a view to keeping a check on their subordinates, the Superintendents of Police of the British districts and of the three States shall send intimation to one another direct of all cases in which the subordinates of one party had occasion to call for assistance from the other.

4. Arrangements shall be made in each territory for watching roads and railway stations with a view to intercepting cattle thieves and other criminals.

5. Lists of persons residing in either British or State territory who (a) are suspected of depredating in other territory, or (b) are in the habit of demanding "bhunga" for the restoration of stolen property, together with lists of witnesses against each offender, shall be prepared by the police of the three States and of the adjoining British districts. These lists should be supplemented by a brief summary of evidence against the persons entered therein.

6. The lists referred to in rule 5 shall be sent once yearly before 1st November to the Superintendents of the British districts direct by the heads of the Police Department of the three States and to the Heads of the Police Department of the three States direct by the Superintendents of Police of the British districts.

7. Every six months lists of British subjects convicted in the three States shall be published in the *Police Gazette*. These lists will be furnished by the Heads of the Police Departments of the three States, and the Superintendents of Police of adjoining British districts shall similarly furnish the three States direct with lists of the State subjects who have been convicted in British India.

8. Every effort shall be made by the police of each jurisdiction to secure the attendance in the other jurisdiction of witnesses whose evidence is required in investigation is in progress therein.

9. Copies of the Gazette for the use of every police station in the three States will be supplied by the Central Police Office, Punjab, direct to the headquarters of the State.

10. Notices of offenders proclaimed for extraditable offences and other matters affecting the prevention and detection of crime, which the State officials desire to circulate, shall be sent direct to the Superintendents of Police of the British districts especially concerned, and shall also be sent to the office of the Inspector-General of Police, Punjab, for publication in the *Police Gazette*.

11. The Deputy Inspector-General of Police, Punjab, and the administrative officers controlling the Police Departments of the three States shall, if any of them desire it, meet once a year at such place, as may be arranged between them, to ascertain any difficulties experienced by the three States in giving effect to the system of co-operation above prescribed, and to endeavor to arrange any points of difference which may arise between the British and the State police.

Co-operation of Magistrates.

12. A 1st class Magistrate deputed by the Deputy Commissioner of the district concerned and a 1st class Magistrate deputed by the State concerned shall meet once a year during the touring season at a place to be settled between them by direct correspondence with a view to taking security from the persons named in the lists referred to in rule 5. The Magistrate deputed by the Deputy Commissioner of the British district shall previously issue orders to the sub-inspectors to bring before his court the persons accused in the State lists and residing in British territory, together with the witnesses, and the State Magistrate shall similarly procure the presence of persons named in the British list and residing in the State, and after the meeting each Magistrate shall within his own jurisdiction try such person with a view to taking security from them.

13. At these meetings the Magistrates will discuss any pending question and will decide such as are within their powers.

RULES FOR SYSTEMATIZING CO-OPERATION BETWEEN THE BRITISH AND THE BAHAWALPUR STATE POLICE

Co-operation of Police.

1. The sub-inspectors of the Bahawalpur State and of the British police stations bordering on that State shall pay periodical visits to one another, and exchange information regarding crime and criminals, and afford every assistant to parties pursuing offenders over the borders.

2. The Superintendent of the State Police and the Superintendent of Police of the British district shall meet on the border at least once a year to discuss arrangements for the prevention and defection of crime and to bring to notice any instances of neglect on the part of their subordinate police to give prompt and efficient assistant to the party requiring it.

3. With a view keeping a check on their subordinates, the Superintendents of Police of the British districts and of three States shall send intimation to one another direct of all cases in which the subordinates of one party had occasion to call for assistance from the others.

4. Arrangements shall be made in each territory for watching the fords and ferries with a view to intercepting cattle thieves and other criminal.

5. Every six months lists of British subjects convicted in the State shall be published in the *Police Gazette*. These lists shall be furnished by the Bahawalpur State, and the Superintendent of Police shall similarly furnish the state direct with the lists of the subject of the State who have been convicted in British India.

6. Every effort should be made by the police of each jurisdiction to secure the attendance in the other jurisdiction of witnesses whose evidence is requisite in investigations in progress therein.

7. Copies of the Gazette for every police station in the Bahawalpur State will be supplied by the Central Police office direct to the headquarters of the State.

8. Notices of proclaimed offenders, and other matters affecting the prevention and detection of crime which the State officials desire to circulate, shall be sent direct to the Superintendents of Police of the British districts especially concerned, and shall also be sent to the office of the Inspector-General of Police, Punjab for publication in the Police Gazette.

9. The Deputy Inspector- General of Police, Punjab and the administrative officer controlling the Police Department of the State shall, if either of them desires it, meet once a year at such place as may be arranged between them to ascertain any difficulties experienced by the State in giving effect to the system of co-operation above prescribed and to endeavour to arrange any points of difference which may arise between the British police and the police of the State.

10. On or before December 1st in each year the Superintendents of Police of Dera Ghazi Khan and the Bahawalpur State shall send to the District Magistrate of Sukkur or the Upper Sind Frontier, as the case may be, a list of persons residing in Sind territory who are accused of habitually committing crimes over the border or of taking or demanding money for the restoration of property stolen over the border. With this list they shall send a brief summary of the evidence against each person. The Superintendent of Police, Sukkur and Upper Sind Frontier, shall send similar lists and summaries by the same date to the District Magistrate, Dera Ghazi Khan, and the Foreign Minister, Bahawalpur State.

11. The District Magistrates of the Sukkur, Upper Sind Frontier and Dera Ghazi Khan and the Foreign Minister of Bahawalpur State shall every year, depute a first class Magistrate to hold a court in February as near as possible to the border for the trial of the persons so accused. Magistrates on the opposite sides of the border shall arrange to hold their courts as near as possible to one another. Cases which cannot be otherwise disposed of should be discussed at meetings between the Magistrates involved, but other cases should be disposed of as promptly as possible by the Magistrate principally concerned.

12. The police on either side of the border shall be responsible for the production of any accused persons or witnesses residing within their jurisdiction after due issue of warrants or summons by the trying Magistrates.

13. The provisions of Rules 10 to 12 will also apply *mutatis mutandis* to the other British districts concerned and the Bahawalpur State.

RULES FOR SYSTEMATIZING CO-OPERATION BETWEEN THE BRITISH POLICE AND THE POLICE OF THE KAPURTHALA AND MALERKOTLA STATES.

1. The officers-in-charge of police stations of the Kapurthala and Malerkotla States and of British police stations bordering in those States shall pay periodical visits to one another and exchange information regarding crime and criminals, and afford every assistance to parties pursuing offenders over the border.

2. The Kapurthala and Malerkotla States shall depute the Superintendent of the State Police, or some other official engaged in the administration of criminal matters, to meet the Superintendents of Police of adjoining British districts on the border twice a year, to discuss arrangements for the prevention and detection of crime, and to bring to notice any instances of neglect on the part of their subordinate police, to give prompt and efficient assistance to the party requiring it; and should any serious fault be found with any State officer-in-charge of the police station or other official, the Superintendent of Police shall address the State Vakil, through the Deputy Commissioner of the district.

3. With a view to keeping a check on their subordinates, the Superintendents of Police of the British district, and the Superintendent of the State Police, or other officer appointed by the State, shall send intimation to one another direct of all cases in which the subordinates of either party had occasion to call for assistance from the other.

4. Arrangements shall be made for watching the fords and ferries with a view to intercepting cattle thieves and other criminals.

5. Lists of person residing in the Kapurthala and Malerkotal States who are suspected of committing offences in British territory shall be prepared by the British police, and similar lists of British subjects suspected of depredating in the above noted States territory shall be prepared by the State police.

6. In addition to the lists mentioned in 5 above, lists of the names of persons of both sides of the border who are in the habit of demanding *bhunga* for the restoration of stolen property shall be prepared.

7. A special magistrate and a special police officer shall be deputed from the British district concerned, and from the State to make inquiries regarding the persons mentioned in the lists alluded to in 5 and 6 above, with a view to their taking security from such persons.

8. The lists above referred to shall be revised at least once a year, and every cold weather the measures ordered in 7 shall be repeated.

9. Every six months list of British subjects convicted in the above mentioned States shall be published in the *Police Gazette*; these lists will be furnished by States, and the Superintendent of Police shall similarly furnish the Indian States direct with lists of the subjects of such States who have been convicted in British India.

10. Copies of the *Police Gazette* for every police station in the above noted States will be supplied by the Central Police Office direct to the headquarters of such States.

11. Notices of proclaimed offenders and of other matters affecting the prevention and detection of crime, which the State officials desire to circulate, shall be sent direct to the office of the Inspector-General of Police, Punjab, for publication in the *Police Gazette*.

12. The Deputy Inspector-General of Police, Punjab and the Foreign Minister of the State shall meet once a year at such place as may be arranged between them to ascertain any difficulties experienced by the State in giving effect to the system of co-operation above suggested, and to endeavor to arrange any point of difference which may arise between the British police, and the police of State.

Note.—Failure to co-operate on the part of the officials of Indian States should be brought to the immediate notice of the District Magistrate, who will, when necessary, report the matter to the Political Officer to whom the State is, subordinate, or to the Punjab Government, as the case may be.

APPENDIX No. 26.14 (2)[1]

EXTRACT FROM APPENDIX IX TO THE REGULATIONS FOR THE ARMY IN INDIA

PART I.

CIVIL OFFENCES COMMITTED BY PERSONS SUBJECT TO MILITARY LAW.

1. The following are triable exclusively by civil court (except on active service, etc.)—

Civil offences which a court-martial is debarred from trying under the provision of the Army Act or Indian Army Act (of section 41, Army Act and 41, Indian Army Act.)

2. The following should preferably be tried by civil court (except on active service, etc.)—

(a) Civil offences (which may also be military offences e.g., thefts, frauds) committed in conjunction with persons not subject to military law;

(b) Civil offences not suitable for trial by court-martial on account of the special nature of the case (e.g. complicated frauds) or on account of difficult legal technicalities being involved; and

(c) Civil offences in which military interests are no directly involved (e.g., burglary in a civil establishment).

PART II.

INITIATION OF CRIMINAL PROCEEDING IN CIVIL COURTS

1. Criminal proceedings against persons subject to military law may be initiated by—

(a) the police on the complaint of a civilian or on arrest by them for a cognizable offence;

(b) the military on reporting to the police or to a magistrate that a civil offence has been committed;

1. Read Appendix No. 26.12(2) For Haryana.

(c) a magistrate taking cognizance *suo motu* or on the complaint of a private individual.

In cases (a) and (c) the military may (i) decline to interfere with the course of the civil law or (ii) claim the accused for trial or, if the offender is already in military custody, order trial, by court-martial, if the accused is legally liable thereto.

In a case failing under (b), the military will not take any further action unless in their opinion—

(a) the complaint is wrongly dismissed or the accused is wrongly discharged by the civil court, or

(b) the accused is acquitted by the civil court but is liable on the same alleged, facts to be tried for a purely military offence for which he could not have been tried by the civil court.

In any of these cases it will be open to the military to bring the accused before a court-martial.

During the investigation stage, the military may in suitable cases intervene, with the concurrence of the police and magistrate and claim the accused for trial by court-martial.

See also Home Department Notification No. F. 465-28, dated the 17th June, 1928, in Part III below.

If the case is one that must or should be tried by civil court (vide Part I above), it should be handed over to the civil power at the earliest possible stage.

2. Criminal proceedings against persons not subject to military law must be initiated in accordance with the provisions of the Code of criminal Procedure, 1898, by report to the police or complaint to a magistrate.

(The above instructions must not be interpreted as forbidding or discouraging that close and personal co-operation between military and civil officials which is essential in matters involving the discipline and welfare of the Army).

PART III.

PROCEDURE IN CASES OF CIVIL OFFENCES COMMITTED BY PERSONS SUBJECT TO THE ARMY ACT.

Home Department Notification No. F. 102/35, dated the 12th March, 1935.

In exercise of the powers, conferred by sub-section (1) of section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in suppression of the Notification of the Government of India in the Home Department No. F. 465/28, dated the 27th June, 1928, the Governor-General in Council is pleased to make the following rules as to cases in which persons subject to military, naval or air force law shall be tried by a court to which the said Code applies, or by a Court Martial, namely—

1. Where a person subject to a military, naval or air force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a court-martial, such Magistrate shall not proceed to try such person, or to issue orders for his case to be referred to a Bench, or to inquire with a view to his commitment for trial by the Court of Sessions or the High Court for any offence trouble by such Court, unless—

(a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military, naval or air force authority, or

(b) he is moved thereto by such authority.

2. Before proceeding under clause (a) of rule 1 the Magistrate shall give notice to the Commanding Officer of the accused and, until the expiry of a period of five days from the date of the service of such notice he shall not—

(a) acquit or convict the accused under sections 243, 245, 247 or 248 of the Code of Criminal Procedure, 1898 (Act V of 1898), or hear him in his defence under section 254 of the said Code; or

(b) frame in writing a charge against the accused under section 240 of the said Code; or

(c) make an order committing the accused for trial by the High Court or the Court of Sessions under section 213 or sub-section (1) of section 446 of the said Code; or

(d) issue orders under sub-section (1) of section 445 of the said Code for the case to be referred to a Bench.

3. Where within the period of five days mentioned in Rule 2, or at any time thereafter before the Magistrate has done any act or issued any order referred to in that rule, the Commanding Officer of the accused gives notice to the Magistrate that, in the opinion of competent military, naval or air force authority as the case may be, the accused should be tried by a court-martial the Magistrate shall stay proceedings and, if the accused is in his power or under his control, shall deliver him, with the statement prescribed by section 549 of the said Code to the authority specified in the said section.

4. Where a Magistrate has been moved by competent military, naval or air force authority as the case may be, under clause (b) of Rule 1, and the Commanding Officer of the accused subsequently gives notice to such Magistrate that in the opinion of such authority, the accused should be, tried by a court-martial, such Magistrate, if he has not before receiving such notice done any act or issued any order referred to in Rule 2 shall stay proceedings and, if the accused is in his power or under his control, shall in the like manner deliver him with the statement prescribed in section 549 of the said Code to the authority specified in the said section.

5. Where an accused person, having been delivered by the Magistrate under Rule 3 or 4, is not tried by a court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken against him, the Magistrate shall report the circumstances to the Local Government.

6. In these rules "competent military authority" means the Brigade Commander, "competent naval authority" means the Flag Officer Commanding, Royal Indian Navy, and "competent Air Force in India".

PART IV.

PROCEDURE IN CASES OF CIVIL OFFENCES COMMITTED BY PERSONS SUBJECT TO INDIAN ARMY ACT

1. An offence committed against the person or property of a civilian cannot as a rule be tried by court-martial.

2. Offences under the Indian Army Act, Sections 27 (d), 35 (a), (b), 39 (b), (d), 41 and 42, as well as most offences under section 31, can be tried by a court-martial or a civil court.

3. The procedure in a case where there is dual jurisdiction is laid down in the Indian Army Act—sections 69 and 70; the prescribed military authority being the General Officer Commanding-in-Chief, District, brigade or station commander.

If the offender is in Military/Civil custody the Unit Commander/Magistrate will take steps to Civil Magistrate request the prescribed military authority to decide before which court proceedings shall be instituted; but in those cases falling under the Indian Army Act, sections 41 and 42, in which death has resulted, the decision shall rest with the district commander or General Officer Commanding-in-Chief.

APPENDIX No. 26.14 (3)[1]

PROCEDURE FOR DEALING WITH BRITISH SOLDIERS FOR CIVIL OFFENCE

Circular Memorandum from the Adjutant-General in India to all Commands and Burma district No. B- 6802 /2 (A. G.-8),dated Shimla, the 1st August, 1930.

(Copies to all formations and units having British soldiers on their strength.)

I am directed to draw your attention to the position of British soldiers who, having been convicted by a Civil Court for a civil offence, undergo their sentences in Civil Jails.

This matter has been under consideration at Army Head quarters in view of the adverse effect which the revised Civil Jail Classification Rules may have on the welfare of such British personel.

The legal factors, which effect the possibility of such personnel undergoing in military prisons imprisonment awarded by Civil Courts, are as follows—

Although it is within the competence of a local Government, under section 541 of the Code of Criminal Procedure, to declare a Military Prisons a place where any person liable to be imprisoned or committed to custody under the Code of Criminal Procedure shall be confined, it is not possible under the Army Act for soldiers convicted by Civil Courts to be legally received in a Military Prisoner constituted under section 132 of the Act for the purpose of serving their sentences, as no power exists under section 70 of the Army Act to make rules for carrying into effect sentences other than those awarded by Court Martial. No. warrant of Committal similar to Form 'C' could, therefore, be prescribed.

In these circumstances amendment of the Army Act would be necessary before the reception into a Military Prison of British personnel sentenced by a Civil Court could be made legal under the Act.

The question at issue has been represented to the Home authorized in the past, but alternation of the existing law has always been opposed by them. It is not therefore proposed to approach the Army Council at this juncture with a view to the necessary amendments to the Army Act being carried out.

However, it is essential to safeguard British soldiers charged with civil offences, whose discharged from the Army is not applied for, from the contaminating influence of civil criminal associates while in jail. His Excellency the Commander-in-Chief there fore direct that in all cases in which British soldiers are charged with civil offences the following procedure shall be adopted.

One receipt of information from the civil authorities that a British soldiers is charged with a civil offence the Officer Commanding of the unit in which the man concerned is serving with decide of once whenever, in view of the character of the accused and of the crime committed, he will, if the accused is convicted apply for this discharge from the Army under King's Regulation, paragraph 370 (x).

1. For Punjab only. Omitted by Haryana.

If the Officer Commanding decides that discharge shall not be applied for, he will claim the accused for trial by Courts/Martial unless such trial barred by the provisions of Army Act, section 41 (5) (a) or is inadvisiable, *vide* Regulations for the Army in India, in Appendix IX, part I paragraph 2(a) and (b).

When the Officer Commanding decides that, if convicted, the discharege of the accused shall be applied for, he will allow the civil law toe take its course and not claim the accused for trial by Court-Martial.

Application for discharge will be submitted as soon as possible after the sentence passed by the Civil Court ahs become absolute either by an appeal not being preferred within the period allowed by law or by the appeal being dismissed.

Should the circumstances of a civil offence committed by British solider disclose the fact that the crime was probably committed with the object of the accused obtaining his discharge from the Army trial by Court-Martial will invariable be resorted to unless the crime committed falls under the restriction quoted above.

The adoption of the above procedure will ensure, as far as is legally possible, that soliders, charged with civil offences whose discharge from the Army is not desired, will not be subjected to the evil influences associated with life in a civil prison.

The attention of all offences empowered to confirm Courts-martial is drawn to the implication contained in paragraph 652 (h) of King's Regulations.

Although detention is lower in the scale of punishment than imprisonment, the work and military training carried out by soldiers undergoing detention are of more professional benefit to men returning to their Units than the harder but less technical programme laid down for military prisoners sentenced to imprisonment. Therefore when a soldier charged with a civil offence has been claimed from the Civil Authorities for trial by the Civil Authorities for trial by Court- Martial, the desirability of committing a sentence of imprisonment to one of detention must be carefully considered.

Note.—The above instruction have been supplemented by A.H.Q letter No. B/21379 (A.G.-8) dated the 22nd June, 1933, directing that no British soldier shall be left for trial by a Civil Court, i.e. all shall be claimed for trial by court-martial, unless the offence with which the soldier is charged is one of those which a court-martial is not empowered to try, viz; treasons murder man-slaughter, treasury-felony and rape.

Appendix 26.27(1) for Punjab only

APPENDIX No. 26.27(1)

SCALE OF DIET FIXED FOR A AND B AND BETTER CLASS UNDER-TRIALS ACCUSTOMED TO THE WESTERN MODE OF LIVING [PUNJAB GOVERNMENT LETTER NO. 14424 (H-.JAILS), DATED THE 23RD APRIL, 1930]

Name of article	Quantity	Remarks
Bread	8 chs.	
Butter	½ chs.	
Mutton	4 chs.	
Patatoes	3 chs.	
Onions	2 chs.	
Mixed condiments	¼ chs.	

Name of article	Quantity	Remarks
Sugar	2 chs.	
Cocoa	1/8	(B) class prisoner will receive during the summer one chattack of sugar in liew of 1/8 ch. of cocoa per diem.
Ghee	½ chs.	
Tea	1/8 chs.	
Milk	2 chs.	
Rice	2 chs.	
Porridge	2 chs.	
Firewood	2 seers.	
Fresh vegetable from the jail gardens	4 chs.	

The above diet will b issued in 3 meals.

Scale of diet 'A' and 'B' and better class under-rule accustomed to the Eastern mode of living.

Name of article	Quantity	Remarks
Flour	10 chs.	
Dal	1 ¼ chs.	
Ghi	1 ½ chs.	
Potatoes	2 chs.	
Salt	¼ chs.	
Condiments	¼ chs.	
Sugar	1 chs.	
Tea	1/8 chs.	
Vegetables	4 chs.	
Milk	6 chs. or Dahi 4 chs.	
Milk	2 chs., for tea.	
Firewood	2 seers.	

For meat-eaters.—The above diet will be issued except that on five days of the week 4 chattacks of meal or 4 chattacks of fish or 4 eggs costing about 2 annas will be issued in lieu of 6 chattacks of milk

Note.—The diet will be spread over three meals during each day.

Scale of diet for 'C' class and ordinary under-trials.

	Name of article	Quantity	Remarks
	Dal Urd	1 ¼ chs.	
Twice of week	Dal Masur ordinary	1 ¼ chs.	
	Dal Rawan Red	1 ¼ chs.	
Once of week	Dal Gram	1 ¼ chs.	
	Wheat	8 chs. (Labouring 10 chs.)	
	Gram for parching	1 chs. (Labouring 2 chs.)	
	Salt	¼ chs.	
Daily	Condiments	1/8 chs.	
	Vegitable	4 chs.	
	Sarson or Toria oil	¼ chs.	
	Wood	6 chs.	
	Gur	(Labouring 1 chatak daily)	

Appendix 26.27(1) for Haryana only

APPENDIX No. 26.27(1)

SCALE OF DIET FIXED FOR A AND B AND BETTER CLASS UNDER-TRIALS ACCUSTOMED TO THE WESTERN MODE OF LIVING [PUNJAB GOVERNMENT LETTER NO. 14424 (H-.JAILS), DATED THE 23RD APRIL, 1930]

Name of article	Quantity	Remarks
Bread	400 grams	
Butter	30 grams	
Mutton	230 grams	
Potatoes	200 grams	
Onions	100 grams	
Mixed condiments	7 grams	
Sugar	100 grams	
Cocoa	7 grams	(B) class prisoner will receive during the summer 50 grams of sugar in lieu of 7 grams of cocoa per diem)
Ghee	30 grams	
Tea	7 grams	
Milk	100 grams	
Rice	100 grams	
Porridge	100 grams	
Firewood	2 kg	
Fresh vegetable from the jail gardens	230 grams	

The above diet will b issued in 3 meals.

Scale of diet 'A' and 'B' and better class under-trials accustomed to the Eastern mode of living

Name of article	Quantity	Remarks
Flour	580 grams	
Dal	60 grams	
Ghee	70 grams	
Potatoes	100 grams	
Salt	15 grams	
Condiments	7 grams	
Sugar	50 grams	
Tea	12 grams	
Vegetables	230 grams	
Milk	500 grams or dhai 230 grams	
Milk	100 grams for tea.	
Firewood	2 Kg	

For meat-eaters.—The above diet will be issued except that on five days of the week 4 chattacks of meat or 4 chattacks of fish or 4 eggs costing about 2 annas will be issued in lieu of 6 chattacks of milk.

Note.—The diet will be spread over three meals during each day.

Scale of diet 'C' class and ordinary under-trials

	Name of article	Quantity	Remarks
	Dal Urd	70 grams	
Twice of week	Dal Masur ordinary	70 grams	
	Dal Moong	70 grams	
Once a week	Dal Gram	70 grams	
	Wheat	580 grams	
	Gram for parching	60 grams	
	Salt	15 grams	
Daily	Condiments	7 grams	
	Vegetables	230 grams	
	Sarson or Toria oil	15 grams	
	Wood	350 grams	
	Gur	Labouring 350 grams daily	

FORM No. 26.7 (1)

CERTIFICATE REGARDING IDENTITY OF AN ACCUSED

From Police Station_____, district_____ To Sub-Inspector of Police Station_____, district_____.

ACCUSED_____, son of_____, caste_____ age_____, description_____, resident of Mohalla_____, _____, district_____ has to-day been arrested in connection with first information report No._____under section_____. He gives his name and residence as noted above, and states that he is known to_____ and_____lambardars and respectable men of the village. Kindly answer the question written on reverse of this certificate.

*Dated*_____ *Signature of Station Officer.*

(REVERSE)

Question	No.	Answers
1. Are his name, address and residence as given by him, correct?		
2. Can the lambardar and respectable men identify the man of the name, address and residence and do they given the same description as given by me on reveres?		
3. If already classed "P. R" convict, the district serial No. of the "P. R" slip should be noted.		
4. If he is not a "P.R" convict should he be recommended to be declared a "P.R " or "P.RT" convict now?		
5. Give his previous conviction in details if any.		

Reply

From Police Station_____, district_____ To Sub-Inspector of Police Station_____, district_____.

The history of this man has been ascertained through_____of and your question have been answered.

*Dated*_____ *Signature of Station House Officer.*

Form 26.8(1) for Haryana Only

[1]**FORM No. 26.8 (1)**

ARREST/COURT SURRENDER FORM

(Separate Memo for each accused).

1. District_____ Police Station _____ Year_____FIR No./ Proceeding No./General Diary No._____ Date_____ Alphanumeric code of the Accused_____ (Write A1 to A9 for the first 9 persons, B1 for 10th person and so on)

2. Date, Time and Place of Arrest/Surrender : Date_____Time_____General Diary No. _____ Place of Arrest : Police Station_____ District_____

3. Name of the Court (if surrendered) : _____

4. Acts and Sections : _____

5. Arressted and forwarded/Arrested and realed on bail or PR bond/Arrested but released on anticipatory bail/Arrested and remanded to Police custody/Surrendered in Court and bailed out/surrendered in court and sent to Judicial custody/Surrendered in court and remanded to Police custody (Tick '✓' applicable portion).

6. Particulars of the Accused :

(i) Name_____

(ii) Father's/Husband's/Guardian Name : _____

(iii) First Alias : _____

(iv) Second Alias : _____

(v) Nationality : _____ (vi) (a) Voter Id. Card_____ No. _____ (b) Passport No. _____(c) Date of Issue _____ Place of Issue _____

(vi) Religion : _____ (vii) Caste/Tribe _____

(vii) SC/ST/OBC. _____ (viii) Occupation _____

(ix) Permanent address : _____ District _____ Police Station _____

(x) Present Address : _____

Distt._____ Police Station_____

7. Injuries, cause of injuries and physical condition of the accused person indicate if medically examined): _____

8. The accused, after being informed of the grounds of arrest and his rights, was duly taken into custody on _____ (date) at _____(hours) at _____ (place). The following article(s) was/were found on physical search, conducted on the person of the accused, and were taken into possession for which a receipt was given to the accused.

1._____ 2._____

3._____ 4._____

5._____ 6._____

Necessary wearing apparels were left on the accused for the sake of human dignity and body protection.

The accused was cautioned to keep himself/herself covered for purpose of identification.

Intimation given to_____(Relationship)_____

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1. Inserted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

If no article found, 'NIL' may be indicated in the blank space provided below :

9. Physical features, deformities and other details of the accused :

Sex	Date/Year of Birth	Build	Height in Cms.	Complexio Marks	Identification
1	2	3	4	5	6

(For Modes Operand Offences only)

Deformities	Teeth	Hair	Eye	Habit(s)	Dress Habits
7	8	9	10	11	12

Particulars Languages/Dialect	Place of				
	Burn Mark	Leucoderma	Mole	Scar	Tatto
13	14	15	16	17	18

Other Features (19)_____

10. Whether Finger Print taken or no? _____

11. Socio-economic profile of the accused showing :

(a) Living status : Living alone/Living with Family/With associate in Pucca House/Hotel/Hotel Kachcha House/Thatched House/Slum/Homeless/Harbourer.

(b) Educational qualification (s) _____

(c) Income Group :

(i) Lower Income (Below Rs. 500 P.M.)

(ii) Lower Middle Income (From Rs. 501 to Rs. 1000)

(iii) Middle Income (From Rs. 1001 to Rs. 2000)

(iv) Upper Middle Income (From Rs. 2001 to Rs. 3000)

(v) Upper Income (above Rs. 3000)

12. Whether the accused person, as per the observation and known police records :

(a) Is dangerous Yes/No

(b) Previously escaped any bail Yes/No

(c) Is generally armed Yes/No

(d) Operates with accomplices Yes/No
(e) Has past criminal record Yes/No
(f) Is recidivist Yes/No
(g) Is likely to escape bail Yes/No
(h) If released on bail likely to commit crime or threaten victims/witnesses. Yes/No
(i) Is wanted in any other case Yes/No
(If yes, case reference/Section

[1][13. Name and address of witnesses
(At least on witness is necessary) Signature
1.
2.

14. Signature or Left Thumb Impression of arrested person.

Signature of the Investigating Officer
Name_____
Rank_____
Number, if any_____]

Place_____Date_____

Form 26.8(2) for Punjab

[2][***]

Form 26.8(2) for Haryana

FORM No. 26.8(2)

POLICE STATION (NAME) _____DISTRICT

REPORT OF ARREST

(Under section 62 Criminal Procedure code)

Has the honor report that_____, son of_____ caste_____, residence of_____, has been apprehended (or detained, as the may be) this day at_____ o'clock, as he accused_____

*Dated*_____

The_____ *Sub-Inspector*

To be lithographed on a post-card.

1. Substituted by Haryana Govt. Notification No. G.S.R. 111/Const./Art. 309/99, dated 9.12.1999.
2. Form 26.8(2) omitted by Punjab Govt. *vide* Notification No. G.S.R 20/C.A.V/1861/S. 46 Amd.(23)/2003 dated 6.3.2003.

FORM No. 26.16(6)

POLICE DEPARTMENT _____DISTRICT

REGISTER OF DESERTERS

1	2	3	4	5	6	7	8	9
Serial No.	Date of entry in this register	Name, parentage, caste and description of deserter	Residence	Date of desertion and regi ment or crops of deserter	Reference to letter intimating information regarding deserter	Date of arrest	Name and Rank of officer arresting descrter	Remakes showing action taken to secure arrest

To be drawn by hand in an open foolscap size register maintained in the office of Superintendent in English according to police stations. Vernacular counterpart to be maintained in each police station.

FORM NO 26.16 (7)

DESCRIPTIVE ROLL OF A DESERTER

POLICE DEPARTMENT _____DISTRICT

_____DISTRICT Annual Serial No.

1. Name
2. Father name.
3. Caste
4. Residence — Village / Police Station / District
5. Description
6. Regiment to which belonging
7. Date of desertion.
8. Place of desertion.
9. Remarks.

FORM No. 26.21(5)

BAIL BOND

(Vernacular form in terms of the XXV in Schedule V, Criminal Procedure Code.)

FORM No. 26.32(1)(e)

POLICE DEPARTMENT _____DISTRICT

Identification of suspects

Note.—Whenever it is necessary to submit any person suspected of having been concerned in any offence for identification, particular care should be taken, pending the arrival of the identifying witnessess to keep the suspect in some place where they cannot have access to him. On their arrival the suspect should be placed with 8 to 9 men similarly dressed, and of the same religion and status, and the identification carried out whenever possible in the presence of a Magistrate or independent witnesses who should be asked to satisfy themselves that the identification has been conducted under conditions precluding the possibility of collusion. Care must be taken that the identification by each witness is done out of sight and hearing of the other identifying witnesses.

1	2	3	4	5	6
Date and place of identification	Name of witness	Name of suspect of identifies	Description of manner in which the rule regulating such identifications were complied with	Signature of Magistrate or other witnesses in whose presence the test is carried out	Signature of Police Officer in-charge.

❑❑❑

CHAPTER 27

PROSECUTION AND COURT DUTIES

27.1. Charge sheets–preparation and scrutiny of.—(1) (i) When an accused person is sent for trial the charge-sheet [Form 25.56 (1)] shall form the final report required by section 173, Code of Criminal Procedure. Loose forms of charge sheets shall be kept at each police station to enable investigating officers to prepare and submit them even when away from their police stations.

(ii) In cases in which a charge sheet is submitted under sub-rule 1 (i) above and in which a copy of the first information report has been sent to a Panchayat as required by Police Rule 24.5(2), (a) report shall also be sent to the Panchayat containing information on the following points—

(a) Whether or not an offence has been proved.

(b) Whether or not the offence proved is triable by the Panchayat.

(c) The Court in which, and the date on which, the charge sheet is to be presented.

(2) Except where it is necessary to present charge sheets before a magistrate on tour or elsewhere than at the headquarters of a district or sub-division, they shall be submitted through the Superintendent, Assistant Superintendent or Deputy Superintendent of Police in charge of the crime of the police station concerned.

(3) Charge sheets shall be thoroughly scrutinised by an officer of the prosecuting branch not below the rank of prosecuting sub-inspector, who shall be responsible for seeing that carbon copies of incomplete charge sheets together with copies of orders passed by Magistrates thereon and other necessary papers are attached; that the identity and previous convictions of the accused persons have been established; that in cases when an accused person is on security and such security will be liable to confiscation in the event of conviction, the fact is duly noted in file so that the attention of the court may be drawn to it; that witnesses are according to the list entered in the charge sheet that the police file is complete and that no papers belonging to it are attached with the charge sheet, and that no omissions of defects in the investigation remain unrectified or unexplained. After completing his scrutiny as above, the officer of the prosecuting branch shall lay the charge sheet and files before the gazetted officer referred to in sub-rule (2) above, or, in his absence, before such other available gazetted officer or senior non-gazetted officer as the Superintendent of Police may have nominated for the purpose, and

shall explain the case to him, and take his orders to whether it shall be put into court or withheld for further police action. Such gazetted officer or senior non-gazetted officer shall satisfy himself that the prosecution case is presented in the best possible manner that all material evidence is produced, including evidence calculated to rebut probable lines of defence.

(4) The practice of requiring prosecution witnesses to appear at headquarters simultaneously with the challan has received the approval of the local Government and of the High Court (See Chapter 3-A, paragraph 5 (10), of Volume IV of High Court Rules and Orders). Before sending a charge sheet to headquarters the investigating officer should collect all witnesses, whom it has been decided to produce in court, and take personal recognizances from them to appear on the same date as that on which the charge sheet will reach the court. The challan should, however, reach headquarters not less than one day before the date fixed for hearing of the case. It shall be the duty of the prosecuting branch to facilitate the working of this system and the prompt disposal of police cases by arranging with magistrates that a special period be set apart daily for dealing with fresh challan and by giving magistrates as much warning as possible of the anticipated presentation of a challan [*vide rule* 25.51].This period should be so fixed as to allow time for witnesses to read the police office and for *challan* to be thoroughly checked and at the same time to permit to all new police cases being taken up by Magistrates at such an hour that it may be possible for the bulk of the prosecution evidence to be recorded before the Court rises for the day. When there are a large number of prosecution witnesses in a case, only the more important ones, whose evidence is necessary to facilitate the early framing of charges, shall be sent with the *challan*.

(5) In all serious cases, when the accused has been arrested and *prima facie* evidence has been produced, the investigating officer shall send the accused for trial without delay, whether the investigation is complete or not. Witnesses should accompany such *challans* and the same arrangements for the prompt recording of evidence as laid down in sub-rule (4) above should be observed. When available evidence has been recorded remands or adjournments under section 167 or 344, Code of Criminal Procedure shall be arranged as may be necessary. Evidence obtained subsequently shall be produced before the court by a subsidiary *challan*.

Rule 27.2 for Punjab

[1][**27.2. Charge Sheet Slip and Road Certificate.**—(1) With every charge sheet the following document be sent—

(a) A charge sheet ship in Form 27.2 (1)(a);

(b) A road certificate in Form 10.17; and

(c) In the case of charge sheets against members of Criminal Tribes who on conviction are liable to be sent to the Reformatory Settlement, a report in Form 27.2(2).

1. Substituted by Punjab Govt. Notification No. G.S.R. 20-/C.A.V./1861/S.46/Amd. (23)/2003, dated 6.3.2003.

(2) On the completion of the case in Court, the charge sheet slip shall be filled in under the order of the Criminal Court trying the case and returned to the office of the Senior Superintendent of Police. The result of the case shall then be entered in the General Crime Register and the English Register of Cognizable Offences and communicated to the Police Station concerned. One carbon copy of the charge sheet slip in Form 27.2(1)(a) shall be submitted to the District Crime Record Bureau of the concerned District Headquarter for record by the Prosecution Branch concerned.

(3) A list of any weapons, articles or property sent to the Magistrate's court in connection with the case shall be entered into the Road Certificate. If such articles are received correct the Deputy District Attorney or Assistant District Attorney shall sign a receipt for them on the Road Certificate and return it to the Police Station.]

Rule 27.2 for Haryana

27.2. Charge sheet slip and road certificate.—(1) With every charge sheet shall be sent—

[1][(a) a Court Disposal Form No. 27.2(1) (a). One Carbon copy of which shall also be submitted to the District Crime Record Bureau of the concerned district for record.]

(b) a road certificate in Form 10.17.

(c) In the case of charge-sheets against members of criminal tribes who on conviction are liable to be sent to the Reformatory Settlement, a report in Form 27.2(2).

(2) On the completion of the case in court the charge sheet slip shall be filled in under the orders of the criminal court trying the case and returned to the office of the Superintendent of Police. The result of the case shall then be entered in the General Crime Register and the English Register of Cognizable Offences, and communication to the police station concerned.

(3) In the road certificate shall be entered a list of any weapons, articles or property sent to the Magistrate's courts in connection with the case. If such articles are received correct the prosecuting inspector or sub-inspector shall sign a receipt for them on the road certificate and return it to the police station.

27.3. Duties of Public Prosecutors.—(1) Government Pleaders, who are ex-officio Public Prosecutors, are bound by the rules contained in Part I, Section II, and Law Department Manual. They may not appear or advise against the Crown in criminal cases. They are allowed to undertake private civil practice, but are under the direct orders and supervision of District Magistrates and may be appointed to work continuously at any particular case. They are required to appear for the Crown in—

(a) All Sessions cases.

1. Substituted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

(b) All Section 30 cases at headquarters and, when required by the District Magistrate, at out-stations.

(c) All commitment cases where his appearance is necessary at headquarters, and at out-station, when required by the District Magistrate.

(d) All criminal appeals when required by the District Magistrate or Sessions Judge.

(e) All original cases when required by the District Magistrate.

(2) It is part of the duty of Pubic Prosecutors to given advice to Government officers on legal questions. A scale of fees for consultation is authorized, but the payment of such fees should only be recommended where an opinion has been obtain on a matter of especial complexity (Law Department Manual, Section I, Chapter I, paragraph XV).

27.4. Police Officers as Public Prosecutors.—(1) All Superintendents, Assistant and Deputy Superintendents of Police are, with reference to sections 270 and 492 of the Code of Criminal Procedure *ex-officio* public prosecutors in respect of all cases committed from their respective districts for trial before the court of Sessions. Where no Government Pleader (Public Prosecutor) has been appointed, or when the services of the Government Pleader are not available, one of the police officer above-mentioned may conduct the prosecution sessions trials, but the District Magistrate has power in such circumstances to appoint any other person to be public prosecutor for the purpose of a particular case.

(2) Prosecuting inspectors and prosecuting sub-inspectors of police are appointed public prosecutors in the local areas specified in the list below for all cases which may be enquired into or be tried by a magistrate including a magistrate having powers under section 30 of the Code of Criminal Procedure.

Officers.	Local areas.
Every prosecuting inspector of police.	The district in which the prosecuting inspector is stationed.
Every prosecuting sub-inspector of police stationed at the headquarters of a district.	The district at the head quarters of which the prosecuting sub-inspector is stationed.
Every prosecuting sub-inspector of police station at the headquarters of a sub-division.	The sub-division at the headquarters of which the prosecuting sub-inspector is stationed.

(3) When the complainant in a criminal case instructs a legal practitioner to conduct the prosecution, such practitioner shall act under the instructions of the Public Prosecutor as defined in the above sub-rules and rule 27.3.

27.5. Security to be given by prosecuting staff.—Each prosecuting inspector and sub-inspector shall furnish security of not less value than Rs. 500. Security shall be furnished in any of the ways permitted for accountants in rule 10.7(2).

27.6. Prosecution of railway cases.—The district police prosecuting staff shall render every assistance which may be required of them in the performance of

court duties in connection with the prosecution of railway cases, and shall take all necessary measures to promote the efficient prosecution and expeditious disposal of such cases in the courts.

27.7. Prosecution of cases under section 110, Code of Criminal Procedure.—(1) Prosecution under section 110, Code of Criminal Procedure, shall, as far as possible, be arranged to take place before a magistrate in camp in the neighbourhood frequented by the person so prosecuted.

(2) Proceedings of cases under section 110, Code of Criminal Procedure, against zaildars, lambardars and inamdars require the special order of the District Magistrate (Rule 19. Chapter 3 Volume III of Rules and Orders of the High Court of Judicature at Lahore).

27.8. Action on breach of terms of security bond or conditions of restriction.—(1) Whenever a person on security of any kind is prosecuted for an offence implying a breach of the terms of his bond, special application shall be made, at the time of presentation of the charge sheet that the court may, in the event of conviction, order the confiscation of the security.

(2) Whenever a person violates the conditions of an order passed against him under the Habitual Offenders Act, or violates any rule made under the Act, he shall be prosecuted under section 17 of the Act.

(3) It is the duty of the prosecuting branch to watch the progress of realisation of forfeited security. When the head of the branch finds that, either generally in the district or in a particular case, undue delay or laxity in realisations is taking place, he shall bring the matter to the notice of the Superintendent, in order that attention of the District Magistrate may be invited to it.

27.9. Police Brief.—(1) In all important cases sent for trail, the investigation officer shall, whenever possible, attend and personally instruct the prosecuting inspector or public prosecutor. In such case he will also prepare a "Police Brief" in Form 27.9(1) and shall mention therein all matter connected with the case including the probable line of the defence, which in his opinion, should be specially brought to the notice of the prosecutor.

(2) In unimportant simple cases no "Police Brief" need be prepared.

(3) In cases of more than usual importance gazetted officer are required to prepare "Police Briefs" themselves.

27.10. Proof of previous Convictions.—(1) Previous convictions shall be proved as laid down in section 511, Code of Criminal Procedure.

(2) Requisition for particulars of previous convictions when required by the police shall be made in Form 27.10(2).

(3) It is the duty of the police, in conducting the investigation, to take proper steps to establish the identity of an accused person and to obtain and produce evidence of previous convictions against him (High Court Rules and Orders, Volume III Chapter 23, paragraph 9).

The duties of the magistrate and of the police in this matter are given in the decision of the Chief Court in the case, *Empress versus Sham Singh*, reported as criminal judgment No. 36 in the Punjab Record of 1884 and especially in the remarks of Mr. Justice Plow den at page 70 of the record. Requisitions for particular of previous convictions should therefore be made early during the investigation, but, if there be sufficient grounds, prosecuting officers may apply to the magistrate for a remand under section 344, Criminal Procedure Code, so as to produce evidence of previous convictions.

Rule 27.11 for Punjab

27.11. Appeal and access to Judicial records.—(1) Application for the representation of the Crown in criminal cases, for the institution of appeals against orders of acquittal or for the exercise of its powers of revision by the High Court, shall be made through the District Magistrate. Rules framed by Government in this respect are given in Law Department Manual, Part I, paragraph IX (6).

(2) As regards revision of orders of discharge, application shall be made to the District Magistrate under section 437, Code of Criminal Procedure.

(3) Under the standing order of the High Court, Superintendents of Police are entitled to peruse the judicial record in all cases where a police officer is convicted or, though acquitted, is left under suspicion or censured. The object of this is to enable departmental action to be taken where necessary. Copies of judgments, and translation of the same where necessary, in such cases, will be supplied free of charge.

The Inspector-General of Police or any Deputy Inspector-General may, on giving reasons, call for the record of any decided case, in which the police are affected. Unless there are grave reasons to the contrary, in which case the Sessions Judge will decide the point, the request will be complied with. The Inspector-General of Police has a right to call for the records in all cases, of professional crime.

Courts are required to send to the Inspector-General of Police for record copies of such confessions as may be of value to the police.

All modifications of original decisions made in appeal, revision or reference are required to be communicated by the District Magistrate to the prosecuting branch of the office of Superintendent of Police.[1]["(Rule 3, Chapter 11-E, of Volume 3, High Court Rules and Orders)". The Prosecuting Branch shall submit the result of appeal in Form 27.11(3) to the District Crime Record Bureau of concerned District Head Quarters for record.]

Copies of judgments and depositions required by police officers in the course of their duties are exempted from the charges authorized under the Court Fees Act, but not from copying fees. Gazetted officers and all prosecuting inspectors and prosecuting sub-inspectors, within the limits of their jurisdiction as public prosecutors (rule 27.4) can obtain, free of all charges, copies of any part of the

1. Substituted *vide* Punjab Govt. Notification No. G.S.R. 20/C.A.V./1861/S.46/Amd. (23)/2003, dated 6.3.2003.

record of a case which they may require in their capacity as public prosecutor, the cost being met by District Magistrates or the courts concerned.

With the exceptions noted above, police officers are not entitled either to have original judicial records handed over to them for perusal or to obtain copies free of charge. On the frequent occasions when it is necessary for a Superintendent of Police, in the discharge of his duties, to study the evidence and decisions recorded at a trail, the proper channel for obtaining access to such records is through the authority of the District Magistrate. The latter is head of the prosecuting agency, of which the Superintendent of Police is in direct charge, and that agency requires constant access to judicial records, in order to fulfill its duty of assisting the District Magistrate through the Superintendnet of Police, to keep in close touch with the work of magistrate's courts and the results of cases.

When a perusal of the original record will suffice, copies should be dispensed with, as fees for them have to be paid in every case, whether from police or judicial funds. It is the practice of the High Court to print the proceedings in all cases in which the death sentence is inflicted, and it is sometimes possible in such cases to obtain spare copies of the printed records on application, through the Deputy Inspector-General of Police, Criminal Investigation Department, to the Registrar of High Court.

Rule 27.11 for Haryana

27.11. Appeal and access to Judicial records.—(1) Application for the representation of the Crown on criminal cases, for the institution of appeals against orders of acquittal or for the exercise of its powers of revision by the High Court, shall be made through the District Magistrate. Rules framed by Government in this respect are given in Law Department Manual, Part I, paragraph IX (6).

(2) As regards revision of orders of discharge application shall be made to the District Magistrate under section 437, Code of Criminal Procedure.

(3) Under the standing order of the High Court, Superintendents of Police are entitled to peruse the judicial record in all cases where a police officer is convicted or, though acquitted, is left under suspicion or censured. The object of this is to enable departmental action to be taken where necessary. Copies of judgments, and translations of the same where necessary, in such cases, will be supplied free of charge.

The Inspector-General of Police or any Deputy Inspector-General may, on giving reasons, call for the record of any decided case, in which the police are affected. Unless there are grave reasons to the contrary, in which case the Sessions Judge will decide the point, the request will be complied with. The Inspector-General of Police has a right to call for the records in all cases of professional crime.

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With the exceptions noted above, police officers are not entitled either to have original judicial records handed over to them for perusal or to obtain copies free of charge. On the frequent occasions when it is necessary for a Superintendent of Police, in the discharge of his duties, to study the evidence and decisions recorded at a trail, the proper channel for obtaining access to such records is through the authority of the District Magistrate. The latter is head of the prosecuting agency, of which the Superintendent of Police is in direct charge, and that agency requires constant access to judicial records, in order to fulfill its duty of assisting the District Magistrate through the Superintendent of Police, to keep in close touch with the work of magistrate's courts and the results of cases.

When a perusal of the original record will suffice, copies should be dispensed with, as fees for them have to be paid in every case, whether from police or judicial funds. It is the practice of the High Court to print the proceedings in all cases in which the death sentence is inflicted, and it is sometimes possible in such cases to obtain spare copies of the printed records on application, through the Deputy Inspector-General of Police, Criminal Investigation Department, to the Registrar of High Court.

[1][(4) The prosecuting branch shall submit the result of appeal in Form 27.11(4) to the District Crime Record Bureau of concerned district headquarters for record.]

27.12. Maintenance of order and watch over prisoners in courts.—(1) On every day when the courts are sitting, a sufficient number of police shall be provided in the precincts of the courts to guard prisoners, take into custody persons who surrender to their bail, whose bail bonds are cancelled, or who surrender to their bail, whose bail bonds are cancelled, or who may otherwise be arrested by the order of a Court, and to preserve order in and in the neighbourhood of courts. The guard in court shall be strengthened, when prisoners are of a desperate and dangerous character, or when a case is being heard which is likely to cause public excitement or demonstrations.

(2) All prisoners under arrest shall invariable be thoroughly searched before being taken into court, the police officer-in-command of the party furnishing

1. Added by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

guards for prisoners shall be personally responsible that this is done. If, in accordance with the rule 26.23, prisoners have been brought to the court in handcuffs, the handcuffs shall not be removed in courts unless this is specially ordered by the presiding officer.

27.13. Compounding of cases under section 420, Indian Penal Code.—Under orders contained in letter No. 1336 (H.-Judl.) of 12th January 1927, from the Home Secretary to Government Punjab, the Provincial Government has directed that sanction to compromise in cases under section 420, Indian Penal Code, should be resisted, where habitual cheats and professional swindlers are concerned, and also in all cases which show features of danger to a wider public than the complaint in the individual case before the court. A case coming into the later category would be one in which the method by which the crime has been committed is or is likely to be widely employed.

27.14. Prosecuting Agency-Composition of.—(1) The police prosecuting agency in each district shall consist of such number of gazetted officers, upper and lower subordinate as may from time to time, be sanctioned by the local Government and the Inspector-General of Police.

(2) A constable shall be attached as court orderly to the court of every magistrate, whether stipendiary or honorary, having first class or superior powers. The senior officers of the prosecuting branch shall arrange for the duty of court orderly in courts or benches of honorary magistrates, which sit only for short periods or at irregular intervals, to be performed by member of their staff, who may be available at the time required. Clerk or assistant clerks of police stations may be employed, when necessary, to perform the duties of court orderly at teshil courts.

(3) In each district one of the head constables of the prosecuting staff shall be appointed as the direct assistant of the prosecuting inspector for the purpose of maintaining the registers of case property, prescribed in rule 27.16 and, under the immediately supervision of the prosecuting inspector or a prosecuting sub-inspector, nominated by him, receiving, checking, cataloguing and issuing to court orderlies, exhibits and other property kept in the prosecuting agency's store-room in connection with cases and unclaimed property. The duties of this head constable are purely sub-ordinate and his assistance in a routine capacity in no degree relieves the prosecuting inspector and the prosecuting sub-inspectors of their personal responsibility, as laid down in rule 27.18 for the correctness and security of the contents of the *malkhana*.

27.15. Duties of head of prosecuting agency.—The duties of the head of the police prosecuting agency whether he be of the rank of Deputy Superintendent of Police or inspector shall be as follows—

(i) Thoroughly to scrutinize *challans* and intermediate references and application from police stations in connection with the prosecution of cases, the arrest of offenders, the confiscation of bail of security bonds, and other matters in which his advice or the orders of a court and

required. The preparation for court and prosecution of all security cases, including security for keeping the peace (vide Rule 23.32), should receive as much attention from the district prosecuting staff as practicable.

(ii) To prosecute, watch or direct the prosecution of cases in the courts of the district. In this connection it must be realised that his duty embraces not only the presentation of the prosecution case but contesting the claims of the defence and ensuring the observance of conditions and restrictions imposed by the law on the discretion of courts to pass orders in certain circumstances, and the observance of all High Court orders issued with the object of expediting decisions and preventing abuses.

(iii) To supervise and distribute the work of prosecuting officers subordinate to him and of the police personnel attached to his office or to the courts.

(iv) To take charge of and deal with, articles and property received in connection with cases, as well as of unclaimed and suspicious property received from police stations for order of magistrates.

(v) To supervise the transmission of warrants and summons to the executive police under the orders of the criminal courts, and to see that returns to such processes are made without delay.

(vi) To keep the District Magistrate and the Superintendent of Police informed of all important matters in connection with criminal cases under trial, to bring to notice cases requiring to be specially reported to him, and to submit a daily diary in Form 27.15(vi) showing cases sent for trial, convicted, discharged and pending in court on that particular day. The instructions of the High Court as to the duties of the prosecuting agency towards the District Magistrate are contained in Appendix 27.15 (vi).

(vii) To see that the instructions in connection with the diet money and travelling expenses of witnesses are duly observed.

(viii) To see that payments for bills submitted through him for all judicial expenses incurred by officer-in-charge of police stations are made promptly, either by the Nazir or from his own permanent advance. For this purpose he will maintain a register in Form 27.15(VIII). For all sums of money received from the Nazir a receipt must be given in Form 10.14(1).

Note.—One combined receipt for all sums received from the Nazir on any day may be given.

(ix) To see that the result of cases in court are promptly communicated to police stations concerned according to rule, and especially to bring to the notice of the Superintendent, together with an abstract or copy of

the judgment if necessary, orders of acquittal or discharge or other orders of courts, which either reflect in any way on the conduct of the police or indicate that the theory on which the case was prosecuted has broken down.

(x) To keep in view the orders regarding the formation of a criminal museum at the Police Training School, Phillaur, and to take the orders of the Superintendent for the acquisition of such weapons, instruments or other articles connected with cases sent up for trail as may be considered useful as exhibits of educational value, and to forward them with a brief account of their use or object to the Principal, Police Training School, Phillaur.

(xi) To supervise the work of the Vernacular office of the Superintendent of Police and to exercise a close and constant check on the maintenance of the registers pertaining to the prosecuting branch. In these respects the prosecuting Deputy Superintendent or inspector is directly responsible as assistant to the Superintendent of Police.

(xii) In the execution of these functions, the head of the prosecuting agency may distribute work and delegate his duties among and to prosecuting inspectors and sub-inspectors subordinate to him, to such extent as may be approved by the Superintendent of Police and as is not inconsistent with any Police Rule or other order of a competent authority.

27.16. Registers to be maintained by prosecuting Deputy Superintendent or Inspector.—The head of the police prosecuting agency shall, with the help of his assistants, maintain the following registers—

(1) Register of case property and unclaimed property in Form 27.16(1). This register may be destroy three years after being completed—

(a) This register shall be in the same form as register, No. 1, and shall contain copies of any entries in register No. 1 referring to property which has been in the custody of the police for over three years. Property in cases in which the accused are absconding, and the retention of which is necessary for purposes of evidence, may be transferred to this register as soon as proceedings under section 512, code of Criminal Procedure, are complete.

This register is a permanent record.

(2) Register of issue from and return to the prosecuting agency's store-room of case property daily produced in courts and pending cases, – vide rule 27.18(1)

(3) Register of warrants of commitment to jail, and of order for the reception of lunatics into asylums, in Form 27.16(3).

(a) Register of receipt and despatch of under trial prisoners in Form 27.16(3)(A).

This register may be destroyed ten years after being completed.

(4) Register of warrants and summonses received for execution and service by the police in Form 27.16)(4).

This register may be destroyed two years after being completed.

(5) Register of intermediate orders in Form 27.16(5).

This register may be destroyed two years after being completed.

(6) Register of reasons on security under the provisions of the Code of Criminal Procedure, or local and special Laws, in Form 27.16(6).

This register shall be divided into separate parts for each police station in the district.

At the end of each year the names of those persons remaining on security shall be rewritten in the order on which their securities are timed to expire.

(7) Register of excise occurring during the year in which police officers have been directly concerned, in Form 27.16(7).

(8) Permanent advance account of all judicial expenses in Form 10.52(b).

This register may be destroyed three years after being completed.

(9) Register of absconders, in English in Form 23.20(1).

(10) Register showing progress of action against absconders in Form 23.21.

(11) Register of proclaimed offenders who are members of criminal tribes in Form 22.54(b).

This register shall contain the names of all members of criminal tribes who have been proclaimed under section 87, Code of Criminal Procedure, for offences against the Criminal Tribes Act.

27.17. Duties in connection with property.—(1) At headquarters the head of the prosecuting agency, with the assistance of his staff, shall take charge of weapons, articles and property connected with cases sent for trial and shall be responsible for their safe custody until the case is decided. When final order are passed in the case, such weapons, articles and property shall, if not made over to the owner, be made over to the sheriff.

(2) The head of the prosecuting agency shall similarly take charge of, and be responsible for the safe custody of, suspicious property until the issue of the proclamation under section 523, Code of Criminal Procedure, when such property shall be made over to the sheriff.

(3) Unclaimed property sent in by the police shall be made over to the sheriff as soon after arrival as possible and a receipt thereof taken in register No. 1 [rule 27.16(1)].

(4) Property connected with a case in which the accused is at large and has been proclaimed shall, if likely to be of material advantage to the prosecution, be kept by the head of the prosecuting agency in a strong box in his store-room. If such property, excepting valuables, is too large to be kept in the strong box it

may be kept on separate racks. If, after 50 years, the case still remains undecided the property shall be made over to the sheriff for disposal.

When there are claimants to the property who would suffer hardship through its retention the orders of the magistrate shall be taken.

(5) Within the first ten days of each quarter the prosecuting inspector shall verify all property of which he or a prosecuting sub-inspector at headquarters is in charge and shall submit a certificate to the Superintendent of Police that he has duly carried out the verification. Where a prosecuting sub-inspector is in sole charge of property or is in joint charge with the prosecuting inspector, the prosecuting sub-inspector shall be present during the verification and shall also sign the certificate.

27.18. Safe custody of property.—(1) Weapons, articles and property sent in connection with cases shall on receipt be entered in register No. 1 and shall (excluding livestock) be properly stored in the store-room of the head of the prosecuting agency, or the police station. See Rule 22.18. When required for production in court such articles shall, at headquarters, be taken out in the presence and under the personal order of an officer of rank not less than prosecuting sub-inspector and an entry made in the register of issue from and return to the prosecuting agency's store-room, which register shall be maintained in From 27.18(1).

Animals sent in connection with cases shall be kept in the pound attached to the police station at the place to which they have been sent, and the cost of their keep shall be recovered from the District Magistrate in accordance with Rule 25.48.

(2) In all cases in which the property consists of bullion, cash, negotiable securities, currency notes or jewellery, exceeding in value Rs. 500 the Superintendent shall obtain the permission of the District Magistrate, or Sub-Divisional Officer to make it over to the Treasury Officer for safe custody in the treasury.

(3) All cash, jewellery and other valuable property of small bulk, which is not required under sub-rule (2) above to be sent to the treasury, shall be kept in a locked strong box in the store-room. Each court orderly shall be provided with a strong lock-up box in which he shall keep all case property while it is in his custody in the court to which he is attached. Case property shall invariably be kept locked-up in such box except when it is actually produced as an exhibit in the course of proceedings. After being so produced it shall be immediately replaced in the lock-up box. Boxes shall be provided from funds at the disposal of the District Magistrate.

(4) Property taken out of the main store-room for production in court shall be signed for by the court orderly concerned in register No. 2 and the prosecuting officer authorizing the removal shall initial this entry Such officer shall similarly, after personal check, initial the entry of return of the property to the main store room on the closing of the courts.

(5) Every day, when the courts close, an officer of the prosecuting branch of rank not less than that of sub-inspector shall personally see that the articles produced in court are returned to the store room, restored to their proper places in the shelves, cupboards or strong box and registered as required by sub-rule (4) above. The opening of the store-room in the morning and its closing in the evening shall invariably be in the presence of the police officials named in this rule. Animals brought from the pound shall be rebounded under the supervision of a head constable.

SYNOPSIS

1. *Production of the weapons, articles and property sent in connection with cases-Procedure of.*
2. *Case property-Manner of production thereof in the Court.*
3. *Production of the case property in court-Requirement of the personal order therefor.*
4. *Malkhana Register-Description of.*
5. *Case property-Requirement of inspection thereof.*
6. *Framing of Rules-Purpose of.*
7. *Provisions of the Rule-Purpose of.*
8. *Production of the case property in Court-Proceeding for.*

1. Production of the weapons, articles and property sent in connection with cases-Procedure of—As per Rule 27.18 of the Punjab Police Rules, 1934, weapons, articles and property sent in connection with cases shall on receipt be entered in register No. 1 and shall (excluding livestock) be properly stored in the store-room of the head of the prosecuting agency, or the police station. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

2. Case property-Manner of production thereof in the Court—It is provided in Rule 27.18 that weapons, articles and property sent in connection with cases shall on receipt be entered in register No. 1 and shall (excluding livestock) be properly stored in the store-room of the head of the prosecuting agency, or the police station. The case property when required for production in court such articles shall, at headquarters, be taken out in the presence and under the personal order of an officer of rank not less than prosecuting sub-inspector (now APP/PP) and an entry made in the register of issue from and return to the prosecuting agency's store-room, which register shall be maintained in Form 27.18(1). *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

3. Production of the case property in court-Requirement of the personal order therefor—The case property when required for production in court such articles shall, at headquarters, be taken out in the presence and under the personal order of an officer of rank not less than prosecuting sub-inspector (now APP/PP) and an entry made in the register of issue from and return to the prosecuting agency's store-room, which register shall be maintained in Form 27.18(1). *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

4. Malkhana Register-Description of—In Punjab Police Rules, also applicable to the State of Himachal Pradesh, Malkhana register is assigned serial number-19. It is in a tabular form. There are different columns like who has deposited the case property and when it was taken out and deposited back. These details are very material and every deposit made in the Malkhana/Store Room is to be recorded and also at the time when it is re-deposited. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

5. Case property-Requirement of inspection thereof—As per Rule 27.18 of the Punjab Police Rules, 1934, when the courts close, an officer of the prosecuting branch of rank not less that of sub-inspector shall personally see that the articles produced in court are returned to the store-room, restored to their proper places in the shelves, cup-boards or strong box and registered as required by sub-rule (4) above. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR(Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

6. Framing of Rules-Purpose of—These Rules have been framed to ensure that case property from its initial stage of seizure till production in the Court remains safe/intact and is restored to store room in the presence of senior police officer. Property taken out of the main store-room for production in court is required to be signed by the court orderly concerned in register No. 2 and the prosecuting officer authorising the removal is required to initial this entry. Such officer shall similarly, after personal check, initial the entry of return of the property to the main store-room on the closing of the courts. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

7. Provisions of the Rule-Purpose of—The Rule 27.18 of the Punjab Police Rules, 1934, has been framed to ensure that case property from its initial stage of seizure till production in the Court remains safe/intact and is restored to store room in the presence of senior police officer. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

8. Production of the case property in Court-Proceeding for—Property taken out of the main store-room for production in court is required to be signed for by the court orderly concerned in register No. 2 and the prosecuting officer authorising the removal shall initial this entry. Such officer similarly, after personal check, is required to initial the entry of return of the property to the main store-room on the closing of the courts. It is further provided in this Rule that every day, when the courts close, an officer of the prosecuting branch of rank not less that of sub-inspector shall personally see that the articles produced in court are returned to the store-room, restored to their proper places in the shelves, cup-boards or strong box and registered. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

27.19. Property in cases committed to a higher court.—(1) When an order of commitment to a superior court is made, any weapons, articles or property capable of such treatment shall be enclosed in a parcel in the presence of the committing magistrate.

The parcel shall be sealed with the seal of the court and made over to the head of the police prosecuting agency, who shall produce it with unbroken seals before the superior court, or, if so ordered by competent authority, shall make it over to some other officer authorized so to produce it.

(2) Special precautions shall be taken under the orders of the Superintendent in regard to property which cannot be so treated.

SYNOPSIS

1. *Committal of the case property to the higher Court-Proceeding for.*
2. *Production of the case property before the higher Court-Procedure thereefor.*

1. Committal of the case property to the higher Court-Proceeding for—The opening of the storeroom in the morning and its closing in the evening shall invariably be in the presence of the police officials named in this rule. In case property is required to be committed

to the higher Court, then under Rule 27.19, the parcel shall be sealed with the seal of the court and made over to the head of the police prosecuting agency, who shall produce it with unbroken seals before the superior court, or, if so ordered by competent authority, shall make it over to some other officer authorised so to produce it. *State of Himachal Pradesh v. Arjun Singh, (2016) ILR (HP) 964 (HP) (DB).*

2. Production of the case property before the higher Court-Procedure thereefor— In case property is required to be committed to the higher Court, then under Rule 27.19 of the Punjab Police Rules, 1934, the parcel shall be sealed with the seal of the court and made over to the head of the police prosecuting agency, who shall produce it with unbroken seals before the superior court, or, if so ordered by competent authority, shall make it over to some other officer authorized so to produce it. *Harbhajan Singh alias Bhajan Singh v. State of Punjab, (2019) 2 RCR (Criminal) 939: (2019) 3 CriCC 539 (P&H) (DB).*

27.20. Prosecuting agency to attend office when courts are closed.—At district headquarters, on days on which the courts are closed, an officer of the prosecuting branch not less on rank than a sub-inspector shall attend the office of the Superintendent to receive accused persons, weapons, articles and property and to transact urgent business. At magisterial outposts and tehsils the prosecuting sub-inspector and court orderly respectively shall attend the police station for the same purpose.

27.21. Property of prisoners to be taken charge of.—Money or other property found on the person of an under-trail prisoner, other than necessary wearing apparel, shall be taken charge of by the prosecuting officer and an entry of it made in register No. 1. A list of such articles shall be recorded on the back of the prisoner's warrant and the head of the prosecuting agency shall see that they are made over or forwarded to the prisoner, if he is discharged or acquitted or punished otherwise than with imprisonment. An acknowledgement of the receipt of such property shall be obtained in register No. 1.

If the prisoner is sentenced to imprisonment the articles shall be sent to the officer in charge of the jail, a reference to whose acknowledgment shall be given in register No. 1.

27.22. Duties of prosecuting sub-inspector and court orderlies at tehsil.— (1) Prosecuting sub-inspectors at sub-divisions of districts shall perform the duties detailed in clauses (i) to (v) and (vii) to (x) of rule 27.15. As regards clause (vi) of Rule 27.15 the prosecuting sub-inspector in a sub-division shall have the same duties in relation to the gazetted police officer in charge of the sub-division and the sub-division officer as the head of the prosecuting agency has in relation to the Superintendent of Police and the District Magistrate. He shall also submit to the gazetted officer in charge of the sub-division a daily diary in Form 27.15 (vi).

(2) In sub-division of districts all registers prescribed in Rule 27.16 shall be maintained by the prosecuting agency.

(3) Rules 27.17 to 27.21 shall apply *mutatis mutandis* to all prosecuting sub-inspectors at sub-divisions.

(4) Court orderlies at tehsils and other courts away from headquarters shall maintain register No. 1. referred to in rule 27.16. They shall take charge of all property connected with cases sent for trail by courts to which they are attached in accordance with Rules 27.18, 27.19 and 27.21 but shall in no circumstances retain such property longer than is required for each day's proceedings of the court. Every evening they shall deposit such property with the clerk of the police station who will be responsible that it is disposed of in accordance with rules 27.17, 27.18 and 27.19.

In addition, court orderlies in all courts are responsible that order is kept in courts under the direction of magistrates. They will obey all order given them by the officers prosecuting cases and will take charge of exhibits are the police files of cases when ordered to do so. They will also make copies of statement made to the police under section 162, Code of Criminal Procedure and provided them on payment to the accused—(see rule 27.23).

27.23. Supply of copies under section 16 and 173(4), Code of Criminal Procedure.—(1) Copies of statements recorded by the police under section 161, Code of Criminal Procedure, which are asked for by accused persons under section 162, Code of Criminal Procedure, and copies of final reports similarly asked for under section 173(4) of the Code shall invariably be supplied on payment unless the presiding officer of the court decides otherwise. The local Government has decided that the subordinate official responsible for making these copies shall ordinarily be the police constable appointed as court orderly. This arrangement is only possible, however, when such police constable is sufficiently educated for the purpose and can undertake the work without detriment to his primary duties as prescribed in Rule 27.22. Superintendents should, in consultation with the senior officer of the prosecuting branch, consider the circumstance of each court in the district, as to the volume of such copying work and of the other duties of the court orderly, and, if they consider that the latter official should be relieved of the whole or a part of the copying work, should move the District Magistrate to nominate another official of the court for the purpose.

(2) The half share of the copying fees which, in accordance with Financial Commissioners' Standing Order No. 5, is payable to the actual copyist, shall be paid to the court orderly, when he is entitled to it, but neither that official nor any other police officer shall have any share in or responsibility for the collection of copying fees or the keeping of the prescribed accounts thereof.

(3) The prosecuting officer attached to the court concerned shall be responsible that the order contained in Home Sectary's letter No. 19893 (H.-Judl.), dated 8th September 1925, are strictly complied with and no abuses are permitted in the method of payment therein laid down.

27.24. Production of police records as evidence.—(1) A police officer is bound, under the provisions of section 162 of the Evidence Act (1 of 1872), to produce any document in his possession or power if summoned to do so, but if such

document is an unpublished official record relating to any affair of state, he is prohibited by section 123 of the same Act from giving evidence derived from it and the court is prohibited from inspecting it.

(2) The following police records are privileged under section 123, Evidence Act. If their production is demanded, a certificate in form 27.24(2) must be obtained from the Inspector General by the police officer called upon to produce them. The Inspector-General may at his discretion allow evidence derived from such documents to be given and in order to enable him to exercise this discretion it is important, that a Police officer claiming priviledge in respect of any document, should submit either the original document, a copy, or a full translation if it is in vernacular. That a Police Officer claiming privilege in respect of together with a report indicating why it is necessary to claim privilege and also that his claim is justified.

(1) The Surveillance Register (Rule 23.4 (1)).

(2) Village Crime Register, Part IV (Rule 23.59).

(3) History Sheets (Rule 23.9).

(4) Bad Character Rolls and Information Sheets (Rules 23.16 and 23.17).

(5) Case diaries. in files or in the *Police Gazette*.

(6) All unpublished orders of Government or of the Inspector-General of Police Concerned.

(7) All documents or records, which are classed as "Secret" or "Confidential."

(3) While the prohibition of the giving of evidence derived from other police records is not, absolute, the provisions of section 124, Evidence Act, permit a police officer to refuse to disclose orders or other communications made to him in the course of his official duties, when he considers that the public interests would suffer by such disclosure.

(4) When the production of official correspondence is in question, the head of the office possessing such correspondence has authority to grant or withhold permission under section 123 of the Evidence Act. In exercising this discretion he shall be guided by the general rule that correspondence may not be produced without the permission of the highest authority concerned in it. Detailed instructions on this point were communicated to all heads of Police offices with the Inspector-General's endorsement No.1506-A/29-31-26-A of 10th August, 1928.

27.25. Co-operation of Jail Officials in identification prisoners.—Information that a convicted person has not been identified should invariably be given to the Superintendent of the Jail concerned. Under the provisions of the Jail Manual such prisoners are required to be specially classified and the Superintendent of the Jail is required to furnish the police with the names and particulars of all persons who visit them and with clues as to their identity which may be obtained from examination of letters despatched by or addressed to them.

27.26. Assaults on police-Prosecution for.—When assaults are committed upon the members of the police force while in the execution of their duties, the prompt prosecution of the offenders should be arranged for if possible at, or near, the scene of the offence, adequate sentences being pressed for by the prosecuting agency.

27.27. Diet of accused persons.—The instructions regarding the dieting of accused persons arrested by the police and the recovery of diet money are contained in rule 26.27.

27.28. Diet money and travelling expenses advanced to witnesses.—(1) Diet money at the rates prescribed by Government from time to time, and travelling expenses, shall invariably be advanced at the police station, at the time of bonds of appearance being taken, to all witnesses required to appear in cases sent to court by the police. This procedure shall be followed both in cognizable cases and in preventive security and all other cases in which the police select and take bonds from witnesses. Diet money may also be advanced at the request of the accused or his legal adviser to witnesses required to appear for the defence.

(2) Such diet money shall be paid from, and including, the day on which the witness entered into his recognizance up to, and including, the day on which the charge sheet will be made over the magistrate having jurisdiction in the case.

(3) Money so expended shall be entered in the road certificate and shall be recovered when the charge-sheet is made over to the magistrate as a debit against the Judicial Department a receipt being given in Form 10.14 (1). The prosecuting inspector, or his representative at courts away from headquarters, shall be responsible that sums advanced under this rule by police stations are recovered on the day of presentation of the demand from the court itself or the sheriff. Should there be any delay in the recovery of such money the head of the prosecuting agency shall remit the amount to the police station from his permanent advance. The head of the prosecuting agency shall bring to notice any instance in which inadequate diet money or travelling expenses have been paid to witnesses in police cases.

(4) Gazetted officers and inspectors hearing charge-sheets, and representative of the prosecuting agency in courts, shall satisfy themselves that diet money and travelling expenses said to have been paid to complainants and witnesses at police stations have actually been so paid.

27.29. Record of conviction.—Conviction and orders to execute bonds in all cognizable police cases shall be entered in (a) the Vernacular General Crime Register and the English Register of Cognizable Offences which are maintained in the office of the Superintendent and (b) in the First Information Report Register which is maintained at the police station reporting the offence. Convictions and orders in the cases detailed below shall also be entered in (c) the Conviction Register which, for the purpose of section 75, Indian Penal Code, and section 3 of the Punjab Habitual Offenders (Control and Reform Act, 1952, is maintained in each police station as prescribed in Chapter XXII.

I.—(INDIAN PENAL CODE)

Chapter	*Sections*	
XI	193 to 195	Giving or fabricating false evidence.
	211 - 377	False charge of committing an unnatural offence
XII	231 to 232	Counterfeiting of coin.
	233 to 235	Making, buying, selling or having in possession instruments or material for counterfeiting coin.
	236	Abetting the counterfeiting of coin out of India.
	237 to 238	Import or export of counterfeit coins.
	239, 240, 242, 243	Possession or delivery of counterfeit coin.
	244	Unlawful alteration of weight or composition of coin by persons employed in Mints.
	246 to 253	Unlawful alteration of weight, composition or appearance of coin and possession and delivery of such coins.
	255	Counterfeiting of Government stamps.
	256 to 257	Making, buying selling or having in possession to instruments or material for counterfeiting Government stamps.
	258 to 259	Possession or sale of counterfeit Government stamps.
	260	Using of counterfeit stamps.
	261 to 263	Fraudulent effacement or erasure of Government stamps.
XVI	302	Murder.
	303	Murder by life convict.
	304	Culpable homicide not amounting to murder
	307	Attempts to commit murder
	311	Beeing thug.
	326	Grevious hurt by dangerous weapon or means.
	327	Hurt to extrot property or to constrain to any illegal act,
	328	Hurting by means of poison etc.
	329	Grevious hurt to extort property etc.
	354	Indecent assault on a woman.
	363 to 369	Kidnapping.
	376	Rape.
	377	Unnatural offence.
XVII	379 to 382	Thefts of all kinds.
	384 to 389	Extortion of all kinds.
	392 to 394, 397 and 398	Robbery of all kinds.
	395, 396	
	399, 402	Dakaiti of all kinds
	400 and 401	Belonging to a gang of thieves of dacoits.
	404	Dishonest misappropriation of property belonging to a deceased person.
	406 to 409	Criminal bread of trust by public servant.
	411 to 414	Receiving stolen property.
	418 to 420	Cheating of all kinds, except simple cheating section 417.

XVII	429 to 433 and 435 to 440	Serious mischief.
	449 to 452	House trespass in order to commit an offence.
	454 to 458	Lurking house-tresspass or house-breaking other than simple, section 453.
	459 and 460	Grievous hurt or death caused in house-breaking.
	461	Dishonestly breaking open a closed receptacle.
	462	Fraudulently opening a closed receptacle held in trust.
	465 to 469	Forgery.
XVIII	489A to 489D	Forgery of currency notes and bank notes.

All offences which would, if committed in British India have been punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, in which the order of conviction was passed by a court or tribunal in the territories of any Indian Prince or State in India acting under the general or special authority of the Governor-General in Council or of any local Government.

II.—CODE OF CRIMINAL PROCEDURE

CHAPTER VIII

Sections 108, 109 and 110 – Bad livelihood.

III.—(Miscellaneous Acts).

Sections 3 and 4. Act III of 1867-Gambling.

Section 9, Act I of 1878-Opium smuggling.

Indian Arms Act, 1959. (No. 54 of 1959, Section 7 of the Essential Commodities Act, 1955).

IV.—(Other Offences)

All offences, in cases in which the subsequent proof of the conviction so recorded would render the person convicted liable by law to enhanced punishment on subsequent conviction of the same or similar offence by reason of the proof of such former conviction, and all offences in which, upon such proof, the law establishes a presumption in favor of the prosecution.

Illustration.—(a) Offences under section 8 of Act XVI of 1861, as amended by Act XVI of 1876, shall be so entered because an enhanced punishment is provided for every subsequent conviction.

(b) Offences against rules made by the Local Government under section 41 of Act VII of 1878, (The Indian Forest Act) by reason of the provisions of the last clause of paragraph 2 of section 42 of the same Act.

(c) Offences under section 13 of Act XV of 1910 (The Cantonment Act).

Note.—Conviction for theft by courts-martial, although the persons convicted have not been sent up for trial or prosecution by the police, shall also be entered in the conviction registers in all cases in which the convictions are intimated to the Civil authorities.

27.30. Entries in Conviction Register when made.—The entries shall be made—

(a) if there is no appeal, immediately;

(b) if an appeal is made and the conviction is upheld, when the result of the appeal is known.

(c) if an appeal lies but is not made, when limitation has expired.

27.31. Entries of convictions how and when made.—(1) Entries of convictions shall ordinarily be made from charge-sheet slips.

(2) When the entry has been made in the General Crime Register the charge-sheet slip shall be sent to the police station.

(3) When charge sheet slips are kept pending for results of appeals to be known they shall be kept in pigeon holes by the official in charge of the General Crime Register and separate intimation of the results of the case in the lower court shall be sent to the police station.

27.32. Despatch register of charge sheet and Conviction slips.—(1) A Despatch Register of charge sheet and conviction slips referring to cases included under rule 27.29 shall be maintained in Form 27.32 (1) by the official in charge of the General Crime Register.

Separate pages shall be allotted for each police station in the district and for conviction slips received from magistrates of other districts.

(2) After the necessary entries have been made in the First Information Report Register and Conviction Register, charge sheet slips and conviction slips shall be returned for record in the office of the Superintendent of the district from which they were despatched.

27.33. Despatch of conviction slips in other cases.—(1) If the charge sheet slip refers to the conviction of a person for an offence include under Rule 27.29 of a person who is a resident of a police station other than that from which the case was sent for trail, the official in charge of the General Crime Register shall send a conviction slip in Form 27.33(1) in addition to sending the charge-sheet slip to that police station of which such person is a resident.

If such police station is in another district the conviction slip shall be sent through the Superintendent.

(2) If there is any doubt as to the residence of a convict, or if a convict is unidentified or belongs to foreign territory, the conviction shall be recorded in the police station from which the case was sent for trial. In such a case a notice may be sent for publication in the *Criminal Intelligence Gazette*.

27.34. Intimation of convictions from courts.—Conviction in cases included under rule 27.29, which are dealt with by Magistrates, direct, shall be entered in the Conviction Register on receipt of intimation from Magistrates.

27.35. Publication of conviction of Europeans, etc., in *Criminal Intelligence Gazette*.—Conviction, obtained in the Punjab, of Europeans, Anglo-Indians, or subjects of any foreign state, shall in addition to the record prescribed in the above rules, be recorded in the like form, together with the descriptive roll of the person convicted in the English and vernacular editions of the *Criminal Intelligence Gazette*.

(2) Superintendents may use their own discretion as to the publication of such conviction in the case of persons who are subjects of Indian States. Ordinarily the convictions of such persons shall only be published when they are habitual offenders.

27.36. General Crime Register.—A General Crime Register in Form 27.36 shall be maintained in vernacular in the office of each Superintendent.

(1) The particulars of every cognizable offence reported to the police shall be entered in such register.

(2) The register shall be divided into groups of offences corresponding with Statement "A" of the Annual Report. At the top of the first page allotted to each group shall be written the heading of the group and the pages be cut to display the headings.

(3) On the receipt of the counterfoil of the first information report the return-writer shall enter in the register as many of the particulars required as may be possible, and shall endorse on such counterfoil the words, "Entered contents in the General Crime Register" with the date and his signature.

As the investigation proceeds he shall enter from the case diaries any additional particulars necessary to complete the form, and shall similarly endorse such case diaries.

(4) If a case sent up by the police is convicted under a section or law, other than that entered in the register, a red line shall be drawn through the original entries and fresh entries made under the group which includes the offence of which the offender is actually convicted.

If one person is convicted of the offence originally entered, and another person of a different offence, the original entry shall be corrected and a fresh entry made of the separate conviction.

(5) Every erasure and alteration shall be made so that the original entry remains legible.

(6) Cases cancelled or transferred to other districts shall be erased by a red line drawn through them and an entry made giving an abstract of the order of cancellation or transfer, with the date and the name of the officer who made it.

(7) At the close of each year the register for the year in question shall be totalled.

Each group of offences after deducting cases cancelled and transferred shall be totalled separately, these totals being required for the preparation of annual statistics of crime.

(8) Each annual volume shall be strongly bound and kept for ten years.

27.37. General Crime Register-Rules for maintenance of.—The following rules shall regulate the maintenance of the General Crime Register and the preparation of the annual statistics of crime—

(i) Each separate offence shall be reckoned as a separate case although several such offences may have been joined for the purpose of the trial.

(ii) The question whether a set of facts constitutes one offence or more than one offence shall be determined with reference to section 235, Code of Criminal Procedure.

(iii) In prosecutions for bad livelihood and for nuisance under section 34 of the Police Act, a separate case shall ordinarily be entered for each person arrested.

(iv) When a case is sent for trial and a final order is passed, such case shall be entered under the section of the Act under which the accused person is convicted or acquitted. The final order is the order which stands after all appeals have been heard.

If such conviction or acquittal covers the facts reported by the police, the police returns shall, if they differ, be amended accordingly and the original report cancelled.

Illustrations.

(a) The police send up A for trial of murder. A is convicted of culpable homicide. The returns shall be corrected by an entry under culpable homicide and by cancelling the entry under murder.

(b) The police send up B for trial of murder. B is convicted under section 318, Indian Penal Code. Where, if a murder was committed, as the conviction does not cover the facts of the police reports through it covers the evidence the police were able to produce, the entry of murder shall stand, and a new entry be made under section 318, Indian Penal Code.

(c) C is found in possession of suspicious property and is sent up for trial on a charge of theft. He is convicted under section 411, Indian Penal Code. The property corresponded with that stolen in a case reported. The theft may be cancelled and an entry made under section 411, Indian Penal Code, if the evidence leaves the presumption evenly balanced between theft and receiving; but if the evidence shows that C received the stolen property from the thief, the case of the theft shall stand and a new entry, be made under section 411, Indian Penal Code.

(v) Cases cancelled by order of the District Magistrate shall be excluded from the police returns but the arrest of any person in a case thus cancelled, together with the particulars required by the form, shall be shown in the columns relating to persons.

(vi) A case shall be shown only in the returns of the district in which it was investigated, or, if transferred to another district for trial, in the return of such district.

(vii) A "decided" case is a case, which has been brought to trial.

(viii) A "discharged" person is one not brought to trial.

(ix) Bank notes, bills and cheque payable to bearer shall, when their cash value has been effectually transferred from the person from whom they were stolen, or taken in an offence, be entered at their cash value.

Bonds, securities, cashbooks, ledgers, and the like shall be entered only at the value of their component materials.

Property stolen or recovered shall be entered in the returns of the year in which the report is made irrespective of the true date of such loss or recovery.

No such loss or recovery shall be recorded in the returns of more than one year.

(x) When a summons case is dismissed or a compoundable case compounded, any person arrested in such case shall be shown as acquitted.

(xi) If an accused person is discharged and subsequently re-arrested and convicted on the same facts, or if an accused person is acquitted an such acquittal is subsequently quashed and the person convicted on the same facts, only one arrest and one conviction shall be shown in the police returns.

(xii) When an accused person dies, commits suicide, or becomes of unsound mind after the commission of an offence a note of the fact shall be made in the column of remarks of the return in question.

(xiii) Persons shall be shown as acquitted or discharged who die before the conclusion of the trial or who are discharged or acquitted in a cognizable offence, whether such offence has been cancelled or not and whether they are convicted of a non-cognizable offence or not.

27.38. Records of First Information Reports and case Diaries.—(1) Case diaries shall be filled, in order of dates, with the first information report of the case in question.

(2) In the record room of each district police office there shall be an almirah containing three rows of pigeon-holes, each row containing as many pigeon holes as there are police stations in the district.

A set of three pigeon-holes shall be allotted to each police station—

(a) In the upper row shall be kept complete cases, in which the final report or charge sheet has been received, and papers connected with cases which have previously been removed from the almirah.

(b) In the middle row shall be kept first information reports in pending cases and case diaries which have been duly sorted and placed in order of dates.

(c) In the lower row shall be kept unsorted papers connected with pending cases.

(3) The files of cases under investigation or pending shall be removed from the middle row and placed in the upper row as soon as the final report has been received and filed.

The papers in the lower row shall, as far as possible, be sorted daily and placed with their respective first information reports in the middle row.

27.39. Monthly sorting.—(1) At the end of each month, or sooner if convenient, the cases in the upper row which are no longer pending investigation shall be sorted and divided into separate packets as follows—

(a) All traced cases and untraced bailable cases, including cancelled cases.

(b) Untraced non-bailable cases, in which action under section 512, Code of Criminal Procedure, has not been taken.

(c) Untraced bailable and non-bailable cases in which action under section 512, Code of Criminal Procedure, has been taken.

Each packet shall be placed in the record room in the current year's bundle of the police station concerned.

A list of all the first information reports contained therein shall be kept with each packet under (b) and (c).

In (a) packets the case shall be arranged in order of the serial numbers of the first information reports.

(2) At the end of the current year the packets in the current year's bundle shall be removed and placed in other bundles in accordance with sub-rule (3).

(3) In the record room four separate bundles of case files shall be kept for each police station as follows—

One bundle for the current year's case files, which shall contain all the packets under (a), (b) and (c), in accordance with sub- rule (1).

One bundle for the previous year's case files containing only packets under(a).

One bundle for the case files of the last year but one, containing only packets under (a).

One bundle for the files of all cases under (b) reported during the past five years.

The bundles of each police station shall be tied up in cloth of a distinctive colour and each bundle shall be marked with the name of the police station and the year to which its contents belong, as follows—

Current year	(a) (b) and (c) files.
Previous year	(a) files.
Last year but one	(a) files.
Previous five years	(a) files.

(4) The files of cases coming under (c) of all police stations, shall, on removal from the current year's bundle, be tied up together in one bundle in cloth of a distinctive colour.

The bundle shall be labelled "50 years bundle" and names of all the police stations concerned shall be entered on the label.

Such annual bundles shall be kept together in a separate part of the record room.

(5) The packets of case files shall be disposed of as follows—

(i) Packets coming under (a) will be removed and destroyed after two years from the date of the decision of the case in the Trial Court provided that no appeal or revision in the case is pending in the Appellate Courts. Untraced bailable cases including cancelled cases will be removed and destroyed after two years from the date on which the Magistrate has passed orders about the case being kept as untraced or cancelled as the case may be.

(ii) Packets coming under (b) will be removed and destroyed after five years from the date of order of the Magistrate for keeping the case as untraced.

(iii) Packets coming under (c) will be removed and destroyed after fifty years from the date of conclusion of proceedings under section 512, Criminal Procedure Code.

APPENDIX No. 27.15 (VI)

EXTRACT FROM CHAPTER 3-A, OF VOLUME IV, HIGH COURT RULES AND ORDERS REGARDING THE DUTIES OF THE PROSECUTING AGENCY TOWARDS THE DISTRICT MAGISTRATE

(7) A convenient and valuable source of information for the adequate supervision of criminal business is the Police Department English register of cognizable offences mentioned in the police Rule 24.8(1). This register is placed before the District Magistrate on each working day when he is at district headquarters. It gives information not only of the action of the police (thus enabling the District Magistrate, to superintendent their work) but also affords the means of watching the progress and the results of business in Court. The practice of merely initialling this register after a hasty glance at it too commonly prevails, but a few minutes each day spent on considering the entries for the day and for preceding days will enable the District Magistrate to maintain a close touch with all branches of the criminal administration. The entries for the day bring to light at once the orders of courts which are *prima facie* unsatisfactory and which require the scrutiny of the District Magistrate. The register, therefore, facilitates the making of references to the High Court, and puts the Deputy Commissioner in a position at the earliest possible moment to initiate proceedings by way of appeal. It can also be used to disclose cases which have been pending for an inordinate time.

(8) The Deputy Commissioner is the head of the prosecuting agency in the district and this affords him a further opportunity of keeping in touch with the work in all courts. It is easy for him to arrange to be informed by the prosecuting agency each day of any omission on the part of courts to record the evidence of witnesses produced and to investigate promptly any complaint which may be made of dilatoriness in any particular court.

(9) [***]

(10) The judges are strongly of opinion that it is necessary to revert to the old system of sending up all material witnesses with the challan. This system has been resumed in some districts with very marked success, but it can be carried out only if the work of magistrates is so arranged that they shall without delay commence the trial of challans presented to them by the police. No excuse for not proceeding at once with a challans, should be accepted other than that the magistrate is already engaged on another challans, or on a complaint case in which a postponement would work genuine hardship. In such contingencies the fresh challans should be proceeded with as soon as the Magistrate is free from the first case, and it must be impressed upon magistrates that witnesses should be examined at once, that the trial must proceed from day to day without interruption, that charges should be framed without delay and without adjournment for the purpose of considering whether a charge should be framed or not, and that deference should not be paid to the wishes of an unready bar. If the presentation of witnesses along with challans renders it impossible on any particular day to record the statements of witnesses present in complaint cases, the evidence of the latter should be recorded the first thing next morning before the business of that day is undertaken, and similarly on any succeeding day the arrears of the previous day should be disposed of before the set work of that day. In this way it will be possible to avoid retaining any witnesses for more than two days at the utmost. Should congestion occur or be threatened, the magistrate should apply promptly to the District Magistrate for sanction to fix one or more blank days in the week to be utilized for catching up with arrears, and the District Magistrate will find it convenient to receive each day from the prosecuting inspector a short note showing how the system is working in each of the subordinate courts.

(11) All arrests made by the police without warrant are reported to District Magistrate under section 62 of the Criminal Procedure Code, and all remand orders under section 167 passed by subordinate magistrates are similarly reported. Both these reports should be forwarded to the ilaqa magistrate, who has already received the First Information Report. The magistrate of the ilaqa is, thus, in a position to know that crime is under investigation in his ilaqa, and what cases are likely to reach his Court within the next few days. The magistrate is responsible that the completion report under section 173 of the Criminal Procedure Code is not unduly delayed, and his responsibility in this respect should be emphasized. He should insist on the prompt submission of the First Information Report and of the arrest report, and he should call for the completion report from the Superintendent of Police if that report is unduly delayed. The District Magistrate should cause the ilaqa magistrate to realize that he is not a mere Judge whose duty it is simply to decide cases produced before him, but that he is at all times responsible for the maintenance of the peace in the area which is made over into his charge. Every effort should be made to get the illaqa magistrate to take a personal interest in and gain a thorough knowledge of his own thanas.

(12) The Deputy Commissioner's absence in camp must necessarily interfere with his day-to-day supervision of the work of the subordinate courts, but the interference can be minimized if arrangements are made with the Superintendent of Police that the register of cognizable crime is submitted each day to the next senior magistrate at Sadar. That Magistrate, if not exercising the powers of a District Magistrate is not authorized to issue orders to the police but the object is that he should bring immediately to the notice of the District Magistrate cases in which his interference is called for, and in which magisterial records should be obtained.

Similarly the senior magistrate can be entrusted with the duties of securing the punctual attendance of subordinate magistrates and of seeing that witnesses are not dismissed without their evidence being recorded or that chalan cases are not delayed.

(13) Not infrequently cases have occurred where undue delay has taken place in reporting for revision the unsatisfactory orders of subordinate Courts, or in moving Government to institute appeals. The delay is largely due to reliance on the monthly business statements which may not be submitted to the District Magistrate till a considerable time after the objectionable order has been passed. District Magistrates should make free use of the register of cognizable crime for these purposes, and should take prompt action in cases where such action appears necessary. Having done so, they should arrange to be informed at once of any appeal that may be made to the Sessions Court in a case which has been reported, and they must report promptly to the High Court first the fact of the appeal having been filed and later its results.

Form No. 27.1 (3)

MEMORANDUM OF CHALLAN

In case

F.I.R. No._____ dated_____ Crown v._____

Police Station _____ Section _____

1. Whether all the papers and documents entered in the list given on the challan are properly attached to the challan?

2 Are all the columns of chalans form duly filled in? Note any mistake made in filling the form.

3. Does the list of property entered in column No. 5 tally with the list given in Road Certificate? Note any discrepancies.

4. Is the copy of Police Station file complete? Does it contain a copy of the F.I.R.? Is the file properly prepared and signed by Station seal, etc.?

5. Is the plain of spot prepared according to instructions, i.e., whether the notes on it are entered by the investigating officer in red ink, and if these notes appear to be made correctly?

6. Are the sketches of the weapons of offence attached to the chalans? Do they bear the signatures of the preparing officer and the weight of the weapon?

7. Is the list of stolen property attached to the chalans? If so, does it bear the signature of the complainant and the officer writing the list, with date?

8. In murder and hurt cases whether the post-mortem reports, inquest reports, statements of injuries, Chemical Examiner's and Impartial Serologist's reports attached to the chalans or not?

9. Whether the list of properties, etc. recovered, produced, or seized in the case are correctly prepared, dated and signed by witnesses and officer preparing them? Also whether the signatures of the witnesses of recovery who are entered in the chalans appear on the lists?

10. Were the accused's search slips sent to Bureau and was any reply received? If so, what?

11. Are the identification certificates of the accused attached to chalans?

12. Which of the accused are previous convicts? Give brief note of their conviction with dates.

13. Whether all the persons who were accused of committing the offence in the FIR of First Case diary have been sent up for trial? Note if some of them are omitted or some new are added. Also note if the officer sending the chalans has noted any reasons for doing so in the brief.

14. Is the Police brief prepared according to instructions? Note defects [Paragraph 27.9].

15. Are all the eye or other necessary witnesses whose names were mentioned in FIR entered in the chalan? If not, are any reasons given in brief for doing so?

16. Note the dates on which the several accused were arrested.

17. Were remands regularly taken and was the chalans prepared in proper time?

18. Whether all necessary evidence has been entered in the chalans? Note if there are any omissions.

19. Whether the personal bonds and bail bonds of accused persons and the recognizance of all witnesses are attached to the chalans or not? If they are attached, note if they are complete, and properly bind the accused and witnesses for attendance. If arrangements for producing witnesses along with the chalans have not been made, are any reasons given in the chalans for not doing so?

20. Note in cases sent up for proceedings under section 512, Criminal Procedure Code, if the full description of the absconders and list of the property owned by them are attached to the chalans. Whether separate report for obtaining the warrant of arrest of absconder was received, whether proceedings under section 87/88, Criminal Procedure Code, have been started.

21. In cases of kidnapping and abduction not if the medical opinion and copies of birth register are attached with the challans.

22. Whether the statements of prosecution witnesses were separately recorded under section 161/162, Criminal Procedure Code?

23. By whom has the chalans been prepared?

24. Has any unnecessary delay been made in the course of investigation or in chalaning has case?

25. Other necessary facts, defects and omissions made in the investigation, etc., which require special notice or which necessitate some action. Particular case should be taken to see whether enquiry has been made regarding the connections of Prosecution Witnesses with the complainant and with the accused.

26. A brief order issued or action taken on the chalans.

27. Final decision of the case with date.

28. Note any undue delay made by court in dealing with the case. Instances in which witnesses were produced with the challan and were sent back unheard, delays in framing charges, hearing arguments or pronouncing judgments, etc.

29. If the case ends in discharge or acquittal, copy of the judgment should be attached with an opinion as to whether or not the case is a fit one for revision or an appeal.

Form 27.2(1)(a) for Punjab

[1]FORM No. 27.2 (1) (a)

[Court Disposal Form]

IN THE COURT OF_____

1. District_____Police Station_____Year_____ FIR No./Proceedings No._____
2. Charge Sheet No. _____ Date_____
3. Judicial File/Court Case No. _____
4. Acts and Sections of the law : _____
5. Date of framing charge in the court : _____
6. Type of Case : _____
7. Date of Judgement : _____
8. Name (s) of the Prosecutor : _____
9. Details of court disposal in respect of the adult accused persons:

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Type of disposal	Acts and sections of law under which convicted
1	2	3	4	5	6

1. Substituted by Punjab Govt. Notification No. G.S.R. 20/C.A. V/1861/S. 46/Amd. (23)/2003, dated 6.3.2003.

Type of Punish-ment	Period of Punishment	Amount of Fine (in Rs.)	Period of Bond	Amount of Bond (in Rs.)	Finger Print Taken Y/N
7	8	9	10	11	12

10. Details of court disposal in respect of Juveniles:

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Type of disposal	Acts and sections of law under which convicted
1	2	3	4	5	6

Type of Punish-ment	Period of detention/ care	Amount of Fine (in Rs.)	Name & Address of the special Home/ Juvenile Home/ Observation house/ to which sent	Finger Print Taken Y/N
7	8	9	10	11

12. Reasons of Acquittal_____

13. Other Comments/Strictures passed by court

14. Appeal preferred Yes/No By State/By accused

Signature & Name of the P.P./APP_____

Preparing the Memo_____

Date : _____

Form 27.2(1)(a) for Haryana

[1]**FORM No. 27.2 (1) (a)**

COURT DISPOSAL FORM

IN THE COURT OF_____

1. District_____Police Station_____Year_____ FIR No./Proceedings No._____
2. Charge Sheet No. _____ Date_____
3. Judicial File/Court Case No. _____
4. Acts and Sections of the law : _____
5. Date of framing charge in the court : _____
6. Type of Case : _____
7. Date of Judgement : _____
8. Name (s) of the Prosecutor : _____
9. Details of court disposal in respect of the adult accused persons:

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Type of disposal	Acts and sections of law under which convicted
1	2	3	4	5	6

Type of Punish-ment	Period of Punishment	Amount of Fine	Period of Bond	Amount of Bond	Finger Print Taken Y/N
7	8	9	10	11	12

10. Details of court disposal in respect of Juveniles:

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Type of disposal	Acts and sections of law under which convicted
1	2	3	4	5	6

1. Inserted by Haryana Govt. Notification No. G.S.R. 110/Const./Art. 309/98, dated 4.2.1998.

Type of Punishment	Period of detention/ care	Amount of Fine	Name & Address of the special Home/ Juvenile Home/ Observation house/ to which sent	Finger Print Taken Y/N
7	8	9	10	11

12. Reasons of Acquittal_____

13. Other Comments/Strictures passed by court

14. Appeal preferred Yes/No By State/By accused

Signature & Name of the P.P./APP_____

Preparing the Memo_____

Date : _____

FORM No. 27.2 (2)

LIST OF HEADINGS

Station House Officer—

(1) Name.

(2) Parentage.

(3) Caste and tribe (settled or wandering).

(4) Age.

(5) Description.

(6) Residence. (In case he is not a British subject by birth both the original and the present residence should be given).

(7) No. and date of Punjab Government Notification under section 3 of the Criminal Tribes Act under which declared a member of a Criminal Tribe.

(8) Date and place of registration.

(9) F.P. Slip No.

(10) No. and date of Punjab Government Notification imposing restrictions—

(a) Under Section 10.

(b) Under Section 11.

(11) Date and original area of restriction.

(12) Changes in area of restriction mentioned under No. 11 above, if any, with authorities.

(13) Has he been in the Reformatory Settlement or in any other Criminal Tribes Settlement establishment under Section 16 previously and, if so, supply the following information—

(a) No. and date of restriction orders under section 16 with name of Settlement to which restricted.

(b) When was he released on Form 'L' under rule 28-A?.

(c) No. and date of order under section 18 discharging him from settlement.

(14) Is there any objection to the Criminal Tribe member being allowed to remain in his area of restriction mentioned above? If so, furnish material on his following points—

(a) Has he any land at his village, and if not, has he any other means of livelihood?

(b) *Modus Operandi.*

(c) Details of recorded and unrecorded suspicious with dates.

(d) Particulars of friends and relations of bad character and of other persons of bad repute with whom the Criminal Tribe member associates.

(e) General reputation in the village together with the opinion of the village officials.

(f) Copy of Register A.

(g) Station House Officer's report concerning eligibility of the Criminal Tribe member for admission to the Reformatory Settlement after his release from jail and any remarks.

(h) Offence now committed.

(i) Brief history of the case.

Station House Officer.

Prosecuting Branch—

(15) Result of the case and action taken under rule 28 (3) of the Rules framed under section 20 of the Criminal Tribes Act.

(16) Grounds on which the Criminal Tribe member is eligible for admission to Reformatory Settlement after his release from jail.

(17) Remarks by Superintendent of Police.

P. Dy. Supdt. Police.

P.I.

Note.—The above form together with enclosures (in duplicate) should be forwarded to the Deputy Commissioner for Criminal Tribes Punjab, with his remarks.

FORM No. 27.9 (1)

POLICE DEPARTMENT _____DISTRICT

POLICE BRIEF IN CASE UNDER SECTION_____ FIRST INFORMATION REPORT No._____, POLICE STATION_____

1. Place of occurrence and its distance from the Police Station.
2. Date and time of occurrence.
3. Date and time when F.I.R. was made at the Police Station, and explanation.
4. Value of property stolen. Recovered.
5. Name of complainant, with explanation. If not, the leading injured party.
6. Name and parentage of accused and date of arrest, with explanation of any delay in effecting arrest; also note whether mentioned in F.I.R. and if not when and how first mentioned_____

[Fresh page]

7. Concise statement of the case for the prosecution.

[Fresh page]

8. List of witnesses, giving name, parentage and address.

[Fresh page]

9. List of points to be proved by the prosecution to establish the offence, with serial number of witness to prove each point.

1	2	3	4	5
Points to be proved to establish the offence	Serial Number of witness	Abstract of statement of each witness as given in the Police file	Reference to case diaries relating to the witness's statement	REMARKS

Note 1.—For column 1 – See under "Practice-Evidence" in the appropriate section in "The Law of Crimes".

Note 2.—In column 5 – Note anything which counsel should know, e.g., explanation for delay in witness coming forward, credibility of witness (e.g., friendship with complainant, accused, or other witnesses), possible discrepancies and explanation thereof.

[Fresh page]

10. List of exhibits together with the explanation of any delay in the recovery of any article.

[Fresh page]

11. Probable line of defence with reasons of investigating officer for rejecting it and suggested line of rebuttal. (Note here reasons for omission of any accused or witnesses mentioned in F.I.R.)

[Fresh page]

12. Proceedings in Court.

Date of hearing	What is to be done at this hearing	What has been done at this hearing	REMARKS

PROCEEDING IN THE COURT OF.		MAGISTRATE, CLASS
Date of hearing	What is to be done on this hearing	What has been done on this hearing

[1]*For Punjab*

ANNEXURE VII

[1][RESULT OF APPEAL

IN THE COURT OF_____

1. District _____Police Station_____Year_____FIR No./Proceeding No._____ Date_____

2. Charge-sheet No. _____ Date_____

3. Judicial File/Court Case No._____

4. Appellant Party : _____ State/Accused/Complaint_____

5. Appeal No. :_____

6. Date of appeal : _____

7. Date of judgement :_____

8. Particulars of the results of Appeal in respect of the adult accused persons.

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Acts and Sections of law under which convicted	Result of appeal
1	2	3	4	5	6

Type of Punishment	Period of Punishment	Amount of Fine (in Rs.)	Period of Bond	Amount of Bond (in Rs.)
7	8	9	10	11

The columns showing "Acts and Sections of Law" onward should be filled up only in case there is change in punishment in case of conviction or when acquittal is set aside, both in respect of adults and juveniles.

1. Inserted by Punjab Govt. Notification No. G.S.R. 20/CA V/1861/S. 46/Amd. (23)/2003, dated 6.3.2003.

9. Particulars of the results of appeal in respect of the Juvenile:

S.No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Acts and Sections of law under which convicted	Results of appeal	Type of Punish-ment	Period of detention/ care	Amont of Fine (in Rs.)	Name and Address of the Special Home/ Juveline Home/ Observation House to which sent
1	2	3	4	5	6	7	8	9	10

10. Any notable observation of the Appellate Court on the Investigation/Prosecution/ Lower Courts:

11. Other Comments/Strictures passed by the Court :

12. Remarks, particulary in regard to further appeal, if any.

Signature and Name of the P.P./APP_____

Preparing the Memo :_____

FORM No. 27.10(2)

REQUISITION FOR PARTICULARS OF PREVIOUS CONVICTIONS 19.

From *Superintendent*

To *Superintendent*

Date.....

No.

Received.....

Sir,

I Request, you will please furnish extract of previous convictions of the individual named within, certified under the hand of the Clerk of the Court or other officer having the custody of the original records, so that the said certified extract may be used as evidence under the provisions of section 511, Code of Criminal Procedure.

I have & c.,

Superintendent of Police

REVERSE

Name of accused Description

Father's name. Age.

Residence Description of offence with which now charged.

Clue to former conviction.

Superintendent of Police.

Form 27.11(4) For Haryana Only

[1]**FORM No. 27.11(4)**

RESULT OF APPEAL

IN THE COURT OF_____

1. District_____Police Station_____Year_____FIR No./Proceeding No._____ Date_____

2. Charge-sheet No. _____ Date_____

3. Judicial File/Court Case No._____

4. Appellant Party : State/Accused/Complaint

5. Appeal No. :_____

6. Date of appeal : _____

7. Date of judgement :_____

8. Particulars of the results of Appeal in respect of the adult accused persons.

Serial No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Acts and Sections of law under which convicted	Result of appeal
1	2	3	4	5	6

Type of Punishment	Period of Punishment	Amount of Fine	Period of Bond	Amount of Bond
7	8	9	10	11

The columns showing "Acts and Section of Law" onward should be filled up only in case there is change in punishment in case of conviction or when acquittal is set aside, both in respect of adults and juveniles.

1. Inserted by Haryana Govt. Notification No. G.S.R. 110/Const/Art. 309/98, dated 4.2.1998.

9. Particulars of the results of appeal in respect of the Juvenile accused person:

S.No.	Name of the accused	Provisional Criminal Number	Regular Criminal Number	Acts and Sections law under which convicted	Results of appeal	Type of Punish-ment	Period of detention/ care	Amont of Fine	Name and Address of the Special Home/ Juveline Home/ Observation House to which sent
1	2	3	4	5	6	7	8	9	10

10. Any notable observation of the Appellate Court on the Investigation/Prosecution/ Lower Courts:

11. Other Comments/Strictures passed by the Court :

12. Remarks, particulary in regard to further appeal, if any.

Signature and Name of the P.P./APP_____

Preparing the Memo :_____

FORM No. 27.15 (VI)

NAME OF PROSECUTING OFFICER_____ DAILY DIARY OF THE COURT OF_____ FOR_____

1	2	3	4	5	6	7	8	9	10	11
Daily Serial No.	Case fixed for this day (including fresh cases) with names of accused, offence F.I.R. No. and name of Police Station	Date of first hearing of case	Number of wit-nesses sum-moned.	Num-ber of wit-nesses attended	Were all witnesses served? If not, give reasons for non-service of summons.	Num-ber of wit-nesses exa-mined	Explanation of the case was not taken up or if all the witnesses were not examined or if, infresh cases, witnesses were not present with the challan	What pro-ceedings were taken on this day?	Next date of hear-ing of cases	Re-marks

Note 1.—Each case shall be dealt with separately, and when a fresh date for hearing is fixed, the Prosecuting Officer shall immediately enter up the case under the new date and give a reference to the place in the diary when the case last came up for hearing.

Note 2.—Entries in column 8 must be confined to facts, and care must be taken to avoid any criticism of a Magistrate.

FORM No. 27.15 (VI) – Concluded

DETAIL OF CASES PENDING IN EACH COURT

1	2	3		4		5		6		7	
		PENDING FROM LAST WEEK		RECEIVED DURING WEEK		RECEIVED BY TRANSFER FROM COURTS		CONVICTED		DISCHARGED OR ACQUITTED	
Serial No.	Court	Cases	persons	Cases	persons	Cases	persons	Cases	persons	Cases	persons

8		9		10		11		12		13
TRANSFER TO COURT		PENDING AT CLOSE OF WEEK		PENDING OVER ONE MONTH		PENDING OVER 3 MONTHS		PENDING OVER 6 MONTHS		REMARKS
Cases	Persons	Cases	persons	Cases	persons	Cases	persons	Cases	persons	

FORM No. 27.15 (VIII)

REGISTER OF JUDICIAL EXPENSES BILLS

1	2	3	4	5	6	7	8	9
Serial No.	Date of receipt of bill	Name of Police Station sub-mitting bill and other particulars	Diet of witness	Fare of witness	Diet of accused	Fare of accused	Carriage expenses of property	Carriage dead body

10							
Feeding charges of recovered cattle	Miscellaneous	Total	Authority sanctioning the bill	Date of handing over the bills to the Nazir for payment	Date of payment by the Nazir	Signature of the payee and date	REMARKS

FORM No. 27.16 (1)

VERNACULAR REGISTER OF PROPERTY SENT IN CASES AND OF UNCLAIMED PROPERTY

1	2	3	4	5	6	7	8	9	10	11	12
Serial No.	Refe-rence to First infor-mation Report or to case diary or report	Name of police Station from where received	Name of comp-laint or supposed owner	Name of accused or sus-pected person	Offence	Date of receipt	Detail of pro-perty in cases	Detail of un-claimed pro-perty	How dis-posed of	Date of dis-posal	Re-marks

FORM No. 27.16(3)

JAILOR'S RECEIPT FOR ALL PRISONERS DELIVERED INTO JAIL

1	2	3	4	5	6	7
Serial No.	Name, parentage and residence of prisoner	Authority under which sent to Jail	Name and signature or seal of officer-in-charge	Property, etc., sent with prisoner	Signature of Jailor, with date	REMARKS

Note.—This register should be prepared by hand in vernacular in foolscap size and the headings written and pasted on lengthwise.

FORM No 27.16(3)(A)

POLICE DEPARTMENT _____ **DISTRICT**

REGISTER OF INGRESS AND EGRESS OF UNDER – TRIALS IN THE JUDICIAL LOCK-UP

INGRESS OF PRISONERS						
No.	Date	Name and percentage of the prisoner brought into the lock-up	Name of the officer bringing the prisoner	Place where from brought in	Initials of the officer incharge of the lock-up receiving the prisoner	REMARKS

EGRESS OF PRISONERS						
Serial No.	Date	Name and percentage of the prisoner taken out of the lock-up	Place where sent	Name of the officer incharge of the escorting party	Initials or thumb mark of the officer taking over charge of the prisoner	REMARKS

FORM No. 27.16(4)

VERNACULAR REGISTER OF WARRANTS OF ARREST AND SEARCH AND OF SUMMONSES RECEIVED FOR EXECUTION AND SERVICE BY THE POLICE

1	2	3	4	5	6	7	8	9	10	11	12
							STEPS TAKEN BY THE POLICE TO CARRY OUT				
No.	Name, caste, occupation and residence of person on whom the process is to be served	For what offence issued	Warrant or summons and for what purpose	By whom issued	Date of process	Date of hearing of case	Date of receipt or process by the Police Department endorsed	Date of endorsement and despatch and name of police Officer to whom	Date of execution of process	Date of return to Court	Remarks

FORM No. 27.16(5)

VERNACULAR REGISTER OF INTERMEDIATE ORDERS IN CASES

1	2	3	4	5	6	7	8
No.	Complaint-ant	Accused	Criminal Court	Offence with No. and date of First Information Report of and name Police Station	Intermediate order	Final order	REMARKS

FORM No. 27.16(6)

VERNACULAR REGISTER OF PERSONS ON SECURITY TO BE OF GOOD BEHAVIOUR, THE NAMES OF SURETIES, ETC.

1	2	3	4	5	6	7
Serial No.	Name, father's name and caste of person required to find security	Residence	Amount of security and of personal recognizance	Names, father's names and caste of sureties	Residence of sureties	Name of courts which passed the order to find security, name of presiding officer, powers of the court, district in which order was passed and date of order

8		9	10	11
IMPRISONMENT IN DEFAULT OF SECURITY		DATE OF EXPIRY OF PERIOD OF SECURITY *Date and month of*	Reference to First Information Report or papers in any case in which a person on security was convicted and bond became liable to forfeiture	Reference to papers appertaining to proceedings taken to obtain forfeiture of security and result of such proceedings
(a) Date of going to prison	(b) Date of release	19 19 19 19		

FORM No. 27.24 (2)

ORDER

Summons from the Court of the_____ for the production at_____of the office files relating to the_____

(a) I direct _____to appear with the files mentioned in the summons a brief description of which is given below and to claim privilege for them under section 123 of the Evidence Act.

(b) Having examined the documents mentioned in the summons, I withhold permission to give any evidence derived from the files for which privilege is claimed under this order.

It should be represented to the Court that these files contain unpublished official records relating to affairs of State for the purpose of section 123 and that, in view of the provisions of section 162 of the Evidence Act, the files are not open to the inspection of the Court—

Dated_____ The_____ Inspector-General of Police

* Here insert a brief description of the nature of the documents summoned together with the reasons for claiming privilege for example, this document is a report of C.I.D. Officer making a secret inquiry into a case of fraud and it is undesirable in the interests of the inquiry that its contents should be disclosed.

FORM No. 27.32(1)

RECEIPT AND DESPATCH REGISTER OF CHARGE-SHEET SLIPS AND CONVICTION SLIPS REFERRING TO CASES INCLUDED UNDER RULE 27.29

1	2	3	4	5	6
Annual serial No. of charge-sheet slips or conviction slips received from other districts or from magistrates	Date of receipt with name of the district	Name of police station, offence with section and No. of First Information Report	DISPOSAL OF CHARGE-SHEET SLIPS		Name, parentage and caste of the convict
			Date of despatch to police station sending up the accused	Date of return from the police station sending up the accused for trial for trial	

7	8	9	10	11	12	13	14
Village	RESIDENCE		DISPOSAL OF CONVICTION SLIPS		Number of entry in register No. IX of the police station in which the conviction is entered	Date of return of conviction slip to district from which received. (The column will only be filled in where conviction slips are received from other districts)	REMARKS
	Police Station	District	Date of despatch to the district or police station in which the convict resides	Date of return from the district or police station in which the convict resides			

FORM NO. 27.16(7)

VERNACULAR REGISTER OF EXCISE CASES OCCURRING DURING THE YEAR 19. IN WHICH POLICE OFFICERS HAVE BEEN DIRECTLY CONCERNED

1	2	3	4	5	6	7	8	9
Serial No.	Name of police station	Date of report	Description of offence committed with section of Excise or Opium Act and No. and date of First Information Report, if any	Nature of action taken by the police (e.g., accused arrested, illicit spirits detained, report made to Excise Officer or as the case may be)	Name and rank of officer by whom action referred to in column 5 was taken	Final result of the case	Amount of reward, if any sanctioned for the police in the case	REMARKS

FORM NO. 27.18(1)

REGISTER OF ISSUE FROM AND RETURNED TO THE PROSECUTING INSPECTOR'S MALKHANA OF CASE PROPERTY DAILY PRODUCED IN COURTS AND PENDING CASES,—*VIDE* POLICE RULE 27.18

1	2	3	4	5	6	7
Serial No. and date of issue	Serial No. of property register (form No. 27.16 (1) on which the property issued, is entered)	Signature of the Court orderly to whom property issued	Initials of the prosecuting Officer in whose presence the property was issued	Signature of the head constable, Incharge, Malkhana, who receives back the property, with date of receipt	Initials of the prosecuting officer in whose presence the property was returned to the Malkhana	REMARKS

FORM NO. 27.33(1)

POLICE DEPARTMENT _____DISTRICT

CONVICTION SLIP OF A PERSON CONVICTED IN ABOVE DISTRICT WHO IS SUPPOSED TO RESIDE IN THE POLICE STATION OF_____ DISTRICT_____

Serial No. of charge-sheet slip despatch register.

1. F.I.R. Report No. _____of Police Station_____.
2. Name_____son of_____ alias_____
3. Caste_____
4. Occupation_____
5. Description_____ Age_____ Height_____ particular marks as shown in charge-sheet.
6. Resident of village_____Police Station_____District_____
7. Brief account of offence with section and of law under which conviction was obtained and place of offence.
8. Sentence—
   (i) Date of sentence
   (ii) Court of
   (iii) Name of presiding officer
   (iv) District in which trial was held
   (v) Was case tried summarily or otherwise?
9. District Serial No. of P.R. Slip with descriptive roll as shown therein
10. Remarks.

You are requested to return this statement in the event of its being discovered that the convicted person does not commonly reside in your police station or district.

Dated_____

Superintendent of Police

The_____

Date of entry in the conviction register of the police station, with the signature of Clerk, Head Constable and the Serial No. of the entry_____.

FORM No. 27.36

General Register No. 1

POLICE DEPARTMENT _____DISTRICT

COGNIZABLE CASE REPORTED AT A POLICE STATION FOR THE YEAR 19

1	2	3	4	5	6
Annual Serial No. of cases reported	Police Station No. and date of First Information Report	Date and case of occurrence	Section of Indian Penal Code or law offended against	COMPLAINANT	
				Name and parentage	Residence

7	8	9	10	11
		ACCUSED		
Name	Parentage	Caste and occupation	Residence	Age

12	13	14	15	16	17	18
CASES						
			True Cases			
In which investigation was refused	Number of cases proved as false by the Magistrate or declared false	Number of cases in which a mistake of law or fact occurred or declared non-cognizable by a Magistrate	Ending in conviction	Ending in discharge or acquittal	Not detected or apprehended (cases in column 12 will not be shown)	Total of true cases (columns 12+15+16+17)

19	20	21	22	23	24	25
PERSONS						
Persons in custody or on bail under section 170, Criminal Procedure Code, at beginning of the year	Arrested by the Police during the year	Persons released under section 169, Criminal Procedure Code.	Persons sent for trial	Number convicted	Number acquitted or discharged	Persons who had not been arrested at end of year (only persons for whom warrants have been during the year will be included)

26	27	28	29	30	31	32	33
PROPERTY						Reference to the entries in Register of Cognizable offences	REMARKS
Amount of property stolen			Amount of property recovered				
Rupees	Annas	Pies	Rupees	Annas	Pies		

❑❑❑

CHAPTER 28

RAILWAY POLICE AND OTHER SPECIAL RULES

28.1. Organisation.—The General Railway Police district administered by the Inspector General of Police, Punjab, comprises the railway systems within the boundaries of the jurisdiction of the Punjab Government. It is under the direct supervision of the Assistant Inspector-General, Government Railway Police, who is invested with the same departmental powers within his jurisdiction as a Deputy Inspector General of a Range.

The Government Railway Police force is organized to meet the special requirements of crime and the maintenance of law and order on the railway systems. The Assistant Inspector-General exercises administrative control over the whole force and is in direct executive control of the Central Investigating Agency. Under the control of the Assistant Inspector General an Assistant Superintendent of Police is in executive charge of interior economy, of the Reserve, and of the staff inspectors, sergeants and lower subordinates who are specially allocated to the protection of passengers and the maintenance of order at railway stations. For the prevention and detection of crime and general police duties the Government Railway Police jurisdiction is divided into such number of sub-divisions as may be from time to time, authorized, in the executive charge of Deputy Superintendents of Police. Subdivisions are further divided into railway police station areas for the purpose of the registration of crime, the upkeep of records and the distribution of the force. For the investigation of crime, however, every sub-inspector of railway police has the power of an officer in charge of a police station (vide Rule 1.12).

28.2. Jurisdiction.—The jurisdiction of the railway police is confined to "Railway Limits," *i.e.*, all ground and buildings within the railway boundary fencing or boundary marks:

Provided that all offences committed in or in close proximity to dwelling houses or barracks of railway servants shall be taken cognizance of and investigated by the district police. This proviso, however, does not extend to stations situated in Indian States where the railway police take cognizance of such offences.

28.3. Central Investigating Agency.—The duties of the Central Investigating Agency are—

(1) to investigate serious or complicated cases or special outbreaks of crime;

(2) to maintain records for the classification and prevention of crime and for the control of fluctuations;

(3) to provide plain clothes detective staff;

(4) to provide armed train guards in special circumstances;

(5) to furnish seal checking posts at provincial boundaries and elsewhere as required, for the purpose of localising investigations.

28.4. Recruitment and training.—The Government Railway Police Force recruits and trains its own men and shares with the district police the facilities afforded by the Provincial Training School.

Railway police constables may be attached to district police stations with the permission of the Superintendent of district, for the purpose of acquiring knowledge of local bad characters and suspects. They shall, while so attached, be under the orders and control of the officer in charge of the police station for purposes of discipline and instruction.

28.5. Duties and powers.—Gazetted officers, inspectors and officer in charge of railway police stations and their subordinates, shall be governed and guided by the orders defining the duties, responsibilities and powers of such officers contained in these rules, the Code of Criminal Procedure, Railways Act and Police Act and other laws.

28.6. Special Rules regarding investigations of railway accidents.—The following rules regarding the investigation of railway accidents have special reference to the railway police—

(i) The railway police may make an investigation into the causes which led to any accident occurring in the course of working of a railway, and shall do so—

(a) Whenever any such accident is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or has *prima facie* been due to any criminal act or omission.

(b) Whenever the District Magistrate, or other magistrate appointed in this behalf by the Provincial Government, directs an investigation to be held:

Provided that no such investigation shall be made when a magisterial enquiry has been commenced or ordered.

(ii) Whenever an investigation is made under clause (a) or (b) of sub-rule preceding, it shall be supervised by an officer not below the rank of an inspector. A police officer attending a joint officer's inquiry must be gazetted officer. The rules regarding notices of accidents, and enquiries by Government inspectors into railway accidents issued by Government of India by notification in the Department of Commerce and Industry, No.801, dated the 24th March, 1905, and in pursuance of section 84, Indian Railways Act, 1890, will be found in Appendix 28.6.

(iii) Except, when there is reason to suspect that a railway accident has been caused by the commission of cognizable offence which the police officer in question has jurisdiction to investigate, a police officer investigating a railway accident has no power to compel the attendance of witnesses or to make arrests.

(iv) Whenever an investigation into a railway accident is started by the railway police, they shall give immediate information to, and, if necessary, enlist the co-operation of, the local district police.

The railway police, and, in the absence of railway police, the district police, are required to report immediately to the nearest station master, or responsible railway official, every accident which may come to their notice, occurring in the course of working a railway, in which serious injury to person or property has been caused or an offence appears to have been committed.

An English and vernacular copy of that part of the rules, dealing with the duties of the police in connection with railway accidents, shall be hung up in every railway police station and post and the orders therein shall be complied with.

28.6-A. Arrest of railway servants.—When the arrest of a railway servant is to be effected, a request shall ordinarily be forwarded to the railway authorities concerned for the relief from duty of the person so arrested. If the immediate removal of the railway servant from duty would be likely to endanger the safety of the travelling public, or be a serious inconvenience to the railway, the arrest shall ordinarily be deferred until the relief is effected; but the railway servant may be arrested and allowed to continue his duty under guard if it is advisable to place him under immediate restraint.

28.7. Special duty of the railway police.—(1) The following particular duties, among others, devolve upon the railway police—

(a) To protect travellers from injury to person or property.

(b) To maintain law and order at railway stations and in trains.

(c) To attend the arrival and departure of passenger trains at stations and to render all possible assistance to passengers and railway officers.

(d) To bring to the notice of the proper authorities all offences under the Railways Act and breaches of bye-laws, and all cases of fraud, or oppressions, on the part of railway subordinates.

(e) To keep platforms clear of idlers and beggars and to keep a look-out for suspicious persons, smugglers and persons travelling with arms without a licence.

(f) To search all empty carriages for property left behind by passengers.

(g) To control the hackney carriages plying for hire at railway stations and to enforce the regulations of the railway authorities with regard to them.

(2) It is not the business of the railway police to undertake the watch and ward of railway property or of property consigned to the railway for transportation. For these duties a special force of watchmen is employed and administered by the railway authorities. The railway police shall not be required to intervene in cases of shortage or of missing goods. or to examine or check the seals of goods wagons, unless they have reason to suspect the commission of cognizable offences. The provision of guards on goods trains is not one of normal duties of the police and should only be undertaken, if there is definite reason to anticipate the commission of offences.

(3) When, however, offences are specially prevalent in any particular locality, the railway police are authorized to take special measures, including the posting of police to goods yards, special seal-checking operations and the investigation of shortages, with the object of detecting such offences and apprehending the offenders. Such measures are aimed solely at the control of crime and in no way affect the duties and responsibilities of railway officials in respect of the protection of railway property and private property entrusted to the railway for transport.

28.8. Relations with the railway authorities.—In regard to important matters connected with the railway police administration, and with the protective duties of the police and the preservation of order, the views of the Agent or other superior railway officers concerned shall be ascertained and considered.

28.9. Relation with the district police.—The district and railway police are branches of the same force and are required to co-operate and assist each other upon every occasion and in every way possible. An opportunity of attending inter-district Police Conferences shall invariably be given to sub-divisional officers of railway police concerned, and the Assistant Inspector-General. Railway Police shall be similarly given the opportunity of attending Conferences regarding criminal administration held by range Deputy Inspectors-General.

28.10. Co-operation between railway and district police.—The rules which follow have been framed to assist co-operation between railway and district police in particular matters—

(i) The Assistant Inspector-General of Railway Police shall keep in close touch with Superintendents of district police through whose jurisdiction railways run and should meet them periodically in order to arrange for satisfactory co-operation and harmonious working between their respective subordinates. The Assistant Inspector-General of Railway Police should also keep in touch with District Magistrates and see that the railway police show proper deference to the district authorities.

(ii) District Magistrates should, from time to time, examine the registers of railway police stations within their districts and record remarks on such examinations in the Minute Book of the station. Officers in charge of police stations shall send copies of such remarks through their sub-divisional officers to the Assistant Inspector-General who will see that proper action is taken.

(iii) Superintendent of district police shall frequently visit railway police stations situated in their districts and satisfy themselves that the orders in connection with the deputation of district policemen to railway stations and co-operation between railway and district police are being properly carried out. They should enter in the Station Minute Book remarks and suggestions in connection with these matters.

(iv) All serious crime, including offences of which special reports have, under the police rules to be submitted by district police station, shall be specially reported at once by the railway police to the Superintendent of district police concerned and to the District Magistrate. The use of the telegraph or telephone for these reports is advisable in cases in which delay would otherwise ensue.

(v) Case diaries of the railway police shall be submitted by the railway police officer making the investigation to the sub-divisonal officer or Assistant Inspector-General of Railway Police, for scrutiny and orders. A copy shall also be sent to the Superintendent of Police of the district within those boundaries the case is registered to enable him to prosecute when necessary; to be available should be magistrate empowered to take cognizance of the offence call for it; and in order that railway cases may be properly placed before the criminal courts.

(vi) There are many cases which, although initially and correctly registered in railway police stations, could equally lawfully and more successfully be dealt with by the district police. Cases of murder reported to have occurred within railway jurisdiction fall into the category, if they arise out of district feuds and quarrels or have been commited outside railway limits, the railway line being merely used by the murderers with a view to creating the impression that death has been accidental. Dacoities, robberies and train wrecking, and similar offences, can often be better dealt with by the district police. It is important, therefore, that Superintendents of Police should scrutinize First Information Reports received from railway police stations, and transfer from the railway police jurisdiction, to the district police stations, cases in which such transfer is desirable.

(vii) Superintendents of district police shall give the railway police all assistance which they may require in following cases beyond railway limits. The presentation in court and prosecution of railway police cases shall be undertaken by the prosecuting staff of the district concerned with the same degree of energy and supervision as is enjoined upon them in respect of cases registered by the district police. Whenever possible the railway police will provide a special prosecuting officer for important cases and cases which involve railway technicalities, but such action shall not relieve the district police of responsibility for taking all steps in their power to assist the prosecution.

(viii) Any defects or irregularities noticed in charge-sheets, and other papers received from the railway police, shall be pointed out by the Superintendent of the district police to the subordinate railway police direct, but no strictures on the railway police shall be passed on such papers. When, in the opinion of the Superintendent of district police, the conduct of the railway police merits reproof he shall address the Assistant Inspector-General of Railway Police on the Subject.

(ix) If cases which should be, or have been, registered by the railway police are traced by the district police acting independently, information shall immediately be given to the railway police station concerned.

(x) When the Assistant Inspector General of Railway Police sends a case for orders through a Superintendent of the district police to a magistrate empowered to take cognizance of it, or to a District Magistrate, the Superintendent of Police shall transmit it; he may not return it to the railway police with his own orders, unless and until he has obtained the orders of the magistrate concerned.

(xi) When cognizable offences are commited in the vicinity of the railway, but such offences are not required to be investigated by the railway police under these rules, they shall to the utmost of their abiility and without neglecting their more immediate duties, use every endeavour to arrest the offender and to assist the district police.

(xii) Whenever cognizable crime on the railway is specially prevalent in a particular locality, the Assistant Inspector-General of Railway Police may call on the Superintendent of Police concerned to co-operate with him in checking it. In such circumstances the Superintendent of Police concerned shall make such dispositions as, after a study of the situation, may be agreed upon by himself and the Assistant Inspector-General Railway Police, to be most suitable. If the section of line affected extends beyond the limits of one district, concerted preventive measures shall be instituted after a conference of police officers representing all the areas concerned.

(xiii) One or more literate railway police officers of or above the rank of constable shall accompany each passenger train. These officers shall wear uniform throughout their period of duty. They shall maintain a "Train Diary"in which will be recorded information connected with cognizable offences, movements of bad characters and suspects and such other matters as may be prescribed. District police stations shall, as far as possible, depute one or more constables in plain clothes to railway stations within the area of their juridiction to watch for the arrival or departure by the railway of known criminals or suspicious characters. Such constables shall exchange information with the railway police officers travelling in passenger trains. Information recieved by this means shall be communicated at the earliest opportunity by the

constables concerned to their officers in charge of police stations. If the travelling railway police officer is unable to find the district plain clothes constable during the half of his train, he shall either make over a written message to the station master and request him to have it delivered or in cases of urgency, he may himself alight and take the message to the direct police station.

(xiv) Doubtful cases and disputes as to jurisdiction in the case of railway police stations are governed by rule 25.5. The police station receiving a report of a cognizable offence shall record it, according to those rules. Delay in registration and investigation pending the settlement of jurisdiction is expressly forbidden.

28.11. Special training of Railway Police.—The railway police shall be trained in accordance with the principles and methods laid down in Chapter XIX. The application of these principles shall have special reference to the requirements of railway police work. Upper subordinates and educated lower subordinates shall be passed in rotation through courses of instruction in the Central Investigating Agency. In the Headquarters lines school special instruction shall be given in the elements of booking and checking goods and the principles of train working, and in the methods of criminal who habitually operate on railways.

28.12. Special arrangement for heavy passenger traffic.—On the occasion of fairs and other assemblies creating unusually heavy traffic on a railway, the police shall under the instructions and with the approval of the railway authorities, arrange to admit the railway station for each train only so many passengers as can be accommodated.

Town And Cantonment Police Special Rules

28.13. Fixing beats system.—(1) In each town and cantonment for which a watch and ward staff is sanctioned, detailed statements shall be prepared of all day and night beats, patrols and traffic points to be funished by the strength as calculated according to sub-rule (2) below. To illustrate each statement, a map shall be prepared to a suitable scale showing the boundaries of each beat, patrol area & c., and the principal roads, lanes and important buildings included therein. Beats etc., shall be grouped according to the police station or post furnishing them, and within each group each beat, etc., shall be given a serial number. The strength of each beat and patrol shall be fixed according to the conditions of the locality.

(2) The length and size of each beat, etc., shall be regulated by the locality, the status and character of the residents, incidence of crime and other local conditions. In thickly populated areas of narrow lanes and intersecting roads, both beats and patrol areas shall be sufficiently small to permit of no part being left unobserved long enough for a burglar to effect an entry, collect his spoils and make good his escape. In residential and commercial areas, where buildings are comparatively widely separated and roads are long and broad the organization of police

supervision should be such that, while all parts of a beat and patrol area cannot be under constant observation, the moment at which any particular spot within that area may be watched shall be uncertain. With this object in view both beat constables and supervising patrols in such areas shall be provided with bicycles, as far as funds permit. For such purposes bicycles shall be used (a) to convey the beat staff rapidly and silently from one part of their area to another, being then deposited in some convenient place while the police patrol on foot in a particular neighbourhood (b) for the pursuit of criminals or suspicious persons.

(3) Patrols are of two kinds, (a) patrols under head constables or superior officers for the supervision of beats, (b) patrols outside the area of fixed beats for the protection of special buildings or areas or for the interception of criminals and suspicious persons coming to or from the town or cantonment.

28.14. Division of town police.—When necessary, the town or cantonment shall be divided into divisions distinguished by a letter of the alphabet each division being in charge of a divisional officer of, or above, the rank of head constable, whose responsiblities and duties shall be explicitly stated in the standing orders. Each divisional officer shall, if possible, visit every beat in his division at least once during the day and night.

28.15. Sections of divisions.—The point and beat staff of division shall be sub-divided into sections when necessary, each sections being in charge of a section officer of the rank of head constable whose duties and responsibilities shall likewise be explicitly stated.

28.16. Hours of duty of constables.—(1) The hours of night and day beat duty shall be exactly stated and adapted to the seasons of the year.

(2) Day duties and beats shall be reduced as far as possible, after provision has been made for general protection, the regulation of traffic and the prevention of nuisances.

(3) Except in cases of emergency, no policement shall be employed continuously on point or beat duty for more than 5 hours or more than 8 in 24 hours, and shall be given atleast one complete night off duty in each week.

28.17. The beat book.—A beat book shall be prepared for each town and cantonment in which shall be recorded the dimesnions of each night and day beat with the names of the principles streets and lanes within its limits. Public buildings of importance series, lodging-houses of ill-fame, liquor and drug shops, and all places needing special attention situated within the beat, shall be shown in the beat book, and beat constables shall be specially instructed regarding their responsibility in connection with them.

28.18. Fixed traffic points, beats and patrols.—(1) Fixed points for the control of traffic shall be placed only at those crossroads and other places where traffic streams converge or cross in such volume as to make constant regulation necessary. For the enforcement of traffic rules on roads where traffic is not in such volume as to constitute a steady stream either or both of the following two methods shall be employed:—

(a) Traffic beats.—These beats shall normally consist of two constables, working within sight and signalling distance of each other, but sufficiently far apart for one constable to move out into the centre of the road and stop a vehicle, which the other constable has signalled to him to intercept.

(b) Patrols.—Sergeants, head constables or constables, shall be employed to watch from the footpath or side of the road at particular points, or along particular stretches of road, with a view to checking contraventions of the rules framed by Government under the Motor Vehicles Act, and all other traffic rules, local or general. Police Officers so employed shall ordinarily content themeselves, in the case of motor vehicles, with noting the number of an offending Vehicle. They shall endeavour to stop and take particulars of offending vehicles other than motor vehicles and, if circumstances permit their stepping into the middle of the road sufficiently far ahead of a motor vehicle to give the driver thereof a clear signal to stop, they may do so, but, in no circumstances shall any attempt be made to direct traffic by means of signals given from the side of the road. Notes taken by patrols working under this rule shall be reported on return to the police station concerned, and subsequent action for the issue of formal warnings or for prosecution shall be taken under the orders of the Superintendent of Police. Traffic points, beats and patrols shall be closely supervised by head constables and, where available, sergeants mounted on cycles.

(2) On occasions such as fairs, public ceremonies, rece-meetings and the like, when traffic is heavily congested on particular roads for a limited period, special police arrangements shall be made in accordance with the circumstances of each case, lines of constables being posted if necessary to direct different classes of traffic into different streams or along particular routes. On such occasions full use shall be made of special direction posts; notices in the Press and other methods of informing the public of the regulations to be observed.

(3) All police officers on beat or patrol duty shall act according to the principles prescribed for traffic patrols in sub-rule (1) above in connection with contraventions of traffic regulations occuring within their view.

(4) Vehicles shall not be stopped for interrogation at cross roads or in a manner liable to interfere with the free flow of other traffic. When it is necessary to examine licences, and make enquiries the driver concerned shall be directed to move his vehicle to a position indicated by the police officer, where other traffic will not be impeded. Checking of permits and tokens, registration numbers, correctness of lighting equipment, etc., can be done to a great extent when vehicles are standing in parks.

(5) In exercise of the powers conferred on them by section 31 of the Police Act, police officers on traffic duty shall require pedestrians to keep to the footpaths, or, where such do not exist, to the side of the road and shall prevent them from causing obstruction and danger to other classes of traffic.

(6) Police officers on traffic duty are required to have a thorough knowledge of the neighbourhood and to be able to direct enquirers by the appropriate route to any area in that neighbourhood, or to important points such as railway stations, post offices and other principal public buildings. Police Officers on such duty must on no account whatever allow themselves to be provoked into losing control of their tempers, or into the use of discourteous language. They must remain firm but polite at all times, and, while answering reasonable enquires clearly and concisely, shall abstain from argument of all sorts and shall be on their guard against being distracted from attention to their duty by becoming involved in conversation.

28.19. Parking of vehicles.—(1) The rules framed under the Motor Vehicles Act and section 31 of the Police Act, supplemented in many cases by local bye-laws provide power to prevent vehicles of all classes from loitering, standing, or being left unattended in any public place to the obstruction or inconvenience of the public. To ensure observance of these regulations, the Superintendent of Police is authorized, with the approval of the District Magistrate, to require the active assistance of local authorities in providing stands at suitable places, at which hackney carriages and public motor vehicles may wait for hirers, and parking spaces for private vehicles in congested business areas and in the neighbourhood of places of public resort. The regulation of public motor vehicle and hackney carriage stands is provided for by rules framed under the Motor Vehicles and Hackney Carriage Acts.

(2) Arrangements for parking private motor vehicles must be accommodated to the circumstances of the place or occasion and the dimensions of, and nature of approaches to the available parking space. The following general rules shall, however, be observed:—

(a) Separate parks shall be arranged for motor and horse-drawn vehicles.

(b) In parks for motor vehicles, unattended vehicles shall be parked separately from those with attendents, and special arrangements shall be made for the former to be watched to prevent pilferage or wanton damage.

(c) Strict control shall be excercised over entry and departure of vehicles to and from parks, and sufficient police shall be provided to ensure this and to prevent blocks and disorder.

(d) Whenever possible, separate arrival and departure routes shall be prescribed for motor and horse-drawn vehicles, respectively or they shall be kept in separate streams.

(e) Whenever possible, the entrances and exists of a park shall be separate and, where congestion is liable to occur owing to arrivals and departures taking place simultaneously, departing vechicles shall not be allowed to cross those arriving.

(f) For parking at night, at balls, cinema theatres etc., it is advisable to enforce the duplicate ticket system described in sub-rule (4) below.

(3) For state occasions and important public functions special additional arrangements are necessary in order to secure the rapid and orderly evacuation of parks. In addition to the sub-divisions of parks prescribed in sub-rule (2) above, space must be set aside (a) for the carriages or motor cars of Their Excellencies the Viceroy, the Commander-in-Chief and the Governor if attending the function, and such other vehicles as are required to arrive and depart with them, (b) for the vehicles of Indian Ruling Chiefs and such staff as is required to arrive and depart with them. This park must be arranged in the order of departure of the Chiefs, which is invariably the exact reverse of the order of arrival, (c) for a special park fo the vehicles of those high officials to whom, under general or special orders, "special park" labels have been issued in advance, conferring the privilege of arriving after and leaving before the general public. No vehicle shall be allowed to leave the general parks, till all vehicles in categories (a), (b) and (c) above have been cleared.

(4) On all occasions of the nature referred to in sub-rule (3) above, parking arrangements shall be carefully worked out well in advance; on occasions of major importance the arrangements made shall be fully rehearsed. On such occasions it is essential to arrange adequate arrival and departure platforms where a number of vehicles can set down and take up passengers simultaneously. The practice, which is permissible on informal occasions, of allowing the public to find their own vehicles in the parks, should not be followed, but numbered tickets in duplicate should be issued on arrival to the owners and drivers of vehicles. The vehicles shall be parked according to these numbers, and called up by the police officers at the departure platforms as the duplicate number tickets are handed to them, owners of unattended vehicles being allowed to fetch their vehicles from the park alloted to them to the departure platform to pick up their passengers.

28.20. Supervision of guards, beats and patrols.—(1) Standing orders for beat, point and patrol duties, and for all guards, shall be framed for each city and cantonment and shall be approved and counterigned by the Deputy Inspector-General. Such standing orders shall include directions for inter-communication between patrols beats, etc. and for checking the movement of men those on duties. Permanent changes in the system so approved shall not be made without the sanction of the Deputy Inspector-General, and minor changes made shall be submitted to that officer for approval at his inspections. English and vernacular copies or abstracts of the standing orders shall be supplied to the police stations, guards and posts concerned, and shall be kept up to date.

(2) Inspectors in charge of cities and cantonments shall go the rounds of guards, beats, points and patrols at least once by day and once by night in each week; they should vary the times and routes of their rounds and should make their night rounds as often in the second as in the first half of the night. Assistant and Deputy Superintendents shall go the rounds on the same principle at such intervals as the Superintendent may direct, subject to the general rule that the city and cantonment at the headquarters of the district shall each be patrolled by a gazetted

officer not less than once by day and once by night in each month. Cities and cantonments away from the headquarters of the district shall be similarly visited by day and night by the gazetted officer or inspector in charge at such intervals as the superintendent may direct. In districts where there are several Assistant or Deputy Superintendents at headquarters, all shall share the duties prescribed in this rule.

Note.—The rounds prescribed above shall in Lahore include the Government House Guard.

(3) Superintendents shall satisfy themsleves that the orders contained in the above rules are properly complied with and Deputy Inspectors-General shall pay attention to the matter at their inspections.

28.21. Reports of sales of arms and ammunition.—(1) Licensed dealers in arms and ammunition are required to report sales to the Superintendent of Police. When sales to residents of other districts are so reported, the information shall be communicated to the Superintendent of Police of the district concerned if that district is in the Punjab or in any province other than those specified below.

(2) Reports referred to in sub-rule (1) above shall be communicated, in the case of the towns of Madras, Bombay, Calcutta and Rangoon to the Commissioner of Police and in the case of districts in Bangal and Madras to the District Magistrates.

28.22. Duties of police in connection with outbreaks of fire.—(1) It is the duty of every police officer, on discovering or receiving information of an outbreak of fire on or near his beat or patrol area, to give the alarm immediately (a) to the inmates of the premises on fire, (b) to the fire brigade, (c) to the nearest police station. Any police officer, even though not actually on duty as above shall, on becoming aware of an outbreak of fire, take the same action, if no beat or patrol officer is present and able to do so.

(2) In addition to giving the alarm, it is duty of the police to save people in danger at the scene of the fire; to protect the premises and adjoining premises from looting; to arrange for property removed from buildings in the neighbourhood of the fire to be placed under protection in a place where it will not impede the operations of the fire brigade, and to assist in the removal of such property when asked to do so by the owners; to prevent access to the burning building and neighbouring buildings by unathourized persons and to keep a way clear for the arrival of the fire brigade and space for its operations. The police are also required, in places where there is a piped water supply, to inform the municipal or other official in charge of such supply of the locality of the fire, so that pressure may be arranged accordingly, and to keep clear of crowds the way from all neighbouring fire hydrants to the site of the fire. Where there is no piped water supply, the police shall, pending the arrival of the fire brigade, take such steps as are possible to arrange for a supply of water.

Note.—Municipal committies are required to furnish information to Superintendents of Police of the position of water mains and fire hydrants and of places where the keys of mains are kept both by day and night.

(3) Pending the arrival of the fire brigade, the police shall do what is possible to extinguish the fire and prevent it from spreading. In serious cases the senior police officer present shall communicate information to the City Magistrate or other magistrate having jurisdiction and shall arrange, if necessary, for the attendance of a doctor or ambulance.

(4) On arrival of the fire brigade the police shall assist its operations by controlling crowds, preventing obstruction and protecting salvaged property. After the departure of the fire brigade, police shall remain on the spot till all danger of recrudescence has passed, and untill all crowds have dispersed.

28.23. Fire Brigades.—(1) The duties of fire brigades are laid down is Ministry of Education notification No.15291, published in the Punjab Governments Gazette of 26th June, 1925. It is obligatory on all municipal committees, which maintain fire brigades, to appoint a fire officer to exercise general control of the operations for extinguishing fires, and no other person is authorised to exercise such control when such officer is present. The fire officer will ordinarily be the Superintendent of Police or a senior magistrate.

(2) Where a trained fire brigade exists, independently of the police, the work of fire fighting and salvage shall be left entirely to such brigade once it has reached the scene of fire. In such cases the police are not concerned with the handling or upkeep of fire appliances.

(3) In places where a separate fire brigade does not exist, the care and manipulation of fire engines and appliances supplied by the municipal committee may be undertaken by the police, with the prior sanction in each case of the Inspector-General of Police who will also decide in conformity with the instructions of the local Government, what additional police establishment, if any shall be entertained at the cost of the committee. In such cases the Superintendent of Police shall be responsible for the training and discipline of the police officers employed on fire brigade duties, and rules for their duties and training shall be framed, with the approval of the District Magistrate and the municipal committee concerned, and conforming as far as possible, to the rules referred to in sub-rule (1) above.

28.24. Fairs.—(1) Relevant extracts from the list of fairs appended to Punjab Consolidated Circulars 41, duly corrected up to date, shall be hung up in the offices of Superintendents of Police and of the police stations concerned. To supplement the general orders contained in this rule a special file shall be maintained in each district regarding the police arrangements for each fair of importance.

(2) The authority charged with the management of each fair is required to give timely notice to the Superintendent of Police of the nature and extent of the duties for which police will be required: on receipt of this information the Superintendent of Police shall arrange to provide the number of police which he considers necessary. District Boards and other authorities managing fairs are required to pay, from the fees levied from people attending the fair, the extra cost entailed by concentrating police, entertaining extra-chowkidars, and making suitable

arrangements for the accommodation of the police both on and off duty at the fair, but should not be charged with actual pay and allowances of the police so employed.

(3) In addition to their normal duties of maintaining law and order, preventing and detecting crime and controlling traffic, the police on duty at fairs are required to enforce the sanitary regulations prescribed and to assist and support the sanitary and medical staff. In making their arrangements Superintendent of Police should provide men for this duty. All deaths occurring in the fair outside the hospital (if any) shall be reported to the medical officer in charge at the fair and to the Superintendent of Police.

(4) The officer in charge of the local police station or, if of or above the rank of sub-inspector, the officer in command of the police specially detailed for duty at the fair shall submit a daily report to the Superintendent, showing the approximate number of persons attending the fair, the crime reported, state of public health at the fair and any other matters of interest.

28.25. Town watchmen.—In certain municipal towns the police establishment is wholly, or in part, a body of town watchmen, controlled by the Superintendent subject to the general supervision of the District Magistrate. The rules regarding their appointment, promotion, dismissal, powers and duties are given in Appendix 28.25. The directions in rule 28.20 shall, so far as possible, apply to town watchmen.

APPENDIX No. 28.6.

RAILWAY DEPARTMENT

(RAILWAY BOARD)

NOTIFICATION

(New Delhi, the 19th March, 1930)

No. 1926-T.—In exercise of the powers conferred by the Notification of the Government of India in the Department of Commerce and Industry No. 801, dated the 24th March, 1905, and in pursuance of section 84 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board are pleased, in suppression of the rules published with their notification No. 120- T.—18, dated the 21st March, 1923 to make the following rules, namely—

Notices—1. The notices mentioned in section 83 of the Indian Railways Act, 1890 (hereinafter in these Rules refer-IX of 1890 read to as "the Act") shall contain the following particulars namely—

mileage, or station or both, at which the accident occurred;

time and date of the accident;

number and description of the train or trains;

nature of the accident;

nature of people killed or injured, as far as known;

cause of the accident, as far as known;

probable detention to traffic.

2. When any accident such as is described in section 83 of the Act occurs in the course of working a railway, the station-master nearest to the place at which the accident has occurred or, where there is no Station-master, the railway servant in charge of the section of the railway on which the accident has occurred, shall give notice of the accident by telegraph to the Government Inspector, the District Magistrate and the District Superintendent of Police of the district in which the accident has occurred or such other, Magistrate or Police officer as may be appointed in this behalf by the local Government to the Superintendent of Railway Police and to the officer-in-charge of the police-station within the local limits of which it has occurred.

Explanation.—For the purposes of this rule accidents of a description usually attended with loss of human life are meant to include all accidents to passenger trains such, for example, as slight collisions derailments, train-wrecking or attempted trains wrecking, cases of running over obstructions placed on the line, of passengers falling out of trains or of fires in trains, in which no loss of life, or grievous hurt as defined in the Indian Penal Code, or serious injury to property has actually occurred, but which by the nature of the accident might reasonably have been expected to occur; also cases of landsides, or of breaches by rain or flood which causes the interruption of any important through line of communication for at least 24 hours.

3. The notice of accidents required by section 83 of the Act to be sent without unnecessary delay by the Railway Administration to the Local Government shall be sent as follows—

(a) By telegram in the case of—

(i) accidents deemed under the Explanation to Rule 6 to be serious by reason of loss of human life;

(ii) accidents by reason of which the permanent way is likely to be blocked for more than 12 hours; and

(iii) cases of supposed train-wrecking or attempted train wrecking; and

(b) By letter in all other cases.

Duties of railway servants.

4. Every railway servant shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such report shall be made to the nearest Station-master, or, where there is no Station-master, to the railway servant in charge of the section of the railway on which the accident has occurred.

5. The Station-master, or the railway servant in charge of the section, shall report the accident in accordance with the detailed rules laid down by the railway concerned for the reporting of accidents.

Duties of District Traffic Officers.

6. Whenever a serious accident occurs, the District Traffic Superintendent concerned shall supply by telegraph to the press soon after the accident as possible brief particulars, as far as these are available as prescribed in rule 1 supplementary telegrams, if necessary, being dispatched immediately further information is available. A copy shall be sent simultaneously by "Express" telegram to the Railway Board and the Government Inspector. In stating the cause of the accident the District Traffic Superintendent shall avoid making any statement the correctness of which may subsequently be questioned.

Explanation.—For the purposes of this rule every accident to a train (whether carrying passengers or not) which is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, which is roughly estimated to cost, say, Rs. 10,000 or over, also every accident such as a landslide, breach by rain or flood, derailment etc., which causes the interruption of any important through line of communication for at least 24 hours shall be deemed to be a serious accident. For the purposes of this rule cases of tresspassers run over and injured or killed through their own carelessness or of passengers injured or killed through their own carelessness shall not be deemed to be serious accidents.

Duties of the Government Inspector appointed under section 4 sub-section(1) of the Indian Railways Act, 1890 (IX of 1890).

7. (1) Whenever the Government Inspector receives notice under section 83 of the Act of the occurrence of an accident which he considers of a sufficiently serious nature to justify such a course he shall, as soon as may be, notify the Railway Board and the Agent or Manager of the railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

(2) For the purpose of this rule every accident to a train carrying passengers which is attended with loss of human life or with serious injury to persons, or to property of the value of approximately Rs. 10,000 or upwards, and any other accidents which, in the opinion of the Government Inspector, requires the holding of an enquiry, shall be deemed to be an accident of a sufficiently serious nature to require the holding of an enquiry.

(3) When an accident, requiring the holding of an enquiry occurs at a station where the charges of two or more Government Inspectors meet, the duty of complying with this rule shall devolve on the Government Inspector within whose jurisdiction lies the railway working the station which is the scene of the accident.

(4) If, for any reason, the Government Inspector is unable to hold an enquiry, at an early date, after the occurrence of such an accident, the Agent or the Manager of the Railway concerned shall, on request by the Government Inspector, forward to him, with as little delay as possible, the proceedings of the joint enquiry which has been made under Rule 18. The Government Inspector shall advise the Railway Board of the reason why an enquiry has not been held by himself. If the Government Inspector, after examination of the joint enquiry proceedings, considers that an enquiry should be held by himself, he shall, as soon as possible, notify the Railway Board and the Agent or Manager of the Railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

8. Whenever the Government Inspector has made an enquiry under rule 7, or when he disagrees with, or considers it necessary adversely to criticise the report of the joint or departmental enquiry or the working of the railway, he shall submit a report in writing to the Railway Board and, in the case of a railway under the control of a Local Government or Administration, to such Local Government or Administration also; and shall forward a copy of such report to the Agent or Manager of the railway concerned, and, if a magisterial enquiry is being made, to the Magistrate who is making such enquiry.

9. (1) In the case of all accidents of the nature described in sub-rule (2) of rule 7, preliminary brief narrative report shall be submitted by the Government Inspector to the Railway Board immediately after the completion of his enquiry. This report shall not contain any reference to persons implicated. The report, referred to in rule 8, shall be submitted in the form adopted by the Inspector Officers of the Board of Trades and shall contain—

(a) a brief description of the accident;

(b) a description of the locality of the accident;

(c) a detailed statement of the evidence taken;

(d) the conclusion arrival at;

(e) an appendix stating the damage done;

(f) (when necessary) a sketch illustrative of the accident.

(2) Reports, in connection with accidents which, although coming under section 83 of the Act, are not accidents of the nature described in sub-rule (2) of rule 7, will be submitted to the Railway Board only if, in the opinion of the Government Inspector, they contain features of special importance or requiring special notice. When the Government Inspector recommends the publication of such a report, it shall be in the form adopted by the Inspecting Officers of the Board of Trade, when not recommended for publication, it may be in the form of a letter explaining as briefly as possible, the special features which the Government Inspector desires to bring to notice.

10. If the Agent or Manager makes any remarks on the Government Inspector's report under rules 16 and 17 or expresses and intention to do so, the Government Inspector shall inform the Railway Board and the Local Government or Administration controlling the Railway, of the steps which have been or are proposed to be taken by the Railway administration to prevent a recurrence of similar accidents, and whether in his opinion, further action in the matter is desirable.

11. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 22 or a judicial enquiry, whenever he may be called upon to do so.

12. Nothing in these rules shall be deemed to limit or otherwise affect the exercise of any of the powers conferred on Government Inspectors by section 5 of the Act.

Duties of the Agent or Manager, and of the Head of the Department concerned.

13. Whenever any accident has occurred in the course of working a Railway, the Agent or Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 22, and to the Government Inspector, Medical Officers, the police, and others concerned to enable them promptly to reach the scene of the accident and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

14. Whenever any accident, occurring in the course of working a railway, has been attended with grievous hurt, as defined in the Indian Penal Code, it shall be the duty of the Agent or Manager to afford medical aid to the sufferers, and to see that they are properly and carefully attended to till removed to their home or handed over to the care of their relatives or friends. In any such case, or in any case in which any loss of human life or grievous hurt, as defined in the Indian Penal Code, has occurred, the nearest local medical officer should be communicated with, if he is nearer than any railway medical officer.

15. When any enquiry, under rule 7 or rule 22, or any juridical enquiry is being made, the Agent or Manager shall arrange for the attendance, as long as may be necessary, at the office or place of enquiry, or all railway servants whose evidence is likely to be required. If the enquiry is to be held by the Government Inspector under rule 7, the Agent or Manager shall cause notice of the date, hour and place at which the enquiry will begin to be given to the officers mentioned in clauses (a) and (c) of rule 19. He shall also arrange for the attendance of the District Officers at the enquiry.

16. Whenever the Agent or Manager receives a copy of the Government Inspector's report under rule 8 he shall at once acknowledge its receipt. If he differs from the views expressed in the report, he shall at the same time submit his remarks thereon, or, if he is not immediately able to do so, he shall, in his acknowledgement of the report, inform the Government Inspector of his intention to submit his remarks later. If the Agent or Manager desires to prosecute any person or persons, he shall immediately forward a copy of the report together with a statement of the persons he wishes to prosecute, to the District Magistrate of the district in which the accident occurred, or to such other officer, as the Local Government may appoint in this behalf.

17. Whenever the report of the Government Inspector points to the necessity for or suggests a change in any of the rules or in the system of working, the Agent or Manager shall, when acknowledging the report, intimate the action which has been taken, or which it is proposed to take, to prevent a recurrence of similar accidents, or shall inform the Government Inspector of his intention to report further on the Government Inspector's proposals.

18. (1) Whenever an accident, such as is described in section 83 of the Act, has occurred in the course of working a Railway, the Agent or Manager shall cause an enquiry to be promptly made by a committee of Railway officers (to be called a "joint enquiry") for the thorough investigation of the causes which led to the accident:

Provided that such enquiry may be dispensed with—

(a) if any enquiry is to be held by the Government Inspector under rule 7:

(b) if the accident has not been attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property or;

(c) if there is no reasonable doubt as to the cause of the accident; or

(d) if one department of the railway intimates that it accepts all responsibility in the matter.

(2) Where such enquiry is dispensed with, it shall be the duty of the head of the department of the railway responsible for the accident to make such enquiry (to be called a "departmental enquiry") as he may consider necessary, and if his staff or the system of working is at fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.

19. (1) Whenever a joint enquiry is to be made, the Agent or Manager shall cause notice of the date and hour, at which the enquiry will commence, to be given to the following officers, namely—

(a) the District Magistrate of the district in which the accident occurred, or such other officer as the Local Government may appoint in this behalf, the Superintendent of Railway Police and the District Superintendent of Police;

(b) the Government Inspector for the section of the railway on which the accident occurred; and

(c) the officer-in-charge of the Railway Police, or if there are no Railway Police, the officer-in-charge of the police-station in the jurisdiction of which the accident occurred.

(2) The date and hour at which the enquiry will commence shall be fixed, so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the enquiry is to be held.

20. (1) As soon as any joint or departmental enquiry has completed, the President of the Committee or the head of the department, as the case may be, shall send to the Agent or Manager a report which in the case of all accidents of the nature described in the explanation to rule 6 must be submitted in the form prescribed by sub-rule (1) of rule 9.

(2) The Agent or Manager shall forward, with his remarks as to the action it is intended to take in regard to the staff responsible for the accident, or for the revision of the rules of the system of working a copy of such report—

(a) to the Government Inspector for the section of the railway on which the accident occurred;

(b) if no enquiry or investigation has been made under rule 22 or if a joint or departmental enquiry has been held first, to the Magistrate or officer appointed under clause (a) of sub-rule (1) of rule 19; and

(c) if any judicial enquiry is being made, to the Magistrate making such enquiry.

(3) Such copy shall be accompanied in the case referred to in clause (b) of sub-rule (2), by a statement of the persons, if any, whom the Agent or Manager desire to prosecute, and in the case referred to in clause (c) of the same sub-rule, by a copy of the evidence taken at the enquiry.

21. A copy of reports of inquiries held on accidents not of the nature specified in section 83 of the Act, such as averted collisions, technical accidents, or breaches of block rules, shall be forwarded to the Government Inspector for the section of the Railway on which the accident occurred.

Duties of Magistrates.

22. Whenever an accident, such as is described in section 83 of the Act, has occurred in the course of working a Railway the District Magistrate, or any other Magistrate, who may be appointed in this behalf by the Local Government, may, either—

(a) himself make an enquiry into the causes which led to the accident; or

(b) depute a subordinate Magistrate, who, if possible, should be a Magistrate of the first class, to make such an enquiry; or

(c) Direct an investigation into the causes which led to the accident to be made by the police.

23. Whenever it is decided to make an enquiry under clause (a) or clause (b) of rule 22, the District Magistrate or other Magistrate appointed as aforesaid or the Magistrate deputed under clause (b) of rule 22, as the case may be, shall proceed to the scene of the accident and conduct the enquiry there, and shall at once advise the Agent or Manager of the railway and the Government Inspector by telegraph of the date and hour at which the enquiry will commence, so as to enable the railway administration to summon the requisite expert evidence.

24. A Magistrate, making an enquiry under rule 22, may summon any railway servant, and any other person whose presence he may think necessary, and, after taking the evidence and completing the enquiry, shall if he considers there are sufficient grounds for a judicial enquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate should call for the opinion of the Government Inspector or other professional persons.

25. The result of every enquiry or investigation made under rule 22 shall be communicated by the Magistrate to the Agent or Manager of the Railway and to the Government Inspector.

26. If, in the course of any judicial enquiry, into an accident occurring in the course of working a Railway, the Magistrate desires the assistance of the Government Inspector or of the Agent or Manager of the Railway, or the attendance of any officer of the railway, to explain any matter relating to railway supervision, management or working, he will issue a requisition to the Agent or Manager for the attendance at court of an officer competent to explain such matter, stating at the same time the nature of the assistance required. In summoning Railway servants, the Magistrate will take care not to summon so large a number of the employees, especially of one class, on the same day, as to cause inconvenience to the working of the Railway. In the case of very serious accidents it will generally be advisable for the Magistrate to obtain a report, from both the Government Inspector and the Agent or Manager of the Railway, in regard to the accident, before finally concluding the judicial enquiry.

27. On the conclusion of any such judicial enquiry the Magistrate shall send a copy of his decision to the Agent or Manager of the Railway, and to the Government Inspector, and shall, unless in any case he thinks it unnecessary to do so, report the result of the enquiry to the Local Government.

Duties of Police Officers.

28. (1) The Railway police may make an investigation into the causes which led to any accident occurring in the course of working a Railway and shall do so—

(a) whenever any such accident is attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property or has *prima facie* been due to any criminal act or omission; or

(b) whenever the District Magistrate or the Magistrate appointed under rule 22 has given a direction under clause (c) of the rule:

Provided that no such investigation shall be made when an enquiry has been commenced or ordered under clause (a) or clause (b) or rule 22.

(2) The Railway police shall report, with little delay as possible, to the nearest Station-Master or, where there is no Station-master, to the railway servant in charge of the section of the Railway on which the accident has occurred, every accident which may come to their notice occurring in the course of working a Railway attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or which has *prima facie* been due to any criminal act or omission.

29. (1) whenever in investigation is to be made by the Railway police—

(a) in a case in which an accident is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property; or

(b) in pursuance of direction given under clause (c) of rule 22, the investigation shall be conducted by the officer-in-charge of the Railway police, or, if that officer should be unable to conduct the investigation himself, then by an officer to be deputed by him.

(2) The officer deputed under sub-rule (1) shall ordinarily be the senior officer available, and shall whenever possible be a gazetted officer, and shall in no case be of rank lower than that of Inspector:

Provided that the investigation may be carried out by an officer-in-charge of a police station—

(i) in such a case as is referred to in clause (a) of sub-rule (1) unless loss of life or grievous hurt has been caused to more persons than one or injury to property has been caused to a value exceeding Rs. 10,000, or there is a reason to suspect that any servant of the Railway has been guilty of neglect of rules; or

(ii) In the case referred to in clause (b) of sub-rule (1) if the District Magistrate so directs.

30. The officer who is to conduct an investigation in pursuance of rule 29 shall proceed without delay to the scene of the accident and conduct the investigation there and shall at once advise the Agent or Manager of the Railway and the Traffic Officer of the district by telegraph of the date and hour at which the investigation will commence so that, if possible, the presence of a Railway official may be arranged for to watch the proceedings an to aid the officer making the investigation. The absence of a Railway official must not, however, be allowed to delay the investigation, which should be made as soon as possible after the accident has taken place.

31. (1) In every case to which rule 29 applies, immediate information shall be given by the Railway police to the district police, who, if so required, shall afford all necessary assistance and shall, if occasion arises, carry the investigation beyond the limits of the Railway premises. But the Railway police are primarily entrusted with the duty of carrying on the investigation within such limits.

(2) Subject to any provisions elsewhere contained in these rules, the further prosecution of the case, on the conclusion of the police investigation, shall rest with the Railway police.

32. The result of every police investigation shall be reported at once to the District Magistrate or other officer appointed in this behalf by the Local Government or the Agent or Manager of the Railway or other officer appointed by him, and to the Government Inspector.

33. Where there are no Railway police, the duties imposed by rules 28,29 and 30, sub-rule (2) of rule 31, and rule 32 on the Railway police, or on the officer-incharge of the Railway police, shall be discharged by the District police or by the District Superintendent of Police, as the case may be.

J.F.BLACKWOOD

Secretary, Railway Board.

APPENDIX NO. 28.25

Notification No. 96, dated 27th July, 1888

Under the provisions of section 154 (o) of the Punjab Municipal Act, 1884[1], the Hon'ble the Lieutenant-Governor is pleased to make the following rules for the appointment, promotion and dismissal of town watchman in the municipalities specified in the schedule** hereto annexed.

The following directions regarding the duties of such town watchmen have also been framed by the Lieutenant-Governor under the provisions of section 76(1) (c) of the same enactment.

1. Now Act III of 1911.

** Not Printed.

The rules and directions will have effect from the date of the publication of this notification in the Gazette—

Rules regarding the appointment, promotion and dismissal of town watchmen.

When the police establishment maintained under Chapter V, Act XIII of 1884, is wholly or in part a body of watchmen, such watchmen shall be under the orders of the Superintendent of Police, subject to the general control of the District Magistrate.

2. (a) The appointment and promotion of town watchman shall rest with the Superintendent of Police, and the rules sanctioned by Government for appointment and promotion of enrolled policemen, as given in the Police Rules, shall be applied so far as the magistrate of the district shall deem necessary for the efficiency of the said watchmen.

(b) The Superintendent of Police shall keep up a register in which shall be recorded the names of all applicants for appointment as town watchman whom the Municipal Committee by resolution may approve of and nominate, and appointments shall be made from such candidates if fit for the duty. If not fit, the Superintendent of Police may, after recording his reasons for rejecting such nominees, appoint men selected by himself.

3. (a) The Superintendent of police may at any time dismiss, suspend, or reduce any town watchman whom he may think remiss or negligent in the discharge of his duty or unfit for the same, or fine any town watchman to any amount not exceeding one month's pay who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof.

(b) The municipal Committee or the President of the Municipal Committee may by resolution bring to the notice of the Superintendent of Police through the District Magistrate any town watchman who in their opinion has been negligent in his duty or guilty of misconduct, and the Superintendent of Police shall enquire into the case and report for the approval of the District Magistrate and for the information of the committee the result of his enquiry.

4. No town watchman or daffadar shall withdraw from the duties of his office unless—

(1) he has received permission to resign from the Superintendent of Police, or from some other person authorized by the Superintendent of Police to accept his resignation; or

(2) two months have elapsed since he gave notice of his intention to resign to the Superintendent of Police.

Directions regarding the duties to be performed by town watchmen.

5. (a) It is the duty of every town watchman to keep watch and ward in the town.

(b) A watchman shall be bound to render all assistance in his power in case of conflagrations within the limits of the municipality.

(c) A watchman shall take charge of any property found unclaimed within the limits of the municipality, and hand it over to the officer-in-charge of the police station.

6. Every town watchman is bound forthwith to communicate to the officer-in-charge of the police station within the limits of which his beat is situated any information he may obtain respecting any person found lurking in such beat who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or respecting the residence in or resort to, any place within the limits of such beat of any person who is a reputed house-breaker or thief or who is of notoriously bad livelihood.

7. Every town watchman shall observe and from time to time report to the officer mentioned in rule 5, the movements of all bad characters in his beat, and shall report the arrival of suspicious characters in the neighbourhood.

8. Every town watchman shall give timely intimation to the officer mentioned in rule 6 in the event of any notorious bad character residing in his beat being absent at night without having given notice of his departure, or associating with individuals of bad repute, or cessing to labour or to obtain a livelihood by honest means.

9. Every town watchman shall keep the officer mentioned in rule 6 informed of all disputes which are likely to lead to any riot or serious affray, and of all intelligence he receives affecting the public peace within or near his beat.

10. It shall be the duty of the town watchman to report to the officer-in-charge of the police station within the limits of which his beat is situated all deaths which occur in such beat and to furnish such other information in connection with vital statistics as may be required of him by the Deputy Commissioner from time to time.

11. Every town watchman shall in like manner report the appearance of any epidemic is his beat, and shall supply, to the best of his ability, any local information which the Deputy Commissioner may require.

12. Every town watchman shall prevent, and may interpose for the purpose of preventing the commission of any cognizable offence as defined in the Code of Criminal Procedure.

13. Every town watchman receiving information of the commission of or of a design to commit, any cognizable offence, shall at once communicate such information to the officer-in-charge of the police station within the limits of which his beat is situated.

14. Every town watchman knowing of a design to commit any cognizable offence may arrest, without orders from a magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

15. Every town watchman may of his own authority interpose for the prevention of any injury attempted to be committed in his view to any Government, Municipal, or Railway property, moveable or immoveable, or to prevent the removal or injury of any public land mark.

16. Every town watchman may, without orders from a magistrate and without a warrant, arrest—

Firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.

Secondly, any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking.

Thirdly, any person who has been proclaimed as an offender either under the Code of Criminal Procedure or by order of the Local Government.

Fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing.

Fifthly, any person who obstructs a police officer or a town watchman while in the execution of his duty or who has escaped, or attempts to escape from lawful custody.

Sixthly, any person reasonably, suspected of being a deserter from Her Majesty's Army or Navy; and

Seventhly, any person who in his sight commits any offence under section 34 of Act V of 1861 within the limits of the town, provided such section has been specially extended thereto by the Local Government.

17. If a person forcibly resists an endeavor to arrest him, every town watchman may use all means necessary to effect the arrest.

18. No person arrested by a town watchman shall be subjected to more restraint than is necessary to prevent his escape.

19. The town watchman shall take charge of all persons arrested under these rules or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons, so taken charge of by him, or any person or persons he himself may arrest, before the officer-in-charge of the police station within the limits of which his beat is situated; provided that during the hours of darkness the person or persons arrested may be detained in custody, but must be taken as early as possible on the following morning to the police station.

20. It shall be the duty of every town watchman promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority: to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders of justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every town watchman, for any of the purposes mentioned in this section without a warrant, to enter and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.

21. It shall be the duty of the town watchman to keep order on the public roads and in the public streets, thorough-fares, ghats, and landing places, and at all other places of public resort, and to prevent obstruction on the occasion of assemblies and processions on the public roads and in the public streets, or in the neighborhood of places of worship during the time of public worship and in any case when any road, street, thoroughfare, ghat, or landing-place, may be thronged or may be liable to be obstructed.

Note.—Under the provisions of section 76 (1) (d) of Act XIII 1884[1], all town watchmen appointed under these rules possess the same powers, are entitled to the same assistance, enjoy the same protection, are subject to the same responsibilities, and are liable to the same penalties as if they were police officers enrolled under Act V of 1861.

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1. Now Act III of 1911.

For Haryana Only

[1][CHAPTER 29

APPOINTMENTS AND ENROLMENTS IN CRIMINAL INVESTIGATION DEPARTMENT

The following rules shall regulate the appointment, training, promotion, deputation and other connected administrative matters relating to Criminal Investigation Department (hereinafter reffered to as 'CID') officials in view of special professional requirements. In all other areas not covered by this chapter, the Punjab Police Rules, 1934 (hereinafter called the Police Rules) will apply *mutatis mutandis.*

29.1. Appointments to Criminal Investigation Department.—There shall be a separate cadre as provided under sub-section (1) of section 4 of the Haryana Police Act, 2007 (25 of 2008), of directly recruited officials, in the Criminal Investigation Department (hereinafter reffered to as a cadre) for the purpose of attending to any duty assigned by the, Head of Criminal Investigation Department. Direct recruitment to this carde shall be made on the post of Constable and Assistant Sub-Inspector. All vacancies in the Cadse shall be filled by direct recruitment or promotion or deputation.

Explanation—'Head of the CID' for the purpose of this chapter shall be the officer who is heading the Criminal Investigation Department.

Appointment, Enrolment of Assistant Sub-Inspectors

29.2. Appointing Authority.—Appointments and enrolments in CID shall be governed by the following provisions, namely:—

(i) The following table lists the authorities competent to make appointments to the non-gazetted ranks.

1	2
Class of Servants	**Appointing Authority**
Constable and Head-constable	Superintendent of Police
Assistant Sub-Inspectors	Deputy Inspector General of CID

1. Chapter 29 Added by Haryana Government Notification No. S.O. 53/H.A.25/2008/S. 92/2011 dated 10.6.2011.

(ii) All direct appointments to non-gazetted ranks shall be made by the appointing authority, as mentioned above on the recommendations of the concerned Police Recruitment Board constituted under Haryana Police Act, 2007.

(iii) The power to confirm the appointment of officers shall vest in the appointing authority. The successful completion of probation shall not authomatically lead to confirmation. Such officials shall continue to officiate in that rank till they are confirmed against available permanent posts.

(iv) Posts of Constables to Sub-Inspectors shall be borne on CID rolls and shall be alloted CID personel numbers.

(v) The inter se seniority of directly recruited Assistant Sub-Inspectors shall be determined as per merit fixed by the concerned recruitment authority.

(vi) An official directly appointed in CID, shall serve in CID upto the rank of Deputy Superintendent of Police and shall be eligible for posting out from the CID cade only with the constent of the Head of the CID.

29.3. (i) Direct appointments of Assistant Sub-Inspectors.—Of the total sanctioned posts (both temporary and permanent) of Assistant Sub-Inspectors, seventy five percent (75%) shall be filled up by direct recruitment and twenty five percent (25%) by promotion, or by deputation. Five percent (5%) of the posts of direct recruitment in the rank of Assistant Sub-Inspectors shall be reserved for women. It is clarified that there shall be no separate cadre of women in the CID.

Twenty percent (20%) of directly recruited quota of Assistant Sub-Inspectors shall be filled up from Engineering graduates of the following streams keeping in view the technical requirements of the CID, namely;—

(i) Computer Engineering;

(ii) Electronics Engineering;

(iii) Electronics and Communication Engineering;

(iv) Information Technology;

(v) Wireless and Telecommunication Engineering;

(vi) Electrical Engineering; or

(vii) Mechanical Engineering;

(ii) Application for direct appointment as Assistant Sub-Inspector.—The process of recruitment for appointment of directly recruited Assistant Sub-Inspectors shall be set in motion by the recruitment authority to be decided/constituted by the State Government. The procedure and the additional qualifications, if any, shall be notified by the Head of the CID to the Recruiting Board. However, to meet the urgent and incumbent technological changes in the field of cyber space,

security, forensic science, investigation skills, statistics, financial/fiscal services including auditing, law etc., upto five percent (5%) posts of Assistant Sub-Inspectors can be filled up by nomination directly from amongst meritorious qualified professionals, by the Head of the CID.

29.4. Nationality, domicile and character of candidates for the post of Assistant Sub-Inspector—(1) No person shall be appointed to the post of Assistant Sub-Inspector in CID unless he is,—

(i) a citizen of India; or

(ii) a subject of Nepal; or

(iii) a subject of Bhutan; or

(iv) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently setting in India; or

(v) a person of Indian origin who migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently setting in India:

Provided that a person belonging to any of the catergories (ii), (iii), (iv) or (v) shall be a person in whose favour a certificate of eligibility has been issued by the Government.

(2) A person in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the recruitment authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to the post of Assistant Sub-Inspector unless he produces a certificate of character from the Principal Academic Officer of the university, college, school or institution last attended, if any, an similar certificates from two other responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution.

29.5. Age, physical standards and academic qualifications.—(1) No person shall be appointed to the post of Assistant Sub-Inspector by direct recruitment, who is less than 21 years or more than 28 years of age on the date to be specified in the advertisement for recruitment:

Provided that a person belonging to Scheduled Castes, Scheduled Tribes and Backward Class shall be given relaxation in upper age limit by four years. Ex-servicemen candidates shall be given relaxation in age as per instructions of the State Government.

(2) Candidates for recruitment as Assistant Sub-Inspector (men) shall have a minimum height of 5'7" and normal chest measurement of 33" with expansion of 1.5". Women candidates shall have a minimum height of 5'2":

Provided that for men candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward and Ex-servicemen Classes, the minimum height requirements shall be 5'6" and chest requirment shall be 32" with minimum exapansion of 1.5". The height requirment for such category candidates for women candidate shall be 5'1".

(3) The minimum educational qualification for the post of Assistant Sub-Inspector shall be graduate from any university recognized by the State Government.

(4) No person,—

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who having a spouse living has entered into or contracted a marriage with any person shall be eligible for appointment to any post in the service:

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such a person and the other party to the marriage and there are other gounds for doing so, exempt any person from the operation of this rule.

29.6. Probation.—From the date of appointment, Assistant Sub-Inspectors shall be on probation for a period of three years, which can be extended for another year. A directly appointed Assistant Sub-Inspector is liable to be discharged at any time during the period of his probation,—

(i) if he fails to pass the prescribed examinations; or

(ii) if he is found guilty of misconduct; or

(iii) if found dishonest; or

(iv) found unlikely to be a good CID officer.

29.7. Recruitment of Constables.—All direct appointments to the rank of Constable in CID shall be made by the Superintendent of Police, Criminal Investigation Department, on the recommendations of the concerned Police Recruitment Board to be constituted under sub-section (2) of section 4 of the Haryana Police Act, 2007 (25 of 2008).

Seventy five percent (75%) of total sanctioned posts of constables in CID shall be filled by direct recruitment and twenty five percent (25%) by deputation. In respect of direct recruitment, vacancies can be filled up by deputation till direct recruits are available. Five percent (5%) of the posts meant for direct recruitment in the rank of constable shall be reserved for women. However, there shall be no separate cadre of women in the CID.

29.8. Nationality, domicile and character of candidates for the post of constable.—(1) No person shall be appointed to the post of Constable in CID unless he is,—

(i) a citizen of India; or

(ii) a subject of Nepal; or

(iii) a subject of Bhutan; or

(iv) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently setting in India; or

(v) a person of Indian origin who migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently setting in India:

Provided that a person belonging to any of the categories (ii), (iii), (iv) or (v) shall be a person in whose favour a certificate of eligibility has been issued by the Government.

(2) The person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Police Recruitment Board but the offer of appointment shall be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to the post of Constable unless he Produces a certificate of character from the Principal Academic Officer of the University/College/school or institution last attended, if any, and similar certificates from two other responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his university/college/school or institution last attended.

29.9. Age, physical standards and academic qualifications.—(1) No person shall be appointed to the post of Constable, by direct recruitment, who is less than 21 years or more than 28 years of age on the date to be specified in the advertisement for recruitment:

Provided that the candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes shall be given relaxation in upper age limit by five years. Ex-serviceman candidates shall be given relaxation in age as per instruction of the State Government.

(2) The candidate for recruitment as a constable (male) shall have a minimum height of 5'7" and normal chest measurement of 33" with expansion of 1.5". Women candidate shall have a minimum height of 5'2":

Provided that for candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Ex-serviceman, minimum height requirements shall be 5'6" and chest requirement shall be 32" with minimum expansion of 1.5". The height requirment for such category candidates for women candidate shall be 5'1".

(3) The minimum educational qualification for a candidate to be eligible for selection as a Constable shall be a graduate, from any University recognized by the State Government. However, the Head of CID may prescribe additional qualifications to meet the job requirements.

To meet the technical requirement viz., handiling and maintenance of security equipement, technical gadgets, computers, cyber space security etc., upto twenty percent (20%) of the vacancies of constables for direct recruitment quota shall be filled up from candidates with graduation in any science subject or three years diploma in any branch of engineering.

(4) No person,—

(a) Who has entered into or contracted a marriage with a person having a living spouse; or

(b) who having a living spouse has entered into or contracted a marriage with any person,

shall be eligible for appointment to any post in the service:

Provided that the Government may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for doing so exempt any person from the operation of this rule.

29.10. Procedure for recruitment.—(1) Selection of candidates for recruitment as Constable shall be made after giving wide publicity through Employment Exchange and through Newspapers having wide circulation in Haryana and adjoining areas.

(2) The advertisement regarding recruitment shall mention the likely number of vacancies to be filled up, the date, time and venue of the commencement of recruitment process along with orther details considered essential.

(3) The process of recruitment shall be set in motion by the Police Recruitment Board on the same date and at the same time.

(4) The candidates shall come for registration alongwith filled in prescribed application form. The candidates shall be required to submit attested photocopies of proof of age, educational qualifications and attested passport size photographs.

(5) After the scrutiny of forms, candidates shall be intimated date, time and place of physical measurement. Physical measurement of each candidate shall be done in the presence of members of the Police Recruitment Board.

(6) The physical measurements of each candidate shall be entered in separate register to be called the Physical Measurements Register. The names of the candidates shall be entered in the register as per their registration number. Each such entry shall be duly authenticated by the Chairman and Members of Police Recruitment Board.

(7) Those candidates found fit in physical measurements shall be called for physical efficiency test.

(8) The names and the registration numbers of the candidates found eligible for physical efficiency test shall be displayed prominently at the venue of recruitment after the process of physical measurements. The physical efficiency tests shall be

of twenty marks. Of these fourteen and twelve marks shall be the qualifying marks for men and women candidates respectively.

(9) Those found successful in the physical efficiency test shall be interviewed by the Board. Interview shall be of fifteen marks. The marks obtained in physical efficiency test shall be added to the marks obtained in the interview to determine the merit list out of a total thirty five marks.

(10) On completion of the interview/personality test, the names of all the candidates who had qualified the physical efficiency test and had appeared for the personality test shall be arranged as per their inter merit on the basis of the marks secured by them in the physical efficiency test and interview. Separate merit lists shall be prepared for the general candidates, candidates belonging to Scheduled Castes, Backward Classes and Ex-servicemen.

(11) From the lists so prepared names of as many candidates as there are vacancies plus a reserve of 7% thereof shall be recommended by the selection board for medical examination.

(12) Before forwarding the list of selected and waitlisted candidates to the Superintendent of Police, Criminal Investigation Department, the Recruitment Board shall re-measure the candidates as per the prescribed physical standards to aviod any discripancy.

(13) To meet the urgent and incumbent technological changes in the field of cyber space, security, forensic science, statistics, financial/fiscal services including auditing, law, investigation skills etc, upto five percent posts of Constables can be filled up by nomination directly from amongst qualified professionals by the Director General of Police.

29.11. Allotment of regimental numbers.—On receipt of recommedations of the Recruitment Board and after the completion of process of medical examination and character verification, selected candidates shall be appointed by the appointing authority and regimental numbers alloted to them.

Promotions

For promotion in CID cadre, the following rules only shall be applicable in respect of directly recruited Assistant Sub-Inspectors and Constables,—

29.12. Promotion from one rank to another and from one grade to another in the same rank shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officials are otherwise equal, the senior in service shall be promoted. This rule does not affect increment within a time scale. No official can claim promotion as a matter of right. Deputationists shall not be eligible for promotion in the Cadre.

29.13. For the purposes of regulating promotion amongst enrolled police officers, five promotion lists —B, C, D, E and F shall be maintained.

Lists B, C, D shall be maintained by the Superintendent of Police in Criminal Investigation Department and shall regulate the promotion of constables to the ranks of Head Constables and Assistant Sub-Inspector. List E shall be maintained in the office of Deputy Inspector General of Police, Criminal Investigation Department, and shall regulate promotion to the rank of Sub-Inspector. List F shall be maintained in the office of the Director General of Police as prescribed in sub-rule 13.15(1) of police rules and shall regulate promotion to the rank of Inspector.

Entry in or removal from B, C, D or E lists shall be recorded in the order book and in the character roll of the police officials concerned. These lists are nominal rolls of those officers whose admission to them have been authorized. No promotion shall be made without careful examination of character rolls, ACR files and other relevant record.

29.14. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, Other Backward Classes and other class or classes in accordance with the orders issued by the State Government.

29.15. Substantive promotions to the rank of Sub-Inspector and Assistant Sub-Inspector shall be made by the appointing authourity.

29.16. List D shall be maintained by the Superintendent of Police in CID in respect of those Head Constables who have passed the lower school course and the Intermediate school course at the Haryana Police Academy and are approved by the Deputy Inspector General of Police in CID and are eligible for officiating or substantive promotion to the rank of Assistant Sub-Inspector.

29.17. Promotion as Head Constable.—(1) List B shall be maintained by Superintendent of Police in CID. It shall include the names of constables selected for admission to the Lower School Course. Selection to the list B shall be made each year. The number of seats in Lower School Course in a year shall be allotted by the Director General of Police on the basis of existing vacancies and the vacancies likely to be created keeping in view the future plans of the department. Out of this ninety percent (90%) seats shall be filled up on the basis of competitive test as laid down below and ten percent (10%) seats from the candidates on the basis of consistent outstanding performance in job/attaining Gold or Silver Medal in All India Police Games/Duty Meet/National Games or exceptional display of bravery during performance of his duties. Each CID unit shall send its recommendation through the Gazetted Officer supervising the unit to a State Level Departmental Promotion Committee to be constituted for the State by the Head of the CID. These 10% seats shall be filled up on the basis of State level comparative merit of candidates approved by the Head of the CID after considering the recommendation of the State level Departmental Promotion Committee. Such approved candidates shall be included in the list 'B' of the relevant year. In case the candidates are sent to Haryana Police Academy in two batches in a year, then half of the candidates under ten percent (10%) quota shall be sent in the first batch and the remaining half in the second batch.

The Departmental Promotion Committee for conducting the B-1 test in the CID shall be constituted by the Head of CID and shall consist of an officer of the rank of Superintendent of Police and two officers of the rank of Deputy Superintendent of Police from CID.

Selection of candidates for list B on the basis of competitive tests shall be done by a Departmental Promotion Committee as under:—

(i) Written Test;

(ii) Professional Efficiency Test;

(iii) Interview; and

(iv) Service Record.

(2) All directly recruited constables in the CID irrespective of their education qualification shall be eligible to appear for B-1 test, if they are under the age of forty years and have completed minimum five years of service on 1st day of January of the year in which selection is made.

(3) The minimum pass marks individually in written and professional efficiency test shall be fifty percent. Such constables who obtain the qualifying marks shall be interviewed by the Board(s) which shall be of ten marks.

(4) The Syllabus for written test comprising of sixty marks shall be the same as prescribed for Basic Recruit Course for constables of CID.

(5) Professional efficiency test shall be of twenty marks. The test shall comprise of the following events:

(i)	Turn Out	3 Marks
(ii)	Performance in Firing	4 Marks
(iii)	Performance in handling and knowledge about weapons	4 Marks
(iv)	Driving, maintenance of Motor vehicles and handling of Security equipments	4 Marks
(v)	Endurance test 1500 meters run within seven minutes	5 Marks

(6) The assessment of service record shall be done on the basis of training courses passed and commendation certificate received during the service. The marks assigned to these shall be as follows:—

(i) Courses passed :

(a)	For training courses of less than two weeks duration.	Nil
(b)	For training courses of two weeks duration	0.5 mark
(c)	For training courses of duration exceeding two weeks but not exceeding four weeks.	1 mark
(d)	For training courses of duration exceeding four weeks but not exceeding six weeks.	1.5 marks

(e) For taining courses of duration exceeding six weeks but not exceeding eight weeks. 2 marks

(f) For training courses duration exceeding eight weeks but not exceeding twelve weeks. 3 marks

(g) For training courses duration exceeding twelve weeks but not exceeding sixteen weeks. 4 marks

(h) For training courses of duration exceeding sixteen weeks but not exceeding twenty weeks. 5 marks

(i) For training courses of duration exceeding twenty weeks 6 marks

Maximum marks to be taken into consideration for training programme underwent shall be fifteen. Only the training programmes passed by the candidates upto 31st December of the year preceding the year in which selection is made shall be taken into account while awarding marks.

(ii) Commendation Certificates

(1) Class-I Commendation Certificate 3 marks

(2) Class-II Commendation Certificate 2 marks

(3) Class-III Commedation Certificate 1 mark

Total marks to be taken into consideration for commedation certificates shall not exceed fifteen. Commendation granted upto 1st July of the year preceding the year in which selection is made shall be taken into consideration for counting the marks.

(7) While calculating marks for the service Records the deduction at the following rates shall be made:—

For every major punishment 5 marks

For every minor punishment 2 marks

The total marks to be deducted for punishment shall not exceed fifteen. The major/minor punishment considered for deduction of marks shall only be those which have been awarded on or before the 1st day of July of the preceding the year in which selection is made.

(8) If at the time of selection for admission to the list, the score of two constables is found to be equal, then the constable who is senior in service shall be selected for admission. Further, in case, two constables who have equal scores and the same seniority, then the constable who higher in inter-se merit in the recruits course shall be brought on the list.

(9) Officials having three or more major punishment in their service career shall be debarred from being considered for promotion list 'B'.

(10) The list prepared by Departmental Promotion Committee shall not be made final until the same is approved by the Deputy Inspector General of Police in CID. The Deputy Inspector General of CID shall accord his approval only after due scrutiny of the list about its correctness. He shall be competent to refer the list back to the designated Superintendent of Police, CID from whom it had been received for correction of errors/admission, if any, in the list and shall also be competent to seek clarification from the Departmental Promotion Committee, if considered necessary.

29.18. Of the total sanctioned posts of Head Constables of CID Cadre, seventy five percent (75%) shall be filled up by promotion and twenty five percent (25%) by deputation. In case promotions posts cannot be filled up by qualified and eligible constables of CID Cadre then the vacant posts may be filled up by taking suitable officials on deputation till qualified, eligible and suitable candidates are available from the CID Cadre.

29.19. Disqualification for admission to or retention in list B or C.—The infliction of any major punishment shall be a bar for admission to or retension in list B or C; provided that (a) for special reasons to be recorded by the Superintendent of Police CID in each case and subject to confirmation by the Deputy Inspector General of CID, disqualification may be waived; and (b) after six months continuous good conduct in case of Censure, a constable may be re-admitted at the discretion of the Superintendent of Police, CID.

29.20. (1) The promotion to the rank of Sub-Inspector shall be made from amongst the Assistant Sub-Inspectors in accordance with the seniority-cum-merit and subject to the availability of posts in the cadre.

(2) Every Assistant Sub-Inspector shall be required to undergo Career Development Programme Course at Madhuban, after minimum three years service on the basis of seniority, subject to availability of seats. After passing the Career Development Programme Course, he shall be eligible for entry into list 'E' and for promotion to the rank of Sub-Inspector against the vacancies existing in the CID Cadre after completing minimum 5 years service as Assistant Sub-Inspector. Out of total sanctioned strength of Sub-Inspector's in the CID Cadre, seventy five percent (75%) shall be filled up by promotion and twenty five percent (25%) by deputation. For filling up these seventy five percent (75%) posts, all direct Assistant Sub-Inspectors as well as promoted Assistant Sub-Inspectors shall be eligible as per seniority in the rank of Assistant Sub-Inspectors.

29.21. List 'E' of all Assistant Sub-Inspectors who have been approved by the Deputy Inspector General of CID as fit for promotion to the rank of Sub-Inspector shall be maintained by the said Deputy Inspector General of CID. The promotion of Assistant sub inspector to Sub-Inspector shall be made from list 'E' in accordance with seniority-cum-merit, subject to the availability of posts in the cadre.

29.22. (1) No Sub-Inspector shall be brought on List 'F' unless he has atleast eight years approved service as an upper subordinate. The Head of the CID shall

send names of suitable officials who ar qualified for bringing their names on list 'F' to the office of the Director General of Police after examining their Annual Confidential Reports and other relevant records as per Government instructions. Grounds for non-inclusion in the list shall be specified in the recommendations.

(2) The office of the Director General of Police shall bring the names of officials found suitable for promotion to the rank of Inspector on list 'F'.

29.23. Out of total sanctioned strength of Inspectors, eighty five percent (85%) shall be filled up by promotion and fifteen percent (15%) by deputation.

29.24. Probation on Promotion.—All CID Officers promoted to a higher rank shall remain on probation for two years unless reverted on specified ground. The confirmation of official shall be made subject to availability of permanent posts in their respective ranks.

Training and Examination

29.25. Training of constable.—On enlistment, constables shall be deputed to the Recruit Training Centre or Haryana Police Academy to undergo training course laid down for recruit constable as per Police Training Manual subject to modifications in training schedule as suggested by the Head of the CID. After passing the above training, they shall have to undergo further trainings as prescribed by the CID Training Manual. Recruit constable shall be liable to be discharged during three years of service, if he fails to pass the prescribed examination or is badly reported upon during training or if he is found guilty of grave misconduct or found unlikely to be a good CID officer. For confirmation, every directly recruited constable shall be required to pass a computer proficiency test, as specified by the Head of the CID.

29.26. On enlistment, Assistant Sub-Inspectors of CID shall be deputed to Haryana Police Academy to undergo the course of training laid down for directly appointed Sub-Inspectors subject to modifications in the training schedule as suggested by the Head of the CID. After passing the above course of training the Assistant Sub-Inspectors shall have to undergo further training as prescribed by the CID Training Manual. They shall be liable to be discharged, if they fail to pass the prescribed examination or badly reported upon during training or if he is found guilty of grave misconduct or un-suitable for service. For confirmation every directly recruited Assistant Sub-Inspector shall be required to pass a computer proficiency test as specified by the Head of the CID.

29.27. The Head of the CID shall have a CID Training Manual prepared as per the specific job requirements of the CID.

Deputation

29.28. The posts of deputation quota in the Criminal Investigation Department, can be filled up from:

(i) Different police units of States or Central Government;

(ii) Civil Departments of States or Central Government;

(iii) Boards or Corporation of States or Central Government;

(iv) Indian Army, Navy or Air Force;

(v) Similar other organizations.

29.29. (i) An official on deputation to the Criminal Investigation Department shall have no right to be absorbed in the Criminal Investigation Department.

(ii) The official taken on deputation to Criminal Investigation Department shall be given only one rank promotion purely as a matter of incentive an adhoc and fortuitious basis.

(iii) The official on deputation shall be repatriated to his parent unit at least one year before the retirement.

(iv) A deputationist to Criminal Investigation Department shall attend any promotional course or training programme to which he is deputed by his parent unit or the Criminal Investigation Department.

APPENDIX NO. 29.10(8)

Physical Efficiency Test

The test for men candidates shall comprise of the following events and the marks shall be assigned as shown below:

	Event	Time taken/Distance	Marks
1.	Race 100 Metres	Less than or equal to 13.5 seconds	05
	-do-	Less than or equal to 14.5 seconds but more than 13.5 seconds	03
	-do-	More than 14.5 seconds	00
2.	Race 800 Metres	Less than or equal to 2 minutes 30 seconds	05
	-do-	2 minutes 50 seconds or less but more than 2 minutes 30 seconds	03
	-do-	More than 2 minutes 50 seconds	00
3.	Long Jump	15 feet or more than 15 feet	05
	-do-	13 feet or more than 13 feet but less than 15 feet	03
	-do-	Less than 13 feet	00
4.	High Jump	4 feet or more than 4 feet	05
	-do-	3 feet 6 inches or more but less than 4 feet	03
	-do-	Less than 3 feet 6 inches	00

The test for women candidates will comprise of the following events and the marks will be assigned as shown below:

	Event	Time taken/Distance	Marks
(A)	Race 100 Metres	Less than or equal to 35 seconds	05
	-do-	Less than or equal to 40 seconds but more than 35 seconds	03
	-do-	More than 40 seconds	00
(B)	Short Put (4 kg weight	6 metres or more than 6 metres	05
	-do-	5 metres or more but less than 6 metres	03
	-do-	less than 5 metres	00
3.	Long Jump	11 feet and 3 inches or more	05
	-do-	10 feet or more than 10 feet but less than 11 feet and 3 inches	03
	-do-	Less than 10 feet	00
4.	High Jump	3 feet 6 inches or more	05
	-do-	3 feet 3 inches or more but less than 3 feet 6 inches	03
	-do-	Less than 3 feet 3 inches	00

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THE PUNJAB POLICE ACT, 2007[1]

(Punjab Act No. 10 of 2008)

An Act *to respond to the democratic aspirations of the people and to provide for the establishment, regulation and management of the police, redefine its role, duties and responsibilities and to enable it to functions as an efficient, professional, effective, accountable, people friendly, service oriented and responsive agency, free from extraneous influences, accountable to law by taking into account the emerging challenges of policing, enforcement of rule of law, the concern for security of the State and the society, particularly the venerable sections and minorities, good governance, human rights and for the matters connected therewith or incidental thereto.*

Be it enacted by the Legislature of the State of Punjab in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Punjab Police Act, 2007.

(2) It shall come into force on such date[2], as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "Annual Policing Plan" means a statement, prepared before the beginning of each financial year of the police priorities for the year, indicating the financial resources expected to be available and of the proposed allocation of such resources;

(b) "cattle" include cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;

(c) "City Police Commissionerate" means major urban areas notified as such by the State Government in Official Gazette for purpose of this Act;

(d) "Commissioner" means Commissioner of Police appointed as such under section 8;

(e) "Community Police Resource Centre" means a body, registered under the Societies Registration Act, 1860 with a view to provide for public-police interface;

(f) "competent authority" means an authority, as may be prescribed by rules for different purposes under this Act;

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1. Published in the Punjab Government Gazette Notification No. 10-Leg./2008, dated 5 February, 2008.

2. Came into force on 20-2-2008.

(g) "Group 'C' posts" mean the posts, categorized as such under the relevant Service Rules;

(h) "insurgency" means waging of armed struggle by a group of persons or a section of population against the State with the objective of a secession of part from the territory of India;

(i) "internal security" means preservation of sovereignty and integrity of the State from the disruptive and antinational force within the State;

(j) "militant activities" include any violence of a group, using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its objectives;

(k) "municipal area" means an area, defined as such in the Punjab Municipal Act, 1911 and Punjab Municipal Corporation Act, 1976;

(l) "Non-Gazetted Officer" shall include an officer of the rank of Assistant Sub-Inspector of Police, Sub-Inspector of Police and Inspector of Police;

(m) "organized crime" includes any crime, committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;

(n) "outpost" means a police posts, carved out of an area of a police station;

(o) "outsource" means procurement of work from or its entrustment to some other agency or persons, outside the police department;

(p) "place of public amusement and public entertainment" means a place, which may be notified as such by the State Government from time to time;

(q) "police district" means the area notified as such under section 10;

(r) "police officer" means any member of the Police Service of the State, constituted under this Act, and includes Indian Police Service Officer allocated or deputed to the State Cadre;

(s) "Police range" means a geographical area, comprising two or more police ranges, which may be notified as such by the State Government in the Official Gazette;

[1][***]

(u) "prescribed" means prescribed by rules made under this Act;

(v) "public place" means any place to which the public have access and includes,—

(i) a public building, market, mall, train, bus, monument and precincts thereof; and

1. Clause (t) omitted by Punjab Act No. 9 of 2018. Clause (t) before omission stood as under:

"(t) "Police zone" means a geographical area of the State, comprising two or more police ranges, which may be notified as such from time to time by the State Government in the Official Gazette;"

(ii) any place, accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(w) "Regulations" means regulations made under this Act;

(x) "Rules" means rules made under this Act;

(y) "section" means a section of this Act;

(z) "Service" means the Police Service constituted under this Act;

(aa) "Special Cell" means a Police Investigation Unit, specially dealing with the crime of particular type, like cyber crime, crime against Women and Children, crime related to Non-Resident Indians, economic offences and crime against Scheduled Castes;

(bb) "State" means the State of Punjab;

(cc) "State Government" means the Government of the State of Punjab;

(dd) "Strategic Policing Plan" means a plan setting out the proposed arrangements for policing during a specified period, and includes priorities of the financial resources expected to be available and of the proposed allocation of those resources, expected to be available and of the proposed allocation of those resources;

(ee) "subordinate rank" means a rank below the Assistant Superintendent of Police or Deputy Superintendent of Police; and

(ff) "Terrorist activity" includes any activity of a person or a group using explosive or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim of strike terror in the society or any section thereof, and with an intent to overawe Government, established by law.

(2) The words and expressions, used in this Act, but not defined, shall have the same meanings as assigned to them in the General Clause Act, 1897 (Act 10 of 1897), the Code of Criminal Procedure, 1973 (Act 2 of 1974) and the Indian Penal Code, 1860 (Act 45 of 1860).

CHAPTER II

CONSTITUTION AND ORGANIZATION OF POLICE SERVICE

3. Constitution of Police Service.—(1) There shall be one Police Service in the State.

(2) Notwithstanding anything contained in any other law or any of the provisions of this Act, members of the Police Service shall be liable for posting anywhere in the State and outside the State, as may be ordered by the competent authority.

4. Organization and composition of police service.—Subject to the provisions of this Act,—

(a) the Police Service shall consist of such numbers in various ranks and have such organization or cadres, as the State Government may, by general or special orders, determine, and shall include the members of the Indian Police Service, allocated or deputed to the State;

[1][(b) the officers of subordinate ranks of district police, armed police, intelligence, investigation and technical and support services shall form separate cadres. Seniority of each cadre shall be maintained at the State level. Transfer of a member of one cadre to another cadre shall not be allowed. However, the officer of subordinate rank working in special operation group may be transferred to district police after the successful completion of the fixed tenure in special operation group as specified by the Government. In case an officer of subordinate rank is rendered completely or partially disabled during operations or training, the period of fixed tenure can be relaxed by the Director General of Police for the purpose of transfer to district police. The subordinate rank officer who opt for transfer to district police, if transferred, his seniority shall be placed at the bottom of the officers holding the same rank in the district police;]

(c) notwithstanding anything contained in sub-clause (b), a member of the Police Service may be allowed to be deputed on deputation from one cadre to another cadre or organisation or department, as per rules;

(d) the direct recruitment to various subordinate ranks in the Police Service shall be made through a State Level Police Recruitment Board or District Level Police Recruitment Board in a transparent manner;

(e) the mode of recruitment, pay, allowances and other service conditions of the members of the Police Service shall be such, as may be prescribed;

(f) the State Government shall provide for employment opportunities to women in the Police Service and may provide for separate physical standards for their recruitment; and

(g) the State Government may restructure the district police in order to provide the public with an officer-oriented civil interface of the police in such manner, as may be prescribed.

5. Appointment of Director General, Additional Director General, Inspector General, Deputy or Assistant Inspector General.—(1) For the overall direction, control and supervision of the Police Service, the State Government shall appoint a Director General of Police. He shall also exercise such powers, perform such functions and duties, and have such responsibilities, as may be prescribed.

(2) The State Government may appoint one or more Directors General of Police, Additional Directors General of Police and as many Inspectors General, Deputy or Assistant Inspectors General of Police, as it may deem necessary.

(3) The State Government may, by a general or special order direct in what manner and to what extent, an Additional Director General or an Inspector General or a Deputy Inspector General or an Assistant Inspector General of

1. Clause (b) subs. by Punjab Act No. 9 of 2018.

Police assist the Director General of Police in the performance, exercise and discharge of his powers, functions, duties and responsibilities.

[1][**6. Selection and term of office of Director General of Police.**—(1) The State Government shall select the Director General of Police from amongst the Indian Police Service officers from a panel of at least three eligible officers borne on the cadre of the State of Punjab or any other State cadre, who are in the rank of Director General or are eligible to hold this rank for appointment as Director General of Police, based on their service record and range of experience, having a reasonable period of remainder service left, which shall in no case be less than twelve (12) months as on the date of appointment:

Provided that such a panel shall be prepared by a committee comprising of the Chief Secretary, the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice and outgoing Director General of Police, Punjab or an expert in internal security matters as may be set up by the State Government.

(2) The Director General of Police so appointed, shall have tenure of not less than two years irrespective of his date of superannuation.

(3) Notwithstanding anything contained in sub-section (2), the Director General of Police may be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules, 1969 or following his conviction in a court of law in a criminal offence or in a case of corruption, or if he is otherwise incapacitated from discharging his duties.]

7. Providing of Legal and Finance Officers.—(1) The State Government may provide such number of Legal Officers and Finance Officers to aid and advise the office of Director General of Police on legal and financial matters, as may be prescribed.

(2) The State Government may also appoint in every Police district and City Police Commissionerate, one or more Legal Officers to advice the police on legal issues including the adequacy or otherwise of the available evidence, as deemed necessary in various cases, to be investigated by them.

(3) Appointment of officers referred to in sub-sections (1) and (2) shall be made in the manner, as may be prescribed.

8. Administration of police in municipal areas.—(1) The State Government may, by notification in the Official Gazette, establish for a municipal area and its adjoining area, a police system, which is capable of handling the typical and complex problems of crime, public order internal security, which may call for quick and comprehensive response from the police by way of purposeful direction, unitary chain of command, professional competence, functional specialization and legal authority coupled with accountability.

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1. Subs. by Punjab Act No. 19 of 2018.

(2) For achieving the purposes mentioned in sub-section (1),—

(i) The State Government may, appoint a police officer, not below the rank of Deputy Inspector General of Police, to be the Commissioner of Police for any aforesaid specified area; and

(ii) The Commissioner, so appointed, shall exercise such powers, perform such functions and duties and have such responsibilities and authority, as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order.

Provided that the State Government may, direct that any of the powers, functions and duties, responsibilities or authority, exercisable or to be performed or discharged by the Commissioner of Police, shall be exercised or discharged subject to the control of the Director General of Police:

Provided further that in any area for which a Commissioner of Police is appointed, and empowered by the State Government by notification in the Official Gazette, subject to such conditions and limitations, as may be specified therein, he may exercise and perform in relation to the City Police Commissionerate, the powers and duties of an Executive Magistrate and of a District Magistrate under such provisions of the Code of Criminal Procedure, 1973, and the following Acts or any other Act, as may be specified in the notification:—

(i) the Indian Explosives Act, 1884;

(ii) the Mental Health Act, 1987;

(iii) the Poisons Act, 1919;.

(iv) the Police (Incitement to Disaffection) Act, 1922;

(v) the Immoral Traffic (Prevention) Act, 1956;

(vi) the Arms Act, 1959;

(vii) the Prevention of Cruelty to Animals Act, 1960;

(viii) the Sarais Act, 1867;

(ix) the Cinematograph Act, 1952; and

(x) the Child Marriage Restraint Act, 1929.

[1][**9. Creation of police ranges.**—Each police range shall be headed by an officer of the rank of Inspector General of Police or Deputy Inspector General of Police, who shall supervise the police administration of such range, and report to the Director General of Police directly or through any superior officer as and when posted.]

10. Police districts.—The State Government may, by notification in the Official Gazette, declare any revenue district of the State or part thereof, to be a police district. The administration of the police throughout such district, shall vest in the Senior Superintendent of Police of the district, who may be assisted by as many Superintendents of Police, Assistant Superintendents of Police or Deputy Superintendents of Police, as the State Government deem necessary.

1. Subs. by Punjab Act No. 9 of 2018.

11. District Level Special Cells.—For the purpose of dealing with a particular category of crime or providing better services to the community at large including victims of crime, the State Government may, by notification in the Official Gazette, create one or more Special Cells in each police district, to be headed by an officer, not below the rank of Inspector.

12. Police Sub-Divisions.—The State Government may, by notification in the Official Gazette, divide each police district into as many Sub-Divisions as may be deemed necessary, which would be headed by an officer of the rank of an Assistant Superintendent of Police or a Deputy Superintendent of Police.

13. Police Stations.—(1) The State Government may, on recommendation of the Director General of Police, create, by notification in the Official Gazette, as many Police Stations and outposts, as may be deemed necessary by it, in a police district, keeping in view the population, area, crime situation and the workload in terms of law and order and the distance, to be covered by the inhabitants to reach the Police Station.

(2) Each Police Station shall be headed by a Station House Officer, not below the rank of Sub-Inspector of Police or Inspector of Police, as per the post, duly sanctioned for such Police Station, subject to the fulfilment of the conditions that the official,—

(i) should not be facing prosecution in a criminal case.

(ii) should not have been served a charge-sheet in a vigilance enquiry or in a departmental enquiry, concerning serious misconduct involving moral turpitude.

(iii) must have worked in the rank of Non-Gazetted Officer in a Police Station for a minimum period of 3 years.

(iv) should not have been awarded a major punishment during a period of five years, preceding his posting as Station House Officer.

(v) must not have been doubted in respect of his integrity for a period of five years, preceding his posting as Station House Officer.

(3) There shall be a crime investigation unit in each Police Station.

14. Establishment of Community Police Resource Centre.—The Senior Superintendent of Police of a district, shall get registered and established Community Police Resource Centre in the district, which may include among other things, streamlining of police Service delivery mechanism, and initiatives, aimed at dissemination of information, redressal of public grievances, checking domestic violence, assistance to elders, traffic education and management, child protection, victim relief and checking drug menace.

15. Terms of office of key police functionaries.—(1) The officers posted to the following posts, shall have a minimum assured tenure of [1][two years against those posts]—

1. Subs. by Punjab Act No. 19 of 2018, for "one year against those posts, which shall be extendable to maximum period of three years:".

[1][1. Inspector General of Police or Deputy Inspector General of Police, as the case may be;]
3. Senior Superintendent of Police;
4. Superintendent of Police; —In a police district and
5. Assistant Superintendent of Police;
6. Deputy Superintendent of Police;
7. Station House Officer of a Police Station;

Provided that an officer may be removed or transferred by the competent authority from his post before the expiry of the said tenure, if he is,—

(a) promoted to a higher post; or
(b) convicted or against whom, charges having been framed, by a court of law; or
(c) suspended from Service in accordance with the provisions of the relevant rules; or
(d) incapacitated by physical or mental illness or otherwise becoming unable to discharge his duties and functions; or
(e) there is a need to fill up the vacancy, caused by promotion, transfer or retirement.

(2) In exceptional cases, an officer may be transferred from his post by the competent authority before the expiry of his tenure for inefficiency or negligence or non-performance or where a *prima facie* case of a serious nature is found against him on the basis of preliminary enquiry.

16. Coordination with district administration.—(1) For the purpose of efficiency in the general administration of the district, the Senior Superintendent of Police of a district shall maintain proper co-ordination with the District Magistrate or Deputy Commissioner of the district. The District Magistrate or the Deputy Commissioner, shall, in addition to his functions and duties under the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and other relevant Acts, coordinate and direct the functioning of the police in respect of the general administration of the district in general and in the following in particular, namely:—

(a) promotion of land reforms and the settlement of land disputes;
(b) control of law and order situation in the district;
(c) conduct of elections to any public body;
(d) handling of natural calamities and rehabilitation of the persons affected thereby;
(e) dealing with situation arising out of any external aggression or internal disturbances;

1. Subs. by Punjab Act No. 9 of 2018.

(f) removal of any persistent public grievance;

(g) handling of communal or castes clashes;

(h) removal of encroachments on public properties; and

(i) handling of or dealing with any similar matter, not falling within the purview of any other department of the State Government, but which may effect the general welfare of public.

(2) For the purpose of co-ordination, the District Magistrate may call a meeting or ask for any information of a general or special nature, as and when required from the Senior Superintendent of Police of a district and heads of the other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions, which shall be implemented by the concerned departments.

17. Railway Police.—(1) With a view to prevent, detect and investigate crime and for the enforcement of law and maintenance of order in trains passing through the railway lines area and other railway area, falling in its jurisdiction, the State Government may, by notification in the Official Gazette, create one or more special railways police districts, with required number of Railway Police Sub-Divisions and railway Police Stations consisting of such railway lines and other railway areas in the State, as it may deem necessary and appoint a Senior Superintendent of Police, one or more Superintendents of Police, Assistant Superintendent of Police and Deputy Superintendents of Police and such other Police Officers for policing such districts, in such manner, as may be prescribed.

18. Intelligence and Criminal Investigation Wings.—The police shall have an Intelligence Wing for collection, collation, analysis and dissemination of intelligence and a separate State Crime Investigation Wing for collection, collation and analysis of criminal intelligence and for investigating heinous crimes with inter-district or inter-state ramifications, major economic offences, cyber crime or other cases of serious nature.

19. Technical and support Service.—(1) The State Government shall create and maintain such specialized and technical agencies and services, under the Director General of Police, as may be considered necessary or expedient for promoting efficiency in Police Service.

(2) The services created under sub-section (1), shall include a full-fledged Forensic Science Laboratory at the State Level, a Finger Print Bureau, a State Crime Record Bureau and a Computer and Telecommunication Wing.

(3) Notwithstanding anything contained in sub-section (2), the Director General of Police may, if he so deems appropriate, hire or engage the services of an expert–whether a person or body on such terms and conditions, as may be prescribed to carry out the purposes of this Act.

(4) The Police shall have a Research Wing to undertake specific studies relating to issues having impact on police functioning and crime and crime-pattern in order to improve police functioning performance. The Director General of Police

may hire or engage services of any person or body on such terms and conditions, as may be prescribed for carrying out these purposes. The Research Wing shall also undertake the following tasks, namely:—

(a) preparation of five year perspective plans to modernize and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the State Police; and

(b) keeping abreast of the latest technologies, successfully introduced by other police organizations within the country or abroad, and assessing the adoption or otherwise of such technologies by the State police.

20. Police Training.—(1) The State Government shall establish a Police Training Academy at the State level and as many Police Training Colleges and Police Training Schools, as may be deemed necessary by it for ensuring efficient post-induction training of all directly recruited police personnel in various ranks, pre-promotion training for all those, promoted to higher levels and such other general and specialized in-service training courses for police personnel of different ranks and categories, as may be required from time to time.

(2) For the aforesaid purposes, the State Government shall procure the services of officers from the Police Service, or Paramilitary Forces or Armed Forces or other Professional Organizations for the Police Training Academy, College and Schools, referred to in sub-section (1). The aforesaid officers shall be selected after carefully examining their teaching aptitude. The State Government shall evolve a scheme of monetary and other incentives on the pattern of those, followed by Sardar Vallabhai Patel National Police Academy, Hyderabad to attract and retain the best of the available talent in the service of such training institutions.

(3) No police officer shall be deployed on duty without undergoing and passing the prescribed basic training. No police officer shall be promoted to any higher rank without undergoing and passing the prescribed pre-promotion training.

(4) The Director of the Police Training Academy and the heads of Police Training Colleges and Schools may hire or engage the services of any person or body, qualified for the purpose of imparting the prescribed training on such terms and conditions, as may be prescribed.

(5) The State Government may establish training centers with the appropriate infrastructures in each police district or city police commissionerate or Armed Police Battalion, as the case may be.

(6) The State Government shall frame rules to provide for the utilization of the capitation fees, to be charged for training candidates from other States or Union Territories or countries for improving the infrastructure of such training institutions.

21. Oath or affirmation by police personnel.—Every member of the Police Service, enrolled under this Act, shall, on appointment and completion of training, take before an officer, authorized in this behalf by the Director General of Police, an oath or affirmation, as may be prescribed.

22. Certificate of appointment.—(1) Every police officer, not below the rank of Inspector, shall on appointment, receive an insignia and a certificate in the form, as may be prescribed. The certificate shall be issued under the hand and seal of such officer, as the State Government may by general or special order, direct.

(2) The Certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein, ceases to belong to the Service and shall remain inoperative during the period, such person is suspended from the service.

23. Special Police Officers.—(1) When, it appears that any unlawful assembly has been convened or riot or disturbance in law and order has taken place, or same is reasonably apprehended, and the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property, it shall be lawful for any police officer, not below the rank of Inspector to request to the nearest Executive Magistrate, to appoint so many of the residents of the neighbourhood, as such police officer may require, to act as special police officers for such time and within such limits, as he may deem necessary, and the Executive Magistrate, unless he sees cause to the contrary, shall comply with such a request.

(2) Every special police officer so appointed shall,—

(a) on appointment, undergo prescribed training and thereafter, receive a certificate in a form, approved by the State Government in this behalf;

(b) have the powers, privileges and immunities and perform the duties and responsibilities of regular police officer and be subject to the control of the authorities, specified under this Act; and.

(c) be honorary.

(3) The State Government, may by special order, specify the honorarium to be paid to such special police officer.

24. Rank structure in Civil and Armed Police.—The Police Service shall have such ranks and posts as may be notified by the State Government. The recruitment, training, posting, deputation, promotion, code of conduct, discipline, punishment and appeal and other service conditions of various ranks of police service shall be as such, as may be prescribed.

25. District Armed Reserves and State Armed Police Battalions.—To assist the Police in enforcement of law and maintenance of order or in situations like breach of peace and in disaster management function, in escort of prisoners, as well as to discharge such other duties, which may require special weapons and tactical teams or presence of Armed Police, the State Government shall create Armed Police Units or Special Armed Police Units with appropriate manpower strengths in the form of an Armed Police Reserve for each police district, and appropriate number of Armed Police Battalions for the state. The constitution, recruitment, training, deployment and administration of such reserves and Battalions, shall be regulated as per rules made under this Act.

CHAPTER III

SUPERINTENDENCE AND ADMINISTRATION OF POLICE

26. Superintendence of State Police to vest in State Government.—The superintendence of State Police shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

27. Establishment of [1][State Security Commission].—(1) The State Government shall, within a period of three months of the coming into force of this Act, establish a [1][State Security Commission] to exercise the functions assigned to it under this Act.

[2][(2) The State Security Commission shall consist of following persons, namely:—

(a)	the Chief Minister, Punjab;	—Chairperson
(b)	the Home Minister, Punjab (in case the Chief Minister is also the Home Minister, the Chief Minister may nominate any other Minister as Member of the Commission in place of Home Minister);	—Vice-Chairperson
(c)	the Leader of the Opposition in the Punjab Legislative Assembly;	— Member
(d)	a retired Judge of a High Court;	—Member
(e)	the Chief Secretary, Punjab;	—Member
(f)	the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice;	—Member
(g)	the Advocate General, Punjab;	—Member
(h)	not more than two eminent citizens of prominence and integrity in in public services to be nominated by the State Government; and	—Member
(i)	the Director General of Police	—Member Secretary]

28. [3][Functions of State Security Commission].—[4][The State Security Commission shall perform the following functions and make recommendations to the State Government and the recommendations so made shall be binding on the State Government, namely:—]

(a) to aid and advise the State Government in discharge of its functions and responsibilities under this Act;

(b) to frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law;

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1. Subs. by Punjab Act No. 19 of 2018, for "State Police Board".
2. Subs. by Punjab Act No. 19 of 2018.
3. Subs. by Punjab Act No. 19 of 2018, for "**Functions of State Police Board**".
4. Subs. by Punjab Act No. 19 of 2018, for "The State Police Board shall perform the following functions, namely:—".

(c) to review and evaluate organizational performance of Police Service in the State; and

(d) to identify shortcomings regarding infrastructure and equipment in police.

29. Strategic and annual plans.—(1) The State Government shall,—

(a) in consultation with the [1][State Security Commission] established under Section 27, draw up a Strategic Policing Plan for a period of five-years (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing sought to be achieved during the said period and setting out an action plan for their implementation;

(b) in consultation with [1][State Security Commission] draw Annual Policing Plan prioritizing the goals or Strategic Plan;

(c) place before the State Legislature, within a period of six months of the coming into force of this Act, the Strategic Plan. Subsequent Strategic Plans shall, be placed before the State Legislature every three years; and

(d) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan.

(2) The Strategic Policing Plan and the Annual Policing Plan shall be prepared after receiving inputs on the policing needs of the districts from the Senior Superintendents of Police and the Commissioners of Police, who, in turn, shall furnish the same in consultation with the Public.

30. Administration of State Police.—(1) The administration of Police shall vest with the Director General of Police and with such Additional Directors General of Police, Inspectors General of Police, Deputy Inspectors General of Police and such other Police Officers, as may be appointed under this Act, under the overall superintendence and control of the State Government.

(2) The administration of police in a district shall vest with the Senior Superintendent of Police.

31. Powers and responsibilities of Director General of Police.—(1) The following shall be the responsibilities of the Director General of Police, namely:—

(a) To enforce the policies and other action plans, approved by the State Government; and

(b) To administer, control and supervise the police service to ensure its efficiency, effectiveness, responsiveness and accountability.

(2) The Director General of Police, with the approval of the State Government, may outsource any of the functions of the police in order to improve efficiency in the functions of the police subject to rules framed under this Act.

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1. Subs. by Punjab Act No. 19 of 2018, for "State Police Board".

32. Police Establishment Committees.—(1) The State Government shall constitute a police establishment Committee (hereinafter referred to as the Establishment Committee), which shall consist of the following police officers, at the Headquarters, namely:—

(a)	the Director General of Police	: Chairperson
(b)	the Head of State Intelligence Wing	: Member
(c)	the Head of the Administration Wing	: Member
(d)	the Head of Law and Order Wing; and	: Member
(e)	the Inspector General of Police, Headquarters, Punjab.	: Member

[1][(2) The Establishment Committee shall decide with regard to transfers and postings of police officers of the rank of Deputy Superintendents of Police and make recommendations on postings/transfers of officers of the rank of Superintendent of Police.]

(3) The Establishment Committee shall also consider and recommend to the Director General of Police, the names of the non-Gazetted Officers for posting to a police range on initial appointment, or for transfer of subordinate ranks from one [2][***] police range to another [2][***] police range, [3][***], where such transfer is considered expedient for the Police Service.

[4][***]

[5][(5) The transfers and postings of officers of the subordinate ranks, within a police range, shall be made by the Inspector General of Police or the Deputy Inspector General of Police of the range, as the case may be, on the recommendations of a Committee, comprising of the Senior Superintendents of Police of all the districts in that range.]

(6) The postings and transfers of officers of subordinate ranks within a police district, shall be decided by the Senior Superintendent of Police of the district on the recommendation of all Superintendents of Police posted in the District:

Provided that the Director General of Police or any other officer, authorized by him, may decide transfers falling under sub-sections (4),(5) & (6) at his own level in such cases, as he deems fit.

[6][(7) The Establishment Committee shall function as a forum to dispose of complaints/representations from the rank of Superintendent of Police and above ranks, regarding promotions/ transfers/disciplinary proceedings or their being subjected to illegal or irregular orders.]

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1. Subs. by Punjab Act No. 19 of 2018.
2. Words "police zone or" omitted by Punjab Act No. 9 of 2018.
3. Words "as the case may be," omitted by Punjab Act No. 9 of 2018.
4. Sub-section (4) omitted by Punjab Act No. 9 of 2018.
5. Sub-section (5) subs. by Punjab Act No. 9 of 2018.
6. Added by Punjab Act No. 19 of 2018.

CHAPTER IV

POLICING IN THE CONTEXT OF PUBLIC ORDER AND INTERNAL SECURITY CHALLENGES

33. Internal Security Scheme.—(1) The Director General of Police shall, with the approval of the State Government, draw up an Internal Security Scheme for the entire State as well as for each of the districts and urban areas to deal with problems of public order and security of the State as a whole or for any specific area or areas.

(2) The Internal Security Scheme shall be updated regularly by incorporating therein, the latest comprehensive standard operating procedures for the actions, to be taken by the police either independently or in co-ordination with other agencies in the period, before, during and after the occurrence of problems of each kind.

34. Creation of Special Security Zone.—(1) As and when, the security of the State in any area is threatened by insurgency or any terrorist or militant activity whether by any organized crime group or otherwise, the State Government may, by notification in the Official Gazette, declare such an area as a special Security Zone:

Provided that such notification shall be placed before the State Legislature, within a period of six months from the date of issue or the first sitting of the Legislature, whichever is earlier.

(2) For a Special Security Zone, as declared under sub-section (1), the State Government may, create an appropriate Police structure providing for such zone, a suitable command, control and response system.

(3) The Director General of Police shall with the concurrence of the State Government, issue orders, laying down standard operating procedures, to be followed by the police in a Special Security Zone.

(4) The State Government may, on the recommendation of the Director General of Police, and for the reasons, to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices, or equipment, or any explosive, poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, if the use or inflow thereof, is reasonably considered a threat to internal security or public order in the area, in any a manner.

35. Framing of rules.—The State Government, may, for any special Security Zone, frame rules to prevent and control the activities of persons or organizations, which may have an impact on internal security or public order.

CHAPTER V

EFFECTIVE CRIME INVESTIGATION

36. Investigation by District Police.—(1) The State Government may, by notification in the Official Gazette, cause separation of law and order machinery from the investigation wing in such municipal areas, as may be deemed appropriate by it in order to bring about more professionalism. The investigation

staff shall ordinarily not be diverted for any other duties, except with the permission of [1][the Inspector General of Police or the Deputy Inspector General of Police] of the Range concerned.

(2) The State Government shall create in every district, specialized crime investigation unit, headed by an officer, not below the rank of an Inspector with an appropriate strength of officers and staff, for investigating such categories of specialized crime, as may be deemed appropriate. The personnel posted in this unit shall not be diverted to any other duty, except under exceptional circumstances with the written permission of [1][the Inspector General of Police or the Deputy Inspector General of Police] of the Range concerned.

37. Selection of officers.—The officers posted in special crime investigation units shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall be upgraded, from time to time, through specialized training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

38. Investigation of Crime.—The officers posted in the special crime investigation units may investigate crimes, such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, specified by the Director General of Police, besides any other cases, specially entrusted to the unit by the Senior Superintendent of Police of a district.

39. Legal and Forensic advice.—The State Government may provide necessary legal and forensic aid to investigating officer during investigation.

CHAPTER VI

ROLE, FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE

40. Role, functions and Duties of Police.—The role and functions of the police shall be,—

(a) to prevent and detect crime;

(b) to uphold and enforce the law impartially, and to protect life, liberty and property, human rights and dignity of the people;

(c) to maintain law and order;

(d) to maintain internal security;

(e) to promote and preserve public order;

(f) to provide possible help to people in distress or in situations arising out of natural or man-made disasters;

(g) to facilitate orderly movement of people and vehicles and also to control and regulate traffic on roads and highways with a special emphasis on checking the violations under the Motor Vehicles Act, 1988 and the rules made thereunder, falling under the following categories, namely:—

1. Subs. by Punjab Act No. 9 of 2018, for "the Deputy Inspector General of Police".

(i) those, endangering the lives of road users;

(ii) those, restricting the smooth flow of traffic on roads; and

(iii) those, adding to the pollution of the environment;

(h) to register and investigate all cognizable offences coming to their notice, duly supplying a copy of First Information Report to the complainant forthwith and to carry out further investigation as per law;

(i) to collect intelligence relating to matters, affecting public peace, crime, social harmony and security of State and take appropriate action;

(j) to take charge of all unclaimed property and take action as per relevant rules;

(k) to prevent and control public nuisance; and

(l) to enforce any other duty assigned by law.

41. Social responsibilities of the police.—It shall be the duty of every police officer to,—

(a) extend due courtesy while dealing with people;

(b) guide and assist people especially those, needing help and protection;

(c) provide all possible assistance to victims of crime and of road accidents, and in particular, make efforts that they receive timely medical aid;

(d) be impartial and respectful for human rights, with special attention to weaker sections, while dealing with situations of conflict;

(e) prevent harassment of women and children in public places;

(f) render assistance to the people, particularly women, children, and the poor persons, against criminal exploitation by any person or organized group of persons;

(g) arrange for legally permissible assistance and shelter to every person in custody and making known to all such persons, provisions of legal aid schemes, available from the Government and also inform the authorities; and

(h) actively work towards checking the social evils of drugs and female foeticide.

42. Senior police officer performing duties of subordinate officer.—A senior police officer may, perform any duty, assigned by law or by a lawful order to any subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more convenient effect to the law or for avoiding any infringement thereof.

43. Police officers to keep diary.—(1) It shall be the duty of every officer in-charge of a Police Station to keep a general dairy in such form, as may, from time to time be specified by the State Government and to record therein, all complaints and charges made, the names of all persons arrested, the offences complained

against them, the names of complainants, the weapons or property that have been taken from their possession or otherwise or the witnesses, who have been examined.

(2) Every Police Station shall keep such record, registers, forms and returns, as may be prescribed.

(3) The State Government or the Director General of Police, may specify returns, reports and statements connected with prevention and detection of crime, maintenance of order, performance of duties, administration and management of the Police Service, required to be maintained at different levels.

44. Authority of district Senior Superintendent of Police over village watchmen.—With a view to carry out the purposes of this Act, the State Government may declare that the authority, which is or may be exercised by the District Magistrate over a village watchmen for the purposes of policing, shall be exercised by the district Senior Superintendent of Police.

Provided that such an authority shall be exercised under the overall control of the District Magistrate.

CHAPTER VII

REGULATION, CONTROL AND DISCIPLINE

45. Issue of directions or orders.—The Director General of Police shall be competent to issue directions or orders, not inconsistent with the provisions of this Act or the rules framed there under regarding,—

(a) prevention and investigation of crime;

(b) maintenance of law and order;

(c) regulation and inspection of the police organization and of the work performed by the police officers;

(d) regulating the issue and use of arms and ammunition;

(e) wearing of uniform;

(f) organization, classification and distribution of the police force;

(g) recruitment subordinates, special police officers and ministerial staff;

(h) specifying the places of residence of the members of the police service;

(i) internal vigilance within the police;

(j) institution, management and regulation of any Non-Government fund for the purposes connected with the police administration or welfare of police personnel;

Explanation.—For the purpose of this clause, "Non-Government Fund" shall mean a Fund, in which no contribution is made either by the State Government or by the public;

(k) regulation, deployment, movement and location of the police;

(l) assignment of duties to the officers of all ranks and grades, and specifying the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;

(m) regulating the collection and communication or intelligence and information by the police;

(n) specifying the record, registers and forms to be maintained and the returns, to be submitted by different police units and officers;

(o) community policing;

(p) functioning of police stations and other units;

(q) training of the police force and management of training institutions;

(r) generally, for the purpose of administering this Act and for rendering the police more efficient, and preventing abuse of power or neglect of duties by them; and

(s) covering any aspect of police administration, which is incidental or co-related to the provisions of this Act or the rules framed thereunder.

46. Police officers to be always on duty.—Every police officer shall be considered to be always on duty, and may at any time, be deployed in any part of the State or outside the State.

47. Abdication of duties.—No police officer shall abdicate his duties or withdraw himself from his or her place of posting or deployment, without proper authorization.

Explanation:—An officer who, remains absent after expiry of authorized leave without reasonable cause, shall be deemed within the meaning of this section to have withdrawn himself from the duties of his office.

48. Employment in office of profit.—No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

49. Penalty for causing disaffection.—(1) Whoever, intentionally causes or attempts to cause, or does any act, which is likely to cause disaffection towards the Government, established by law, amongst the members of a police force, or induces or attempts to induce or does any act, which is likely to induce any member of police force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment, which may extend to three years or with fine, which may extend to ten thousand rupees, or with both.

Explanation.—The expression of disapproval of measures of the State Government by lawful means, or disapproval of the administrative or other action of the State Government, do not constitute an offence under this section, unless they cause or are taken for the purpose of causing disaffection.

50. Restrictions respecting right to form association, freedom of speech.—(1) No member of a police Service shall, without the express sanction of the State Government,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association;

(b) be a member of, or be associated in any way with any other society, institution, association or organization that is not recognized as part of the Police Service of which, he is a member:

Provided that if such a society, institution, association or organization is purely social, recreational or of religious nature, a member of the Police Service, may become its member; and

(c) communicate with the press or publish or cause to be published any book, letter or other document, except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic, scientific character or is of a prescribed nature.

(2) No member of a police Service shall participate in, or address, any meeting or take part in any demonstration for any political purpose or for such other purposes, as may be prescribed.

(3) Any person violating the provisions of this section, shall be liable to face disciplinary action as per the provisions of this Act or the rules made thereunder.

51. Penalty.—Any person who contravenes the provisions of sub-sections (4) of Section 34, shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to three years, or with fine, which may extend to ten thousand rupees or with both.

52. Deployment of a member of Police Service beyond the State.—Subject to any orders, which the Central Government may make in this behalf, a member of the Police Service may be deputed to discharge his duties in any other State, and shall, while discharging his duties there, be deemed to be a member of the Police Service of that State and be vested with the powers, functions and privileges and be subject to the liabilities of a Police officer belonging to the Service of that State.

53. Extension to disciplinary laws of State to member of service when serving outside State.—In the event of any component of the Police Service serving in any other State, whether independently or by being attached to the Police Service of that other State, every member of the said component, while discharging the duties of a police personnel in that other State, shall continue to be subject to the same laws in respect of discipline as would have been applicable to him, if he had been discharging those duties within the State.

CHAPTER VIII

POLICE ACCOUNTABILITY

[1][**54. Constitution of the State Police Complaints Authority and the Divisional Police Complaints Authority.**—(1) The State Government shall by notification in the Official Gazette, constitute a State Police Complaints Authority for the State of Punjab and the Divisional Police Complaints Authority for each, or a group of districts or police commissionerate, to exercise the powers and perform the functions conferred upon, or assigned to the State Authority and the Divisional Authority under this Act.

(2) The State Police Complaints Authority shall consist of the following who shall be appointed by the State Government, by notification in the Official Gazette,—

1. Subs. by Punjab Act No. 22 of 2014.

(i) a Chairperson, who is or a retired Civil Services Officer not below the rank of Chief Secretary of the State Government or a Secretary to the Government of India or a retired Director General of Police of the State Government;

(ii) two members from amongst the following:—

(a) a civil service officer who has retired from a post not below the rank of Principal Secretary to the State Government; or

(b) a police officer who has retired from a post not below the rank of Additional Director General of Police of the State Government; or

(c) persons belonging to the State of Punjab with repute and contribution in the field of academia, social work, public affairs or law:

Provided that the State Police Complaints Authority shall have at least one woman as a member in case the Chairperson is not a woman.

(3) The Divisional Police Complaints Authority shall consist of the following who shall be appointed by the State Government, by notification in the Official Gazette and shall have the jurisdiction in the area as specified by the State Government,—

(a) a Chairperson, who was a civil service officer retired from a post not below the rank of Secretary to the State Government or a police officer who has retired from a post not below the rank of Deputy Inspector General of Police of the State Government;

(b) two members from amongst the following:—

(i) a police officer who has retired from a post not below the rank of Senior Superintendent of Police of the State Government; or

(ii) Persons belonging to the State of Punjab with repute and contribution in the field of academia, social work, public affairs or law:

Provided that the Divisional Police Complaints Authority shall have at least one woman as a member in case the Chairperson is not a woman.

54A. Term of office of the Chairperson and the Members.—A person appointed as Chairperson or Member of the State Police Complaints Authoirty or the Divisional Police Complaints Authority shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of seventy years whichever is earlier.

54B. Eligibility of Chairperson and Members.—A person shall be eligible to be appointed as Chairperson or Member of the State Police Complaints Authority or the Divisional Police Complaints Authority if he—

(a) is a citizen of India;

(b) is not holding an office of profit under the Central or State Government;

(c) does not hold any elected office, including that of a Member of Parliament or of a Member of State Legislature or of any local body under the Government;

(d) is not a member of or is associated in any manner with, an organization declared unlawful under any law;

(e) has not been convicted for any criminal offence involving moral turpitude; or for any other criminal offence;

(f) is not facing prosecution for any offence mentioned in clause (e) and against whom charges have not been framed by a court of law; and

(g) is not of an unsound mind.

54C. Resignation and removal of Chairperson and Members.—(1) The Chairperson or any Member of the State Police Complaints Authority or the Divisional Police Complaints Authority may, by notice in writing under his hand addressed to the State Government, resign from his office.

(2) The State Government may remove the Chairperson or any Member, on the following grounds, if he—

(i) is adjudged an insolvent; or

(ii) has been convicted by a criminal court at any time for an offence which, in the opinion of the State Government, involves moral turpitude; or

(iii) is persistantly negligent to perform his duties; or

(iv) has acquired such financial or other interest which is likely to affect prejudicially his functions as a Chairperson or a Member; or

(v) is in a situation that would make him ineligible for appointment as per the conditions of eligibility given in section 54B:

Provided that the State Government may remove the Chairperson or any Member of the State Police Complaints Authority or the Divisional Police Complaints Authority for any other reasons to be recorded in writing.

54D. Functions of State Police Complaints Authority.—The State Police Complaints Authority shall inquire into allegations of 'serious misconduct' against police officers of the rank of Senior Superintendent of Police/Deputy Commissioner of Police and above, by taking cognizance on receipt of a complaint from a victim or any person duly authorized on his behalf through a self attested declaration.

54E. Functions of the Divisional Police Complaints Authority.—The Divisional Police Complaints Authority shall inquire into the allegations of 'serious misconduct' against police personnel of, and below, the rank of Superintendent of Police/Assistant Commissioner of Police on a complaint received from a victim or any person, duly authorized on his behalf, through a self-attested declaration.

Explanation.—'Serious misconduct', for the purpose of sections 54D and 54E, shall mean any act or omission on the part of a police officer that leads to or amounts to—

(a) grievous hurt in police custody;
(b) illegal detention;
(c) extortion;
(d) land/house grabbing;
(e) sexual harassment; and
(f) any complaint referred by the State Government:

Provided that the State Police Complaints Authority or the Divisional Police Complaints Authority shall not inquire into any matter which is already being inquired by National Human Rights Commission or State Human Rights Commission, or any other body duly constituted under any law for the time being in force:

Provided further that the State Police Complaints Authority or the Divisional Police Complaints Authority shall not inquire into any complaint pertaining to any matter older than a year:

Provided further that no anonymous, synonymous, pseudonymous and non-specific complaint(s) shall be entertained by the State Police Complaints Authority or the Divisional Police Complaints Authority.

54F. Rules for conduct of business.—The State Police Complaints Authority shall make rules for the conduct of its business, and that of the Divisional Police Complaints Authorities, with the approval of the State Government.

54G. Remuneration, allowances and terms and conditions of service of Chairperson and members.—The remuneration and allowances payable to, and other terms and conditions of service of, the Chairperson and Members of the State Police Complaints Authroity and the Divisional Police Complaints Authority shall be such as may be prescribed:

Provided that the remuneration and allowances, other terms and conditions of the Chairperson, or a Member of the State Police Complaints Authority and the Divisional Police Complaints Authority, shall not be varied to his disadvantage after his appointment.

54H. Powers of the Authority.—(1) For the purpose of making an inquiry referred to in sections 54D and 54E, the State Police Complaints Authority and the Divisional Police Complaints Authority shall be vested with powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:—

(i) summoning and enforcing the attendance of any person and examining him on oath;
(ii) discovery and production of any document;
(iii) receiving any public record or copy thereof from any court or office; and
(iv) issuing summons for the examination of witnesses or documents.

(2) The State Police Complaints Authority or the Divisional Police Complaints Authority, as the case may be, before finalizing its opinion, shall give the head of the State Police or head of the district police, as the case may be, an opportunity to present the department's views and additional facts, if any.

(3) The State Police Complaints Authority or the Divisional Police Complaints Authority, as the case may be, shall, upon completion of the inquiry, communicate its findings and recommendations to the State Government.

(4) The State Government shall consider the findings and recommendations of the State Police Complaints Authority and the Divisional Police Complaints Authority for taking appropriate action.

54-I. Annual Reports.—Each Divisional Police Complaints Authority, shall prepare and submit to the State Police Complaints Authority, an annual report for the last calendar year before the 31st of January of the succeeding year. The State Police Complaints Authority shall compile a report, by clubbing all the reports submitted to it by the Divisional Police Complaints Authorities alongwith its own report, and shall submit it to the State Government. The annual report submitted to the State Government shall be laid as soon as may be, after its submission, before the House of the State Legislature while it is in session, for a period of fourteen days, which may be comprised in one session or in two or more successive sessions.]

CHAPTER IX

WELFARE AND GRIEVANCE REDERSSAL MECHANISM FOR POLICE PERSONNEL

55. Welfare.—The State Government shall designate an officer, not below the rank of an Assistant Inspector General of Police to head a police welfare wing in the office of the Director General of Police to aid and advise him in the implementation of welfare measures for police personnel.

56. Creation of Police Welfare Fund.—A police welfare fund shall be created under the administration and control of the Director General of Police for the welfare activities and programmes for police personnel which, shall consist of the following contributions, namely:—

(a) contributions by members of the police Service; and

(b) such financial grants, as may be given by the State from time to time.

57. Grievance Redressal.—The Director General of Police, with the approval of the State Government, shall constitute, a fair and transparent police grievance redressal mechanism for looking into the grievances of police personnel.

CHAPTER X

GENERAL OFFENCES, PENALTIES AND RESPONSIBILITIES

58. Regulation of public assemblies and processions.—(1) The Senior Superintendent of Police of a district or an office. mot below the rank of Assostamt Superintendent of Police or Deputy Superintendent of Police may, where necessary,

regulate the conduct of all assemblies and processions on any public road, street or thoroughfare, and specify the routes by which and the time, at which such a procession may pass.

(2) It shall be the duty of the person who organizes a procession on any road, street or thoroughfare, or who convenes an assembly at any public place, to give intimation in writing to the officer incharge of the concerned Police Station.

(3) The Senior Superintendent of Police of a district or any officer, not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may take necessary steps including making provision for satisfactory regulatory arrangements, upon which alone, such assembly or procession may take place. For special reasons to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions shall be given within forty-eight hours of receipt on intimation, as far as possible.

59. Regulation of use of music and other sound systems in public places.— The Senior Superintendent of Police of a district or any officer, not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police, may regulate the time and the volume, at which music and other sound systems are used in connection with any performance and other activities in or near streets or any public place that may cause annoyance to the resident of the neighbourhood.

60. Direction to keep order on public roads.—(1) The Senior Superintendent of Police of a district or any police officer, authorized by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets; thoroughfares, or any public place, in order to prevent obstruction, injuries or annoyance to the passers-by.

(2) The Senior Superintendent of Police of a district may issue general directions under sub-section (1), in respect of the whole district or any part thereof.

61. Penalty and composition of offences.—Whoever contravenes the provisions of sections 58, 59 or 60 shall be punished with imprisonment of either description for a term, which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both:

Provided that either before or after the institution of prosecution, these offences may be compounded before the competent authority or the court of such amount, as the State Government may, by notification in the Official Gazette, specify in this behalf.

62. Power to reserve public places and erect barriers.—(1) The Senior Superintendent of Police of a district may, by public notice, temporarily reserve for any public purpose, any street or other public place, and prohibit entry to such an area, except on such conditions as may be specified.

(2) The Senior Superintendent of Police of a district, may authorize any police officer to erect barriers and other necessary structures on public roads and streets to check vehicles or occupants thereof to ensure safety and security.

(3) While acting under sub-section (2), the Senior Superintendent of a district, shall specify the necessary steps to be taken for ensuring the safety of passers-by.

(4) The temporary structures shall be removed, once the purpose for which they were installed, is achieved.

63. Obstruction in Police Work.—Any person, who obstructs the discharge of duties and functions of a Police Officer, shall, on conviction, be liable to simple imprisonment for a term, not exceeding three months or with fine of rupees five thousand or with both.

64. Unauthorized use of Police Uniform.—Whoever, not being a member of the Police Service, wears, without obtaining permission from an officer, authorized in this behalf by the State Government by a general or special order, a police uniform or any dress, having the appearance of or bearing on any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment for a term, not exceeding six months or with fine, not exceeding rupees ten thousand or with both.

65. Refusal to return certificate etc. on ceasing to be police officers.—Whoever, having ceased to be a police officer, does not forthwith his certificate of appointment, clothing accouterment and other wherewithal supplied to him for the execution of his duty, shall on conviction by a Court of law, be punished with imprisonment for a term, not exceeding six months or with fine, not exceeding rupees ten thousand or with both.

66. False or misleading statements made to Police officer.—Whoever, makes a false Statement or a statement which is misleading in material particulars, to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term, which may extend to six months or with a fine, not exceeding rupees ten thousand or with both.

67. Offences by a Police Officer.—Whoever, being a Police Officer,—

(a) intentionally abdicates his duties or withdraws from duties; or

(b) uses criminal force against another police officer, or indulges in gross insubordination;

(c) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or uses physical force to compel any authority to concede anything; or

(d) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public.

shall on conviction by a court, be punished with imprisonment for a term, which may extend to one year or with a fine, not exceeding ten thousand rupees or with both.

68. Offences by Public.—(1) A person shall on conviction by a court, be liable to imprisonment for a term, not exceeding one month or with fine of not less than

one thousand rupees or with both, when he commits any of the following offences on any public road, or street or thoroughfare, or footpath, or any municipal council or corporation or notified area to the inconvenience, annoyance or danger of the residents or passers-by, namely:—

(a) allows intentionally any cattle to stray or keeps standing any cattle or conveyance of any kind thereon longer than is necessary for loading or unloading or for taking up or getting down passengers, or leaves thereon any conveyance in such a manner, as to cause inconvenience or danger to the public or uses the public road or thoroughfare or footpath for sale or storage of goods;

(b) being found intoxicated and riotous;

(c) indulges in a drunken brawl or affray or assaults any person or indulges in any indecent exposure of the body;

(d) neglects to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession or otherwise creates a hazardous situation in a public place;

(e) defaces or affixing notices, or writing or drawing on walls, buildings, road signs or other structures without the prior permission of the custodian of the property;

(f) wilfully damaging or sabotaging any public alarm system;

(g) wilfully enters or remains without sufficient cause, in or upon any building, belonging to the Government or land or ground attached thereto, or on any vehicle belonging to the State Government;

(h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;

(i) acts in contravention of a notice publicly displayed by the competent authority in any State Government building;

Provided that the police shall take cognizance of this offence only upon a complaint made by an authorized functionary of the concerned office;

(j) knowingly spreading rumours or causes a false alarm to mislead the police, fire brigade or any other essential service;

(k) causes annoyance to a women by making indecent overtures of calls or by stalking;

Provided that the police shall take cognizance of this offence only upon a complaint made by the victim, or any other person authorized by her; and

(l) releases any obnoxious gas or fluid which causes annoyance or inconvenience or likely injury to anyone.

(2) Offences under sub-clauses (b), (c), (f), (g), (h), (k) and (l) of sub-section (1), shall be cognizable and bailable.

(3) Whoever, commits any offence under sub-section (1), on subsequent conviction, shall be liable to enhanced punishment, of imprisonment, not exceeding three months.

69. Prosecution of Police Officers.—No suit or other legal proceeding shall lie against a Police Officer for any act, done in good faith or intended to be done in pursuance of this Act or of any rules or any order made thereunder, except on a report in writing of the facts, constituting such offence by, or with the previous sanction of an officer, authorized by the State Government in this behalf.

70. Prosecution for offences under other laws.—Subject to the provisions of section 300 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), nothing contained in this Act shall bar the prosecution of any person under any other law, for anything done or made punishable under this Act.

71. Limitation of actions.—No Court shall take cognizance of any offence under this Act after the expiry of the period of limitation, as provided under Chapter XXXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

CHAPTER XI

MISCELLANEOUS

72. Powers of Senior Superintendent of Police to be exercised by Commissioner.—All powers, functions and duties of the Senior Superintendent of Police of a district described under this Act, shall be exercised, in respect of areas notified under section 8, by the Commissioner or any other Officer, who may be authorized in this behalf by State Government.

73. Disposal of fees and rewards.—All fees paid for licenses or written permissions, issued under this Act, and all sums paid for the service of processes by police personnel, and all rewards, forfeitures and penalties or shares thereof, which are by law payable to police officers as informers, shall, save in so far as any such fees or sums are payable under the provisions of any other law in force to any local authority, be credited to the State Government in such manner, as may be prescribed.

74. Validity of orders and actions.—No order, direction, or act done under any provision of this Act, or under the rules made thereunder, shall be illegal, void or invalid merely by reason of any defect or form.

75. Officers holding charge of or succeeding to vacancies.— A Police Officer taking charge of an office for a temporary period, shall exercise the same powers and duties of that office as conferred under this Act, on an officer holding regular charge of that office.

76. Licenses and permissions.—(1) Any license or written permission granted under the provisions of this Act, or the rules framed thereunder, shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee, as may be prescribed.

(2) If any of the conditions or restrictions, subject to which a license or written permission was granted under this Act, is infringed or evaded by the person to whom it was granted, or if such person is convicted of any offence in any matter to which such license or permission relates, the license or written permission so granted, shall be suspended or revoked by the competent authority.

(3) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted, shall, for all purposes of this Act, be deemed to be without a license or written permission, until the order for suspending or revoking the same, is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purpose of this section, any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person, to whom the license or written permission has been granted, shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such license or written permission has been granted.

77. Public notices.—Any public notice required to be given under any of the provisions of this Act, shall be in writing under the signature of a competent authority and shall be published in the locality, to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers of English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means or by any other means, as it may think suitable:

Provided that the publication of notice may be dispensed with by the competent authority in public interest for reasons, to be recorded in written.

78. Consent of competent authority.—Whenever under this Act, the doing of or the omission to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document, signed by a competent authority purporting to convey or set forth, such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

79. Signature on notices.—Every license, written permission, notice, or other document, not being a summons or warrant, search warrant, required by this Act, or the rules made thereunder, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of its signature stamped thereon.

80. Power to make rules.—(1) The State Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, within one year from the date on which this Act, come into force.

(2) Every rule made under this Act, shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules, or the House agrees, that the rules should not be made, thes rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

81. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appeal to be necessary for removing the difficulties.

(2) Every notification issued under this section shall, as soon as may be, after it is issued, be laid before the State Legislature.

82. Power to try casels summarily.—Subject to the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act, other than those where specifically mentioned otherwise, shall be non-cognizable and be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf.

83. Provision of Code of Criminal Procedure, 1973 to apply to this Act.—The provisions of this Act, shall apply in so far as they are not inconsistent with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

84. Withdrawal of orders.—(1) Any order or orders, issued by the State Government under section 46 of the Police Act, 1861, extending its operation form time to time to the territories of the State of Punjab, shall be deemed to have been withdrawn on and with effect from the date of commencement of this Act.

(2) Notwithstanding such withdrawal, anything done or any action taken or any proceedings instituted by virtue of the order or orders, referred to in sub-section (1), shall be deemed to have been done or taken or instituted under this Act.

85. Continuation of Punjab Police Rules, 1934.—The Punjab Police Rules, 1934, framed under the Police Act, 1861 (Central Act 5 of 1861), shall remain in force, unless those rules are specifically superseded.

❑❑❑

THE HARYANA POLICE ACT, 2007[1]

(Act No. 25 of 2008)

An Act to provide a new State police law for establishment, regulations and management of the police, redefine its role, duties and its responsibilities and to enable it to function as an efficient, professional, effective, accountable, people friendly and responsive agency by taking into account the emerging challenges of policing, enforcement of rule of law, the concern for security of the State and the people, good governance and human rights.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India.

CHAPTER I

DEFINITIONS AND INTERPRETATIONS

1. Short title, extent and commencement.—(1) This Act may be called the Haryana Police Act, 2007.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

[2][(ia) "Authority" means the State Police Complaint Authority constituted under section 59;]

(a) "cattle" include cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;

[2][(aa) "Chairperson" means the Chairperson of the Authority or District Police Complaint Authority, as the case may be;]

(b) "commissioner" means Commissioner of Police appointed as such under Section 8 of this Act;

(c) "competent authority" means the authority as may be prescribed;

[2][(cc) "District Police Complaint Authority" means the District Police Complaint Authority constituted under section 68;]

(d) "group C posts" means the posts so categorized under the relevant State Service Rules;

(e) "insurgency" includes waging of armed struggle by a group or a section of population against the State with a political objective including the separation of a part from the territory of India;

(f) "internal security" means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;

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1. This Act come into force on 1st November 2008 *vide* Notification No. S.O. 98/H.A. 25/2008, S.1/2008 published in Haryana Govt. Gazette at Page No. 1118 dated 10th Oct. 2008.
2. Ins. by Act 23 of 2014, dated 1st August, 2014.

[1][(ff) "member" means the member of the Authority or District Police Complaint Authority, as the case may be;]

(g) "militant activities" include any violence of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;

(h) "municipal area" means the area as defined in the Haryana Municipal Act, 1973 (24 of 1973) and the rules made thereunder;

(i) "organized crime" includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;

(j) "police district" means the area as is notified under section 10 of Chapter II of this Act as distinct from a revenue district;

(k) "place of public amusement and public entertainment" include such place as may be notified by the State Government;

(l) "police officer" means any member of the police service of the State constituted under this Act and includes Indian Police Service (IPS) officers of State cadre;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "public place" means any place to which the public have access and includes,-

(i) a public building, market, malls, trains, buses, monuments and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(o) "regulations" means regulations made under this Act;

(p) "rules" means rules made under this Act;

(q) "service" means the police service constituted under this Act;

(r) "State Government" means the Government of the State of Haryana in the Administrative Department;

(s) "subordinate rank" means all ranks below the Assistant or Deputy Superintendent of Police;

(t) "terrorist activity" includes any activity of a person or a group using explosive or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe Government established by law.

(2) Words and expressions used in this Act but not defined specifically shall have the meanings assigned to them in the General Clauses Act, 1897 (Act 10 of 1897), the Code of Criminal Procedure, 1973 (Act 2 of 1974) and the Indian Penal Code, 1860 (Act 45 of 1860).

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1. Ins. by Act 23 of 2014, dated 1st August, 2014.

CHAPTER II

CONSTITUTION AND ORGANIZATION OF POLICE SERVICE

3. Constitution of police service.—There shall be one Police service for the State, constituted by the State Government under this Act. Notwithstanding anything contained in any other law or any of the provisions of this Act, members of the police service shall be liable for posting anywhere in the State and outside the State as ordered by the competent authority and to any branch of the service in the State, including any of its specialised wings.

4. Organization and composition of police service.—Subject to the provisions of this Act.—(1) the police service shall consist of such numbers in various ranks and have such organization or cadres as the State Government may, by general or special order, determine and shall include the members of the Indian Police Service allocated to the State;

[1][(2) The Direct recruitment to various non-gazetted ranks in the police service shall be made through the Haryana Staff Selection Commission and gazetted posts shall be made through Haryana Public Service Commission as per relevant applicable service rules, by adopting a transparency process.]

(3) the pay, allowances, service conditions, mode of recruitment of the police personnel shall be such as may be prescribed from time to time;

(4) police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity.

[2][**4A. Dissolution of State Level Recruitment Board.**—(1) The State Level Recruitment Board constituted *vide* Haryana Government, Home Department, Notificaiton No. S.O. 52/H.A. 25/2008/S.4A/2013, dated the 15th May, 2013 is hereby dissolved.

(2) Notwithstanding such dissolution—

(a) anything done or any action taken by the State Level Recruitment Board shall not be invalidated;

(b) all the recommendations made by the State Level Recruitment Board, pending with the Home Department shall be subject to the approval of the Government;

(c) proceedings pending before the State Level Recruitment Board, before dissolution shall stand transferred to the Haryana Staff Selection Commission; and

1. Subs. by Act 17 of 2015, sec. 2, for sub-section (2). Sub-section (2) before substitution stood as under:—
"(2) The direct recruitment to various gazetted and non-gazetted ranks in the police service shall be made through a State Level Police Recruitment Board and if required, also through District Level Police Recruitment Boards/Committees by a transparent process, adopting well codified systems which shall be framed under this Act;"

2. Subs. by Act 17 of 2015, sec. 3, for section 4A. Section 4A before substitution stood as under:—
"**4A. Constitution of Boards.**—The State Government shall by notification, constitute a State Level Police Recruitment Board and may also constitute as many District Level Police Recruitment Boards/Committees as may be necessary for recruitment to various ranks in the police service."

(d) all the assets of the State Level Recruitment Board shall vest in the Home Department.]

[1][***]

5. Appointment of Director General, Additional Director General, Inspector General, Deputy or Assistant Inspector General.—(1) For the overall direction and supervision of the Police service, the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed.

(2) The State Government may appoint one or more Directors General of Police, Additional Directors General, and as many Inspectors General, Deputy or Assistant Inspectors General of Police as may be necessary.

(3) The State Government may, by a general or special order direct in what manner and to what extent Additional Director General or an Inspector General or a Deputy or Assistant Inspector General of Police shall assist and aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties and responsibilities.

[2][**6. Selection and term of office of Director General of Police.**—(1) The State Government shall appoint the Director General of Police from amongst the Indian Police Service officers from a panel of at least three eligible officers borne on the cadre of the State of Haryana or any other State cadre, who are in the rank of Director General of Police, based on their service record and range of experience, having a reasonable period of remainder service left as on the date of appointment:

Provided that such a panel shall be prepared by a committee comprising of the Chief Secretary, Haryana, the Additional Chief Secretary to Government, Haryana, Home Department and the outgoing Director General of Police, Haryana or an expert in internal security as may be decided by the State Government.

(2) The Director General of Police so appointed shall have a tenure of not less than one year extendable up to one more year irrespective of his date of superannuation:

Provided that the Director General of Police may be relieved of his responsibilities from the post before the expiry of his tenure by the State Government in consultation with the State Security Commission, consequent upon:—

(a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

(b) punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1969 or any other relevant rule; or

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1. Sec. 4B to Sec. 4G omitted by Haryana Act No. 17 of 2015.
2. Subs. by Haryana Act No. 1 of 2019.

(c) incapacitation by physical or mental illness or otherwise unable to discharge his functions as the Director General of Police; or

(d) promotion to a higher post under either in the State or the Central Government.]

7. Appointment of Legal and Finance Officers.—(1) The State Government may appoint adequate Legal officers and Finance officers to aid and advise the Director General of Police on legal and financial matters, as may be prescribed.

(2) The State Government may also appoint in every District Police Unit and City Police Commissionerate, as the case may be, one or more Legal officers to advise the police on legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them.

(3) Appointment of officers under sub-sections (1) and (2) shall be made in the manner as may be prescribed.

8. Administration of police in municipal areas, major urban areas and other notification areas.—The State Government may, by notification in the Official Gazette, establish for each of the major urban areas as may be notified for the purpose from time to time, a police system which is capable of handling the typical complex problems of crime, public order and internal security in urban or suburban areas, which call for quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialization, and legal authority coupled with accountability as follows:—

(i) the State Government may appoint a police officer not below the rank of Inspector General of Police to be the Commissioner for any area specified in a notification issued by the State Government in this behalf and published in the Official Gazette:

(ii) the Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order:

Provided that the State Government may direct that any of the powers, functions and duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, or discharged subject to the control of the Director General of Police:

Provided further that in any area for which a Commissioner is appointed and is empowered to exercise any power or perform any function or duty under this Act or any other Act, the District Magistrate shall not exercise the same power or perform the same function or duty notwithstanding the fact that such area forms part of a district within the territorial jurisdiction of the District Magistrate.

9. Creation of police range.—The State Government may, by notification in the Official Gazette, divide the entire geographical area of the State into one or

more police ranges. Each range, comprising two or more police districts, shall be headed by an officer of the rank of Inspector General of Police who shall supervise the police administration of the range and report to the Director General of Police.

10. Police districts.—The State Government, in consultation with the Director General of Police, may be notification in the Official Gazette, declare any area within the State to be a police district. The administration of the police throughout such district shall vest in the Superintendent of Police of a district who may be assisted by as many Additional, Assistant or Deputy Superintendent of Police, as deemed necessary and are notified.

11. District Level Special Cells and Sub-Divisions.— (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, by notification in the Official Gazette, create one or more Special Cells in each Police District, to be headed by an officer of not below the rank of Inspector.

(2) The State Government may, by notification in the Official Gazette divide each police district into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant or Deputy Superintendent of Police.

12. Police Stations.—(1) The State Government may, on recommendation of the Director General of Police and by notification in the Official Gazette, create as many police stations with as many outposts as may be necessary, in a police district as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the police station.

(2) Each police station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police.

(3) There shall be a crime investigation unit of appropriate strength in each police station.

(4) The Superintendent of Police of a district may constitute a Community Liaison Group as may be prescribed for each Police Station comprising respectable local residents of the area including the representatives of the weaker sections and women with unimpeachable character and antecedents and aptitude for community service to aid and advice the police in its functioning.

13. Terms of office of key police functionaries.—(1) An officer posted as Inspector General of Police of a range or Superintendent of Police of a district shall have a minimum term of one year:

Provided that any such officer may be removed by the appointing authority from his post before the expiry of the minimum tenure prescribed consequent upon:—

(a) promotion to a higher post; or

(b) conviction, or charges having been framed, by a court of law in a criminal offence; or

(c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline and Appeal Rules; or

(d) suspension from the service in accordance with the provisions of the said rules; or

(e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or

(f) the need to fill up a vacancy caused by promotion, transfer, or retirement.

(2) In exceptional cases, an officer may be transferred from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a *prima facie* case of a serious nature is established after a preliminary enquiry.

14. Coordination with district administration.—(1) For the purpose of efficiency in the general administration of the district, the Superintendent of Police of a district shall maintain proper coordination with the District Magistrate or Deputy Commissioner of the district. It shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and other relevant Acts, to coordinate and direct the functioning of the police with other agencies of district administration in respect of matters relating to the following:—

(a) promotion of land reforms and the settlement of land disputes;

(b) extensive disturbance of the public peace and tranquility in the district;

(c) conducting elections to any public body;

(d) handling of natural calamities and rehabilitation of the persons affected thereby;

(e) situation arising out of any external aggression or internal disturbances;

(f) any similar matter, not within the purview of any one department and affecting the general welfare of the public; and

(g) removal of any persistent public grievance; and

(h) communal or caste clashes.

(2) For the purpose of coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police of a district and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of coordination.

(3) For the purpose of coordination, the District Magistrate shall ensure that all departments of the district, whose assistance is required for the efficient functioning of the police, will render full assistance to the Superintendent of Police of a district.

15. Railway Police.—(1) The State Government may, by notification in the Official Gazette, create one or more special railway police districts with required number of Railway Police Sub-Divisions and railway police stations consisting

of such railway lines and other railway areas in the State as it may notify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendents of Police and such other police officers for policing such district in the manner as may be prescribed or may notify one or more police stations in each police district to police the railway lines and other railway establishments within their area.

(2) The police stations as may be notified shall be responsible for prevention, detection and investigation of crime, enforcement of law and maintenance of order in trains passing through their area, in railway lines area and other railway area falling in their jurisdiction in the manner as may be prescribed.

16. State Intelligence and Criminal Investigation Wings.—The State Police shall have a State Intelligence Wing for collection, collation, analysis and dissemination of intelligence and a separate State Crime Investigation Wing for collection, collation and analysis of criminal intelligence and for investigating, heinous crime with inter-state, inter-district ramifications, major economic offences, cyber crime and other cases of serious nature as may be prescribed.

17. Technical and Support Service.—(1) The State Government shall create and maintain such specialised and technical agencies and services, under the Director General of Police as considered necessary or expedient for promoting efficiency of police service.

(2) The services so created shall include a full-fledged Forensic Science Laboratory at the State Level, and a Finger Print Bureau, the State Crime Record Bureau, Telecommunication Wing and such other establishments as may be required from time to time. The Director General of Police may hire or engage services of any person or body of persons qualified for this purpose on contractual basis.

(3) The State Police shall have a Research Wing to undertake specific studies relating to policing and crime in the State. The Director General of Police may hire or engage services of any person or body qualified for this purpose on contractual basis.

18. Police Training.—(1) The State Government shall establish a Police Training Academy at the State Level and as many Police Training Colleges and Police Training Schools as deemed necessary for ensuring efficient post-induction training of all directly recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such other general and specialized inservice training courses for police personnel of different ranks and categories as required from time to time.

(2) The State Government shall also provide for appointment, by rules, of appropriate number of officers from the police service, or paramilitary forces or armed forces or other professional organizations, in such Police Training Academy, College and School, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the service to the faculties of such training institutions.

(3) No police officer shall be deployed on duty without undergoing and passing any basic training as may be prescribed. No Police Officer shall be promoted to any higher rank without undergoing and passing pre-promotion training as may be prescribed.

19. Oath or affirmation by Police personnel.—Every member of the police service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police of a district or Commissioner, as the case may be, or another officer appointed in that behalf by him, as the case may be, an oath or affirmation, as may be prescribed.

20. Certificate of appointment.—(1) Every police officer of or below the rank of Inspector shall on appointment receive and insignia and a certificate in the form as may be prescribed. The certificate shall be issued under the hand and seal of such officer as the State Government may by general or special order direct.

(2) The certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the service or shall remain inoperative during the period such person is suspended from the service.

21. Special Police Officers.—(1) The Superintendent of Police of a district or any officer, specially empowered in this behalf by the State Government, may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able-bodied, educated and willing person between the age of 18 and 50 years, whom he considers fit to be a Special Police Officer to assist the service.

(2) Every special police officer so appointed—

(a) shall on appointment, undergo prescribed training and thereafter receive a certificate in a form approval by the State Government in this behalf;

(b) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer;

(c) shall be honorary. However the State Government, may be special order, prescribe the honorarium to be paid to such special police officers;

(d) who refuses to act as a special police officer or neglects his duties, shall be liable on conviction by a court to a fine of minimum of one thousand rupees.

22. Rank structure in civil and armed police.—The service shall have such ranks and posts as may be prescribed or as may be notified by the State Government. The recruitment, training, posting, deputation, promotion, code of conduct, discipline, punishment and appeal and other service conditions of various ranks of service shall be as per rules.

23. District Armed Reserves and State Armed Police Battalions.—To assist the civil police in enforcement of law and maintenance of order or in situations

of likely breach of peace and in disaster management functions, in escort of prisoners, as well as to discharge such other duties which may require special weapons and tactical teams or presence of armed police, the State Government shall create Armed Police Units or Special Armed Police Units with appropriate manpower strengths in the form of an Armed Police Reserve for each police district, and appropriate number of Armed Police Battalions for the State. The constitution, recruitment, training, deployment and administration of such reserves and Battalions shall be as per rules made under this Act.

CHAPTER III

SUPERINTENDENCE AND ADMINISTRATION OF POLICE

24. Superintendence of State Police to vest in State Government.—The Superintendence of State Police shall vest in and be exercised by the State Government in accordance with the provisions of this Act, and any other law for the time being in force.

25. [1][State Security Commission].—The State Government shall, within three months of the coming into force of this Act, establish a [1][State Security Commission] to exercise the functions assigned to it under the provisions of this Chapter.

[2]**[26. Composition of State Security Commission.**—(1) The State Security Commission shall consist of the following members, namely:—

(a) the Chief Minister as its Chairperson;

(b) the Home Minister as Vice-Chairperson;

(c) the Leader of the Opposition in the State Assembly;

(d) a retired High Court Judge;

(e) the Advocate General, Haryana;

(f) the Chief Secretary;

(g) the Administrative Secretary In-charge of the Home Department;

(h) the Director General of Police as its Member-Secretary; and

(i) two non-political persons (hereinafter referred as independent members) of high integrity, expertise and competence in administration, law enforcement and security related matters to be nominated by the State Government. One member shall be a retired officer of Indian Administrative Service. The second member shall be nominated by the State Government from the field of public service, legal profession or social organizations with at least fifteen years experience in that field.

Note.—The independent members shall be honorary members.

(2) In the case of premature removal of Director General of Police, Administrative Secretary, Home shall act as the Member-Secretary of the Commission and Director General of Police shall not be Member of the Commission.

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1. Subs. by Haryana Act No. 1 of 2019, for "State Police Board".
2. Subs. by Haryana Act No. 1 of 2019.

(3) No Serving Government employee shall be appointed as an independent member.

(4) Any vacancy in the State Security Commission shall be filled up as soon as practicable after the seat has fallen vacant:

Provided that the Chief Minister may nominate any other Minister as the Vice-Chairperson in the event of his being the Home Minister also.]

27. Eligibility of Independent Members.—The person to be appointed as Independent Member of the [1][State Security Commission] shall—

(a) be a citizen of India;

(b) be at least a graduate of a recognized university;

(c) have not been convicted by a court of law or against whom charges have been framed in a court of law;

(d) not have been dismissed or removed from service or compulsory retired on the ground of corruption or misconduct; and

(e) not be of unsound mind.

28. Term of office of Independent Members.—A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than two consecutive terms.

29. Removal of Independent Members.—(1) An Independent Member may be removed from the [1][State Security Commission] by the State Government on any of the following grounds—

(a) proven incompetence; or

(b) proven misbehaviour; or

(c) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.

(2) In addition to the grounds mentioned in sub-section (1), an Independent Member shall be removed from the [1][State Security Commission] if he incurs any of the grounds of ineligibility specified under section 27.

30. Functions of [1][State Security Commission].—The [1][State Security Commission] shall perform the following functions namely:—

(a) aid and advise the State Government in discharge of its functions and responsibilities under this Act;

(b) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law; and

(c) review and evaluate organizational performance of the service in the State.

31. Expenses of [1][State Security Commission].—The expenses on account of allowances and travel of the Independent Member shall be borne by the State Government in the manner as may be prescribed.

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1. Subs. by Haryana Act No. 1 of 2019, for "State Police Board".

32. Administration of State Police.—(1) The administrator of the State Police throughout the State shall be vested in the Director General of Police and in such Additional Directors General, Inspector General, Deputy Inspectors General of Police and other police officers as may be appointed under this Act.

(2) The administration of police in a district shall vest in the Superintendent of Police of a district:

Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police, or any other authorized officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest.

33. Powers and responsibilities of Director General of Police.—As the head of the service, it shall be the responsibility of the Director General of Police to—

(a) make operational the policies and any action plans approved by the State Government; and

(b) administer, control and supervise the service to ensure its efficiency, effectiveness, responsiveness and accountability.

[1][**34. Police Establishment Committee.**—(1) The State Government shall constitute a Police Establishment Committee which shall consist of the following police officers, at the headquarter, namely:—

(a) the Director General of Police	Chairperson
(b) the Head of State Intelligence Wing	Member
(c) the Head of the Administration Wing	Member
(d) the Head of Law and Order Wing	Member

(2) The Police Establishment Committee shall decide with regard to transfer and posting of police officers of the rank of Inspectors and make recommendation on posting/transfers of officers of rank of Deputy Superintendent of Police and Superintendent of Police.

(3) The transfer and posting of subordinate ranks within a police range shall be decided by the Inspector General of Police of the range.

(4) The postings and transfer of officers of subordinate ranks within a police districts shall be decided by the Superintendent of Police of the district.

(5) The Police Establishment Committee may prepare an action plan for improving the infrastructure facilities, professionalism, general discipline in the service, modernization, training, welfare of the police personnel and any other work assigned by the State Government.]

CHAPTER IV

POLICING IN THE CONTEXT OF PUBLIC ORDER AND INTERNAL SECURITY CHALLENGES

35. Internal Security Scheme.—The Director General of Police shall, with the approval of the State Government, draw up an Internal Security Scheme for

1. Subs. by Haryana Act No. 1 of 2019.

the entire State as well as for each of the districts and urban areas notified, to deal with problems of public order and security of State as specific to the area.

36. Updating standard operating procedure.—The Internal Security Scheme shall incorporate regularly updated and comprehensive standard operating procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

37. Creation of Special Security Zone.—If and when the security of the State in an area is threatened by insurgency, any terrorist or militant activity, or activities of any organised crime group, the State Government may, by notification in the Official Gazette, declare such area as a Special Security Zone:

Provided that such notification shall be placed before the State Legislature, within a period of six months from the date of issue, or the first sitting of the Legislature, which ever is earlier.

38. Police structure.—The State Government shall create an appropriate police structure and a suitable command, control and response system, for each Special Security Zone.

39. Functioning of different wings.—The State Government, in order to ensure coordinated functioning of different wings of the administration, shall set up, in each Special Security Zone, a suitable administrative structure which shall integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security.

40. Standard operating procedures.—The Director General of Police shall, with the concurrence of the State Government, issue orders, laying down standard operating procedures to be followed by police in a Special Security Zone.

41. Banning and regulation of certain devices and substances.—The State Government may, on the recommendation of the Director General of Police, and for reasons to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices, or equipment, or any explosive, poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, if the use of such devices, or equipment, or any explosive, or poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, is reasonably considered a threat to internal security or public order in the area, in any manner.

42. Framing of rules.—The State Government, for any Special Security Zone falling within the State, may frame rules to prevent and control the activities of persons or organizations, which may have an impact on internal security or public order.

CHAPTER V

EFFECTIVE CRIME INVESTIGATION

43. Investigations by District Police.—The State Government shall, by notification in the Official Gazette, create in every district, a specialised crime

investigation unit, headed by an officer not below the rank of Inspector with an appropriate strength of officers and staff, for investigating economic and heinous crimes. The Personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Director General of Police.

44. Selection of officers.—The officers posted in special crime investigation units shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall be upgraded, from time to time, through specialised training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

45. Investigation of crimes.—The officers posted to the special crime investigation units may investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by the Superintendent of Police of a district.

46. Legal and forensic advice.—Necessary legal and forensic aid may be made available to investigating officer during investigations.

CHAPTER VI

ROLE, FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE

47. Role, functions, and duties.—The role and functions of the police shall broadly be,—

(a) to prevent and detect crime;

(b) to protect life and property and maintain law and order;

(c) to preserve public order;

(d) to provide possible help to people in distress or in situations arising out of natural or man-made disasters;

(e) to facilitate orderly movement of people and vehicles;

(f) to collect intelligence relating to matters affecting public peace, crime, social harmony and security of State and take appropriate action;

(g) to take charge of all unclaimed property and take action as per rules;

(h) to prevent and control public nuisance;

(i) to enforce any other duty assigned by law.

48. Senior police officer performing duties of subordinate officer.—A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

49. Police officers to kept diary.—(1) It shall be the duty of every officer in-charge of a police-station to keep a general diary in such form, as shall, from time to time be prescribed by the State Government and to record therein, all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that have been taken from their possession or otherwise, and the names of the witnesses who have been examined.

(2) Every police station shall keep such records registers, forms and returns as may be prescribed.

(3) The Director General of Police may specify such returns, reports and statements connected with prevention and detection of crime, maintenance of order, performance of duties, administration and management of the police service.

CHAPTER VII

REGULATION, CONTROL AND DISCIPLINE

50. Regulations.—The Director General of Police shall be competent to make regulations or issue orders, not inconsistent with the provisions of this Act or the rule framed thereunder regarding.—

(a) prevention and investigation of crime;

(b) maintenance of law and order;

(c) regulation and inspection of the police organization and of the work performed by the police officers;

(d) regulating the issue and use of arms and ammunition;

(e) wearing of uniform;

(f) prescribed the places of residence of the members of the police service;

(g) institution, management and regulation of any Non-Government fund for the purpose connected with the police administration or welfare of police personnel;

(h) regulation, deployment, movements and location of the police;

(i) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;

(j) regulating the collection and communication of intelligence and information by the police;

(k) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers;

(l) community policing;

(m) functioning of police stations and other units;

(n) training of the police force and management of training institutions;

(o) generally, for the purpose of administering this Act and for rendering the police more efficient, and preventing abuse of power or neglect of duties by them;

(p) covering any aspect of police administration which is not covered under the provisions of this Act or rules framed thereunder.

51. Police officers to be always on duty.—Every police officer shall be considered to be always on duty and may at any time be deployed in any part of the State or outside the State.

52. Abdication of duties.—No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

Explanation.—An officer who, being absent after expiry of authorized leave without reasonable cause shall be deemed within the meaning of this section to have withdrawn himself from the duties of his office.

53. Employment in office of profit.—No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

54. Penalty for causing disaffection.—Whoever, intentionally causes or attempts to cause, or does any act which is likely to cause disaffection towards the Government established by law, amongst the members of a police force, or induces or attempts to induce or does any act which is likely to induce, any member of police force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment which may extent to one year, or with fine which may extend to ten thousand rupees, or with both.

Explanation.—Expression of disapprobation of measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

55. Restrictions respecting right to form association, freedom of speech.—(1) No member of a police force shall, without the express sanction of the State Government—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association, or with any class of trade unions, labour unions or political associations;

(b) be a member of, or be associated in any way with, any other society, institution, association or organization that is not recognized as part of the force of which he is a member or is not a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other documents except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic, scientific character or is of a prescribed nature.

Explanation—If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature

under clause (b) of this sub-section, the decision of the State Government, thereon, shall be final.

(2) No member of a police force shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purpose or for such other purposes as may be prescribed.

56. Penalty.—Any person who contravenes the provisions of sections 41 and 55 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine, which may extend to ten thousand rupees or with both.

57. Employment of police officer beyond the State to which they belong.—Subject to any orders which the Central Government may make in this behalf, a member of the police force of Haryana State may discharge the functions of a police-officer in any part of any other State and shall, while so discharging such functions, be deemed to be a member of the police force of that State and be vested with the powers, functions and privileges and be subject to the liabilities of a police officer belonging to that State's police force.

58. Extension of disciplinary laws of State to member of service when serving outside State.—Where any detachment of the police force of Haryana State is serving in any part of any other State, whether independently or by being attached to the police force of that other State, then, every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline as would have been applicable to him, if he had been discharging those functions within Haryana State.

CHAPTER VIII

POLICE ACCOUNTABILITY

[1][**59. Constitution of Authority.**—(1) The State Government shall constittute a body to be called the State Police Complaint Authority to exercise the powers and perform the functions conferred on or assigned to it, under this Act.

(2) The Authority shall consist of—

(a) a Chairperson; and

(b) such member of members as deemed necesssary but not exceeding three;

(c) The Chairman and the members shall be appointed by the Chief Minister from amongst the persons of eminence having wide knowledge and experience of at least twenty years in the field of public life, academic,

1. Subs. by Act 23 of 2014, for sec. 59. Section 59 before substitution stood as under:–

"**59. State Police Complaint Authority.**–The State Government shall within six months of the commencement of this Act, establish at the State Level, a Police Complaint Authority, which shall be either a retired Judge or a retired civil servant, not below the rank of Secretary to the State or a lawyer well versed with criminal law and with an experience of at least twenty years in the relevant field, for inquiries and investigations into the complaints against the police officers and officials of the State."

law, administration and governances, criminal administration and social work on the recommendations of the State Committee to be constituted in this behalf which shall submit its proposal to the Chief Minister:

Provided that at least one of the member or the Chairperson shall be a woman.]

60. Ineligibility.—A person shall be ineligible to be appointed as [1][the Chairperson or a member of the] Authority, if he—

(a) is not a citizen of India;

(b) is above seventy years of age;

(c) is employed as a public servant;

(d) holds any elected office, including that of member of Parliament or State Legislature or any local body;

(e) is a member of or is associated in any manner with, an organization declared as unlawful under any existing law;

(f) is an office bearer or a member of any political party;

(g) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;

(h) is facing prosecution for any offence mentioned in clause (g) above and against whom charges have been framed by a court of law; or

(i) is of unsound mind and has been so declared by a competent court.

[2]**[61. Term and conditions of a Chairperson or a member of the Authority.—**(1) The term of the office of a Chairperson or a member shall be three years, unless he—

(i) resigns at any time before the expiry of his term; or

(ii) is removed from the office on any of the grounds mentioned in section 62;

(iii) attains the age of seventy years:

Provided that the Chairperson or a member shall, on the expiry of his term of office, be eligible for re-appointment for another term of three years or till he attains the age of seventy years, whichever is earlier.

(2) The remuneration, allowances and other terms and conditions of service of a Chairperson and members shall be such, a smay be notified by the State

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1. Ins. by Act 23 of 2014, dated 1st August, 2014. Sec. 60.

2. Subs. by Act 23 of 2014, for sec. 60. Section 61 before substitution stood as under:—

"61. Term of office and conditions of Authority.—(1) The term of office of the Authority shall be of three years unless—

(a) he resigns at any time before the expiry of his term; or

(b) he is removed from the office on any of the grounds mentioned in section 62.

Provided that he may be appointed for a second term also if deemed appropriate by the State Government.

(2) The remuneration, allowances and other terms and conditions of service of the Authority shall be as such as may be notified by the State Government from time to time and shall not be varied to his disadvantage after appointment."

Government, from time to time and shall not be varied to his advantage after appointment.

(3) The Chairperson or a member may, in writing under his hand, addressed to the State Government, resign from his office.]

[1][**62. Power to remove.**—(1) The Chairperson or a member of the Authority may be removed by the State Government on the grounds of—

(a) proven misconduct or misbehaviour;

(b) persistence neglect to perform duties;

(c) occurrence of any situation that would make him ineligible for appointment under section 60; or

(d) engaging himself during his term of office in any paid employment outside the duties of his office:

Provided that an equiry shall be held before removing a Chairperson or a member by a retired Judge of the High Court of Punjab and Haryana.

(2) Notwithstanding anything containedin sub-section (1), the State Government may, by order, remove the Chairperson or any member, if he—

(a) is adjudged as insolvent; or

(b) in the opinion of the State Government is unfit to continue his office by reasonof infirmity of mind or body or of proved misconduct.]

63. Supporting staff of Authority.—The Authority shall be assisted by adequate number of officers well versed with the law, finances, in investigative techniques etc. and the requisite supporting staff with terms and conditions and allowances as may be prescribed for the efficient discharge of its functions.

64. Conduct of business.—The Authority shall devise his own rules for the conduct of his business.

65. Functions of Authority.—[2][(1) The Authority shall inquire into allegations of serious misconduct against police personnel of the rank of Deputy Superintendent of Police and above as detailed below, either *suo moto* or on a complaint received from—

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1. Subs. by Act 23 of 2014, for sec. 62. Section 62 before substitution stood as under:—

"**62. Removal of Authority.**—The Authority may be removed by the State Government on the grounds of—

(a) proven misconduct or misbehaviour;

(b) persistence neglect to perform duties;

(c) occurrence of any situation that would make him ineligible for appointment under section 60; or

(d) engaging himself during his term of office in any paid employment outside the duties of his office."

2. Subs. by Act 23 of 2014, for sub-section (1). Sub-section (1) before substitution stood as under:—

"(1) The Authority shall inquire into allegations of "serious misconduct" against police personnel as detailed below, either suo motu or non a complaint received from any of the following:—

(a) a victim or any person on his behalf on a sworn affidavit;

(b) the National or State Human Rights Commission.

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(a) a victim or any person on his behalf on a sworn affidavit; or

(b) the National or State Human Rights Commission.

Explanation.—"serious misconduct" for the purpose of this Chapter shall mean any act or omission of a police officer that leads to or amounts to—

(a) rape or attempt to commit rape;

(b) death in police custody;

(c) grievous hurt;

(d) custody or detention without due process of law;

(e) extortion;

(f) acquirring property through coercion;

(g) involvement of police pesonnel in organized crime;

(h) inaction by police official in any offence as defined in the Indian Penal Code, 1860 (45 of 1860) which attracts minimum punishment of ten years or more:

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint;

Provided further that no anonymous, synonymous and pseudonymous complaints shall be entertained.]

(2) The Authority may also inquire into any other case referred to it by the Director General of Police or the State Government.

66. Powers of Authority.—In the cases directly enquired by [1][it], the Authority shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act 5 of 1908) and in particular in respect of the following matters:—

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) discover and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

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Explanation. – "Serious misconduct" for the purpose of this Chapter shall mean any act or omission of a police officer that leads to or amounts to –

(a) death in police custody;

(b) rape or attempt to commit rape;

(c) grievous hurt in police custody;

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if he is satisfied prima facie about the veracity of the complaint.

Provided further that no anonymous, synonymous, and pseudonymous complaints shall be entertained."

1. Subs. by Act 23 of 2014, for the words "him".

(e) issuing authorities for the examination of witnesses or documents; and

(f) any other matter as may be prescribed.

67. Decisions and directions of Authority.—(1) In the cases directly inquired by the Authority, [1][it] may, upon completion of the inquiry, communicate [2][its] findings to the State Government.

(2) The State Government shall consider the findings and recommendations of the Authority and take appropriate action.

[3]**[68. District Police Complaint Authority.**—(1) The State Government shall, constitute a body to be called the District Police Complaint Authority for one or more districts in exercise the powers and perform the functions conferred on or assigned to it under this Act.

(2) The District Police Complaint Authority shall consist of—

(a) a Chairperson; and

(b) such number of members not exceeding three, as deemed necessary.

(3) The Chairperson and the members shall be person of eminence having wide knowledge and experience of at least ten years in the field of public life, academics, law, administration and goverance, criminal administration and social works:

Provided that an advocate appointed to the District Police Complaint Authority shall cease to practice law during the tenure of his appointment, as such.

(4) The Chairperson and members of the District Police Complaint Authority shall be appointed by the Government on the recommendation of the committee to be constituted in this behalf.

(5) A person shall be ineligible for appointment as Chairperson or member if he—

(a) is not a citizen of India;

(b) is above sixty-five years of age;

(c) is employed as a public servant;

(d) holds any elected office, including that of Member of Parliament or State Legislature or any local body;

(e) is a member of or is associated in any manner with any organization declared as unlawful under any existing law;

(f) is an office hearer or a member of any political party;

(g) has been convicted or any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;

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1. Subs. by Act 23 of 2014, for the words "he".
2. Subs. by Act 23 of 2014, for the words "his".
3. Subs. by Act 23 of 2014, for sec. 68. Section 68 before substitution stood as under:—

"**68. District Police Complaint Authority.**—The State Government may notify and constitute a District Police Complaint Authority for each district as and when required."

(h) is facing prosection for any offence mentioned in clause (g) above and against whom charges have been framed by a court of law; or

(i) is of unsound mind and has been so declared by a competent court.

68A. Terms and conditions of Chairperson or members of the District Police Complaint Committee.—(1) The term of office of the Chairperson or member shall be three years unless—

(a) he resigns at any time before the expiry of his term; or

(b) he is removed form the office on any of the grouds mentioned in section 68B.

(2) The remuneation, allowances and other terms and conditions of service of the Chairperson of the District Police Complaint Authority shall be such, as may be notified by the State Governmen, from time to time and shall not be varied to his disadvantage after appointment.

68B. Removal.—The Chairperson/member of the District Police Complaint Authority may be removed by the State Government on the grounds—

(a) of proven misconduct or misbehaviour;

(b) of persistence neglect to perform duties;

(c) of occurrence of any situation that would make the ineligible for appointment under section 68;

(d) of engaging himself during his term of office in any paid employment outside the duties of his office.

68C. Functions of the District Police Complaint Authority.—(1) The District Police Complaint Authority shall enquire into allegations of serious misconduct against police personnel upto the rank of Inspectors either suo motu or on a complaint received from—

(a) a victim or any person on his behalf on a sworn affidavit; or

(b) the National or State Human Rights Commission.

Explanation.—"serious misconduct" shall have the same meaning as assigned to it in section 65:

Provided that no anonymous, synonmous and presudonymous complaints shall be entertained.

(2) The District Police Complaint Authority shal not enquire into—

(i) any matter where a report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has been filed in an appointment court;

(ii) any matter pending in National Human Rights Commission/State Human Rights Commission/State Commission for Scheduled Castes;

(iii) any matter falling wihtin its jurisdiction after more than one year of its alleged occurrence;

(iv) any matter arising out of use of force by the police authorities in dealing with any unlawful assembly, protest, dhara, blockage of any public passage or disruption of essential services.

(3) The District Police Complaint Authority shall decide the complaints within a period of six months from the date of receipt of the complaint.

(4) The District Police Complaint Authority shall work under the overall control and supervision of the Authority for its proper functioning.

(5) The District Police Complaint Authority shall have powers to make recommendations to the concerned disciplinary authority and it shall take appropriate action thereon.

68D. Staff.—The District Police Complaint Authority shall be assisted by adequate number of officers well versed with law, finance, invetigate techniques etc. and the requisite supporting staff on such terms, conditions and allowances, as may be prescribed, for the efficient discharge of its functions.

68E. Conduct of Business.—The District Police Complaint Authority shall devise its own rules for the conduct of its business with the approval of the Authority.]

CHAPTER IX

GENERAL OFFENCES, PENALTIES AND RESPONSIBILITIES

69. Regulation of public assemblies and processions.—(1) The Superintendent of Police of a district or an officer not below the rank of Assistant or Deputy Superintendent of Police may, where necessary, direct the conduct of all assemblies and processions on any public road, street or thoroughfare, and specify the routes by which and the time at which such a procession may pass.

(2) It shall be the duty of any person intending to organize a procession on any road, street or thoroughfare, or to convene an assembly at any public place, to give intimation in writing to the officer incharge of the concerned police station.

(3) The Superintendent of Police of a district or any officer not below the rank of Assistant/ Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may take necessary steps including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions shall be given within forty-eight hours of receipt of intimation, as far as possible.

70. Regulation of use of music and other sound systems in public places.—The Superintendent of Police of a district or any officer not below the rank of Assistant or Deputy Superintendent of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.

71. Directions to keep order on public roads.—(1) The Superintendent of Police of a district or any police officer authorized by him in this behalf, through a general or special order, may give reasonable directions to the public to keep

order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers-by.

(2) The Superintendent of Police of a district may issue general directions under sub-section (1), in respect of the whole district or any part thereof.

72. Penalty and composition of offences.—(1) Whoever contravene the provisions of sections 69, 70, 71 and 79 of this Act shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

(2) However, either before or after the institution of prosecution, these offences may be compounded by such officers or authorities, and for such amount, as the State Government may, by notification in the Official Gazette, specify in this behalf.

(3) Where an offence has been compounded under sub-section (2), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

73. Power to reserve public places and erect barriers.—(1) The Superintendent of Police of a district may, by public notice, temporarily reserve for any public purpose, any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.

(2) The Superintendent of Police of a district may authorize any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants thereof for violation of any legal provisions.

(3) In making such order, the Superintendent of Police of a district shall specify the necessary steps ensuring the safety of passers-by.

(4) The temporary structures shall be removed once the purpose for which they were installed is over.

74. Obstruction in police work.—Any person, who obstructs the discharge of duties and functions of a Police Officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or with fine or with both.

75. Unauthorized use of police uniform.—Whoever, not being a member of the service wears, without obtaining permission from an officer authorized in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or with fine or with both.

76. Refusal to deliver up certificate etc. on ceasing to be police officers.—Whoever, having ceased to be a police officer, does not forthwith deliver up his certificate of appointment, clothing accouterment and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a minimum fine of one thousand rupees.

77. False or misleading statements made to a police officer.—Whoever makes a false statement or a statement which is misleading in material particulars to a

police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine not exceeding five thousand rupees or with both.

78. Dereliction of duty by a police officer.—Whoever, being a police officer-

(a) intentionally abdicates duties or withdraws from duties; or

(b) uses criminal force against another police officer, or indulges in gross insubordination; or

(c) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine not exceeding ten thousand rupees or with both.

79. Offences by public.—(1) Any person who commits any of the following offences on any public road, or street or thoroughfare, or in any municipal council or corporation or notified area for the purpose of this section, to the inconvenience, annoyance or danger of the residents or passers-by, shall on conviction by a court, be liable to imprisonment not exceeding one month or with fine of not less than one thousand rupees or with both—

(a) allowing intentionally any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or getting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public or uses the public road or thoroughfare or footpath for sale or storage of goods;

(b) indulges in a drunken brawl or affray or assaults any person or indulges in any indecent exposure of the body;

(c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;

(d) defacing, or affixing notices, or writing graffiti on walls, buildings, roadsigns or other structures without the prior permission of the custodian of the property;

(e) wilfully damaging or sabotaging any public alarm system;

(f) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;

(g) acting in contravention of a notice publicly displayed by the competent authority in any Government building:

Provided that the police shall take cognizance of this offence only upon a complaint made by an authorized functionary of the concerned office;

(h) causing annoyance to a woman by making indecent overtures or calls or by stalking:

Provided that the police shall take cognizance of this offence only upon a complanit made by the victim, or any other person authorized by her;

(i) releases any obnoxious gas or fluid which causes annoyance or inconvenience or likely injury to anyone.

(2) Whoever commits any offence under sub-section (1), on subsequent conviction shall be liable to enhanced punishment, including imprisonment not exceeding three months.

80. Prosecution of police officer.—No court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorized by the State Government in this behalf.

81. Prosecution for offences under other laws.—Subject to the provisions as contained in section 300 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything done or made punishable by this Act.

82. Limitation of actions.—No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation as provided for in section 468 of the Code of Criminal Procedure, 1973 (Act 2 of 1974). For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure, 1973 (Act 2 of 1974), shall apply.

CHAPTER X

MISCELLANEOUS

83. Powers of Superintendent of Police to be exercised by Commissioner.—All powers, functions and duties of the Superintendent of Police of a district described in this Act shall be exercised, in respect of areas notified under section 9 of this Act, by the Commissioner or any other officer authorized in this behalf.

84. Disposal of fees and rewards.—All fees paid for licenses or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belongs under the provisions of any enactment in force to any local authority, be credited to the State Government:

Provided that with the sanction of the State Government or under any rule made by the State Government in this behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer, or be divided amongst two or more police officers.

85. Method of proving orders and notifications.—Any order or notification published or issued by the State Government or any officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such officer, and certified by him to be true of an original published or issued according to the provisions of the section of the Act applicable thereto.

86. Validity of rules and orders.—No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made thereunder, which is in substantial conformity with the same, shall be deemed illegal, void or invalid merely by reason of any defect or form.

87. Officers holding charge of or succeeding to vacancies competent to exercise powers.—Whenever in consequence of the office of a Commissioner or police officer becoming vacant, any officer holding charge of the post of such Commissioner or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner or police officer, as the case may be.

88. Licenses and permissions.—(1) Any license or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor, as may be prescribed.

(2) Any license or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of the conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such license or permission relates.

(3) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a license or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the license or written permission has been granted, shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such license or written permission has been granted.

89. Public notices.—Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers of English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means or by any other means as it may think suitable:

Provided that the competent authority may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication.

90. Consent of competent authority.—Whenever under this Act, the doing or the omission to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth, such consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

91. Signature on notices.—Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule made thereunder, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

92. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session. If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

93. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions, as it deems necessary or expedient for removing the difficulty.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the State Legislature.

94. Power to try cases summarily.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974), all offences under this Act shall be bailable and non-cognizable and be tried in a summary way by Judicial Magistrate of the first class specially empowered in this behalf.

95. Provisions of Code of Criminal Procedure, 1973 to apply to this Act.—The provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974), shall apply, in so far as they are not inconsistent with the provisions of this Act.

96. Repeal and saving.—(1) The Police Act, 1861 (Act 5 of 1861), in its application to the State of Haryana, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed and the rules made thereunder, shall be deemed to have been done or taken or instituted under this Act.

(3) All references in any enactments to any of the provisions of the Act so repealed shall be construed a reference to the provisions of this Act.

(4) The Punjab Police Rules framed under the Police Act, 1861 (Act 5 of 1861), as applicable to the State of Haryana, shall be deemed to have been framed under this Act till new rules are framed under this Act.

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THE HIMACHAL PRADESH POLICE ACT, 2007

(Act No. 17 of 2007)

An Act to consolidate and amend the law relating to the establishment and management of the Police and matters connected therewith or incidental thereto;

WHEREAS the Nation's founding faith is the primacy of the rule of law and the Police, as guardians of the law must promote the rule of law and render impartial and efficient service to the people with due respect for human rights as well as due concern for the security of the State and the Nation;

AND WHEREAS the Police needs to be professionally organized and kept free from extraneous influences, so that it is respected by citizens and accountable to law;

AND WHEREAS it is expedient to explicitly define the role, duties and responsibilities of the Police, taking into account the emerging challenges of policing, and concern for the security of the State as well the need to ensure good governance and respect for human rights; AND WHEREAS it is necessary to appropriately empower the Police to enable it to function as a professionally efficient, effective and responsive agency.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, commencement and extent—(1) This Act may be called the Himachal Pradesh Police Act, 2007.

(2) It shall be deemed to have come into force on 16th day of July, 2007.

(3) It extends to the whole of the State of Himachal Pradesh.

2. Definitions—(1) In this Act, unless the context otherwise requires—

(a) "Act" means the Himachal Pradesh Police Act, 2007;

(b) "Cattle" include cows, buffaloes, camels, horses, asses, mules, sheep, goats and swine;

(c) "Commissioner" means the Divisional Commissioner of a revenue division;

(d) "competent authority" means the authority as may be prescribed under this Act or under the applicable rules of the Central Government, as the case may be;

(e) "Criminal misconduct" means such misconduct which is an offence under any criminal law in force;

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1. Received the Assent of The Governor on 21st September, 2007.

(f) "District" or "revenue District" means a district constituted under the provisions of the Himachal Pradesh Land Revenue Act, 1954;

(g) "fund" means the Himachal Pradesh Police Fund established under section 130 of this Act;

(h) "Gazetted Police Officer" means a Police Officer of and above the rank of Assistant Superintendent of Police or Deputy Superintendent of Police;

(i) "insurgency" means waging of armed struggle by a group or a section of population against the State or the Nation with a political objective, including the separation of a part of the State from the territory of India;

(j) "internal security" means preservation of unity and integrity of the State from disruptive and anti-national forces;

(k) "Leader of Opposition" means the person recognized as such by the Speaker of the Vidhan Sabha, and includes a person recognized as the leader of the single largest opposition group in case there is no recognized Leader of Opposition;

(l) "militant activities" includes any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substances in order to achieve political or other objectives;

(m) "Magistrate" means, unless the context otherwise requires, an Executive Magistrate appointed under section 20 of the Code of Criminal Procedure, 1973, and includes a person exercising powers of Sub-Divisional Magistrate or District Magistrate;

(n) "misconduct" means an act or omission of a Police Officer which is prohibited under this Act or by the rules made thereunder or is not in accordance with the standard of conduct specified under this Act or is not in accordance with the role, functions or responsibilities cast on a Police Officer under this Act;

(o) "notification" means a notification published under proper authority in the Official Gazette;

(p) "Non-Gazetted Police Officer" means a Non-Gazetted Police Officer of Grade-I or Grade-II appointed under section 4 of this Act;

(q) "offence" means any act or omission made punishable by any law for the time being in force;

(r) "Official Gazette" means the Rajpatra of Himachal Pradesh;

(s) "organized crime" means any crime committed by a group of persons in pursuance of a common intention of unlawful gain;

(t) "place of public amusement or public entertainment" means such public places as may be notified by the State Government to be a place of public amusement or public entertainment;

(u) "Police District" means such area as may be declared to be a Police District by the State Government, by notification, under section 9 of the Act;

(v) "Police Officer" means any member of the Police Service for the State;

(w) "prescribed" means prescribed by rules made under this Act;

(x) "police organization" means the various wings of the State Police Service constituted under this Act;

(y) "public place" means such place to which the public has access whether on payment or free of charge and includes-

(i) public buildings, markets, trains, buses and monuments and precincts thereof;

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation; and

(iii) such other places as may be notified by the State Government;

(z) 'Range' or 'Police Range' means a Range created under section 8 of this Act;

(za) "regulations" mean regulations made under this Act;

(zb) "rules" mean rules made under this Act;

(zc) "Schedule" means a Schedule appended to this Act;

(zd) "Service Companies" mean units of the State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of the civil police;

(ze) "Service" or "Police Service" means the Police Service constituted under this Act;

(zf) "Standing Order" means a special or general order issued by the Director-General of Police in conformity with the provisions of this Act and the rules made thereunder;

(zg) 'State' means the State of Himachal Pradesh;

(zh) 'State Government' or 'Government' means the Government of Himachal Pradesh; and

(zi) "terrorist activity" means any activity of a person or a group of persons using or threatening the use of explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim of striking terror in society or any sector thereof, or with the intention of overawing the Government established by law.

(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as assigned to them in the General Clauses Act, 1897, the Code of Criminal Procedure, 1973, or the Indian Penal Code, 1860.

CHAPTER II

CONSTITUTION AND ORGANIZATION OF THE STATE POLICE SERVICE

3. One Police Service for the State—(1) There shall be one Police Service for the State, called the "Himachal Pradesh Police Service" and members of such Service shall be liable for posting to any branch of the Service including the Armed Police or any of the specialized wings.

(2) The superintendence of the Police throughout the State shall vest in and shall be exercised by the State Government and except as authorized under this Act, no person, officer or Court shall or be empowered by the State Government to supersede or control any Police functionary.

(3) Police Officers shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe strict code of ethical conduct and integrity.

(4) No Police Officer shall resign his office unless he has given not less than three months' notice in writing to his superior officer.

4. Constitution and Composition of the State Police Service—(1) Subject to the provisions of this Act, the Police Service of the State shall be categorized as the Civil Police and the Armed Police, each consisting of appropriate numbers of—

(i) Non-Gazetted Police Officers Grade-II, comprising of Constables and Head Constables;

(ii) Non-Gazetted Police Officers Grade-I, comprising of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors; and

(iii) Gazetted State Police Service Officers; and

(iv) Indian Police Service Officers serving in connection with the affairs of the State.

(2) The State Government shall determine the strength of various ranks in the Civil and Armed Police in a manner as may be prescribed.

(3) Recruitment of the Non-Gazetted Police Officers Grade-II to District and State Cadres shall be made through Police Recruitment Board, in accordance with Recruitment and Promotion Rules framed by the State Government:

Provided that the Director-General of Police may transfer Police Officers Grade-II from the State Cadre to a District Cadre and vice-versa under general orders of the State Government.

(4) Promotions within the ranks of Non-Gazetted Police Officers Grade–II shall be made in accordance with Recruitment and Promotion Rules framed by the State Government for the purpose.

(5) Recruitment and promotions to the ranks of Non-Gazetted Police Officers Grade-I shall be made in accordance with Recruitment and Promotion Rules framed by the State Government:

Provided that up to 50% of the posts being directly recruited may be reserved for Non-Gazetted Police Officers with not less 7 years service and fulfilling the educational qualifications prescribed for direct recruits.

(6) Appointment to the Gazetted State Police Service shall be made on the recommendations of the State Public Service Commission in accordance with Recruitment and Promotions Rules framed by the State Government.

(7) Officers of the Indian Police Service shall be appointed to hold posts in the State in accordance with rules framed by the Central Government.

(8) The pay, allowances, pensions and other conditions of service of the officers of State Police Service other than the Indian Police Service shall be such as may be prescribed from time to time.

5. Appointment of Director General of Police and other officers—(1) For the overall control and supervision of the Police Service, the State Government shall appoint a Director General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or rules made thereunder.

(2) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the State and no officer senior or equivalent in rank to the incumbent of the post of Director General of Police shall be posted to any position within the State Police Organization.

(3) The State Government may appoint one or more Additional Directors General and as many Inspectors General and Deputy Inspectors General and Assistant Inspectors General of Police as it may consider necessary, subject to rules made in this behalf by the Central Government.

(4) The State Government may in consultation with the Director General of Police, by a general or special order published in the Official Gazette, direct an Additional Director General or Inspector General or Deputy Inspector General or Assistant Inspector General of Police to assist and aid the Director-General of Police in the performance and exercise of his functions, duties, responsibilities, authority and powers, in such manner and to such extent as may be specified in such order.

(5) Subject to such general or special order of the State Government, the Director General of Police may, from time to time, assign specific duties and responsibilities by a general or special standing order.

6. Method of Selection and Term of Office of Director General of Police—(1) The State Government shall appoint the Director-General of Police from amongst officers of the Indian Police Service in the State Cadre empanelled for the rank in accordance with rules and recommended by a three members Screening Committee headed by the Chief Secretary constituted for the purpose. The Screening Committee shall prepare a panel of at least 3 suitable persons, and the Screening Committee may be asked to prepare a fresh panel by the Government, if in its view no one from a panel is suitable. Except in the case where the vacancy is unanticipated, the Screening Committee shall make its recommendation before the vacancy arises:

Provided that in case the Government comes to the conclusion, for reasons to be recorded in writing, that there is no suitable incumbent available in the State Cadre, it may ask the Screening Committee to assess the suitability of empanelled Indian Police Service Officers of other State Cadres subject to their willingness and concurrence of the Central Government.

(2) The Screening Committee may devise its own procedure and shall consider the names of all empanelled Officers of the Indian Police Service in the State Cadre and shall make its assessment on the basis of —

(i) the performance appraisal reports;

(ii) the range of experience relevant to professional police work including experience of work in Central Police Organizations;

(iii) clean record of service in terms of indictment of the officer in any criminal or disciplinary proceedings or on the grounds of corruption or moral turpitude; and

(iv) due weightage being assigned to award of medals for Gallantry, Distinguished and Meritorious services.

Provided that where the Committee finds that no suitable Indian Police Service Officer is available in the State Cadre, it shall make its assessment with regard to Indian Police Service Officers of others State Cadres, in accordance with the proviso to sub-section (1).

(3) The Director General of Police appointed in accordance with the provisions of this Act shall have tenure till superannuation as may be provided in the rules made by the Central Government in this behalf.

Provided that an incumbent may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent upon—

(i) framing of charges in a criminal case by a Court of law; or

(ii) issue of charge-sheet under the provisions of the All India Services (Discipline and Appeal) Rules or any other relevant rules; or

(iii) suspension from service; or

(iv) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as Director General of Police; or

(v) adminstrative exigencies, in the larger public interest:

Provided further that the officer may be allowed by the State Government to relinquish charge of the post on—

(i) appointment to a post under the Central Government or another State Government or an International Organization, subject to such officer having given his consent to such a posting; or

(ii) resignation or voluntary retirement from service.

7. Appointment of Legal Advisor and Financial Advisor—The State Government may appoint a Legal Advisor and a Financial Advisor of such rank

as may be determined by the State Government, to assist and aid the Director General of Police on legal and financial matters respectively, in the discharge of his duties and functions.

8. Creation of Police Zones and Ranges—(1) The State Government may, in consultation with the Director General of Police, by notification, constitute the entire geographical area of the State into one or more Police Zones, each with its headquarters. Each Zone, comprising of two or more Police Ranges, shall be headed by an officer of the rank of Inspector-General who shall be responsible for superintendence and control of the police administration of the Zone and shall report to the Director General of Police.

(2) The State Government may, in consultation with the Director General of Police, by notification, create as many Police Ranges as deemed necessary, each with its headquarters. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector-General who shall be responsible for superintendence and control of the police administration of the Range and shall report to the Inspector-General incharge of the Zone concerned.

9. Police Districts—The State Government, may in consultation with the Director General of Police, by notification, declare any area within the State to be a Police District, with its headquarters. The administration of the police throughout such district shall be under the charge of the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents of Police as deemed necessary subject to the rules made for the purpose:

Provided that the State Government may, in the public interest and for reasons to be recorded, post such Additional, Assistant or Deputy Superintendents of Police to a District as may be necessary, for a period not exceeding six months.

10. Creation of District level Special Cells and Sub-Divisions—(1) For the purpose of ensuring quick and scientific investigation of such serious offences as may be notified, the State Government shall, in consultation with the Director General of Police, by notification, create a Special Cell in each Police District, to be headed by an officer of the rank of Additional, Assistant or Deputy Superintendent of Police, for supervision and monitoring of investigation and for the better coordination of prosecution of such cases in a Court of law.

(2) The State Government may, by notification, divide a Police District into as many Sub-Divisions as deemed necessary each with its headquarters, under the charge of an officer of the rank of Assistant or Deputy Superintendent of Police, who shall be known as the Sub Divisional Police Officer.

11. Creation of Police Stations—(1) Subject to such norms as may be prescribed, the State Government may, in consultation with the Director-General of Police, by notification, create as many Police Stations in a Police District as deemed necessary, with jurisdiction over such villages as may be specified in the notification, keeping in view the population, geography of the area, the crime rate, the workload with respect to the law & order and the distances to be traversed by the inhabitants to reach the Police Station:

Provided that Government may create a Police Post, headed by a Non-Gazetted Officer Grade-I and with such number of other Non-Gazetted Police Officers as the Government may fix, within the local limits of a Police Station and such Police Post shall be under the overall control of the officer-in-charge of the Police Station concerned and shall be deemed to be a part of the Police Station.

(2) Two or more Police Stations may be assigned to a Police Sub-Division for the purpose of control and supervision.

(3) Each Police Station shall have a Station House Officer not below the rank of Sub-Inspector of Police, as the officer-in-charge of the Police Station:

Provided that Police Stations having a higher population or higher crime rate may be placed under the charge of Police Officers of the rank of Inspector of Police.

(4) The State Government shall ensure at all times, availability of adequate strength of staff at each Police Station, based on norms as may be prescribed.

(5) The State Government shall endeavour to provide to each Police Station all essential amenities such as a reception-cum-visitors' room, interrogation room of appropriate design, separate toilets for men and women and separate lock-ups for men and women.

(6) In order to ensure professional and scientific investigation, each Police Station shall have a separate Investigation wing known as the "Criminal Investigation Unit" (CIU) staffed by such numbers of Investigation Officers from amongst Non-Gazetted Police Officers Grade-I as may be determined, along with appropriate numbers of Non-Gazetted Police Officers Grade-II.

(7) The qualifications and experience for the Investigation Officers shall be specified by regulations made by the Director-General of Police.

(8) The State Government shall ensure that every Police Station at District Headquarters and Sub-Divisional Headquarters, and such other Police Stations as may be notified from time to time, shall have a Women & Children Cell staffed by women police, to record complaints of offences against women and children.

(9) Each Police Station shall prominently display all the information required to be made public under the Right to Information Act, 2005, and all Standing Orders of the Director–General of Police required to be so displayed as well as information relating to occurrence of crime, arrests, detention, release, convictions and acquittals:

Provided that the information shall be displayed in such manner as the Director-General of Police may by general or special Standing Order specify from time to time and subject to such Standing Orders, the Deputy-Inspector General within his Range, and the Superintendent of Police within the District, may issue directions for display of such information as may be necessary in the public interest.

(10) It shall be the duty of every officer-in-charge of a Police Station to keep a General Diary in such form as may be prescribed and to record therein all complaints, the names of the complainants, and charges preferred, the names of

all persons arrested, the offences charged against them, the weapons or property that have been taken from their possession or otherwise, and the name of the witnesses who have been examined.

12. Tenure of office of police functionaries—An Officer posted as Station House Officer or as Sub-Divisional Police Officer or as Superintendent of Police of a District shall normally have a minimum tenure of two years and a maximum tenure of three years, unless promoted to a higher post earlier:

Provided that an officer may be retained for upto six months after expiry of his tenure, in the public interest for reasons to be recorded in writing:

Provided further that any such officer may be removed from his post before the expiry of the minimum tenure of two years by the authority competent to remove him for reasons to be recorded in writing, consequent upon—

(i) filing of a chargesheet in a criminal case in a Court of law; or

(ii) serving of a charge-sheet for a major penalty under the relevant disciplinary rules; or

(iii) suspension from service in accordance with the provisions of the relevant disciplinary rules; or

(iv) reversion to a lower post for administrative reasons; or

(v) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or

(vi) administrative exigencies, in the larger public interest.

13. Coordination in matters of overriding public importance—(1) The Commissioner and the District Magistrate within their jurisdiction shall function as nodal and coordinating authorities on behalf of the State Government and provide leadership in times of crises likely to affect the public peace.

(2) In order that these functionaries are able to discharge these functions effectively in matters of overriding public importance, the Deputy Inspector-General of the Range shall keep the Commissioner fully informed of all matters relating to the state of law and order in the Division and potential for any concerted effort to disturb the public peace.

(3) The District Superintendent of Police shall keep the District Magistrate fully informed on all matters in the District relating to the state of law and order and potential for disturbance of the public peace and shall promptly consult him on all matters of overriding public importance relating to the Police.

(4) The Sub-Divisional Police Officer and the Station House Officer shall keep the Sub-divisional Magistrate or the Executive Magistrate, as the case may be, fully informed of all matters in the Sub-Division or other local jurisdiction relating to the state of law and order and potential for disturbance of the public peace and shall promptly consult him on all matters of overriding public importance relating to the Police.

14. General Administration—(1) For the better general administration of the district, it shall be lawful for the District Magistrate , in addition to the powers

conferred under the provisions of the Criminal Procedure Code or any other law for the time being in force, to issue directions to the Police of the district in respect of the following, namely:—

(i) Matters relating to the promotion of land reforms and the settlement of land disputes including removal of encroachments on Government land, common lands and forest land;

(ii) Matters relating to projects of State-level importance particularly in relation to power, industry and tourism;

(iii) Matters relating to extensive disturbance of the public peace and tranquillity in any part of the district;

(iv) Matters relating to the conduct of elections to any public body or holding of any function or event of public importance;

(v) Matters relating to the handling of natural or manmade disasters or major accidents;

(vi) Matters relating to situations arising out of any external aggression, threat to internal security, insurgency, riots, industrial or other strikes etc.;

(vii) Matters relating to protection of women, weaker sections and minorities;

(viii) Any matter, not within the purview of any one department and affecting the general welfare of the people of the district or arising out a judicial pronouncement, necessitating the District Magistrate to use the services of the Police; and

(ix) Such other matters as the State Government may assign from time to time in the public interest.

(2) It shall be lawful for the District Magistrate to call for information or assistance of a general or special nature from the Police with respect to matters specified in sub-section (1) and the Superintendent of Police shall be duty-bound to furnish such information and all necessary assistance to the District Magistrate for the purpose.

(3) The Superintendent of Police may, in order to provide police service in respect of matters specified under sub-section (1), refer a matter to the District Magistrate to issue directions to all or any of the departments in the district to facilitate such assistance as may be necessary, and the District Magistrate may issue appropriate directions, which shall be complied by the District head of the Department concerned without demur or delay.

(4) The Commissioner of a Division may, without prejudice to the statutory powers of the District Magistrate, give general directions to a District Magistrate in his division in respect of any of the matters specified under this section and the District Magistrate shall give effect to such directions.

15. Railway Police—(1) The State Government may, by notification, create one or more special police districts covering such railway areas in the State as it may specify, and may appoint an Inspector-General, Deputy Inspector–General,

Assistant Inspector–General, Superintendent of Police, one or more Assistant and Deputy Superintendent of Police and such other Police Officers for each such special district as it may deem necessary.

(2) Subject to the control of the Director-General of Police, such Police Officers shall discharge police functions connected with the administration of railways situated within their respective jurisdiction, and such other functions as the State Government may, from time to time, assign.

(3) The State Government may by general or special order empower any Police Officer to discharge such police functions as may be specified, within the special police district or any part thereof, and exercise the powers of an officer-in-charge of a Police Station in that district, and such Police Officer while exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his station.

(4) Subject to any general or special orders issued by the State Government, such Police Officers shall, in the discharge of their functions, be vested within the State with the powers and privileges and be liable under this Act or any other law for the time being in force.

(5) The Superintendent of Police may, with the previous approval of the State Government, delegate any of the powers and functions conferred on him under this section to an Assistant or Deputy Superintendent of Police subordinate to him.

16. State Intelligence and Criminal Investigation Departments—(1) The State Police Organization shall have a State Intelligence Department for coordination, analysis and dissemination of intelligence, and a State Criminal Investigation Department for taking up investigation of inter-State and inter-District crimes and other important cases as may be entrusted by the Director-General of Police from time to time.

(2) The State Government may appoint a Police Officer not below the rank of Inspector-General of Police to be the head of each of the two Departments.

(3) The State Criminal Investigation Department shall have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation, and each of these wings shall be headed by a Gazetted Police Officer of appropriate rank.

(4) The State Intelligence Department shall have similarly, specialized wings to coordinate specialized tasks such as security, counter - terrorism, counter - militancy, internal security etc., and each of these wings shall be headed by a Gazetted Police Officer of appropriate rank.

(5) The State Government shall determine the strength of various ranks in the State Criminal Investigation Department and State Intelligence Department.

17. Organisation of Technical and Support Services—(1) The State Government shall create and effectively maintain a Directorate of Forensic Science

dedicated to providing independent forensic reports to the Police which shall be comprised of a Forensic Science Laboratory at the State-level, a Regional Forensic Science Laboratory for every Police Range and a Mobile Forensic Science Unit for every Police District, with appropriate equipment and scientific manpower, in accordance with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development.

(2) There shall be a Directorate of Police Communications and Technical Services for the purpose of providing reliable and dedicated communications, informatics and other technical support at all levels of the Police Organization which shall be headed by an officer not below the rank of Deputy Inspector-General of Police with as many Superintendents of Police and Deputy Superintendents of Police, to assist him, as deemed necessary.

(3) The State Government shall frame Recruitment and Promotion Rules, specifying the qualifications and experience required to man these posts.

18. Appointment of Director of State Police Training Academy and Principals of Police Training College and Schools—(1) The State Government may establish a Police Training Academy at the State level for in-service training of Gazetted Police Officers, a Police Training College for in-service training to Non-Gazetted Police Officers Grade-I and such number of Police Training Schools as may be necessary for in-service training to the Non-Gazetted Police Officers Grade-II of the various wings of the Police organization.

(2) The State Government shall appoint a Police Officer not below the rank of Inspector- General to be the Director of the State Police Training Academy and an officer not below the rank of Deputy Inspector-General to be the Principal of the Police Training College and an officer not below the rank of Superintendent of Police to be the Principal of each Police Training School.

(3) The Academy, College and Schools established under sub-section (1) shall include faculty from amongst the Police and related services as well as from academic institutions, as may be prescribed, and the Director of the Academy shall present an Annual Report on behalf of all the Training Institutions to the State Police Board.

(4) The State Government may evolve a scheme of monetary and other incentives to attract and retain the best talent available in the Police and related services to the faculty of such training institutions.

19. Police Officers—(1) The State Government may prescribe procedures for appointment of Special Police Officers to assist the Police Service and prescribe the terms and conditions of their appointment.

(2) Subject to sub-section (1), a District Superintendent of Police generally or specially empowered in this behalf by the State Government, may, at any time by a written order signed by him under his seal, appoint any able-bodied and willing person above the age of 18 years, whom he considers fit, to be a Special Police Officer.

(3) Every Special Police Officer appointed under sub-section (2) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police Officer under this Act.

20. Deployment of Additional Police—(1) Subject to general or special directions of the State Government, the Superintendent of Police may, in consultation with the District Magistrate, on application made by any person or body corporate showing the necessity thereof, depute such additional number of Police Officers as may be necessary at any place within the Police District and such additional force shall be exclusively under the control of such Superintendent of Police and shall be at the charge of the person or body corporate making the application;

Provided that such person or body corporate may, by giving 15 days notice, seek withdrawal of such Police Officers and shall be deemed to have been released from the charge on expiration of the notice period.

(2) Wherever any Public work or Public utility or any manufacturing or commercial concern is in operation and it appears to the Director-General of Police that deployment of an additional Police force in such place is necessary in the interest of maintenance of the public peace or an essential service because of the likelihood of strike or other action by employees of such Public work, Public utility or manufacturing or commercial concern, or other persons, he may, with the consent of the State Government, depute appropriate additional force to such place for as long as may be necessary and make orders requiring the payment of such extra force to be made by the management of such work, utility or concern, and the management of such public work, public utility or manufacturing or commercial concern, as the case may be, shall thereupon cause payment to be made accordingly.

(3) All moneys payable under sub-sections (1) and (2) above shall be recoverable by the District Magistrate in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, for recovery of fines, or by suit in any competent Court.

21. Maintenance of records and returns—(1) The Director General of Police, Inspector General, Deputy Inspector- General or District Superintendent of Police shall maintain such records and submit such returns in such form and in such manner as may be prescribed.

(2) Subject to sub-section (1) the Director-General of Police may, by special or general Standing Orders, specify the nature and format of records to be maintained and reports and returns to be submitted by the District, Range and Zonal level officers of the Police Organisation and of the specialized wings and the Armed Police, and may also specify the procedure to be followed for the purpose, including computerization thereof.

22. Research and Development—The State Government may set up a Police Research and Development Bureau, to be headed by an officer not below the rank of Additional-Director General of Police, independent of the Police

Organization, to undertake surveys and studies and provide advice and recommendations to the State Government on matters relating to improving the efficiency of policing services.

CHAPTER III

THE CIVIL POLICE: CONTROL, DUTIES AND RESPONSIBILITIES

23. Recruitment—(1) The Civil Police shall comprise of Officers of Himachal Pradesh Police other than Armed Police, and the strength of various cadres of the Civil Police shall be as prescribed by the State Government from time to time.

(2) Recruitment to the Civil Police shall be made in accordance with Recruitment and Promotion Rules framed by the State Government. The Director-General of Police, subject to the provisions of this Act, shall cause an annual recruitment to be conducted to all Non-Gazetted vacancies in the Civil Police required to be filled by direct recruitment.

(3) Every Civil Police Officer, on initial recruitment shall undergo induction training at the Police Training School in the case of Non-Gazetted Police Officers Grade-II, and Police Training College, in the case of Non-Gazetted Police Officers Grade-I, and Police Training Academy in the case of Gazetted Officers, and the period and syllabus of the training shall be such as may be prescribed from time to time on the recommendations of the Director-General of Police, subject to the general directions of the State Police Board.

24. Oath or affirmation on first appointment—Every Civil Police Officer on first appointment shall make and subscribe an oath or affirmation in the form set out in Schedule-I to this Act, before the appointing authority or such Gazetted Officer as the State Government may specify by general or special order in this behalf.

25. Certificate of appointment—(1) Each Non-Gazetted Civil Police Officer on first appointment, shall be issued a certificate of appointment in the form given in Schedule II to this Act, an insignia bearing the acronym 'H.P.P.' and a distinctive enrolment number from a District Roll for a member of the District Cadre and from a State Roll for a member of the State Cadre.

(2) Each Gazetted Police Officer other than a Member of the Indian Police Service on first appointment to the service shall be issued an insignia bearing the acronym 'H.P.S.'

(3) The Certificate of appointment and insignia shall be deemed as withdrawn and shall be surrendered forthwith to the appointing authority, in case the Police Officer ceases to be a member of the State Police Service, and shall be deposited with the appointing authority in case he has been suspended from the Service.

26. Uniform and badges of rank—(1) The State Government shall by general or special order published in the Official Gazette, specify the uniform for the various ranks in the Civil Police and the protocol with respect to duties and the wearing of the uniform.

(2) The State Government shall, by general or special order published in the Official Gazette, specify the badges of rank and other distinctive badges that may be worn with the uniform.

27. Scale of arms and ammunition—(1) The armament of the Civil Police shall be fixed by the orders of the State Government in an Equipment Table and Government shall from time to time issue instructions regarding procurement of armaments.

(2) Distribution of arms to districts shall be fixed on the order of the Director-General of Police, who by means of Standing Orders shall lay down the procedures to be followed for custody and care of arms, ammunition, stock of material for repair and maintenance, and the manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

28. Control and Supervision—(1) The Station House Officer shall assign work and shall control and supervise the functioning of the staff of the Police Station and Police Posts in his charge.

(2) The Sub-Divisional Police Officer shall generally control and supervise the Police Stations under his charge, and issue such directions as may be necessary.

(3) The District Superintendent of Police shall generally control and supervise the work of the Sub-Divisional Police Officers and Police Stations and Police Posts in the district and issue such directions as may be necessary.

(4) The Range Deputy Inspector-General and Zonal Inspector-General shall generally control and supervise the work of the Districts in the Range and the Zone respectively.

(5) For other civil police units the Director-General of Police may by special standing order, specify the controlling and supervisory authorities.

(6) Subject to the provisions of this Act and the rules made thereunder, the Director–General of Police by general or special Standing Orders may specify the functions to be performed by the various ranks of Civil Police in relation to each duty and responsibility.

(7) Subject to general or special standing orders of the Director-General of Police, the controlling and supervising officer of the Police Station, Police Sub-Division, Police District or other Civil Police unit may by means of an order communicated in writing, specify the functions to be performed by various ranks of the Civil Police under his control.

(8) For the better management, control and supervision of specialized duties and for the professional development of the members of the Civil Police, the State Government may constitute cadres or sub-cadres within the State Police Service and shall within two years from the commencement of this Act, create special cadres in the State Police Service for investigation of serious offences.

29. Conduct and Discipline—(1) Every Civil Police Officer shall perform to the best of his ability, the functions required from him in relation to any duty or

responsibility assigned to him, subject to the provisions of this Act, rules made thereunder and the general or special standing orders of the Director-General of Police.

(2) Any non-performance or deficiency in the standard of performance of duties or responsibilities shall constitute misconduct and shall make the Police Officer liable for disciplinary action in accordance with conduct and disciplinary rules prescribed by the State Government for the purpose.

30. Mounted Police—(1) There may be in each District, such number of Mounted Police, as may be determined from time to time by the State Government, for the purpose of patrols, crowd control and access to difficult areas.

(2) The Director-General of Police shall issue standing orders with regard to procurement, management and maintenance of the remounts and for the training of the mounted police.

CHAPTER IV

THE ARMED POLICE

31. District Armed Reserves and State Armed Police Battalions—In order to assist the civil police promptly and efficiently in dealing with acts involving or likely to involve breach of the peace or breakdown of law and order and also to assist in management of disasters, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police district, and appropriate number of Armed Police Battalions for the State, including provision of women units, and recruitment to such Armed Police shall be made in accordance with the Recruitment and Promotion Rules framed by the State Government.

32. Role and Functions—(1) The Armed Police Battalions shall be a State-level Reserve, to be deployed under specific orders of the Director-General of Police, to aid and assist the civil police in dealing with breaches of the peace or breakdown of law and order or situations arising out of disasters in a local area beyond the management resources of the civil police:

Provided that the Director General of Police by general or special order, may earmark one or more service companies of a Battalion to be deployed on the orders of the Range Deputy Inspector-General as a quick response unit.

(2) The District Armed Reserve shall function under the control, direction and supervision of the District Superintendent of Police as the armed wing of the district police to deal with any local law and order problem or local disaster in the District, and for providing escort to violent or dangerous persons in lawful custody, or such other duties as may be determined by the Director General of Police by regulations from time to time.

33. Structure of the Armed Police Organization—(1) A Commandant, equivalent in rank to a Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to an Additional Superintendent of Police, who shall be the second-in

command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarter Company, each headed by an Assistant Commandant, equivalent in rank to a Deputy Superintendent of Police.

(2) The Armed Police Organization of the State shall be headed by an officer of the rank of Deputy Inspector-General or above who shall be responsible for the administration, training, operational preparedness and welfare of Officers of all the armed police units in the State, under the overall guidance and supervision of the Director-General of Police.

(3) In fixing the strength of senior officers for the Armed Police Organization, it shall be ensured that for supervising the functioning and preparedness of every three or four Battalions, a senior officer of the rank of Deputy Inspector-General is deployed and if there are two such Deputy Inspectors-General, the Armed Police Organization shall be headed by an officer of the rank of at least Inspector-General.

(4) The duties of the head of the Armed Police Organization, the Deputy Inspector-General, the Commandant, Deputy Commandants, Assistant Commandants and Reserve Inspectors shall be prescribed by the State Government in consultation with the Director-General of Police.

34. Rotation between Battalions and Armed Reserves—Officers of District Armed Reserves and Armed Police Battalions shall be rotated from time to time in accordance with general or special Standing Orders of the Director-General of Police. No direct recruitment of Non-Gazetted Police Officers Grade-II shall be made to District Armed Reserves, and all vacancies shall be held in Battalions and the Director- General of Police shall cause all direct recruitment vacancies to be filled up every year in accordance with the Recruitment and Promotion Rules.

35. Oath or affirmation on first appointment—Every member of the Armed Police on first appointment shall make and subscribe an oath or affirmation in the form set out in Schedule-I to this Act before the Commandant of the Battalion or such Gazetted Officer as the Government may specify by general or special order in this behalf.

36. Certificate of appointment—(1) Every Non-Gazetted Officer of the Armed Police on first appointment shall be issued a certificate of appointment in the form given in Schedule-II to this Act and insignia bearing the acronym 'H.P.A.P.' and a distinctive enrolment number that shall run serially for the entire Armed Police, separately for the Non-Gazetted Police Officers Grade-II, and for Non-Gazetted Police Officers Grade-I.

(2) The certificate of appointment and insignia shall be deemed as withdrawn and shall be surrendered forthwith in case the Police Officer ceases to be a member of the Armed Police, and shall be deposited with the appointing authority in case he has been suspended from the service.

37. Uniform and badges of rank—(1) The State Government shall by general or special order published in the Official Gazette, specify the uniform for the

various ranks in the Armed Police and the protocol with respect to the duties and wearing of the uniform.

(2) The State Government shall, by special or general order published in the Official Gazette, specify the badges of rank and other distinctive badges that may be worn with the uniform.

38. Conduct and discipline—(1) Every Armed Police Officer on duty shall ensure the maintenance of peace and tranquillity to the best of his ability and shall—

(i) obey without delay, all lawful orders of his official superiors issued for the maintenance of law and order;

(ii) not exercise his discretion to use disproportionate or excessive force;

(iii) not exercise his discretion to refrain from using appropriate force to maintain the public peace, on extraneous considerations or in pursuance to orders or suggestions from a person other than his official superior; and

(iv) not use his position, uniform or arms to intimidate any person other than when required in the proper discharge of his duties.

39. Training—(1) All members of the Armed Police on initial recruitment shall undergo induction training in batches at the Police Training School, in the case of the Non-Gazetted Police Officers Grade-II, and Police Training College, in the case of Non-Gazetted Police Officers Grade-I. The period and syllabus of the training shall be as may be prescribed.

(2) All ranks in the Armed Police units shall undergo annual refresher training programmes by rotation and such specialized training as may be needed by different categories, determined by general or special order of the Director-General of Police.

(3) Each Battalion shall have one full Company earmarked as the "Training Reserve" to provide for rotational training to all Officers.

(4) The content and methodology of the annual refresher training courses as well as the other specialized courses for the Officers of the District Armed Reserve and State Armed Police Battalions shall be such as may be prescribed on the recommendations of the Director-General of Police, subject to general directions of the State Police Board.

40. Deployment—(1) The deployment of Units and Sub-units of the District Armed Reserves and the State Armed Police Battalions shall be in accordance with the provisions of section 32 of this Act and shall be strictly restricted only to those situations where such deployment is considered absolutely necessary.

(2) The deployment shall be made for a fixed period, as specified in the order, and unless the period is extended by a specific order, the force shall return to its headquarters on the expiry of the deployment period.

(3) It shall be the duty of the District Superintendent of Police, in the case of a District Armed Reserve, and the head of the Armed Police Organization for the State, in the case of a Battalion, to ensure that the Officers of these armed units

are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty.

(4) While ordering deployment of any armed police unit, due care shall be taken to ensure that subject to requirements of law and order, the Officers get sufficient rest and also avail a weekly day off.

41. Arms, Equipment, Mobility, Communications etc.—(1) The armament of the Armed Police shall be as fixed by the orders of the State Government in an Equipment Table and items shown in the Equipment Table shall be obtained in the manner prescribed.

(2) Distribution of arms to the Battalions and District Armed Reserves shall be fixed on the order of the Director-General of Police, who shall also lay down the procedure to be followed for custody and care of arms, ammunition, stock of material for the repairs and maintenance, and manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

(3) The adequacy of arms, equipment, mobility and communications etc. for each Battalion as well as the District Armed Reserve shall be assessed regularly on an annual basis by the officer heading the State Armed Police Organization in consultation with the Commandant and the District Superintendent of Police concerned.

42. Annual Report—The Director-General of Police shall place an annual report before the State Police Board, showing details of deployment of District Armed Reserves and Battalions, the state of their preparedness and training, including adequacy of men, arms, equipment, mobility, communications etc.

CHAPTER V

ADMINISTRATION AND SUPERINTENDENCE

43. Administration of the Police—(1) The administration of the Police throughout the State shall vest in the Director-General of Police and in such Additional Directors-General, Inspectors-General, Deputy Inspectors-General and other officers as the State Government may appoint, subject to the overall control of the Director-General of Police.

(2) The administration of police in a district shall vest in the District Superintendent of Police:

Provided that the State Government may intervene in the exercise of the administrative powers by the Director-General of Police or any other competent police authority in exceptional cases involving urgent public interest, for reasons to be recorded in writing, and all such cases shall be brought before the State Police Board in its next meeting.

44. Powers and Responsibilities of the Director-General—(1) The Director General of Police shall be responsible to—

(i) advise the State Government and the State Police Board in all matters of policing;

(ii) implement the policies, the strategic Policing Plan and the annual policing sub-plans laid down by the State Government in consultation with the State Police Board;

(iii) administer and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability; and

(iv) issue directions irrespective of any general executive instructions to the contrary, but subject to the provisions of this Act and rules made thereunder, for recruitment of Non-Gazetted Police Officers Grade-II and Non-Gazetted Police Officers Grade-I to fill in existing and anticipated vacancies on the basis of the sanctioned strength, in accordance with the Recruitment and Promotion Rules.

45. Superintendence of State Police to vest in the State Government—(1) The State Government shall ensure an efficient, effective, responsive and accountable Police Service for the entire State and for this purpose, the superintendence of the Police Service throughout the State shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

(2) The State Government shall exercise its superintendence over the Police Service so as to promote the professional efficiency of the Police and to ensure that Police performance is at all times in accordance with the law, and shall lay down policies and guidelines, set standards for quality policing, facilitate their implementation and ensure that the police force performs its duties in a professional manner with functional autonomy.

46. State Policing Plans, objectives of policing and priorities—(1) The State Government shall, on the basis of a report of the Director-General of Police and on the recommendations of the State Police Board, finalize a strategic Policing Plan with annual Sub-Plans covering a five year period, in such a way that successive Plans overlap for the last year of the previous plan and first year of the succeeding plan:

Provided that the Director-General of Police, in making his report, shall be guided by reports of the District and State Units, duly identifying the objectives of policing sought to be achieved during the period and the action plan proposed for their implementation.

(2) The State Government shall lay a copy of the strategic Policing Plan and annual Sub-Plan before the State Legislature as soon as it is finalized.

(3) The State Government at the beginning of each financial year shall also place a progress report on the implementation of the strategic Policing Plan as well as the annual Sub-Plan for the preceding year before the Vidhan Sabha.

47. Mechanism for the evaluation of performance of the Police—(1) The State Government shall evolve and put in place mechanism for the evaluation of performance of the Police Service in the State as a whole and also district-wise.

(2) Without affecting the generality of these provision, the Director-General of Police shall make regulations for the purpose of ensuring—

(i) inspections at least once a year by the Range Deputy Inspector-General of all the Districts in each Range; and

(ii) inspection at least twice a year by a Gazetted Officer of the District, including one inspection by the Superintendent of Police personally, of each Police Station and Police Post in every District:

Provided that the regulations shall inter alia, specify the form of the inspection, the methodology and the content and shall endeavours to make the inspection an effective instrument for performance evaluation.

48. Establishment of State Police Board—The State Government shall establish a State Police Board to facilitate the laying down of policies, evaluate performance and ensure the functional autonomy of State Police Service, which shall function in the manner provided in this Act. The Board shall meet as often as deemed necessary, but at least once in three months.

49. Composition of Board—(1) The State Police Board shall consist of—

(i) the Chief Minister. ... Ex-officio Chairperson;

(ii) the Minister-in-Charge of Home (if it is other than the Chief Minister). ... Ex-officio Vice Chairperson;

(iii) the Leader of Opposition of the State Legislative Assembly, Himachal Pradesh. ... Ex-officio Member;

(iv) Chief Secretary to the Government of Himachal Pradesh. ...Ex-officio Member;

(v) Principal Secretary (Home) to the Government of Himachal Pradesh. ...Ex-officio Member;

(vi) Principal Secretary (Social Justice & Empowerment) to the Government of Himachal Pradesh. ...Ex-officio Member;

(vii) Principal Secretary (Finance) to the Government of Himachal Pradesh. ...Ex-officio Member;

(viii) Director of Prosecution. ...Ex-officio Member;

(ix) Director Forensic Science. ...Ex-officio Member;

(x) Director State Police Training Academy. ...Ex-officio Member;

(xi) Three persons of proven reputation for integrity and competence out of whom at least one shall be a women member, to be appointed from the fields of academia, law and public administration, on the recommendations of the Selection Panel constituted under section 50. ...Non-official Members;

(xii) The Director-General of Police ...Member-Secretary.

(2) No serving Government employee shall be appointed as a Non-Official Member and any vacancy in the State Police Board shall be filled up as soon as practicable but not later than three months after the seat has fallen vacant. However, no proceeding of the Board shall be deemed to be invalid on account of any vacancy.

50. Panel for selection of Non-Official Members—(1) Non-Official Members of the State Police Board shall be appointed on the recommendation of a Selection Panel which shall consist of

(a) the Lokayukta, Himachal Pradesh ... Chairman;

(b) the State Chief Information Commissioner, Himachal Pradesh. ... Member; and

(c) the Chairman of the State Public Service Commission ... Member.

(2) The State Government shall provide a short-list of 4 suitable persons along with their bio-data against each vacancy. The Panel shall make its selections out of the short-list unless, for reasons to be communicated, the Panel is unable to make a selection; in that event the State Government shall provide another short-list of suitable persons.

(3) The Selection Panel shall evolve its own transparent procedure for selection of the Non-Official Members.

51. Disqualifications—A person shall be disqualified for being appointed as or for being a Non-Official Member of the State Police Board if he—

(i) is not a citizen of India; or

(ii) has a charge-sheet filed against him in a Court of law in a criminal case; or

(iii) has been dismissed or removed from service under any State or Central Government or Government Organization or compulsorily retired therefrom on the grounds of corruption or misconduct; or

(iv) holds public office, including that of Member of Parliament or State Legislature, or is an office-bearer of any political party or any organization connected with a political party; or

(v) is of unsound mind.

52. Term of Office and remuneration of Non-Official Members—(1) The term of office of a Non-Official Member of the Board shall be three years and he shall be eligible for reappointment only for one more term.

(2) A person appointed as a Non-Official Member may resign his position by a written communication addressed to the Chairman of the Board.

(3) A Non-Official Member shall be entitled to a sitting fee of Rs.1000 per day for effective sitting of the Board and shall be entitled to travelling allowance and daily allowance as per rules of the State Government in this behalf.

53. Functions of the State Police Board—(1) The State Police Board shall—

(i) approve broad policy guidelines, including five-years strategic Policing Plans and annual policing Sub-Plans, for promoting efficient, effective, responsive and accountable policing, in accordance with the law;

(ii) approve from time to time the sanctioned strength of the various ranks of the Non-Gazetted Police Officers and Gazetted State Police Service Officers;

(iii) identify performance indicators to evaluate the functioning of the police service and these indicators shall, inter alia, include operational efficiency, public satisfaction and proper utilization of resources; and

(iv) review and evaluate organizational performance of the State Police against the five-year strategic Policing Plan and annual policing Sub-Plans and performance indicators as identified and laid down by the State Police Board.

(2) The Board shall make recommendations to the State Government in respect of matters specified under sub-section (1), which shall normally be binding on the State Government and the action taken on the recommendations shall be communicated to the Board within a period of three months:

Provided that if the Government is of the opinion that it is not feasible in the public interest to give effect to any recommendation of the Board, it shall communicate the reasons thereof which shall be placed before the Board in its next meeting.

54. Transaction of business—(1) Notice for meetings of the Board shall be issued by the Member-Secretary at least 15 days before each meeting. Members wishing to raise an item shall send notice so as to reach the Member-Secretary at least 7 days in advance and items shall be taken up with the approval of the Chairman of the Board.

(2) All meetings shall be held in Shimla unless the Board decides otherwise. A record of proceedings of the Board shall be maintained by the Member-Secretary who shall cause them to be circulated, with the approval of the Chairman, within 15 days of each meeting.

(3) The quorum for a meeting of the Board shall be one-third of the total membership of the Board. In the absence of quorum, the meeting of the Board shall be adjourned to the same time on the next working day and no quorum shall be required for such adjourned meeting.

(4) The Board may devise its own procedure for transaction of business in accordance with provisions of this Act.

55. Annual report on the working of the Board—(1) The Board shall, within three months after the end of each financial year present to the State Government a report on the work done by it during the year as well on the performance of the State Police, along with the annual policing Sub-Plan for the next year as approved by the Board. The report shall mention all cases where its recommendations were

either not accepted or not responded to in accordance with the provisions of this Act.

(2) The State Government shall cause each such report to be laid before the State Legislature not later than two months of its receipt along with an action taken report.

56. Police Establishment Committees—(1) There shall be a State Police Establishment Committee headed by the Director–General of Police and comprising four senior police officers not below rank of Inspector-General of Police, nominated by the Director-General of Police. The State Police Establishment Committee shall be responsible to—

(i) approve all postings and transfers of Non-Gazetted Police Officers between the various wings of the police organization, and deputation outside the organisation and for inter-range transfers in all the wings with the prior approval of the Government in accordance with directions in this regard;

(ii) approve the issue of general policy directions and Standing Orders to the Deputy Inspector-General and District Superintendent of Police on transfers within their jurisdiction;

(iii) hear and dispose off representations against transfer orders issued by authorities subordinate to the Director-General of Police;

(iv) recommend proposals for postings and transfers of Gazetted Police Officers to the State Government subject to provisions of this Act and relevant rules; and

(v) make recommendations to the State Government with regard to representations in service matters from Gazetted Police Officers:

Provided that the Director-General of Police may, with the previous approval of the State Government, constitute an Establishment Committee for any specific unit within the Police Organisation for making postings and transfers of Non-Gazetted Police Officers within such unit.

57. Police Gazette—The Director-General of Police shall cause to be published each month a Police Gazette containing Departmental Orders, notifications and circulars of general interest for circulation within the Police Organisation; and shall publish appropriate portions of the publication on the Police Department website.

58. Financial Management—(1) The Director-General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance.

(2) The budgetary allocation shall be placed at the disposal of the Director-General of Police who shall be vested with powers to spend the amounts earmarked under each head of the budget.

59. Recognition of Meritorious Service—The State Government shall, with the approval of the State Police Board, frame a scheme for recognition of Non-

Gazetted and Gazetted Police Officers who have done exceptionally meritorious work or who have shown devotion to duty of the highest order, and the State Police Board shall, every year recommend to the State Government names of suitable Police Officers for public recognition in accordance with the provisions of the scheme.

CHAPTER VI

ROLE, FUNCTIONS, DUTIES & RESPONSIBILITIES OF THE POLICE

60. The role and functions of the Police—(1) Subject to the assignment of specific duties on units or individual members of the State Police by general or special orders, the general role and functions of the Police Service shall be to—

(i) act as upholders of the law and to protect life, liberty, property and human rights of the members of the public; and develop and maintain a feeling of security in the community;

(ii) promote and preserve public order and prevent nuisance in public places;

(iii) protect internal security, prevent and control terrorist activities, riots, insurgencies, industrial or other strikes, breaches of communal harmony, extremist violence, militant activities and other situations affecting internal security;

(iv) protect public properties and public infrastructure;

(v) prevent offences and reduce the opportunities for the commission of offences through preventive action, intelligence gathering and community participation;

(vi) investigate all offences impartially and professionally using scientific methods, and to apprehend the offenders;

(vii) assist in the prosecution of offenders by ensuring proper presentation of the investigation in a Court of law;

(viii) provide, as first responders, all possible help and succour to people in situations arising out of natural or man-made disasters and to provide active assistance to other agencies engaged in relief and rehabilitation measures;

(ix) aid individuals who are in danger of physical harm to person or property, and to provide necessary services and afford relief to people in distress situations;

(x) facilitate orderly movement of people in public places, ensure their general safety and security and regulate public gatherings, fairs and processions for the purpose;

(xi) control and regulate traffic on streets, roads and highways; and generally in public places and prevent obstruction;

(xii) collect intelligence relating to matters affecting the public peace, crimes including social and economic offences and organized crime,

communalism, extremism, terrorism and other matters relating to national security, and take all necessary action to maintain the public peace and prevent crime;

(xiii) provide guards in accordance with Standing Orders in this behalf, for treasuries, lock-ups and other locations, as sanctioned by the State Government from time to time;

(xiv) provide escorts over prisoners or others in lawful custody or for valuables in accordance with Standing Orders issued by the Director-General of Police from time to time; and

(xv) perform such other functions as may be required under this Act and any other law for the time being in force, or as may be prescribed.

61. Social Responsibilities of the Police—(1) Every Police Officer shall—

(i) behave with the members of the public with due courtesy and decorum;

(ii) guide and assist members of the public particularly elders, women, children, the poor and indigent and the physically or mentally challenged individuals who may need help and protection;

(iii) prevent harassment of elders, women and children in public places and public transport;

(iv) render all requisite assistance to the members of the public, particularly elders, women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group;

(v) arrange for legally permissible sustenance and shelter to every person in custody and make known to all persons in custody provisions of legal aid Schemes being enforced in the State and also inform the authority concerned to provide such aid;

(vi) provide all requisite assistance to victims of crime and of road and other accidents and in particular ensure that they are given prompt medical aid, at the nearest facility equipped for the purpose;

(vii) assist victims of crime and accidents or their next of kin with such information and documents as would facilitate their compensation claims or would enable them to meet any legal requirements; and

(viii) extend a positive response to victims of crime or their next of kin and to witnesses, during investigation of the offence and prosecution of the offenders.

(2) Police Officers shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe strict code of ethical conduct and integrity.

62. Duties of the Police Service—(1) The primary responsibility for the discharge of role and functions of the Police under this Act, shall, unless specified otherwise, be with the Police of the District concerned, headed by the District Superintendent of Police:

Provided that the State Government may by general order, create or designate special units at District or Police Station level for criminal investigation, traffic, intelligence, law and order etc. and in such a case the responsibility for discharge of the functions specified in the order shall be with such unit.

(2) It shall be the duty of every Police Officer posted to a State Unit, to discharge the role and functions assigned to him to the best of his ability by the proper exercise of powers conferred upon him under this Act or any other law for the time being in force.

63. Superior Police Officer may himself perform duties of a subordinate officer—A Police Officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever it appears necessary or expedient, for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

64. All persons bound to comply with the reasonable directions of a Police Officer—All persons shall be bound to comply with the reasonable and lawful directions given by a Police Officer in the discharge of his duties under this Act. Where any person resists, refuses or fails to comply with any such direction, a Police Officer may, without prejudice to any other action, remove such person or arrest and produce him before the nearest Judicial Magistrate having jurisdiction as soon as possible and in any case within a period of twenty four hours.

65. Arrest and detention—(1) A Police Officer effecting an arrest or detaining a person in accordance with the law shall—

(i) Wear or display accurate, visible and clear identification, including name, rank and the name of the organization he represents;

(ii) prepare a memo of arrest at the time of arrest, giving the date, time and place of the arrest and forthwith send a written communication to his immediate superior;

(iii) inform the person arrested of his right to have some one of his choice, as a next friend notified of his arrest or detention as soon as he is put under arrest or is detained, and forthwith cause such a person to be notified as soon as possible, but not later than 24 hours;

(iv) make an entry in the diary at the place of detention regarding the arrest of the person specifying the name of the next friend of the person arrested who has been informed of the arrest and the names and particulars of the Police Officer in whose custody the person arrested is;

(v) arrange for immediate medical examination by a doctor designated for the purpose and for further medical examination every 48 hours during his detention in custody;

(vi) send copies of all the documents, including the memo of arrest, to the Magistrate having jurisdiction in accordance with the provisions of the law.

(vii) permit the person arrested to meet his lawyer in such manner as may be prescribed; and

(viii) cause the name and other particulars of the person arrested to be displayed in the notice board at the place of detention and at such other places as may be prescribed.

(2) In making an arrest or detaining a person or keeping an arrested person in custody, only that amount of force shall be used as may be reasonably required to ensure that there is no possibility of escape, and handcuffing of a person arrested or in lawful police custody shall be resorted to only when there is a reasonable apprehension that such a person may turn violent, attempt suicide, escape, or be forcibly released from arrest or detention.

(3) The Director-General of Police shall by Standing Orders, prescribe detailed procedure in respect of matters under this section.

66. Conduct prohibited for Police Officers—(1) No Police Officer shall withdraw himself from the duties of his office unless expressly allowed to do so by an officer authorized by the State Government.

(2) No Police Officer shall resign his office unless he has given notice in writing to his superior officer of not less than three months.

(3) No Police Officer shall engage in any other employment or office unless expressly permitted to do so, in writing, by the competent authority.

CHAPTER VII

POLICING IN RURAL AREAS

67. Police services in rural areas—(1) The territorial jurisdiction of a Police Station shall be divided into a suitable number of beats, each covering a village or part thereof, or a cluster of villages, to be kept under the direct charge of a Non-Gazetted Police Officer Grade-II (called Beat Officer) for maintaining regular and close contact with the villages under his charge.

(2) The officer-in-charge of each Police Station shall ensure that every village in his jurisdiction is covered by the Beat Officer in the manner prescribed by the Superintendent of Police of the District by a general or special order.

(3) The State Government shall, by notification, publish a scheme for designation or appointment of suitable persons as local guards, for a village, cluster of villages or a Beat and assign them such duties, responsibilities and functions, from time to time as may be required in the public interest, for gathering of intelligence, and for assistance in the prevention of crime and maintenance of law and order.

Explanation.—for the purposes of this Chapter, rural areas include all areas other than urban Police Districts, Police Sub-Divisions and Police Stations covered under Chapter –VIII of this Act.

68. Duties and Responsibilities of the Beat Officer—(1) The duties and responsibilities of the Beat Officer shall be in respect of his Beat, to—

(i) maintain liaison with community elders, members of the Panchayat residing in that village, the local Numberdar, local officials such as Patwari, Forest Guard and Chowkidar of the Panchayat , and residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village;

(ii) collect information relating to crimes and criminals and activities of subversive, militant and anti-social elements, if any, in the village and communicate the same to the officer-in-charge of the Police Station;

(iii) maintain watch over history-sheeted criminals and bad characters, if any, and others with criminal record;

(iv) acquaint himself with local disputes having potential for violence or with caste/communal overtones, and inform the officer-in-charge of the Police Station with all available details;

(v) carry out any other policing task as may be assigned from time to time, including facilitation of witness protection, in respect of the villages assigned to the Beat;

(vi) keep a record any public grievances and complaints in relation to policing and inform the officer-in-charge of the Police Station promptly; and

(vii) maintain in such manner as may be specified, a record of the duties and responsibilities carried out by him during his visits and submit the same to the officer-in-charge of the Police Station every month.

69. Assistance to Gram Panchayat—The officer-in-charge of a Police Station and the Beat Officer shall give immediate information, in the manner prescribed, under the Himachal Pradesh Panchayat Raj Act, 1994, to the Gram Panchayat, of any offence that has come to his knowledge and has been committed within the jurisdiction of the Panchayat and is triable by the Panchayat. He shall assist the Panchayat in the lawful exercise of its authority in all such matters.

70. Village visits by office-incharge of Police Station and Supervisory Police Officers—(1) The officer-in-charge of the Police Station shall cause to be maintained a Village Register in such manner as may be specified, entering therein major crimes, incidents or occurrences with potential for crime, based, inter alia on the monthly report of the Beat Officer, and shall classify villages as 'Sensitive' or 'Non- Sensitive' Villages in consultation with the District Superintendent of Police.

(2) The officer-in-charge of a Police Station shall visit every village under his jurisdiction, in the manner specified by the Superintendent of Police through a general or special order, and while doing so, he shall visit villages that are recorded as 'Sensitive' in the Village Register as a first priority.

(3) All supervisory officers including the Superintendent of Police shall visit as many villages in their jurisdiction as possible giving priority to sensitive villages.

The purpose of such visits shall be to review the general state of crime, law and order situation and the activities, if any, of violent and militant individuals or group in the area and to generally acquaint themselves with the goings-on in the village having a bearing on crime, law and order or other policing tasks and to interact with as many local residents as possible so as to assess the level of public satisfaction with police service in the area.

(4) Wherever it appears, on the basis of information received, that there is likelihood of violence or major crime or damage to property in any area, the Superintendent of Police in consultation with the District Magistrate may direct the organization of a group of local and respectable persons for each village of that area for the purpose of carrying out preventive patrols, promoting crime reduction measures and generally assisting the police in their functioning. The group shall be called the Village Defence Committee and may consist of not more than fifteen members.

(5) Members of the Village Defence Committees shall be inducted by the Superintendent of Police in consultation with the local Panchayat, from amongst able-bodied persons, between the age of 25 and 45 years and with good character and antecedents, who are permanent residents of that village, have not been convicted by a court of law or charge-sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any public employment on grounds of moral turpitude, corruption or misconduct, and are not office bearers of any political party; and in including the members, preference shall be given to Home Guards, Ex-servicemen and those who have earlier performed satisfactorily as member of the Village Defence Committee. The Superintendent of Police shall appoint one member as leader of the party, based on his experience and leadership qualities, and may remove or replace a member or the leader if his work or conduct is not satisfactory.

(6) A Village Defence Committee shall be organized for a period not exceeding 180 days. Provided that the period may be extended further for another 180 days by the Superintendent of Police, in consultation with the District Magistrate, for reasons to be recorded in writing.

(7) Membership of the Village Defence Committee shall be voluntary and honorary and the members of the Village Defence Committee shall wear Photo-identification badges issued by the District Superintendent of Police while performing their duties.

(8) If person ceases to be a member of a Village Defence Committee, he shall forthwith deliver to the Superintendent of Police or to an officer authorized by him, the Photo-identification badge and all records and documents in his possession as a member of the Village Defence Committee.

71. Consultative mechanism—(1) The District Superintendent of Police, in consultation with the District Magistrate, shall constitute a Community Liaison Group for each Police Station, comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants

and heads of teaching institutions, if any, and other representatives of the community, to generally advise the police in their functioning. The Group shall have a fair representation of all segments of the society in villages falling in the Police Station area and not less than one-third of the Group shall comprise women. This Group shall have two representatives nominated from amongst its members by each Panchayat Samiti and one Member nominated from amongst its members by each Municipal Committee and Nagar Panchayat in the jurisdiction of the concerned Police Station:

Provided that no person convicted by a court of law or charge-sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any public employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be inducted in or continue in the Community Liaison Group:

Provided further that no office bearer of a political party shall be eligible to be included in the Group.

(2) The Superintendent of Police shall nominate one of the members of the Community Liaison Group as the Convener. The Group shall articulate the existing and emerging policing needs of the area, which will be taken into consideration by the Superintendent of Police while preparing the strategic Policing Plan and annual sub-plan for the District and the Group shall perform such other functions as may be prescribed.

(3) The Group shall meet as frequently as necessary, but at least once in every month and the officer-in-charge of the Police Station shall attend all the meetings. Proceedings of each meeting shall be circulated by the Convener to its members and a copy shall also be forwarded to the officer-in–charge of the Police Station who shall endorse a copy thereof to the District Superintendent of Police and Sub-Divisional Police Officer alongwith his comments.

(4) Where it appears to the Sub-Divisional Magistrate or the Sub-Divisional Police Officer that it is expedient for the maintenance of public order or in other emergent circumstances to hold a meeting of the Community Liaison Group, he may either direct the Convener to convene a meeting or may convene a special meeting of the Group under his chairmanship.

CHAPTER VIII

POLICING IN URBAN AREAS

72. Constitution of Urban Police Districts, Sub-Divisions and Police Stations—(1) For the better policing of an urban area declared to be a Municipal Corporation or a Municipal Committee or a Nagar Panchayat, the Government may, on the basis of norms to be prescribed, create a Police Station, Police Sub-Division or Police District with the territorial jurisdiction of such urban area.

(2) A Police District or a Police Sub-Division or a Police Station, created under sub-section (1), shall be called an 'Urban Police District' or 'Urban Police Sub-Division' or 'Urban Police Station' as the case may be.

73. Duties and Responsibilities of Police in Urban Areas—(1) Every Urban Police Station, Urban Police Sub-Division and Urban Police District shall have a Police Control Room operational 24 hours and fully equipped with communication and transport facilities, and emergency services as may be deemed necessary.

(2) Every Urban Police District shall have a separate traffic wing headed by a Police Officer of the rank of at least Inspector.

(3) The Officer-in-charge of a Urban Police District, Urban Police Sub-Division and Urban Police Station shall be a special invitee in official meetings relating to town planning, essential services or emergency services in such urban areas.

(4) Provisions of Chapter-VII of this Act shall apply mutatis mutandis to Urban Police Districts, Urban Police Sub-Divisions and Urban Police Stations.

CHAPTER IX

PUBLIC ORDER AND INTERNAL SECURITY

74. Public Order, Internal Security and Disaster Management—(1) The Director-General of Police shall cause to be framed a State Internal Security Scheme for the entire State as well as for each of the Districts and major urban areas, to deal with management of public order and shall place it before the State Police Board for its approval.

(2) The District level Internal Security Schemes shall be prepared by the District Superintendent of Police and shall be sent to the Director-General of Police along with the endorsement and suggestions of the District Magistrate and the Commissioner of the Division, and shall be updated annually.

(3) The Internal Security Scheme shall cover all anticipated contingencies involving public security, including riots, aggression, insurgency terrorism, sabotage, strikes, industrial or manmade disasters, natural disasters and the like, based on local conditions.

(4) It shall be the duty of the District Superintendent of Police to provide to the District Magistrate all information regarding resources available with the District Police for managing natural and manmade disasters and Standard Operating Procedures (SOPs) in various contingencies and to advise on the formulation of District level Disaster Management Plans.

(5) The Internal Security Schemes shall incorporate regularly updated and comprehensive Standard Operating Procedures (SOPs) for the action to be taken by the Police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of a security crisis.

(6) Based on the District level and State level Internal Security Schemes, the Director- General of Police shall prepare Plans for acquisition of necessary equipment and for the training of Police Officers including Special Units and shall submit proposals to the State Police Board from time to time.

75. Declaration of Special Security Zone—(1) If the security of the State is threatened in an area by insurgency or by terrorist or militant activity, the State Government may, by notification published in the Official Gazette, declare such area to be a Special Security Zone.

(2) Every notification issued under sub-section (1) shall cease to operate on the expiration of three months unless it has been approved by resolution by the State Legislature within the stipulated period:

Provided that if the State Legislature is dissolved within the stipulated period, the notification shall cease to operate on the expiration of 30 days from the date on which the State Legislature is reconstituted, unless it has been approved by resolution by the State Legislature.

(3) A notification issued under sub-section (1) and approved under sub-section (2) shall cease to operate on the expiration of such period but not exceeding two years, as may be specified in the notification:

Provided that if a resolution approving the continuation of such a notification is passed by the State Legislature, the notification shall continue to be in force for such further period but not exceeding two years from the date on which it would otherwise have ceased to operate, as may be specified in the resolution.

(4) Every notification issued under this section shall be laid, as soon as may be, before the State Legislature.

76. Administration of Special Security Zones—(1) The State Government may, on the recommendations of the State Police Board, by notification, create appropriate police and administrative structure in any Special Security Zone in order to meet the threat of insurgency or terrorism or militancy, and in consultation with the Director-General of Police may prescribe procedures to be followed by the police and administrative structures.

(2) The State Government may, on the recommendations of the Director-General of Police or the District Magistrate, and for reasons to be recorded in writing, order the ban or regulation of production, sale, storage, possession or entry of any device or equipment or material substance if such device, equipment or material substance is considered likely to be of assistance to insurgents or terrorists or militants, as the case may be, in a Special Security Zone.

(3) Any notification issued under this section shall cease to operate on the expiration of the period of operation of the notification issued under section 75 of this Act.

(4) Every notification issued under this section shall be laid, as soon as may be, before the State Legislature.

CHAPTER X

CRIMINAL INVESTIGATION

77. Reporting and Registration of Crime—(1) Any person having knowledge of commission of any offence shall forthwith report the matter, along with all particulars within his knowledge, to the Police Station or Police Post having jurisdiction or the nearest Police Station:

Provided that it shall be sufficient for the person to report such information by telephone or such other means as may be specified by the Director-General of Police by Standing Orders.

(2) A report of commission of an offence shall be entered in the records of the Police Station forthwith in accordance with the law in such manner and on such format as may be prescribed.

(3) The officer-in-charge of a Police Station or Police Post having jurisdiction shall cause the report to be investigated in accordance with the provisions of the law for the time being in force:

Provided that if jurisdiction lies with another Police Station, the officer-in-charge of the Police Station where the report has been lodged or entered, shall cause to be forwarded all necessary information to the officer-in-charge of such Police Station in such manner as may be specified by the Director-General of Police by Standing Orders.

78. Investigation by District Police—(1) There shall be a Criminal Investigation Unit in every Police Station for the investigation of serious offences as may be specified by the Director-General of Police, by regulations made from time to time, which shall include murder, kidnapping, sexual and unnatural offences, dacoity and dowry related offences, and offences other than serious offences may be investigated by other staff of the Police Station subject to the provisions of the Act and the rules made thereunder.

(2) The Criminal Investigation Unit shall comprise of Investigating Officers who shall be Non-Gazetted Police Officers Grade-I and they shall be assisted by such number of Non-Gazetted Police Officers Grade-II as may be prescribed by the State Government or specified by the Director-General of Police by standing orders.

(3) Non-Gazetted Police Officers posted in the Criminal Investigation Unit shall be selected on the basis of their aptitude, competence and integrity and shall form a sub-cadre for the purposes of postings:

Provided that the State Government may prescribe periodical training and examinations for various Non-Gazetted ranks of the Criminal Investigation Unit and may frame rules for the organization and management of the subcadre.

(4) Non-Gazetted Police Officers Grade-I posted in the Criminal Investigation Unit shall have a minimum tenure of 3 years and a maximum tenure of 5 years at a Police Station:

Provided that an officer may be transferred before completion of tenure on promotion or reversion to a lower rank or if a charge-sheet has been served on him in a disciplinary case or charges in a criminal case has been framed against him in a Court of law or a criminal case is ordered to be registered by the District Superintendent of Police against him.

(5) Within 3 years from the date of coming into force of this Act, the State Government shall create a separate cadre of Investigation Officers, and a separate cadre of Scene-of-Crime Officers who shall possess such qualifications in scientific investigation and forensic sciences as the State Government may prescribe, and Scene-of-Crime Officers shall be posted in every Police Station at District and Sub-Divisional Headquarters.

(6) An Investigation Officer posted in a Criminal Investigation Unit shall not be assigned any work other than investigation and the investigation work of the Criminal Investigation Unit in the Police Station shall be supervised closely by the officer-in-charge of the Police Station. An officer assigned to a case shall not be changed unless he is suspended or transferred, or his ability to impartially investigate a case is under doubt or the officer is incapacitated. The officer-in-charge of the Police Station shall record the reasons in case investigation work is proposed to be reassigned and shall obtain the prior written approval of the District Superintendent of Police or Additional Superintendent of Police.

(7) The Investigation Officer assigned to a case shall forthwith visit the scene of the crime and take steps in accordance with investigative procedures specified by the Director-General of Police, by standing orders. The officer-in-charge of the Police Station shall preferably the same day, but in any case within 48 hours, visit the scene of crime in all cases of serious offences and issue specific written directions for ensuring the speedy and fair investigation of the offence.

79. Supervision by Sub-Divisional Police Officers—(1) The Sub-Divisional Police Officer shall visit the scene of crime in all cases of serious offences personally at the earliest opportunity but in any case within 48 hours and shall ensure that all requisite legal, scientific and forensic requirements for proper investigation are fully met.

(2) The Sub-Divisional Police Officer shall monitor the progress of investigation in all cases entrusted to the Criminal Investigation Unit and shall issue directions in writing, where in his opinion, a particular aspect requires specific investigation and shall accord approval to the final report in each case of serious offence before it is filed in the Court having jurisdiction.

(3) The Sub-Divisional Police Officer shall closely monitor the progress of prosecution of all serious offences to ensure that the results of the investigation are putforth in the best possible manner before the trial Court.

80. Supervision by the District Superintendent of Police—(1) The District Superintendent of Police shall generally monitor the progress of investigation in all criminal cases registered in the District and shall closely oversee the progress of investigation of cases of serious offences by the Criminal Investigation Unit.

(2) The Superintendent of Police shall be assisted by a Law Officer posted for the purpose of providing legal advice on criminal investigation.

(3) The Superintendent of Police shall designate an Additional Superintendent of Police in his district as the in-charge of the District Criminal Investigation Unit to monitor cases of serious offences and make recommendations to him for improving the speed and quality of investigation generally or in specific cases and may also if a case so requires, direct that the investigation shall be done by a Special Investigating Team headed by an Additional Superintendent of Police, or a Sub-Divisional Police Officer or an Assistant or Deputy Superintendent of Police, comprising Investigating Officers from Criminal Investigation Units of any Police Stations of the District.

81. Investigation of other offences—Offences other than serious offences, including traffic offences, affray, minor disputes affecting the public peace, simple hurt, minor theft, instances of public nuisance and such cases as are not investigated by the Criminal Investigation Unit or any specialized unit shall be investigated by the civil police of the Police Station having jurisdiction.

82. State Criminal Investigation Department—(1) The State Criminal Investigation Department shall take up investigation of only serious offences of inter-State or inter-District nature or of a specialized nature, including cyber crime, organized crime and such other types of offences as may be notified by the State Government from time to time.

(2) The Director-General of Police may entrust the Criminal Investigation Department with the investigation of any case registered with any Police Station in the State in case special investigation is expeditiously required, or it is necessary to do so, to maintain public credibility in the investigative process.

(3) There shall be a Law Officer not below the rank of the Joint Director (Prosecution) exclusively to assist and aid the officers of the State Criminal Investigation Department on legal aspects of investigation and subsequent prosecution.

(4) The Criminal Investigation Department shall have in its headquarters a Police Station with State wide jurisdiction to facilitate registration of cases to be investigated by the Criminal Investigation Department.

(5) The head of the Criminal Investigation Department may constitute Special Investigation Teams to investigate complex cases and shall have the powers to call for reports of investigation and issue advisories to Investigation Officers of the Criminal Investigation Department and the District Criminal Investigation Unit.

(6) Investigation Officers in the Criminal Investigation Department shall be part of the cadre of Investigation Officers created under sub-section (5) of section 78 and the Scene-of-Crime Officers of the Department shall be part of the Scene-of Crime Officers cadre.

(7) The District Superintendent of Police shall provide all assistance and criminal intelligence to Investigation Officers whether of the Criminal Investigation Department or otherwise.

(8) The Head of the Criminal Investigation Department shall cause to be prepared, within 6 months from the date of coming into force of this Act, a comprehensive Investigation Manual specifying detailed operating procedures for investigation of serious offences by the Criminal Investigation Department, District Criminal Investigation Unit and Police Station level Criminal Investigation Units. The Manual along with the recommendations of the Director-General of Police shall be placed before the State Police Board for its approval within 9 months from the date of coming into force of this Act.

(9) The Criminal Investigation Department shall publish a periodical Criminal Investigation Gazette, giving information regarding arrests, identification wanted,

missing persons, proclaimed offenders, notices and warnings etc., in such form and with such contents as the Director-General of Police may direct from time to time. The Gazette shall be widely circulated, and published on the website of the Police Department.

83. Forensics—(1) The Director, Forensic Science shall, from time to time, with the approval of the State Police Board, communicate to the State Government, the forensic facilities or services required at the State, Range and District level for the purpose of scientific investigation of crime, and the scientific evidence that should be collected in various circumstances.

(2) The State Government shall make available the necessary financial resources to provide the requisite forensic facilities or services within 6 months and if it is unable to provide the facility it shall communicate the reasons which shall be placed before the State Police Board in its next meeting.

(3) It shall be mandatory for all Investigation Officers, whether of the State Criminal Investigation Department or the Criminal Investigation Unit of the Police Station of the District to collect samples in the manner prescribed by the Director, Forensic Science and send them for analyses to the designated forensic laboratory.

(4) The Director-General of Police, in consultation with Director, Forensic Science, shall, by Standing Order—

(i) prescribe the expertise including Diploma and Certification for Investigation Officers of the Criminal Investigation Department and the Criminal Investigation Unit;

(ii) determine the specifications of scientific interrogation centers and the Standard Operating Procedures in such centers;

(iii) determine the nature and specifications of the audio–video and other equipment that may be used in investigation and the Standard Operating Procedures for the purpose; and

(iv) lay down the Standard Operating Procedures in investigating various types of crime including the procedure for collecting samples for forensic analysis.

84. Maintenance of Crime and Forensic Data banks—(1) The State Criminal Investigation Department shall maintain a data bank of all information important for crime investigation, crime prevention and tracing of lost and missing persons and property and shall administer the State Crime Records Bureau and District Crime Records Bureau for the purpose.

(2) The Criminal Investigation Department shall maintain adequate linkages with District Superintendent of Police and with the National Crime Records Bureau for data updating, sharing and exchange.

(3) The Criminal Investigation Department shall have a Finger Print Bureau to be headed by an Officer of the rank of at least Superintendent of Police. The Bureau shall maintain computerized searchable databanks of fingerprints, including those collected in the course of investigation by the Bureau, the State Criminal

Investigation Department or the District Police. The State Finger Print Bureau shall coordinate activities with similar agencies in other States and Government of India. The Finger Print Bureau shall provide training to Investigation Officers of the District Police and develop standard operating procedures for lifting, developing and matching finger prints in various circumstances, and shall publish a Finger Printing Manual for the purpose.

85. Respect for privacy and fair investigation—(1) Every Investigation Officer and his official superiors shall respect the need for privacy of victims of offences and witnesses.

(2) Every Investigation Officer and his official superiors shall take all possible steps to ensure fair and impartial investigation, and while respecting the right to privacy of victims of offences and witnesses, shall ensure that such information as is necessary to be revealed to the public, in the public interest, for maintaining public credibility in the investigative process, is putforth as soon as possible.

(3) The Director-General of Police may, by regulations, specify procedures for the purpose of this section.

CHAPTER XI

REGULATION, CONTROL AND DISCIPLINE

86. Prohibition of certain practices—(1) No Police Officer shall join or be a member of any Association or participate in the activities of such Association which has an objective, or which aims at, collective negotiation on matters relating to the police service.

(2) No Gazetted Police Officer or Non-Gazetted Police Officer Grade-I shall be posted in his Home district and no Non-Gazetted Police Officer Grade-II shall be posted in his Home Police Station, as recorded in his Service Book.

(3) No Police Officer shall engage in any employment or office whatsoever other than his duties under this Act, unless expressly permitted to do so in writing by the competent authority.

87. Breaches of discipline and disciplinary misconduct by a Police Officer—(1) Whoever, being a Police Officer—

(i) knowingly contravenes or fails to follow the provisions of any law or any rule or instruction made thereunder, in the discharge of his official duties, with the intention of giving undue benefit or causing harm to any person; or

(ii) knowingly disobeys a lawful direction of his official superior or of a public servant empowered to issue directions, with the intention of giving undue benefit or causing harm to any person; or

(iii) exhibits cowardice in the line of duty; or

(iv) abdicates duties or withdraws from duty in contravention of the provisions of this Act; or

(v) is grossly insubordinate to a superior Police Officer; or

(vi) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets, any form of strike or coercion to compel any authority to concede anything; or

(vii) commits any other service misconduct; shall be deemed to have breached service discipline and shall be liable to be punished for conduct unbecoming of a Police Officer by a disciplinary authority in accordance with the provisions of this Act and relevant conduct rules.

(2) The State Government, having regard to the nature of misconduct, may by notification published in the Official Gazette, classify the "major" and "minor" misconducts for which any of the following penalties shall respectively be awarded, namely:—

(I) Major Penalties—

(a) Dismissal from service; or

(b) Removal from service; or

(c) Compulsory retirement; or

(d) Reduction in rank:

Provided that such reduction shall not be to a rank below the rank in which such officer was recruited

Provided that a Police Officer who has been sentenced by a criminal court of law to imprisonment exceeding one month or whose misconduct is of the gravest nature, including—

(i) spying or anti-national activities; or

(ii) damaging public infrastructure or public property; or

(iii) causing indiscipline amongst fellow policemen or going on strike, mass causal leave or resorting to mass abstention; or

(iv) promoting enmity between various classes of society or causing riots etc; or

(v) negligence or connivance in escape of a prisoner in lawful custody; or

(vi) corruption or perjury ; or

(vii) such other major misconduct as the State Government may, having regard to its nature, declare to be misconduct of the gravest nature; shall be awarded the penalty of dismissal from service; and

(II) Minor Penalties:—

(a) reduction in pay by upto 3 stages in the timescale for a period not exceeding 3 years; or

(b) withholding of increments for upto 3 years ; or

(c) fine not exceeding one month's pay; or

(d) reprimand or censure; or

(e) fatigue drill.

88. Disciplinary Penalties—(1) Subject to the provisions of this Act and in the manner as may be prescribed, any Gazetted Police Officer of the rank of Superintendent of Police or above, can award any of the major penalties to any Non-Gazetted Police Officer for whom such Gazetted Officer is an appointing authority.

(2) Any Gazetted Police Officer of the rank of Superintendent of Police or above, in accordance with the procedure prescribed, shall have the power to award any of the minor penalties to any Non-Gazetted Police Officer under his official control.

(3) The Assistant Superintendent of Police or the Deputy Superintendent of Police or any other officer of equivalent or higher rank shall have the power to award the minor penalty of reprimand or censure to Non-Gazetted Police Officers upto the rank of Sub-Inspectors of Police for such misconduct as may be prescribed.

(4) Any Police Officer of the rank of Inspector and above may, in accordance with the procedure prescribed, award the minor penalty of reprimand or censure or of fatigue drill to Non-Gazetted Police Officers Grade-II for such misconduct as may be prescribed.

(5) Any penalty specified under sub-sections (1) to (4), if awarded to any Police Officer, shall not affect his liability for prosecution and punishment for any criminal offence committed by him or his liability to make good the pecuniary loss caused by his proven misconduct.

89. Suspension—(1) Any Gazetted Police Officer or Inspector or any officer-in-charge of a Police Station, as the case may be, may suspend, pending inquiry or investigation, any Non-Gazetted Officer under his control who is guilty or reasonably suspected guilty of gravest misconduct and whose immediate suspension is necessary in the public interest or to maintain discipline in the Police force:

Provided that where any Police Officer below the disciplinary authority orders the suspension of a Police Officer under his control, he shall immediately inform the disciplinary authority, who may confirm or rescind the order.

(2) Suspension of Gazetted Police Officers shall be made by the authority competent to order suspension under the relevant service rules.

(3) Every order of suspension passed under this section shall be in writing giving briefly the reasons thereof.

(4) Where a Police Officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of his suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the Police Officer shall continue to be under suspension until the termination of all or any such proceedings.

(5) An order of suspension may, at any time, be revoked, modified or reviewed suo moto, or on the representation of the suspended officer by the authority which made the order or by any authority to which that authority is subordinate.

(6) All cases where the period of suspension exceeds one year shall be reported to the State Police Board by the Director-General of Police.

90. Appeals from orders of punishment—An appeal against any order of punishment passed against a Police Officer under this Act or the rules made thereunder shall lie—

(i) where the order is passed by the Director–General of Police, to the State Government;

(ii) where the order is passed by an officer subordinate to the Director-General of Police, to the next higher-ranking officer in the police hierarchy in that organization.

91. Separate set of rules for Police Officers—(1) All Non-Gazetted Police Officers shall be exempted from application of classification, discipline, appeal and conduct Rules applicable to other State Government employees, and shall be governed by Rules framed under this Act for the said purpose.

(2) Indian Police Service and Gazetted State Police Service Officers shall be governed by their respective rules on matters relating to conditions of their service.

92. Police Officers always on duty—(1) Every Police Officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed as a Police Officer in any part of the State, or in any other State in accordance with the law.

(2) A Police Officer shall not abdicate his duties or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Director-General of Police or any such officer as may be authorized by him to grant such permission or by the competent officer in case of Indian Police Service Officers and Gazetted State Police Officers. A Police Officer who, being on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the meaning of this section, to withdraw himself from the duties of his office.

CHAPTER XII

POLICE ACCOUNTABILITY

93. State Police Complaints Authority—(1) There shall be established a State Police Complaints Authority comprising the Lokayukta, Himachal Pradesh to receive and enquire into allegations of criminal misconduct by Police Officers. The State Police Complaints Authority may also generally oversee the system of police accountability in order to reduce the potential for corruption in police services. The recommendations of the State Police Complaints Authority shall be binding on the State Government.

(2) In all cases where action to implement the recommendations has not commenced within a period of 60 days from receipt of the recommendations, the State Government shall inform the Authority of the reasons.

(3) The powers of the State Police Complaints Authority shall be such as may be prescribed.

94. District Police Complaints Authority—(1) The State Government shall establish a Police Complaints Authority in each District to receive complaints of misconduct including criminal misconduct. The authority shall also monitor the status of departmental inquiries against Non Gazetted Police Officers initiated in the District on the orders of the State Police Complaints Authority.

(2) The powers of the District Police Complaint Authority shall be such as may be prescribed with the concurrence of the State Police Complaints Authority.

95. Composition of the District Police Complaints Authority—(1) The District Police Complaints Authority shall be headed by the Divisional Commissioner of the Division and shall include 3 other Non-Official Members (who may be retired senior Police Officers of the rank of Superintendent of Police and above, retired prosecutors of the rank of District Attorney and above, or retired Judicial officers of the rank of Additional District Judge and above). The Non-Official Members shall be nominated by the State Government in consultation with the Lokayukta for a period of three years and shall be eligible for re-nomination.

(2) No person shall be eligible to be nominated or to continue as a Non-Official Member if he—

(i) is not a citizen of India; or

(ii) has a charge-sheet filed against in a Court of Law in a criminal case; or

(iii) has been dismissed or removed from service or has been compulsory retired from public employment on grounds of corruption or misconduct; or

(iv) is of unsound mind; or

(v) holds public office or is an office bearer of any political party or political organization.

(3) Non-Official Members shall be paid a sitting fee and travelling allowance and daily allowance at such rates as may be notified by the State Government.

(4) The District Police Complaints Authority shall meet as often as required, but at least once a month and the proceedings shall be open to the public and a record of the proceedings shall be kept.

96. Functions of District Police Complaints Authority—The District Police Complaints Authority shall—

(i) forward the complaints of criminal misconduct, received directly by it, to the State Police Complaints Authority for further action;

(ii) forward the complaints of other misconduct received by it, made against Non-Gazetted Police Officers, to the District Superintendent of Police, Commandant of Battalion or other disciplinary authority, as the case may be;

(iii) forward complaints containing allegations of other misconduct against any Gazetted Police Officer to the State Government, for further action, under intimation to the State Police Complaints Authority;

(iv) monitor the status of departmental inquiries initiated on the basis of complaints of misconduct received by it against Non-Gazetted Police Officers, and obtain reports from the District Superintendent of Police, Commandant of Battalion, or other disciplinary authority, with such frequency as may be specified. The authority shall also monitor departmental inquiries against Non-Gazetted Police Officers initiated in the District on the orders of the State Police Complaints Authority;

(v) issue appropriate advice to the disciplinary authority concerned, in cases where the original complaint was received by the District Police Complaints Authority, for expeditious completion of inquiry in any case, if, in the opinion of the District Police Complaints Authority, such an inquiry is getting unduly delayed;

(vi) call for a report from the disciplinary authority, and issue appropriate advice for further action including, if necessary, a fresh inquiry by another officer, when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of misconduct, brings such matter to the notice of the District Police Complaints Authority; and

(vii) report to the State Police Complaints Authority cases where departmental inquiry into misconduct in respect of a Non-Gazetted Police Officer is not concluded in time by the Inquiry Officer concerned inspite of the advice of the District Police Complaints Authority to the disciplinary authority:

Provided that a District Police Complaints Authority may at any time, for reasons to be recorded in writing, and subject to the directions of the State Police Complaints Authority, decide not to take further action on a complaint of misconduct, if it appears that the complaint is incorrect in material particulars or vexatious or malicious, with the intention of impeding the exercise of lawful authority:

Provided further that in case of an intentionally false or vexatious or malicious complaint, the District Police Complaints Authority may recommend to the State Police Complaints Authority, the imposition of a fine not exceedingt twenty five thousand rupees as may be deemed appropriate in the circumstances of the case.

97. Report of the District Police Complaints Authority—Each District Police Complaints Authority shall prepare and submit to the State Police Complaints Authority an annual report at the end of each calendar year, inter alia, containing—

(i) the numbers and types of cases of "criminal misconduct" and "other misconduct" forwarded by it to the State Police Complaints Authority and the disciplinary authority respectively, during the year;

(ii) the number and types of cases monitored by it during the year;

(iii) the number and types of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry

into their complaints; and cases in which advice was issued by it to the disciplinary authority for further action; and

(iv) identifiable patterns of misconduct if any on the part of Police Officers in the District and recommendations on measures to enhance police accountability.

98. Rights of the complainant—(1) A person may lodge his complaint relating to any misconduct including criminal misconduct on the part of any Police Officer either with the departmental Police authorities or with the State Police Complaints Authority or the District Police Complaints Authority.

(2) Where a person has lodged a complaint with the police authorities, he may inform the State Police Complaints Authority or the District Police Complaints Authority at any stage of the departmental inquiry about any undue delay in the process of enquiry.

(3) The complainant shall have the right to be informed of the progress of the inquiry from time to time by the inquiring authority and on completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the proceedings as well as the final action taken.

(4) The complainant may attend hearings in an inquiry concerning his case and after each hearing, the complainant shall be informed of the next date and place of the hearing.

(5) All hearings shall be conducted in Hindi (the Official Language) or in English, and a written transcript shall be provided to the complainant free of cost in Hindi or English, as the case may be, if the complainant is not able to understand the language in which the proceedings or a portion thereof is conducted.

99. Duty of the Police and other State Agencies—(1) It shall be the duty of every Police Officer of the District Police and the State Police as well as any other agency concerned, to provide to the State Police Complaints Authority and the District Police Complaints Authority all information they may reasonably require to perform their duties.

(2) The authority which is required to implement a recommendation of the State or District Police Complaints Authority shall, if it is of the opinion that it is not expedient to implement such a recommendation, inform the State Government of the reasons as soon as possible, but not later than 30 days of receiving the recommendation.

100. Bar to interfere with the functioning of the State Police Complaints Authority or the District Police Complaints Authority—(1) Whoever influences or interferes with the functioning of the State Police Complaints Authority or the District Police Complaints Authority, except in the course of lawful duty, shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty five thousand rupees or with both:

Provided that any threat, coercion or inducement offered to any person to make a false, vexatious or malicious complaint, or to any witness or victim of police misconduct with the intention of misleading proceedings, shall be deemed to be interference with the functioning of the State Police Complaints Authority or the District Police Complaints Authority, as the case may be.

(2) The State Police Complaints Authority may, if it comes to the conclusion that a complaint of police misconduct is intentionally false or is vexatious or malafide, may impose a fine not exceeding twenty five thousand rupees:

Provided that no such orders shall be made without affording the affected party a reasonable opportunity of being heard.

101. Performance audit by State Bureau of Police Research and Development—(1) The State Police Board or the State Government may require the State Bureau of Police Research and Development to arrange the conduct of a performance audit of police functioning or studies on various aspects of police performance, or conduct of various kinds of surveys including public opinion surveys and make its recommendations on improving the quality of policing or on new policing requirements in a changing scenario.

(2) The Report of the Bureau shall be placed before the State Police Board by the Director-General of Police alongwith his comments for a decision on the recommendations.

102. Protection of action taken in good faith—No suit or other legal proceeding shall lie against the State Government, the State Police Board, its members and staff, the State and District Police Complaints Authority, its members, its Investigators, staff or any person in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

103. Funding—The State Government shall ensure that adequate funds are provided to the State Police Complaints Authority and the District Police Complaints Authorities for the effective performance of their functions. The Police shall not provide any material or human resources to the State or the District Police Complaints Authorities other than in accordance with the general or specific directions of the State Government.

CHAPTER XIII

WELFARE AND GRIEVANCE REDRESSAL MECHANISM

104. Career Progression—The State Government shall formulate policies in order to ensure adequate promotional avenues to meritorious Police Officers of all ranks.

105. Welfare Committee—(1) There shall be a Police Welfare Committee, headed by an officer not below the rank of Inspector-General of Police, in the office of the Director-General of Police to assist him in implementing welfare measures for Police Officers and their families.

(2) The Committee shall comprise of representatives of all police ranks and may also have other members in an advisory capacity. The members of the Committee shall be nominated by the Director-General of Police.

(3) The functions and activities of the Police Welfare Committee shall, inter alia include: health care (including post-retirement health care), post-retirement/ post-death financial assistance, group housing, education and sports activities, and career counseling of family members of Police Officers, training of family members in entrepreneurial work/self-employment and generation of employment opportunities and legal assistance to Police Officers facing proceedings in matters relating to bona fide discharge of duty.

(4) The Director-General of Police shall constitute funds as may be necessary for the welfare of Police Officers and their families with the prior approval of the State Government which may provide matching grants as well as outright grants.

(5) The State Government shall prescribe the modalities for the smooth functioning of the Committee and subject to the rules, the Director-General of Police may make regulations to regulate its day-to-day functioning.

106. Insurance coverage, hospitals etc.—(1) State Government shall evolve a scheme for adequate insurance coverage for all Police Officers against any injury, disability or death in the course of performance of their duty.

(2) The Police Officers engaged in specialized wings such as bomb disposal squad, Commando Groups etc. shall be paid risk allowance commensurate with the possible risks involved in performing these duties.

(3) Appropriate medical facilities shall be established at Battalion headquarters and such other locations as may be deemed necessary for general treatment to enable Police Officers to maintain the required standards of health and physical fitness.

(4) Facilities for psychological counseling, in order to cope with professional stresses, shall be given due attention in the Police Stations, Battalions and other Police establishments.

107. Grievance Redressal—(1) There shall be Police Grievances Committees at the District, Battalion, Range and Headquarters level which shall be headed by the Superintendent, Commandant, Deputy Inspector-General and an officer not below the rank of Additional Director-General respectively, and there shall be two other Gazetted Police Officers in each Committee, nominated by the Director-General of Police:

Provided that the two Gazetted Police Officers nominated to the Headquarters Committee shall be of at least the rank of Inspector-General.

(2) Representations by the Non-Gazetted Police Officers Grade-II shall be made in writing to the District or Battalion Committee, as the case may be.

(3) Representations by the Non-Gazetted Police Officer Grade-I shall be made in writing to the Deputy Inspector-General of the Range or the Special Uni, as the case may be.

(4) Representations by Gazetted Police Officers shall be made to a Headquarters Committee which shall also hear appeals against decisions of the District, Battalion and Range Committees:

Provided that in all cases where the representation requires to be considered at the Government level, the Director–General of Police, instead of referring the matter to the Headquarters Committee, shall forward the representation to the State Government.

(5) All representations and appeals must be decided within 30 days and a summary statement of the cases decided after 30 days as well list of cases over 30 days old and still pending with the facts of each case and reasons for delay, shall be reported by the Director-General of Police to the State Police Board, which may issue appropriate directions.

(6) An analysis of the grievances, their causes and impact on the morale and efficiency of Police Service shall be carried out annually and shall be included in the Annual Report of the State Police Board.

108. Working hours—(1) The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not exceed eight hours a day:

Provided that for exceptional reasons, the duty hours of a Police Officer may extend up to 12 hours and in that event adequate compensation and facilities shall be provided to the Police Officer.

(2) The State Government shall ensure that at least one weekly day off is provided to all Police Officers.

CHAPTER XIV

OFFENCES, PENALTIES AND POWERS

109. Regulation of public assemblies and processions—(1) It shall be duty of every person intending to form a procession or convene or collect an assembly in any road, street or thoroughfare, to give intimation in writing at least 24 hours in advance, to the officer-in-charge of the Police Station having jurisdiction or the Sub-Divisional Police Officer or the District Superintendent of Police.

(2) The District Superintendent of Police, or a Police Officer not below the rank of Sub-Inspector authorized by him by general or special order, on being satisfied that such an assembly or procession would, if uncontrolled or unregulated, be likely to cause a breach of peace, may impose necessary restrictions and conditions including making provisions for satisfactory regulatory arrangements in compliance of which such assembly or procession may take place.

(3) The District Superintendent of Police or a Police Officer not below the rank of Sub-Inspector authorized by him by general or special order, may, where necessary, direct the conduct of assemblies and processions on the public roads, or in the public streets or thoroughfares, and specify the routes and times for such processions to pass.

110. Assemblies and processions violating prescribed conditions—A Magistrate or any Gazetted Police Officer or the officer-in-charge of a Police Station, as the case may, shall have the powers to stop any assembly or procession which has been convened or organized in contravention of the provisions of section 109 of this Act, and order such assembly or procession to disperse and such assembly shall be deemed to be an "unauthorized assembly".

111. Directions to keep order on public roads—A Magistrate or the District Superintendent of Police, or any other Police Officer not below the rank of Sub-Inspector authorized by him by a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, ghats, landing-places, railway stations, airports and any other public places, in order to prevent obstruction, injury, harm, health hazard, or annoyance to the public, or damage to property.

112. Power to reserve public places and erect barriers—(1) A Magistrate or the Superintendent of Police of the District or any other Police Officer not below the rank of Sub-Inspector authorized by him by a general or special order may, for any public purpose, by public notice, temporarily reserve any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified in the notice.

(2) The Superintendent of Police of the District may authorize any Police Officer under his control to erect or cause to be erected, barriers on any public road temporarily reserved for any public purpose, and make such orders as deemed fit for regulating the use of such barriers and specify all necessary steps to be taken for safety of the public.

113. Regulation of the use of music and other sound systems in and near public places—The officer-in-charge of a Police Station or a Police Sub-Division may, by order in writing, regulate the time and the volume of music, sounds, performances, displays, broadcasts and other similar activities in or near streets and public places to prevent annoyance to the residents of the neighbourhood.

114. Powers of Police Officers in respect of certain offences on roads or public places—(1) It shall be lawful for any Police Officer in uniform to take into custody, without warrant, any person who within his personal view, has committed any of the following offences on any road, public place or thoroughfare [1][within the limits of any municipal area] causing obstruction, annoyance, risk, danger or damage to residents or passersby, namely:—

(i) slaughters or wantonly commits cruelty to any animal; or

(ii) drives or rides furiously any cattle or horses; or

(iii) obstructs the taking up or setting down of passengers at a public transport halting place; or

(iv) exposes any good for sale; or

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1. Ins. by Himachal Pradesh Act No. 1 of 2008 dated 15-02-2008.

(v) is found drunk and incapable or riotous; or

(vi) indecently exposes himself, urinates or defecates in a public place or in public view; or

(vii) unauthorizedly affixes any bill, notice or other paper to, or defaces, any property belonging to the State or Central Government or any public authority; or

(viii) commits willful trespass into any property belonging to the State or Central Government or any public authority; or

(ix) willfully damages any public alarm or any other public emergency assistance system; or

(x) harasses or stalks a woman or makes indecent advances or makes obscene remarks or gestures to a woman; or

(xi) begs or seeks alms.

(2) Any person, so arrested, if not immediately released on bail, shall be produced as soon as possible, but not later than 24 hours, before the nearest Judicial Magistrate having jurisdiction.

[1][*Explanation.*—For the purpose of this section, the expression "municipal area" means the territorial area of the municipality constituted under section 3 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994), which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation.]

115. Penalty for disobeying orders or directions—(1) Whoever contravenes the provisions of sections 64, 109, 110, 111,112 or 113 of this Act, may be arrested without a warrant by or on the directions of a Police Officer in uniform not below the rank of Assistant Sub-Inspector and shall, on conviction, be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to five thousand rupees or with both:

Provided that any person, so arrested, may compound the offence by pleading guilty before a Police Officer not below the rank of Sub-Inspector and such Police Officer may accept from such person a compounding fee as may be prescribed but not exceeding the amount of the fine, and on payment of such compounding fee, the person, if in custody, shall be released forthwith and no further proceeding shall be taken against him.

(2) Whoever contravenes the provisions of section 114 of this Act shall on conviction, be punishable with simple imprisonment that may extend to eight days or with fine which may extend to five thousand rupees or both:

Provided that any person so arrested may compound the offence by pleading guilty before a Magistrate or a Police Officer not below the rank of Deputy Superintendent of Police and such Magistrate or Police Officer may accept from such person a compounding fee prescribed, not exceeding the amount of the fine and on payment of such compounding fee, the person if in custody shall be released forthwith, and no further proceeding shall be taken against him.

1. Ins. by Himachal Pradesh Act No. 1 of 2008 dated 15-02-2008.

116. Saving of control of Magistrate of the District—Notwithstanding anything contained in this Chapter, nothing shall be deemed to have interfered with the general control of the Magistrates of the District on the matters assigned to them under any law for the time being in force.

117. Police Officers to take charge of unclaimed property—(1) A Police Officer on duty shall take in custody all unclaimed property in such manner as may be prescribed.

(2) Unclaimed property taken in custody, shall, with the approval of the District Superintendent of Police or Sub-Divisional Police Officer, be disposed off in such manner as may be prescribed, and proceeds shall be deposited into the Government Treasury after deducting the cost of transportation, storage and disposal of the property.

(3) The Director-General of Police may, by regulations, fix the time limit having regard to the nature of the article, after which unclaimed property may be disposed off.

118. Obstruction in Police work—Any person who obstructs the discharge of lawful duties and functions of a Police Officer may be arrested without a warrant and shall, on conviction, be punishable with simple imprisonment not exceeding three months or with fine not exceeding five thousand rupees or with both.

119. Unauthorised use of police uniform—Whoever, not being a member of the State Police, wears the uniform of the State Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punishable with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees.

120. Refusal to surrender certificate etc. on ceasing to be a Police Officer—Whoever, having ceased to be a Police Officer, does not forthwith and in any case not later than 7 days, surrender his certificate of appointment, clothing, accoutrements and other items supplied for the discharge of his duties, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

121. Making a false or misleading statement—Whoever knowingly makes a false statement or a statement which is misleading in material particulars to a Police Officer for the purpose of obtaining undue benefit or for the purpose of causing intentional harm to any person shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees.

122. Arrest, search, seizure and violence—Whoever, being a Police Officer—

(i) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(ii) unlawfully or without reasonable cause seizes the property of any person; or

(iii) unlawfully or without reasonable cause detains, searches, or arrests a person; or

(iv) unlawfully or without reasonable cause delays the production of any person arrested or detained to a Magistrate or to any other authority to whom he is legally bound to produce such person; or

(v) commits sexual harassment either while on duty or otherwise by misusing his authority as a Police Officer; or,

(vi) subjects any person in his custody or with whom he may come into contact in the course of duty, to torture or to any kind of unlawful personal violence; or

(vii) holds out any threat not warranted by law; shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

123. Plea that act was done under warrant—(1) When any action or prosecution is brought or any proceeding held against any Police Officer, for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

(2) Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall, thereupon, be entitled to a decree in his favour, notwithstanding any defect to jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt it's being genuine:

Provided always that any remedy that the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

124. Prosecution of Police Officers—(1) No court shall take cognizance of any offence under this Act, when the accused person is a Police Officer, except on a report in writing, of the appointing or disciplinary authority.

(2) No court below that of a Judicial Magistrate of the First Class shall try any offence under this Act, when any of the accused persons is a Police Officer.

(3) No suit or legal proceedings shall lie against a Police Officer for any act or omission done in good faith in the bona-fide discharge of his duties.

125. Prosecution for offences under other laws—Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything made punishable under this Act.

126. Summary disposal of certain cases—(1) Any Court taking cognizance of an offence punishable under sections 64, 109, 110, 111, 112, 113, or 114 of this Act, may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered post, and remit to the court such sum not exceeding five thousand rupees as may be specified in the summons.

(2) Where an accused person pleads guilty and remits the sum specified in the summons, no further proceedings shall be taken against him in respect of that offence.

127. Recovery of penalties and fines—Provisions of sections 64 to 70 of the Indian Penal Code and sections 421 to 425 of the Code of Criminal Procedure, 1973, shall apply to penalties, fines or any other sum payable under this Act.

128. Limitation—No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in section 468 of the Code of Criminal Procedure, 1973, and for the purpose of computation of the limitation, provisions of Chapter XXXVI of the Code shall apply.

129. Procedure for publishing directions and public notices—(1) All general directions, regulations, or public notices issued under this Chapter shall be published in the office of the concerned District Magistrate, Sub-Divisional Magistrate, Sub-Divisional Police Officer, Police Station, Panchayats having jurisdiction and in the locality affected thereby, by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by advertising the same in such local newspapers, and other media including official websites as may be prescribed by the Director-General of Police by Standing Orders.

(2) If any direction or order made under this section relates to any matter with respect to which there is a provision in any other law, rule or byelaw of the Municipal Corporation or municipalities or local authorities in relation to public health, convenience or safety of the locality, such direction or order shall be subject to such law, rule or byelaw.

CHAPTER XV

MISCELLANEOUS

130. Disposal of fees and rewards—(1) With effect from such date as the State Government may, by notification in the Official Gazette appoint, there shall be established for the purposes of this Act a fund to be called the "Himachal Pradesh Police Fund".

(2) The fund shall be under the control of the State Government and there shall be credited to the fund any sums of money as may be provided by the State Government for carrying out the purpose of this Act, and the balance to the credit of the fund shall not lapse at the end of the financial year.

(3) The Director-General of Police shall maintain proper accounts of the fund and other relevant records and prepare an annual statement of accounts in such manner as may be prescribed.

(4) The fund shall be used for the objects and purposes connected with better policing under this Act.

(5) The fund shall be administered by the Director-General of Police in accordance with regulations made under this Act.

(6) Proceeds of all fines and fees paid for licenses or written permissions issued under this Act, and all sums paid for the service of processes by Police Officers and all rewards paid by private persons, forfeitures and penalties or shares thereof, which are by law payable to Police Officers as informers, shall, save in so far as any such fees or sums belong, under the provisions of any enactment if in force, to any local authority, be credited to the Consolidated Fund of the State and shall be appropriated, if the State Legislature by law so provides, to the fund in such manner as may be prescribed, for being utilized exclusively for the purpose of this Act.

(7) The fund shall be audited by the Examiner, Local Audit Department, Himachal Pradesh.

131. Method of proving orders and notifications—Publication of any order or notification issued under any of the provisions of this Act, may be proved by the production of a copy of the Official Gazette in which the same is published, or a certified true copy of the original signed by such Magistrate or officer.

132. Validity of rules and orders—No rules, regulations, orders, directions, or notifications made or published and no adjudication, inquiry or act done under any of the provisions of this Act or the rules made thereunder, which is substantially in consonance with the same, shall be deemed to be illegal, void or invalid by reason of any defect of form.

133. Officers holding charge of succeeding to vacancies competent to exercise powers—Whenever the office of a Magistrate or Police Officer falls vacant by any reason, the officer holding charge of the post of such Magistrate, or Police Officer whether temporarily or permanently, shall be competent to exercise all the powers and perform all the duties as are conferred or cast on such officer under this Act.

134. Licenses and written permissions to specify conditions—(1) Any license or written permission granted under the provisions of this Act, shall specify the period, locality and the conditions and restrictions subject to which the same is granted and shall be given under the signature of the competent authority and shall be subject to payment of such fee as may be prescribed.

(2) Every person to whom such license or written permission has been granted, shall, while it remains in force, produce the same at all reasonable times, if so required by a Magistrate or a Police Officer.

135. Revocation of licences and its consequences—(1) Any license or written permission granted under this Act, may at any time, be suspended or revoked by the competent authority, if any of its conditions or restrictions are violated, or if the person to whom it has been granted is convicted of any offence relating to such permission.

(2) When any such license or written permission is suspended or revoked, or has expired, the person to whom such licence or written permission was granted shall be deemed to be without a license or written permission until the order for suspending or revoking the same is cancelled or the licence is renewed, as the case may be.

Explanation.—For the purpose of this section any such violation by a servant or agent acting on behalf of the person to whom the license or written permission has been granted, shall be deemed to be a violation by the person to whom such license or written permission has been granted.

136. Public notices how to be given—Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclamation in public places using loudspeakers or other means, or by advertising the same in such local newspapers in English, or Hindi, as the said authority may deem fit.

137. Consent of a Competent authority may be proved by written document under his signature—Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by that competent authority purporting to convey or setforth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

138. Signature on notices may be stamped—Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or the rule made thereunder, shall bear the signature of the competent authority and shall be deemed to be properly signed, if it has been authorized for issue by him and bears the facsimile of his signature stamped thereon.

139. Power to remove difficulty—If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may by order do anything, not inconsistent with the provisions thereof, which appears to it to be necessary or expedient for the purpose of removing the difficulty and every order so made under this section shall be laid on the Table of the State Legislature:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

140. Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order—Any person adversely affected by any rule or order made by the State Government, under an authority conferred by this Act requiring the public or a particular class of persons to perform certain duties or functions, or to conduct themselves or those under their control in a manner described therein may make a representation to State Government to annul, reverse or alter the said rule or order.

141. Power to make rules—(1) The State Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of not less than ten days which may comprised in one session or in two or more

successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rules should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

142. Power to make regulations—The Director-General of Police may, with the previous approval of the State Government and subject to the rules made under section 141 of this Act, by notification published in the Official Gazette, make regulations to carry out the purposes of this Act.

143. Power to issue standing orders—(1) The Director-General of Police may, subject to the rules and the regulations made under this Act, issue standing orders to carry out the purposes of this Act.

(2) Subject to sub-section (1), the Inspector-General, the Deputy Inspector-General, the District Superintendent of Police and Commandant of a Battalion may, with the previous approval of the authority to whom they are directly subordinate and subject to the rules and the regulations made under this Act, issue standing instructions within their respective jurisdiction to carry out the purposes of this Act.

144. Repeal and savings—(1) The Police Act, 1861 (hereinafter called the 'said Act') as in force by virtue of section 88 of the Punjab Re-Organization Act, 1966 (Act No. 31 of 1966) in the areas added to Himachal Pradesh under section 5 thereof and as applied to the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966 by virtue of the Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of laws) Order, 1949, is hereby repealed, in its application to the State of Himachal Pradesh.

(2) Without prejudice to the provisions contained in the Himachal Pradesh General Clauses Act, 1968 with respect to repeals, any notification, rule, order, registration, appointment, certificate, notice, decision, direction, approval, authorization, consent, application, request or thing made, issued, given or done under the said Act, shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(3) All references in any enactment to any provision of the said Act shall be construed as a reference to the corresponding provisions of this Act.

(4) The Punjab Police Rules, 1934 as applicable to the State of Himachal Pradesh shall, except to the extent that a provision may be inconsistent with the provisions of this Act, continue to be in force and shall have effect as if made under the corresponding provisions of this Act.

145. Repeal of H.P. Ordinance No. 1 of 2007 and savings—(1) The Himachal Pradesh Police Ordinance, 2007 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE I

(*See* sections 24 and 35)

Oath or affirmation on first appointment

"I, ————————, having been appointed as a Police Officer of Himachal Pradesh do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws".

SCHEDULE II

(*See* Sections 25 and 36)

Certificate of Appointment

*State/District Enrolment Number:—

" ————————has been appointed as a Civil/Armed * Non-Gazetted Police Officer Grade-I/II* of the Police Service of the Government of Himachal Pradesh under the provisions of the Himachal Pradesh Police Act, 2007, and is vested with the powers, functions and privileges as well as the duties and responsibilities of a Civil/Armed * Police Officer under the said Act."

* Delete the in applicable

Place :

Date :

Name & designation of
Appointing Authority

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THE HARYANA FORM AND MANNER OF INFORMATION RULES, 2025[1]

No. 16/10/2024-3HC.—*In exercise of the powers conferred under sub-section (3) of section 48, sub-section (1) of section 173, sub-section (1) of section 174, sub-section (2) of section 176, sub-section (3) of section 193 and sub-section (2) of section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), the Governor of Haryana, hereby makes the following rules, namely:—*

1. Short title and commencement.—(1) These rules may be called as the Haryana Form and Manner of Information Rules, 2025.

(2) These rules shall come into force from the date of publication of notification in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) "Form" means form appended to these rules;

(b) "general-diary" means the diary maintained in physical or electronic form under rule 22.48 of Punjab Police Rules, 1934 as applicable to the State of Haryana.

(c) "NCRB" means the National Crime Record Bureau, Ministry of Home Affairs, Government of India.

(d) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023);

(2) The words and expressions not defined in these rules but defined in the Sanhita or Punjab Police Rules, 1934 as applicable to the State of Haryana or the guidelines of National Crime Record Bureau, shall have the same meaning as assigned to them in the Sanhita or Punjab Police Rules, 1934 as applicable to the State of Haryana or the guidelines of National Crime Record Bureau.

3. Duties of police officer making arrest regarding Information of arrested person–section 48(3).—After arresting any person, an entry of the fact as to who has been informed of the arrest of person arrested, shall be made forthwith by the police officer concerned, in a book or in the general diary to be kept in the Police Station, in such form containing the following information, namely:—

(a) FIR number, date of registration and name of Police Station in which the FIR is registered;

(b) Name and designation of the officer or other person making arrest;

(c) Place, date and time of arrest;

(d) Name, parentage and address (present and permanent address) of arrested person;

(e) Name, parentage and address of the person to whom information of arrest was given;

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1. *Vide* Haryana Govt. Notification No. 16/10/2024-3HC, dated 23rd January, 2025.

(f) Contact number, e-mail or any other identifying particulars etc. of the person to whom information of arrest was given;

(g) Relation with the arrested person i.e. relative, friend or any other person disclosed or nominated by the arrested person; and

(h) Mode through which information of arrest was given to relative, friend or any other person mentioned above.

4. Information in cognizable cases–section 173(1).—The substance of every information relating to the commission of a cognizable offence received under sub-section (1) of section 173 of the Sanhita shall be reduced into writing, by an officer in charge of the Police Station, in general diary in the format prescribed by the NCRB from time to time and in the First Information Report Register under rule 24.5 of the Punjab Police Rules, 1934 as applicable to the State of Haryana, reflecting manner of the receipt of the information whether received orally or by electronic communication.

5. Information in non-cognizable cases–section 174(1).—The substance of every information relating to the commission of a non-cognizable offence received under sub-section (1) of 174 of the Sanhita by officer in charge of the Police Station, shall be entered or cause to be entered by such officer in the general-diary maintained in the Police Station in the format prescribed by the NCRB.

6. Manner of giving intimation to the informant if there is no sufficient ground for entering into investigation–section 176(2).—If it appears to the officer in charge of a Police Station that there is no sufficient ground for entering into investigation under clause (b) of the first proviso to sub-section (1) of section 176 of the Sanhita, he shall forthwith notify to the informant under sub-section (2) of section 176 of the Sanhita, along with reasons in writing either physically or through electronic communication.

7. Report of police officer on completion of investigation–section 193(3).—The Police Report under clause (i) of sub-section (3) of section 193 or under sub-section (9) of section 193 of the Sanhita shall be forwarded including through electronic communication by the officer in charge of the Police Station to the Magistrate empowered to take cognizance of the offence on the police report, in the Form/Report as prescribed by NCRB, stating therein the particulars mentioned in clause (i) of sub-section (3) of section 193 of the Sanhita.

8. Manner of communication of the action taken to the informant–section 193(3).—The Officer in charge of the Police Station shall communicate in writing, including through electronic communication under clause (iii) of sub-section (3) of section 193 of the Sanhita about the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given. Supplying a copy of the Police Report(s) forwarded under sub-section (3) and (9) of section 193 of the Sanhita, to such person shall be sufficient for this purpose.

9. Preparation of statement of property- section 497 (2).—The description of property as mentioned in sub-sections (1) and (2) of section 497 of the Sanhita, shall be prepared in the form appended with these rules.

FORM

(*See* Rule 9)

In the court of.....

STATEMENT OF PROPERTY

FIR No/GD No.	
Date	
Police Station	

Seizure Details

Name of Seizing officer	
Date of seizure	
Place of seizure	
Date of production of case property before court	
Name of the officer who produced the property in the Court	

TABLE OF SEIZED ITEMS

Sr. No.	Description of the items seized	Type/ Category	Quantity	Mode of packing	Number and description of seal(s), if any	Other identifying Particulars of seized items or packing	Remarks (if the property is subject to speedy and natural decay, the same may be mentioned)
1.	2.	3.	4.	5.	6.	7.	8.

Signature, name and designation of police officer

Signature, name and designation of the Magistrate

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