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**THE
BOMBAY
POLICE MANUAL
1959**

(Containing the Rules under the Bombay Police Act, XXII of 1951,
the Bombay Police (Extension and Amendment) Act, XXXIV
of 1959 and other Departmental Regulation.)

VOLUME III-POWERS AND DUTIES

.(Eighth Edition)



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CHAPTER I

GENERAL DUTIES OF THE POLICE

SECTION I - DUTIES OF THE POLICE IN GENERAL.

1. Execution of Orders and Processes.-(1) It is the duty of a Police officer to obey and execute promptly every process or other order lawfully issued to him by a competent authority and by all lawful means to give effect to the commands of his superior.

(Section ,64 of the Bombay Police Act, 1951.)

(2) (a) The service of ,all summonses issued by Courts is to be carried out in accordance with the procedure laid down in Sections 68 to 74 of the Criminal Procedure Code. Warrants of arrest and search will be executed in accordance with Sections 75 to 86 and Sections 96 to 103 respectively of the Criminal Procedure Code.

(b) When a Magistrate issues a warrant for the arrest of any person (subject to the provisions of Section 76 of the Criminal Procedure Code) to a Sub-Inspector or Head Constable, this officer sometimes directs the constable to whom he endorses the warrant for execution under Section 79 of the Code, to bring the person before him in order that he may himself take the bail-bond and securities. This practice is objectionable as it puts a heavy handicap on the accused person. If the Constable executing the warrant has authority to accept bail and if the accused person is arrested in his own village, he might easily be able to furnish bail. If, on the other hand, he is taken in custody to the head-quarters of the Sub-Inspector or Head Constable where he probably knows no one, .he cannot obtain sureties. The Constables executing warrants should, in the matter of, taking securities and releasing accused persons from custody as far as possible, consult and seek assistance and advice from village officers.

[I. G.'s No.7 (6739) of 13th March 1950.]

(c) All arrest warrants, search warrants and distress warrants in Greater Bombay are received by the Commissioner of Police from Magistrate in the mofussil for execution. The accused arrested on Magistrate in the mofussil for execution. The accused arrested on aailable warrant is bailed out to appear before a Presidency Magistrate and not the Magistrate in the mofussil.

(C.P.'s S. O. No. 42.)

(d) When a warrant of arrest has to be executed against a person undergoing a sentence or awaiting trial in a criminal jail at a place outside the territorial limits of the State of Bombay, the powers of Government of the State in which such place is situated, under Section 29 of the Prisoners Act, III of 1900, should be invoked through the proper channel to secure the removal of the person to a jail in the State of Bombay.

L-S (K) 1764

(3) The rules laid down for observance by the Police in executing a warrant for the levy of fine Issued by a Court will be found in Appendix III.

(4) It is not legal to recover magisterial fines, when paid in cash, by instalments.
(G. R., J. D.,_No. 3735, dated 15th May 1912.)

(5) All legal order issued by a Court, such as orders under, Section 522, Criminal Procedure Code, for restoration of immovable property should be executed by the Police. Obstruction to the Police in execution of such an order would be punishable under Section 186, Indian Penal Code. "
(G. R.,H. D., No. 167/4, dated 4th April 1938.)

2. prevention and Investigation of Crime.-By far the most important of the duties of a Police officer is to obtain, to the best of his ability, intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with \ the orders of his superiors as shall be calculated to bring offenders to justice or to prevent the commission of offences. Detailed rules in this connection will. be found in Chapters II to VII.

3. Prevention of Public Nuisances.-In addition to the general provisions of Chapter XIV of .the Indian Penal Code', several other enactments e.g. Section 33 of the Bombay Police Act, contain provision for penalising public nuisances, and every Police officer is under an obligation to make his best efforts to prevent the commission of such nuisances.

(Section 64 of the Bombay Police Act, 1951.)

4. Arrest- Whenever a Police officer is empowered by law to arrest a person and there is sufficient reason for exercising that power he must arrest such person. Arrests are to be made in the manner laid down in Sections 46-53 of the Criminal Procedure Code, and detailed rules on the subject of arrest. will be found in Chapter IV.

(Section 64 of the Bombay Police Act, 1951.)

5.Assistance to another Police officer – Every Police officer is bound to aid another Police officer, when called on by the latter or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the Police officer aided.

(Section 64 of the Bombay Police Act, 1951.)

6.(1) Co-operation between Police of Adjacent Territories in the matter of pursuing cases of abducted persons.- Every Police officer must render full co-operation and give all assistance necessary to the Police of adjacent territory, whenever they seek his help in the matter of pursuing cases of abducted persons across their own

borders into territories beyond their jurisdiction and must treat such cases on a par with serious crime.
(G. E., H. D., No. SPL S. D. III/900/9679.' dated 22nd April 1949.)

(2) Co-operation between neighboring Police Station and Districts for prevention and detection of crime.-When dacoities, serious robberies, house-breakings etc. take place in the jurisdiction of a Police Station, that Police Station should promptly apprise its neighboring Police Stations of such occurrences.. If any special measures in regard to such serious offences (e. g. the appointment of a special. officer to deal with them) are taken in a district, information about them should be given to the Superintendents of Police of neighboring districts. Border conferences should be arranged at frequent intervals (vide rule 8).

[1. G.'s Cir. No. 29 (2-B) of 11th August 1949.]

(3) Co-operation between Local Police and Criminal Investigation Department officers Criminal Investigation Department officers should not estrange the sympathy of the local Police by their presumptions and assumptions. Investigation by Criminal Investigation department is not derogatory to the local Police. Mutual kindness, courtesy and frank discussions of each others view points are essential. Co-operation of the local Police officers is often times essential for the success of Criminal Investigation Department work. Strained relations among officers are not conducive to efficiency and discipline as they more often than not result in making allegations and counter allegations against each other. The Police officers should see that at no place in their charge such an unsatisfactory state exists even for a while.

(1. G. P., Cir. Memo. No. 7823 of 2nd May 1955.)

7. Co-operation between the Railway and District Police in the investigation of Crime.-(1) In cases in which the assistance of the District Police is considered necessary, a copy of the information of the offence will be sent by the officer-in-charge of the Railway Police Station to the District Police Station concerned with a request for assistance, on receipt of which the officer-in-charge of that Station will at once proceed in person to give the required assistance or, if engaged, depute a subordinate to render such assistance. The receipt of the information and a note of the steps taken to assist the Railway Police will be entered in the station diary.

(2) Similar procedure will be observed, when the attendance and co-operation of the Railway Police is required by the officer in-charge of a District Police Station.

(3) All ranks of the District and Railway Police and the Villages Police will render mutual assistance to each other in the execution of their duty, when called upon to do so.

L-S (K) 1764-a

(4) Railway Police officers will invariably ask for the co-operation of the District Police in the following cases when registered by them :-

- (a) When a serious theft has occurred from a goods wagon or shed.
- (b) When a series of thefts has occurred or is occurring from goods wagons or sheds of property entrusted to the railway as carriers, or of railway material carriage-fixing etc. from station yards and carriages.

As a rule such property is disposed of within the district, and the District Police officers can materially assist in keeping a look-out for it and tracing the receivers.

- (5) Whenever the frequency of thefts renders such a course desirable the District Superintendent and the Railway Superintendents of Police will meet and concert measures for the detection and prevention of the same.
- (6) The District Police shall give immediate information to the Railway Police of property attached or offender arrested by them in Railway cases and hand over such property and offenders to the Railway Police; similarly, the Railway Police shall give immediate information of arrests in District cases and hand over property and offenders to the District Police.

8. Conferences of Police officers.- (1) Conferences of Police officers to discuss questions relating to Police administration should be held periodically. Such conferences are either (a) *intra*-State or (b) inter- State.

- (2) The *intra*-State conference will be held annually on dates to be fixed by the Inspector-General of Police ordinarily during the period devoted to the Inter-District Athletic Competition.
- (3) Officers of the Indian Police or the Indian Police Service serving in Greater Bombay are permitted to attend the *intra*-State conference so far as the exigencies of Police work in Greater Bombay may permit.
- (4) If the Inspector-General of Police considers that an inter-State conference should be held, he will apply to the Government for sanction. As a general rule, the Inspector-General of Police, and the Deputy Inspector-General of Police, Criminal Investigation Department, will attend such 'Conferences, but if the Inspector-General considers that the presence of any other officer would be useful, he may direct him to attend.
- (5) Superintendents of Police should furnish in advance information of all inter-District and inter-State conferences to the Inspector-General, the Range Deputy Inspector-General concerned and the

Deputy Inspector-General, Criminal Investigation Department with a copy of the agenda and should also Communicate in due course the results of each conference.

(6) (a) There should be a proper co-ordination between the Home Guards and the Police in districts and for this purpose, a co-ordination meeting of the District' Superintendent of Police, the District Commandant of Home Guards and the Chairman of the Prohibition Sub-Committee of the District Development Board should be held once in every month.

(I.G. P.'s Cir. Memo: No. G/7439, dated 18th January 1958.)

(b) While dealing with social and honorary workers, such as members of Home Guard Organization or Prohibition Committees etc., 'Police officers should remember that they are doing voluntary work and as such a better liaison between them and the Police should be ensured.

(I.G.'s Memo. No. 6123, dated 2nd July 1955.)

9. Co-operation between the Railway Police and Railway officials.-(1) In matters of station discipline and public convenience, which do not affect the duties laid on the Police by the Criminal Procedure Code, and the Police Act, 1861, the station master's authority must be supreme so far as the local Police are concerned, provided that no attempt is made to treat the Policemen as Traffic Department employees to the prejudice of their proper duties. At the same time it must be clearly understood that the Railway Police are responsible to Government and not to the railway authorities for the proper execution of their duties; and for the performance of, these duties it is absolutely necessary that there should be co-operation between them and the railway officials.

(2) It is only by the cordial co-operation of the Police and railway officials that any Police system can be successful, and the Genera Manager of the Railway concerned will do all in his power to ensure such co-operation from his subordinates.

(3) When there is a likelihood of a strike arising, it will be to the interest of both the Railway and the Police that a joint conference of Railway and Police officers be held to discuss measures to ensure co-operation and to prevent misunderstanding and confusion.

(4) Whenever any Government officer has any cause of complaint against a Railway official for any action done by him in the course of his duty as a Railway official, he' should first represent his case to the senior officers of the Railway Administration before having recourse to a court of law.

(G. Rs. H. D.. No. 1160, dated 31st January 1921 and 8371, dated 27th August 1921.)

10. Co-operation between Railway Protection Force and Government Railway Police.- In order to have better co-operation and co-ordination between Government Railway Police and Railway Protection Force working, the following instructions should be followed by the Police officers ;-

(1) A copy of statements A, A-1 and B of the Monthly Crime Review should be given to the Railway Protection Force, if they send any requisition.

(2) Periodical meetings of Railway Police and Railway Protection Force officers at appropriate levels should be arranged.

(3) The Railway Protection Force officers should be invited to attend the Police Conference when police matters of relevancy to Railways are to be discussed.

(4) The Police officers should attend Crime Conferences held by the officers of the Railway Protection Force when special invitation is sent to them.

(5) The Railway Protection Force officers should be requested to co-operate and do their part in having access to railway records or to railway officials when the Railway Police find difficulties in doing so.

(6) The Railway Administration, viz., Security Officer or the Divisional Assistant Security Officer of the Railway Protection Force should be informed about the facts of important cases and of any other interesting features, which would help them in improving services.

(1. G. Po's Cir. Memo. Nos. G/5972, dated 14th November 1958 and G/5912, dated 13th June 1958.)

11. Assistance to Disabled Persons.- (1) When a Police officer finds any disabled or helpless person in the street, he must give him necessary assistance, including first aid in accordance with Rule 139.

(2) If a person is found lying drunk on the road or is from reason in a state of insensibility, a Police officer should move him into the shade, get cold water, and endeavour to restore him to his senses, prevent persons crowding round or annoying him and, if possible, remove him to the nearest hospital at once. If he has any ornaments or money on his person, they should be taken charge of and accounted for to his superior officers. If the person appears to be insane or to be dangerous or incapable of taking care of himself, he should be taken to the nearest Police Station for the orders of the officer-in-charge.

(Section 66 of the Bombay Police Act.)

12. Health and Comfort of Persons in Custody.- Every Police officer must remember that the health and comfort of every person in his custody are his responsibility. He must therefore take prompt

measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and, whilst guarding or conducting any such person, have due regard to his condition. He must also arrange for proper sustenance and shelter for every such person. Instructions in this connection will be found in Chapters IY and IX.

(Section 67 of Bombay Police Act, 1951.)

13. Damage by Fire, Animals, etc.-(1) Every Police officer must use his best endeavors to prevent any loss or damage by fire to person or property within the limits of his charge, and any accident or danger to the public. The instructions contained in Appendix IV in regard to the extinguishing of fire may, whenever practicable, be followed with advantage.

(Section 66 of the Bombay Police Act, 1951.)

(2) One or two armed Policemen should be temporarily employed, whenever it is possible to do so, for the destruction of wild animals in areas where the nuisance is most acute. District Agricultural Officers should prepare lists of such areas in each district and make the necessary arrangements in the matter in consultation with the Collector of the district and the District Superintendent of Police concerned. The destruction of wild animals should be done according to the provisions of "The Bombay Wild Animals and Wild Birds Protection Act, 1951".

(G. C. Reconstruction Department, No. 571, dated 12th October 1946 and G.'s No. 5050, dated 17th December 1953.)

14. Control of Traffic.-(1) In districts in which there are public ferries, a Policeman should be posted at either end of the course of the ferry with instructions rigidly to enforce the provisions made for preventing accidents.

[I. G.'s No. 42 (5455), dated 26th October 1949.]

(2) All Police officers and men should pay due attention to traffic control, especially on roads frequented by military vehicles, and see that speed limits are strictly enforced and that road etiquette and traffic signals are correctly observed by all concerned in order to prevent the incidence of accidents.

[I. G.'s S. O. No. 72 (7803), dated 8th March 1955.]

(3) For details vide Chapter XII of the practical notes.

15. Barriers on Streets for checking Vehicles and their Drivers.-Where barriers are operated by the Police under Section 34, Bombay, Police Act, minimum inconvenience should be caused to the public. Suitable warning signs, both day and night, should be provided. The Police officers at barriers should usually be in uniform.

(I.G., 's No.2, dated 24th January 1942.)

16. Maintenance of Order in Streets and Public Places.-The Police are responsible for keeping order in the streets and at and within places of public resort, for regulating resort to such places and for

preventing overcrowding and a breach of rules made for the observance of the public at such places.
(Section 67 of Bombay Police Act.)

17. Duties of the Police in the matter of Enforcing Regulations in Connection with Epidemic Diseases.- (1) (a) The Magistrate of the District is to be informed by the Police of any indication of an approaching or existing outbreak of cholera. He will issue the necessary directions under Section 43 of the Bombay Police Act. In addition to such reports, the Police may be useful in preventing or reducing the spread of the disease by attention to sanitary directions from the nearest Medical officer.

(b) Whenever any temporary regulations for the prevention of the outbreak or the spread of cholera in any local area are promulgated by Government under Section 2 of the Epidemic Diseases Act (III of 1897), it is the duty of all Police officers and Police Patels of that area to assist the controlling officer appointed under the regulations in carrying out the provisions of those regulations.

(2) Similarly, whenever any rules or orders have been made under Section 43 of the Bombay Police Act for preventing the outbreak or spread of plague, yellow fever or any other epidemic disease, the enforcement of the rules or orders is the duty of the Police.

18. Enforcement of Police Regulations for Preventing Breach of the Peace.- (1) Whenever any rules and orders have been made under Sections 37, 39 of the Bombay Police Act by any Magistrate for the prevention of a breach of the peace etc. or under Section 55 of the Act for the dispersal of dangerous gangs, the enforcement of the rules or orders is the duty of the Police.

(2) Instructions on the proper use of these provisions will be found in Chapter III.

19. Stray Cattle and Unclaimed Property.-(1) The Police must take charge of stray cattle found in streets and arrange to put them in the cattle pound in accordance with the provisions of the Cattle Trespass Act, or Sections 91 and 118 of the Bombay Police Act as the case may be.

(G. c., H. D., No. 1180/5, dated 5 May 1949.)

(2) (a) It is also the duty of the Police to take charge of unclaimed property found or made over to them and to dispose of it according to Sections 82 to 87 of the Bombay Police Act.

(b) For the rights and liabilities of a finder of goods, reference should be made to Sections 7J, 8 and 169 of the Indian Contract Act and explanation (2) to Section 403, Indian Penal Code.

(c) The finder of unclaimed property is entitled to the possession of his find against any one except the true owner. Section 82 of the Bombay Police Act is limited in its application to property found

by the Police or made over to the :Police by the finder of his own accord and not under requisition of the Police.

(d) For the disposal as unclaimed property or property found on dead bodies, or carcasses animals found and of hides of animals killed, in railway limits reference should be made to Rule 196.

Note.----- Unclaimed articles and amount of money sent to the Police by the State Transport authorities are in the nature of muddemal and it will not be, proper to pass receipts in form Gen. 113-e for the money received in this connection. The proper procedure is to take over such property on muddemal Register and to issue muddemal Receipts.

(I.G.'s Cir. Memo. 6535, dated 29th March 1956.)

20. Hydrophobia and Stray Dogs.-(1) The officer-in-charge of a Police Station should report to the Superintendent all cases in which human beings or animals have died of hydrophobia within his jurisdiction, with a note as to whether the number of dogs has been kept down in that locality or not.

(Section 44 of the Bombay Police Act, 1951.)

(2) The destruction of dogs must-be regulated in accordance with the provisions of the Bombay Police Act XXII of 1951. Wherever such destruction is considered necessary, the Commissioner of Police and the District Superintendent of Police in areas under their respective charges should issue the notice required by Section 44 and the powers of destruction may thereupon be exercised by the Police.

(3) A public notice under the Section can be extended by the. Commissioner of Police and the District Superintendent of Police in areas under their respective charges only to a place or places in which there are "Streets" within the meaning of the Act, that. is, to a town or a village or some tract of country through which a highway. passes. A Railway Station, though it may comprise footways or passages possible to the public" can scarcely be regarded as within the scope of the section. If the Commissioner of Police and the District Superintendent of Police in areas under their respective charges were, however, to extend a public notice under the section to a city including the highways leading to a railway station, that will serve the purpose of preventing dogs from straying into railway station limits.

(4) Under Section 119 of the Cantonment Act, II of 1924, it is the duty of the cantonment authorities to carry out the destruction of diseased and unclaimed dogs in cantonments; but it would tend to obviate complaints on the part of 'the public, if the destruction of dogs by cantonment agency were carried out with the previous knowledge of the civil authorities and with such assistance as they are able to afford, as for example, by deputing an intelligent Con-stable to accompany those employed in this connection by the cantonment authority. As regards the responsibility of municipalities in

the matter of killing stray dogs in municipal limits and the costs of strychnine powders used within and without municipal limits, see, Rule 104 in Volume II. .

(G. O., J. D., No. 4929, dated 10th. July 1913.)

(5) The killing of dogs under Section 44 should, as far as possible, be assigned to intelligent Constables, whose religious feelings and prejudices will not be offended by it. When poisoning is resorted to, they should see that the poisoned food is not left uneaten. Strychnine powder should never be administered loose or scattered on meat. It should be made up into a pill or small ball with flour paste mixed with a little *jaggery* or some other flavouring to make it acceptable. The Police should, however, where practicable, catch the dogs before poisoning them.

(G. R., J. D., No. 2745, dated 26th April 1902.)

(6) When a dog is detained under Sub-Section (3) of Section 44 a memorandum of the cost incurred in keeping the dog for three days or until claimed by the owner should be presented to the owner claiming the dog or sent to him with a demand for payment, after three days. Should he fail in the last case to pay within seven days, intimation of the claim should be sent to the Collector for recovery as an arrear of land revenue. If the owner remains untraced, the dog may be sold or destroyed as laid down in Section 44 (3) of the Bombay Police Act.

(7) The intimation about a dog having been taken possession of by the Police, to be given to the owner of the dog under Sub-Section (2) of Section 44 of the Act, should be in Form No. MM-41.

21. Duties under Special or Local Laws.- (1) Besides the duties referred to above, there are certain other duties imposed upon the Police by various special or local laws. Those under some of the most important ones have been referred to in Chapter, VIII.

SECTION II.-DUTIES OF POLICE OFFICERS OF DIFFERENT RANKS .

22. Duties of the ,Inspector-General of Police.-The inspector General of Police is responsible for the direction, and supervision of the whole Police force in the State. It is, therefore, his duty to decide, or to advise Government on all the larger problems, especially those of general policy connected with personnel, their training and equipment, supplies and stores, financial provision required for the maintenance of the force and the powers and duties of the various grades of officers, to make rules and orders for the guidance of officers on all such matters and to keep in touch by frequent inspections with the requirements of efficiency in all matters relating to maintenance of law and order and the prevention and detection of crime.

(I. G.'s No. 77, dated 23rd June 1926.)

23. Duties of the Commissioner of Police.--- The Commissioner of Police is responsible for the direction; and supervision of the Greater Bombay Police Force. It is his duty to decide, or to advise the Inspector-General of Police or Government on all larger problems especially those of general policy connected with personnel, their training and equipment, supplies and stores, financial provision required for the maintenance of the Force and the powers and duties of the various grades of Officers, to take rules and orders for the guidance of officers on all such matters and to keep in touch by inspections with the requirements of efficiency in the matters relating to maintenance of Law and Order and prevention and detection of crime.

24. Duties of Deputy Inspector-General of Police.-- (1) The Deputy Inspector-General is supposed to perform such of the duties of the Inspector-General of Police as may from time to time be delegated to him either by the Government or by the Inspector-General of Police.

(2) It is the duty of each Deputy Inspector-General to maintain, by frequent personal inspection, the efficiency and discipline of the Police force under his charge, to be in close touch with the Superintendents of Police of his range and ready to assist or control them, to establish uniformity of procedure, harmonious co-operation between districts and between the Police and the Executive magistracy and to superintend carefully the prevention, registration, investigation and detection of crime occurring within his jurisdiction. He is also responsible for ensuring that all necessary measures are taken by the Police for the prevention and detection of crime occurring within his jurisdiction. He is also responsible for ensuring that all necessary measures are taken by the police for the prevention and detection of crime in his range, and particularly that adequate arrangements are made for dealing with any unusual outbreak of crime, that the investigation of serious cases is properly supervised and that Gazetted officers play an adequate part in this work. He shall seek rather to encourage; instruct and advice the Superintendents of Police than to find fault and shall be careful not to supersede them in their proper function nor to interfere unduly in their relations towards their subordinates.

(3) The Deputy Inspector-General shall pay special attention to the training of Assistant and Deputy Superintendents of Police serving within his range.

(4) The Deputy, Inspector-General is responsible for the maintenance of the strictest discipline amongst officers and men. He shall be kept promptly apprised of all serious cases of misconduct among officers and men occurring in his range, and he is responsible for guiding and directing the efforts of Superintendents in dealing with

such cases, for scrutinising their reports and for making personal enquiries in cases where the exigencies of the matter so demand.

(5) As regards the duties of the Range Deputy Inspectors-General in the matter of inspections, reference should be made to Rule 520.

(I.G.'s No. 77 and 94, dated 23rd June 1926 and 17th July 1926.)

25. Duties of Superintendent of Police.-- (1) The Superintendent of Police should consider it a part of his duty, as far as possible, to give the Sub-Divisional Officers the benefit of his personal guidance and instruction, whenever necessary.

(2) As the Chief Police officer of the district, the primary duties of the Superintendent of Police are to keep the force under his control properly trained, efficient and contented and to ensure by constant supervision that the prevention, investigation and detection of crime in his district are properly and efficiently dealt with by the Police force under his command. He must, therefore, get to know all officers and men serving under him and see that they are properly trained. He must enforce discipline and redress grievances, if any, and encourage men who are promising and weed out those who are of no use to the department. At the same time he must move freely among the people, ascertain their needs generally and must constantly be in touch both with his subordinates and with the public. He should pay surprise visits to his Police Stations at irregular intervals and check up whether officers and men are alert.

(3) It follows that he should be free to tour the whole of his district systematically and regularly, and it is essential that he should inspect every Police Station and Outpost in his district once a year and also that he should halt at these places sufficiently long to enable him to get a thorough grasp of local conditions and crime and a full knowledge of his subordinates' work.

(4) The Superintendent of Police must deal with crime as a whole, studying the criminal problems of his district rather than visiting spas-mo-dically scenes of offences, a duty which more properly falls upon the Sub-Divisional Officer. The Superintendent of Police, must, however, visit the scenes of really serious offences where organized crime is indicated or organized gangs are at work, as well as offences which affect markedly the general peace and quiet of the district.

(5) Superintendents of Police shall treat the Deputy Inspector-General confidentially and frankly, give him all assistance in making his inspection and inquiries and consult him confidentially in all their difficulties and about all their short-comings in the Police work of their districts.

(G. R., H. D., No. 6169, dated 5th May 1925.)

(6) Every Superintendent of Police should visit sick Policemen in hospital regularly once a week at least. It is extremely desirable that every Policeman should feel that his superior officer takes an interest in his welfare and such visits are calculated to ensure greater attention being paid to the men. Further, this practice enables the Superintendent to deal promptly with cases in which for any reason the disbursement of a sick Policeman's pay has been delayed.

(I.G.'s No. 7820-B, dated 5th/8th June 1916.)

(6) If in charge of Railway Police, the Superintendent of Police, will obey the instructions of the General Manager, and appeal to the Inspector-General of Police afterwards, if appeal be in his opinion necessary. He will also attend, so far as he can, to the requisitions of the Divisional or District Traffic Officers, but may at his discretion decline them and refer them to the General Manager. He will be ex-officio Deputy Commissioner of Police in Greater Bombay.

26. Duties of the Deputy Commissioners of Police.-- The Deputy Commissioner of Police should give the Superintendents of Police under him, guidance and instructions, whenever necessary. He is responsible for the general supervision of the divisions under him. He should ensure by constant supervision that the prevention, investigation and detection of crime in his jurisdiction are properly and efficiently dealt with by the Police Stations under his command. He should enforce discipline and redress their grievances. He should pay surprise visits to the Police Stations at intervals and check up, whether officers and men are alert. He should deal with crime as whole studying the criminal problems of his zone. He should also, visit scenes of serious offences reported in his jurisdiction.

27. Duties of Sub-Divisional Police officers.-- (1) An Assistant Deputy Superintendent of Police in charge of a sub-division will be responsible for all crime work in his charge, and will visit all scenes of serious offences as laid down in standing orders. Under the general orders of the Superintendent of Police, he will be responsible for the efficiency and discipline of the officers and men in his division and will hold detailed inspections of Police Stations and Outposts in his charge at regular intervals at least once a year.

(2) In addition to the above, Sub-Divisional Officers will be responsible for the inspection of public conveyances plying for hire in their charges inspection of explosives, arms and ammunition shops, taking musketry practices, etc., and the many other duties that fall to the lot of a Sub-Divisional Officer in the ordinary course of his work.

(3) Sub-Rule (6) of Rule 24 in the matter of visiting sick Policemen in hospitals applies also in the case of Sub-Divisional Officer.

(G.R., H. D. No. 6169, dated 5th Mar 1925.)

28. Duties of the Asst. Commr. of Police in Greater Bombay. -- The Superintendent of Police in Greater Bombay is responsible for the general discipline of the Police Stations under his charge and for all crime work. He will visit all scenes of serious offences. He will attend every Police Station for All's well every day, except on Sundays and holidays. He will take surprise night rounds in his division with a view to seeing that all officers and men on duty are alert. Subject to the control of the Head Police Office, he will issue licences pertaining to entertainment, amusement, eating houses, music in streets, marriage processions, use of loudspeakers etc. He will submit his weekly diary to the respective Deputy Commissioner of Police and the Commissioner of Police.

29. Duties of Circle Police Inspectors.-- (1) The Circle Inspector is usually an officer who has risen to the position he holds owing to his ability to deal with crime and criminals. He should, therefore, be employed practically entirely on crime work and the supervision of bad characters and gangs in the circle. He would thus supply a much needed check in supervising and co-ordinating the crime work of the different Police Stations in his Circle.

(2) As a means to this end, he should---

a) visit the different Police Stations and Outposts as often as possible to see that the men are working properly, that the surveillance registers, etc. are properly kept, that the Police are acquainted with bad characters, their places of abode and manner of living, and that crime is being properly reported, registered and investigated.

b) be present during the investigation of serious crimes, such as murders, dacoities, highway robberies, and crime suspected of being the work of gangs or professional criminals and also motor accidents involving loss of life occurring in rural areas, and direct and advise the Sub-Inspector and his staff; (The system of Circle Police Inspectors visiting the scene of every serious offence need not necessarily be adhered to rigidly. It is open to Superintendents of Police to employ them to more useful purpose otherwise. e.g. in co-ordinating the activities of two or more: Police Stations in relation to crime. It is, however, essential if Inspectors are to be released from the duty of visiting all serious offences, that their activities should be constantly and intelligently directed by their Superintendent of Police).

(I.G.'s No. 39, date~ 13th November 1949.)

(c) keep in touch with the village Police and see that patrolling by the District Police is being properly performed and that information likely to lead to the prevention and detection of crime is being systematically picked up ;

(I. G.'s No. :1.0, dated 9th September 1943.)

(d) educate his subordinates to realise that old, time-worn methods in preventive and detective work will not, in these days of: fast transport and improved communications, suffice in dealing' with crime and that no amount of surveillance over local bad characters, however, effective, will make up for failure to cope with criminals from outside the Police Station limits, ranging from bad characters from the limits of a neighbouring Police Station to criminals from other States moving about in disguise or under false pretences.

(e) encourage and educate the Police of Outposts and Stations in the matter of being on the alert to mark down the expert, professional and dangerous criminal (often a foreigner in disguise) who wanders far a field and commits serious crime;

(f) see that co-operation between officers of adjacent Stations and that between officers of neighbouring Police Stations and officers of other districts is cultivated and freely accorded; and

(g) undertake proceedings under Chapter VIII, Criminal Procedure Code, and supervise carefully the work of Sub-Inspectors in this direction.

(1. G.'s No. 8210, dated 17th September 1898. 141 of 7th January 1897 and 3295, dated 29th April 1897.)

(3) The Inspector will note in his diary, to be submitted once a week to the officer-in-charge of the sub-division, what he has done each week explaining, when necessary, why he has been prevented, from carrying out any of his duties.

(4) There is no objection of Inspectors being specially deputed to investigate cases on special occasions; but Superintendents must bear in mind that Sub-Inspectors are responsible for crime in their respective Stations and that the too frequent employment of Inspectors in this way tends to relieve the Sub-Inspector of his proper duty and weakens his responsibility.

(1. G.'s No. 3835-A, dated 12th March 1909, No. 17402-A, dated '22nd December 1913. No. 17331'-A, dated 2nd November 1914, and G. R., H. D., No. 6169/3, dated 5th May 1925.)

(5) In the case of Railways, an Inspector will be placed in charge of the Police of such stations on the line of: railways as the Inspector-General of Police (on the recommendation of the Superintendent and with the concurrence of the General Manager) may apportion as Circle charge. His duties will be the same as those described in Sub-Rules (1) to (4) above

30. Duties of Inspector of Police in Greater Bombay.-- Inspector of Police in Greater Bombay is in charge of a Police Station. He is responsible for the general supervision and discipline of the officers and men attached to his Police Station. He is also responsible for the crime in the jurisdiction of his Police Station and to see that the

crime is properly reported, registered and investigated. In very important cases (i. e., cases of murder, culpable homicide, dacoity, robbery with violence, fatal motor accidents or any motor accident which is likely to prove fatal), house breakings and thefts of Rs. 500 and over, all house-breakings and thefts in which safes are concerned, serious riots of a communal nature (this refers to isolated riot cases and not to cases taken up when general rioting takes place throughout the city or part of the city. In such general rioting Inspectors will make the same arrangements for recording cases as has been done in the past) and such other cases of serious nature (to be decided by the Superintendent) the investigation must be done personally by the Inspector and not by a subordinate officer. He is also responsible for the guidance to the officers and men under his charge.

31. Duties of Home Inspectors.-- (1) The Home Inspector is the office Superintendent of the Superintendent of Police's office. As the services of the Sub-Divisional Police officers are utilized for crime work and the visiting of all scenes of serious offences in their charges, it is essential that the headquarters town and the actual Police Head quarters as well as the Head Police office should be under a responsible officer to deal with any sudden emergency that may arise and to see that the work is properly done in the absence of the Superintendent of Police. To meet this essential need, an officer of ..Inspector's rank is appointed as Home Inspector. His presence at headquarters will admit of the Superintendent of Police and all the, Sub-Divisional Officers, if necessary being absent at the same time I from headquarters. Ordinarily, the Home Inspector will be selected from the executive force and the training that he will get when in charge of current duties at headquarters will broaden his outlook and be of considerable use to him later, if selected, for a Sub-- Divisional Officer's post.

(2) The Home Inspector will hold the appointment for a maximum period of two years.

(3) The duties of the Home Inspector will be :-

- (a) to open the Superintendent of Police's post,
- (b) to supervise the work in the Superintendent's correspondence and accounts branches,
- (c) to dispose of routine correspondence and miscellaneous work,
- (d) to supervise the work of the town and Head quarters Police during the absence of the Superintendent of Police and the Sub-Divisional Officer,
- (e) to hold proceedings on articles of clothing and account rements etc., received from contractors, in the absence of both the Superintendent of Police and the Sub-Divisional Officer from headquarters,

(f) to pay a preliminary visit to the scenes of serious or important crimes occurring within easy reach of headquarters, pending the visit of a superior Gazetted Officer,

(g) to check and -initial 'account papers, and especially travelling allowance bills (after the actual movements have been verified by the Sub-Divisional Officers),

(G. R., H. D., No. 6169, dated 5th May 1925.)

(h) to sign all vouchers as Personaj Assistant to the Superintendent of Police (and not as "Home Inspector of Police" or "for District Superintendent of Police") and

(I. G.'s No. 71, dated 17th October 1927.)

(i) to operate on the Personal ledger accounts opened at the District Treasury by the Superintendent of Police.

(G. R., H. D., No. 441/3, dated 16th April 1932.)

32. Duties of Police Prosecutors.-- (I) It is the duty of a Police Prosecutor to study important cases and conduct the prosecution in Magisterial Courts (vide Rule 239) in accordance with the orders of , the Superintendent of Police. The Superintendent Or the Sub-Divisional Police officer may, however, transfer a case from one Police Prosecutor to another if he considers it desirable to do so.

(Rules 50 and 51 of High Court Cir. Order and H. D. Letter No. 3650-C, : dated 24th September 1923.)

(2) Police Prosecutors shall not have cases sent to them for opinion except in special cases. In cases classed as "B", the Superintendent or the Sub-Divisional. Officer is expected, to pass his own orders after obtaining the opinions of the Sub-Inspector and/or the Circle Inspector whether an application should be made to the; Magistrate concerned to lodge a complaint under Section 211, Indian Penal Code. Likewise, Police Prosecutors will ordinarily not be consulted before a case is sent up for trial. Here again the Sub-Inspector and the Sub-Divisional Officer must assume their own responsibilities. This general prohibitory order does not apply to special and important cases in which it is both advisable and necessary to discuss details with a Police Prosecutor before sending up a case.

(I. G.'s No. 13, dated 17th April 1939.)

(3) The Senior Police Prosecutor in each district will be responsible for supervision over the work of other prosecutors in the district and for giving them guidance in all cases of difficulty.

(4) Police Prosecutors may be allowed to conduct non-Police Government cases only when the District Superintendent of Police

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find that the Police Prosecutors can do so without detriment to their legitimate duties. Specific permission of the District superintendent of Police concerned should be obtained before the Police Prosecutor is allowed to take up a non-Police Government case. Cases under Section 211, Indian Penal Code, count as non-Police cases.

I " (G. R., H. D., No. SPP 4858/81687-VII, dated 23rd March 1959.)

(5) The departments which utilise the services of Police Prosecutors in non-Police cases will sanction and direct the payment of fees to the Police Prosecutors out of the funds under their own administrative control at the rates prescribed by Government. Payments on account of such cases should, however, only be made by the department or office concerned.

I (G. R., H. D., No. 5892/6-11, dated 10th June 1954 and 12th July 1955.)

33. Duties of Deputy Inspectors and Selection Grade Sub-Inspectors In Greater Bombay.-

(1) In charge administration.-He will be incharge of the safe and accounts (including the Muddemal Register and property). He will conduct the preliminaries in the Departmental Enquiries ordered against the officers below the rank of Jamadar. He is responsible for the general discipline and supervision over the sub-ordinates. He will perform such other duties as may be assigned to him by his Inspector or the Divisional Superintendent.

(2) In charge of crime.-He must be fully acquainted with all cases and crime matters in his station. All case papers after perusal by the Superintendent and Inspector will return to the Investigating officer through the Deputy Inspector or the Selection Grade Sub-Inspector in charge of crime who will see daily the Crime Register and any miscellaneous papers regarding crime. He is in charge of records of his graph cabinets, History Sheets and Mawali Register. He will perform such other duties as may be assigned to him by his Inspector or the Divisional Superintendent. He will be responsible for the general supervision over his subordinates.

Note.-Where there is one Selection Grade Sub-Inspector, both the duties will be performed by him.

34. Duties of Sub-Inspectors.-- (1) Sub-Inspectors are responsible in their charges for the prevention and detection of crime, and for seeing that the orders of their superiors are carried out and the discipline of the Police under them is properly maintained. They should make themselves thoroughly acquainted with their charges and see that all the Police under them are present on duty and efficient. They will also keep all their superior officers informed of the probability that comes to their knowledge of any crime or occurrence likely to affect the public peace taking place, suggesting such precautionary measures as they may consider it advisable to take. They will, when-

ever necessary, correspond directly with the Police authorities of neighbouring Police Stations and act in concert with them in apprehending offenders escaping from or into their charges and generally take steps to prevent or detect crime. In the event of an Inspector personally taking up the investigation of a particular case, they will act under his orders; but in other cases they will act independently, subject to his general direction and advice. This, however, will not absolve them from their responsibilities mentioned above and in all cases they will act at once, without waiting for orders, unless the cases are such that the Police cannot proceed without instructions from a Magistrate.

(2) They will inspect periodically, in such manner as the Superintendent or Sub-Divisional Officer may direct, all the Police in their charge, report any negligence, misconduct or disobedience of orders, absence without leave or casualties among the members of the force, and generally keep the Superintendent or Sub-Divisional Officer well informed on all matters connected with the efficiency of the Police arrangements in their own Police Stations. It is open to them to report also any difficulties they may experience owing to the influx of criminals from outside their station limits or to lack of co-operation from other Police Stations or districts.

(3) Sub-Inspectors should inspect the Outposts in their charge at least once a month and at such times should give their men at the Outposts instructions in their duties.

(4) They should visit the villages under their Police Stations, examine the Police Visit Books and Muster Rolls and bring up-to-date the registers relating to crime, in the villages, keeping in view the provisions contained in Rule 76.

(5) They should take every opportunity of collecting information of the current events within their charges and should have an intimate knowledge of the people around them, more especially of the bad and suspected characters, and see that their subordinates take every opportunity of acquiring minute local information.

(I.G.'s No. 3835-A, dated 12th March 1909.)

(6) Railway Sub-Inspectors have similar duties to those which they would perform in the District Police. They must be especially careful that the utmost cordiality is maintained between members of the Railway and District Police, and that every possible assistance is rendered by the former to the latter, whenever called for.

35. Duties of Sub-Inspectors of Police in Greater Bombay.—The main part of the duties of Sub-Inspectors in Greater Bombay is to work as Station House Officers and to register all types of crime reported to them. They will be responsible for the proper investi-

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gation of the crime reported to them. They should obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps consistent with law and with the orders of his superiors. They should perform patrol duty, court duty and any other duties that will be assigned to them by the Selection Grade Sub-Inspector, Inspector or the Divisional Superintendent. They should serve summons and obey and execute every warrant.

36. Duties of Second Sub-Inspectors.-- (1) The services of second Sub-Inspectors should be utilized in the investigation of crime and unnatural death, in taking drill, inspection and so forth. The senior Sub-Inspector should depute the Second Sub-Inspectors to investigate the simpler and easier cases of reported crime and unnatural deaths and as they gain experience, depute them to investigate more important cases. They should be required to deal completely with cases handed over to them for investigation but should be encouraged to seek advice and difficulties and doubts, and till they gain some experience, the senior Sub-Inspector should ~ take them round and show them how inspections are carried out.

(2) Experienced Sub-Inspectors and all Inspectors should be required to put second Sub-Inspectors in the way of securing experience and also to advice, help and train inexperienced Sub-Inspectors from the School.

(3) The second Sub-Inspector is an assistant to the senior Sub-Inspector. He must try to gain experience and the in-charge Sub-Inspector must use him in such a way that he may be a help to him in the more important cases and relieve him of those that are unimportant and of all pure routine. Thus the senior Sub-Inspector will have more time for important cases and work, while the less experienced officer will be in the way of gaining practical experience, first in the less important work and minor cases and, as he goes on, in the more important duties and more difficult cases.

(I. G.'s No. 3835-A. dated 12th March 1909.)

37. Duties of Jemadars In Greater Bombay-- The Jemadar is the senior officer of the subordinate Police. He must work under the orders of the Inspector in-charge of the Police Station or the Deputy Inspector or the Selection Grade Sub-Inspector. He is responsible for the discipline and general conduct of all Head Constables and Constables in the Section. He will assist in the distribution of duties as ordered by the Inspector or Deputy Inspector. He must attend all morning and evening parades in uniform, and see that all Head Constables and Constables are clean and properly dressed before they go on duty. He will, in particular, be in charge of the Fixed Post and patrol duty men of the section, patrol the Section at such

times as ordered by the Inspector or Deputy Inspector, and ensure that Head Constables and Constables detailed for this duty are alert and doing their duties efficiently and that effective measures are being taken against hawkers and beggars and others committing offences in streets, etc. He must know the Section well so as to be able to supply the Inspector of the Section with the information regarding the residents of the Section, bad characters etc.

38. Duties of Head Constables.-- (1) (a) Head Constables are subject to the orders of the Sub-Inspectors placed over them, and to those of the superior officers of the Police Force. They are entitled to the obedience of all Police subordinate to them within the limits of the charge that may be assigned to them.

(b) They must report to their Sub-Inspectors all crime within their charges and any probability that a cognizable offence is about to be committed, but must not wait for orders before proceeding to make the necessary inquiries for the discovery and apprehension of offenders.

(c) In the prevention of crime and in maintaining order, they will obey such orders as their superior officers may give them.

(d) In the case of a sudden or suspicious death, a Head Constable or, if a Head Constable be not present, a Constable will prevent the the burning, burying or exposure (as among the Parsis) of the corpse, until he may receive the orders of the Sub-Inspector or other superior officer.

(e) When in charge of particular posts or beats of villages, Head Constables will act in all Police matters in concert with the heads of the village Police.

(f) They will be held responsible for bringing to the immediate notice of their superior officers all neglect of duty on the part of the subordinate Police and also of the village Police, and any disobedience of orders or other misbehavior on their part.

(g) Head Constables are the assistants of the Sub-Inspector and should assist him in drilling and instructing the men and in patrolling the posts frequently. Any negligence should at once be reported to the Sub-Inspector, and praiseworthy actions performed by the men brought to his notice.

(I. G.'s No. 5706, dated 24th June 1901.)

(2) Head Constables of the Railway Police have the same duties as those in the District Police. When in charge of railway stations, they will act in all Police matters in concert with the station master and will obey all instructions received from him, except, of course, such as are contrary to law.

39. Duties of the Police Armourers and Assistant Armourers.-- (1) (a) Repairs to and maintenance of various types of Police fire-arms.

(b) Maintenance of Armourer's tools.

(c) Repairs to and maintenance of Government Bicycles.

(d) Maintenance of Electrical and Mechanical engineering Regulations (E. M. E. Rs.)

(G. L., H. D., No. PLF. 1359/45107-V, dated 20th November 1959.)

(2) Armourers should inspect quarterly all fire-arms at Head-quarters and at out stations twice in a year. They should also maintain record of their inspections and produce it before the Assistant Inspector of Armourers during his annual inspection. In Bombay City, inspection work on the- above lines should be carried out by the Armourer Sub-Inspector.

(G. L., H. D., No. PLF. 1359/ 45107-V, dated 20th November 1959.)

(3) The services of the Armourers should be utilized exclusively for the proper maintenance of arms and under no circumstances should they be employed on any other jobs.

[1. G.'s Cir. No. (K)/3210-V, dated 7th January 1958.]

40. Duties of Constables.--(1) Constables will perform such Police duties as they may be ordered by Head Constables and their superior officers to perform for the prevention and detection of crime, the maintenance of order, the apprehension of offenders on the warrants of Magistrates, when such are required by the Criminal Procedure Code, or without them in cases in which the Police may arrest without warrant the serving of summonses or other magisterial processes, the escorting and. guarding of prisoners, treasure or private or public property of which they may be placed in charge, and the exercise generally of such powers as are conferred on Police officers by the Bombay police Act, XXII of 1951.

(2) On the occurrence of any crime for which the Police may arrest .without warrant, Constables should at once act without waiting for orders, if necessary in concert with the village Police, and if on duty on a railway, with the railway officials, and should make an immediate report and where practicable in writing, for the information of the nearest superior Police officer.

(3) It will also be the duty of Constables, in cases of fire or on another occasion of danger, to assist and take every precaution in their power to secure the public safety.

(4) Routine patrol duty will not be carried out by Constables. A Constable is not to be used for rambling round to pick up informa-

tion by chance in villages. When he is used for any duty coming in the sphere of a beat man, his instructions must be specific, eg. —

“To

Constable A. B.

You are hereby informed that F was last heard of as being at village X. Proceed there and report :-

- (a) if he is still there;
- (b) if so, how he earns his livelihood, and
- (c) if he is not there, where he has gone."

(Para. 20 of I. G.'s Cir. No. 41., dated 4th December 1948.)

(5) It is not the duty of Railway Police Constables to act as ticketnippers, to the prejudice of their legitimate duties of maintaining order, detecting crime and protecting persons and property; nor is it the duty of a police Constable Railway or District, to recover at railway stations or elsewhere, on behalf of the Railway administration, excess fare from passengers.

(G. R., J. D., No. 438, dated 17th January 1902 and I. G.'s No. 4621, dated 1st April 1913.)

41. Combined list of Duties to be performed by Armed and UnArmed Police — (1) Duties of Orderlies including officers orderlies, court orderlies, bank orderlies, wireless orderlies and telephone orderlies.

- (2) Duties of officers in charge of Bell of Arms, Tents, Head quarters and Office pickets.
- (3) Duties of the supervisors in the District Motor Transport Sections.
- (4) Duties of Armourers and Assistant Armourers.

(G. L., H. D., No. TEX 1256/11668-V, dated 21st June 1958 and No. PLF 1359/45107-V, dated 29th May 1959 and 20th November 1959.)

42. Duty Passes for Head Constables and Constables.-- (1) Head Constables and Constables both in Districts and on Railways leaving their Stations on duty should be provided with a pass in form P.M. 105. It is, however, not necessary to issue a pass to sick men sent to the hospital, or to men sent on ordinary investigation of crime going on leave etc.

(2) Passes are for issue to armed as well as unarmed Head Constables and Constables, when detailed on duties beyond the limits of their Police Stations.

(3) Duties that ordinarily call for the issue of these passes are--

(a) in the case of armed men :--

(i) escort of treasure and accused persons, and

(ii) any special duty, and

(b) in the case of unarmed men :-

(i) conveyance of express messages, correspondence or Government money, when permissible under standing orders,

(ii) journeys to convey attached property to Courts,

(iii) conveyance of clothing or any other stores to the head-quarters of a district,

(iv) journeys in connection with any departmental enquiry,

(v) journey to appear at an examination, and

(vi) journey on any special duty.

(4) Passes should be issued even though patrol books are carried by the men, since passes serve as a better check than patrol books against loitering and unduly making use of the duty for personal convenience.

(5) Pass-books should be maintained at Head-quarters and at all Police Stations. They will not be maintained at Outposts.

(I.G.'s ~o. 799-D, dated 16th January 1913.)

SECTION III.-- GENERAL PRINCIPLES REGARDING PERFORMANCE OF DUTY

43. Superiors Competent to Perform Duties of Subordinates.-- (1) Under Section 97 of the Bombay Police Act, a superior officer of Police may take up, whenever justice will be furthered by it, any duty assigned to his subordinate. This enables a Superintendent or an Assistant or Deputy Superintendent in any case especially requiring it, to take up the duty of a Station Officer or to assign it to another competent officer. An Inspector may, of his own accord or by order of higher authority, take charge of the work of detection in any particular crime, and carry out any enquiry or execute any warrant entrusted to a subordinate officer. The Sub-Inspector of the Police Station in which it may have been committed shall act as his subordinate and all the Police of the Station shall obey his orders.

(2) Section 97 of the Bombay Police Act explains Section 551 of the Criminal Procedure Code. Under the former section, a Superintendent, or an Assistant or Deputy Superintendent can order a Sub-Inspector of Police to send up a case to a Magistrate, even when the Sub-Inspector has satisfied himself and come to the conclusion that there exists a 11D case which can be so sent up.

(3) The words "by his own action" in Section 97 of the Bombay Police Act authorise the superior officer to exercise the powers provided for in the Section even by correspondence and from a distance, as it is not legally necessary that he should take local and personal action.

(Section 97 of Bombay Police Act.)

44. investigations by Ordinary Police in the Spheres of Special Branches of the Police.-- (1) Any kind of work for which special branches of the Police exist, eg., Prohibition staff, Anti-Gambling Squads, the Anti-Corruption Bureau or the Criminal Investigation Department, does not cease to be a part of the ordinary Policeman's duty, just because special staff has been appointed to give special attention to that work.

(2) Every Police Inspector and Sub-Inspector must realise that the work in question is a part of his duties, and if he does not carry out this duty by getting the necessary information and working it up and by helping the special staff in that work, he and his subordinates will be held responsible for neglect of duty. He should in turn, see that his subordinates realise this position.

45. Duty of the Unarmed Police to Supervise Armed Police.-The armed Police are, in effect, the instruments of the unarmed Police organisation, and it is the duty of the latter, in non-technical matters affecting administration, to see that the armed Police perform their duties with due commonsense and diligence. It is essential that this should be clearly impressed on all unarmed Head Constables. It will not be open to an unarmed Head Constable in charge of an Outpost, for an instance, to maintain that he is not responsible for the alert-ness of an armed party on duty in his area.

(I. G.'s No. 11, dated 17th September 1943.)

46. Responsibility for Preventing Railway Accidents.-- (1) While the responsibility for preventing accidents at level crossings and elsewhere on the railway rests with the railway servants, Railway Police officers should, whenever any inquiry discloses the existence of a danger to the public, take steps to bring the fact prominently to the notice of the station master or higher authority concerned.

(I.G.'s No. 11, dated 8th March 1929.)

(2) One of the measures that may appropriately be taken for the protection of the railway track within the State is to make a systematic attempt to impress on the inhabitants of the villages in the vicinity of the railway lines, that they are responsible for safeguarding the railway track in their areas. The following steps: should be taken in this regard :--

(i) District Magistrates should instruct the Block Development Officers and Officers of local bodies to educate the villages on these lines.

(ii) District Magistrates should also give this matter their pointed attention during tours and instruct Prant Officers, Mamlatdars and Village Officers to impress on villagers their responsibility in his regard.

(iii) The Director of Publicity should issue some posters and conduct propaganda on the subject.

(G. C., H. D., (Spl.) No. SB II/RSM-1357, dated 23rd June 1959.)

CHAPTER II

MAINTENANCE OF ORDER

47. District Magistrate's Responsibility.-- The District Magistrate is responsible for the peace of his district, and he should report any serious interruption of it to Government. A copy of every such report should be sent to the Inspector-General of Police.

(G. R., J. D., No. 6577, dated 27th September 1900 and G. L., H. D.,
No. 87/3-1, dated 30th June 1954.)

48. Prompt Reports to Government Relating to Riots.—In order that Government may have the fullest and earliest intimation of the occurrence of any serious riots, District Magistrates should immediately report any such occurrence within their districts by telegram to the Government of Bombay, Home Department (Special), and in doing so, should give information, as far as possible, on the following points:-

- (1) The origin or cause of the riot.
- (2) The persons or class of persons who began it.
- (3) The course of the riot.
- (4) How it terminated or was suppressed.
- (5) If suppressed by force, by what force and how; and if resort was had to fire-arms for its suppression, what cartridges were used; and particularly whether the orders of Government against the use of blank cartridges were observed.
- (6) If military force was used, how many soldiers of the Indian Army were called out and whether to disperse the rioters or to arrest and confine any of them or to maintain order after the riot.
- (7) The condition of the place and the feeling of the population on the termination of the riot, whether further disturbances are expected and whether adequate precautions have been taken.
- (8) The number of killed and wounded.

(G. C., J. D., No. 8423, dated 4th December 1895.)

49. Special Reports of Important Events.-- (1) All matters of the kind specified below should be immediately reported to Government in the Home Department b~ priority" telegram:-

- (a) Riots which involve a serious breach of the public peace. (In reporting, the instruction issued in the preceding Rule should be closely followed)
- (b) All collisions between Foreigners of all classes and Indians, including shooting accidents, but excluding alleged assault of any kind regarding which there is no c8nfirmati and assaults of a positively insignificant character.
- (c) Outrages which h e a political aspect, including any act of violence or attempted violence directed against persons in authority or connected in any way with factious associations or class agitation.

(d) Every serious encounter with dacoits in which Police or other persons in authority are wounded or killed, even though the case is being dealt with by the ordinary Police force and does not indicate any likelihood of any dangerous outbreak of crime.

(e) All other events which have a political or administrative importance, such as strikes.

(2) The preliminary telegraphic report should (invariably be followed by a further report by post, supplementing or correcting the former, as fuller information becomes available.

(2) In cases which come under the head of "outrages which have a political aspect," the local civil officer should, even when no military officer, soldier or follower is concerned, send an intimation of the occurrence to the Officer Commanding the station, if troops are stationed there, or to the General Officer Commanding the District if no troops are so stationed, even though the co-operation of the military authorities is not required. The detailed report addressed to Government upon any such occurrence need not be communicated by the local civil officer to the local military authorities, unless the Co-operation of the latter is sought.

(3) The duty of sending reports under Sub-Rule (1) devolves on the District Magistrates, who as being generally responsible for the peace and well-being of their districts, are or should be at once placed in possession of information of such occurrences.

Any occurrences, of the nature specified above should be reported at once to the District Magistrate, who will be the ordinary channel for conveying the information to Government; but in urgent cases and when the District Magistrate cannot at once be communicated with, officers must use their discretion as to reporting direct to Government in the Home Department, endorsing copies to the concerned Deputy Inspector-General and the Inspector-General of Police.

(G. Rs., J. D., No. 4810, dated 13th July 1898 and 2159, dated 23rd March 1899, G. R., G. D., No. 1987, dated 9th May 1899, G. Rs., H. D., No. 4403, dated 25th June 1900; 6123, dated 7th September 1900, 223, dated 10th January 1901; 1594, dated 11th March 1901; 48, dated 4th January 1902 and.

I. G.'s No. 2334-A, dated 27th February 1920.)

(6) (i) As long as the disorder or the likelihood of it persists, Superintendents of Police should send to the District Magistrate a daily report regarding matters mentioned in Sub-Rule (1) above. Copies of such reports should be despatched simultaneously to the Inspector-General of Police, the Range Deputy Inspector-General of Police, the Deputy Inspector-General of Police; Criminal Investigation Department, and the Superintendents of Police of neighbouring Districts and Railways and with regard, to incidents mentioned in clause (c) of Sub-Rule (1) to the Officer Commanding the Station where troops are stationed or to the General Officer Commanding the District when there are no troops so

stationed. Copies of important reports should be endorsed direct to the Secretary to the Government of Bombay, Home Department and in case of doubt as to its importance, an additional copy should be endorsed to the Inspector-General of Police. who will forward it to Government, if necessary.

(I. G.'s No. 2355, dated 29th April 1947 and 20th May 1948, No.6, dated 20th February 1930, and No. 2355, dated 6th September 1946 and 29th April 1947.)

(ii) In order, however, to keep Government promptly informed of the situation in districts and to avoid unnecessary duplication of work, Superintendents of police should consul their District Magistrates and if they consent, address direct t the Secretary to the Government of Bombay, Home Department, and to other officers " mentioned above copies of their daily reports to the District Magistrate. If the District Magistrate or other officers have any remarks to make on the Superintendent's report, they may do so by a separate reference to Government and send copies thereof to all concerned. Superintendents of Railway Police should address their reports direct to the Secretary to Government , Home Department, and send copies to the Inspector-General, tile Deputy Inspector-General, Criminal Investigation Department, and the Range Deputy Inspector-General.

(I. G.'s No. 2355, dated 20th May 1948.)

(7) The orders in Sub-Rules (1) to (6) above do not relieve Superintendents of Police responsibility of reporting by telegram or wireless occurrence of the kind as require the immediate attention of higher authority.

(8) It is as important to report the imminence of riots, strikes or other forms of disorder as their actual occurrence.

(9) As regards calamities such as an earthquake, flood, fire, frost etc., t he village Talati should submit his report regarding such a calamity simultaneously to the Mamlatdar, the Prant Officer and the Collector immediately after it occurs. Any delay on the part of the Talati in submitting the report will be severely dealt with. In villages in which there is no Talati or from which the Talati is absent on the date of occurrence of the calamity, the Police Patel of the Village should submit the report regarding the calamity in the same way as the Talati. If the calamity occurs in a city other than Bombay, the local Sub-Inspector of Police in the city should submit the report regarding its occurrence to the Mamlatdar and the Collector simultaneously. "

(I. G.'s No. 8787-A, dated 26th June 191 and A. C. dated 12th May 1921 and G. C., P. & S. D., No. 2266/34, dated 6th February 1941.)

(10) If there is a doubt as to which of two officers should report an incident, both should send such information as may be available, in order that the risk of delay may be avoided. For instance, if the

Magistrate of a district where troops are stationed should receive intelligence of an affray in which they were concerned even beyond the limits of his jurisdiction, he should acquaint Government without loss of time with the facts as brought to his knowledge, though the responsibility of the local authority for compliance with the standing orders will not be affected thereby

(G. O., H. D., No. 924-29-Confl., dated 25th January 1921.)

50. Strikes and Lockouts-- (1) All District Magistrates, the Commissioner- of Police, Bombay, the Superintendent of Police, Central and Southern Railways, the Superintendent of Police, Central and South Eastern Railways, and the Superintendent of Police, Western Railway, should submit to the Secretary to Government, Labour Department, a report in the following form regarding a strike or lockout (a separate report being submitted for each strike and lockout) immediately on the occurrence of the strike or lockout I within their respective jurisdiction :-

- (a) Name and address of undertaking.
- (b) Total number of workers employed.
- (c) Date of occurrence of strike / Lockout.
- (d) Number of workers involved.
- (e) Daily loss in wages to the workers due to the strike or lockout.
- (f) Name of union, if, any, and its strength.
- (g) The general and immediate cause of the strike / lockout with brief description.
- (h) If a notice of the strike has been given, the date of such notice and the date on which it expires.
- (i) Action, official and non-official, taken hitherto and its results.
- (j) Specific demands of the strikers.
- (k) Any evidence of outside interference or influence behind a such activities, acts of sabotage etc.
- (l) General attitude of strikers, non-strikers and employers.
- (m) Any other item of special interest or importance.

(2) Whenever the situation is of any gravity or is anticipated to assume importance, the District Magistrate concerned should send a report to the Minister for Labour and to the Secretary to Government, Labour Department, by, telegram.

(3) The District Magistrate Ahmedabad should send daily telegraphic reports to the Minister for Labour direct in the case of every strike in Ahmedabad City and during the pendency of the strike. post copies of these reports should be sent to the Secretary to

Government, Labour Department, unless the case falls under Sub-Rule (2), in which case telegraphic reports should be sent to him. (4) Similar reports should be sent about an apprehended or a threatened strike. An apprehended strike means a situation in which the Government authority, the employer or the employees' organisation in an industrial area has reason to believe that a strike would, in all probability materialise. A threatened strike means a situation in which the employees, either through their organisation or acting by them-selves, make their intention to go on strike known to the appropriate authority either by giving notice of a strike or by oral intimation.

(5) The reports mentioned in Sub- Rules (1) and (4) above should be sent confidentially and should be followed by subsequent daily reports showing the trend of events until the strike or lockout is ended. The end of every strike and lockout other than a minor one should be communicated by *telegram*.

(6) If there has been nothing to report during a fortnight, a nil report should be submitted on the 1st and the 15th of each month

(7) Copies of reports sent to the Secretary to Government, Labour Department, in the form mentioned in Sub-Rule (1) above, should be sent to the Minister for Labour with the least possible delay, and also to :-

The Secretary to Government, Home Department (Special).

The Deputy Commissioner of Labour (Administration), Bombay.

The Deputy Commissioner of Labour (Information), Bombay and

The Deputy Commissioner of Labour (Welfare), Bombay.

(8) In the case of a Railway strike, the Superintendent of Police concerned should send a copy of his report also to the Inspector-General of Police, State of Bombay.

(G. C., Labour Dept., No. 6277/34, dated 2nd March 1948 and 4th October 1948.)

(9) In order to facilitate the work of the Tribunal appointed by Government to inquire into breaches of an industrial truce and stoppages of work, the officers mentioned in Sub-Rule (1) above should immediately report to the Secretary to Government in the Labour Department every case in their respective jurisdictions involving a stoppage of work (e. g., strike, hartal or a lockout) in any industrial establishment. The report should be in the form prescribed and in accordance with instructions contained in Sub-Rules (1) to (8) above.

(G. C., Labour Dept., No. 308/48, dated 20th July 1948.)

(10) Whenever a railway strike is anticipated, the Superintendent of Railway Police concerned will submit a report of all information available at the time to the Inspector-General of Police, with a view to enable that officer to issue orders, if necessary, in accordance with Rule 47 for superseding the usual division of responsibility between District and Railway Police. -If the strike actually eventuates, the Superintendent of Railway Police should repeat all telegrams to the Inspector-General of Police and the Deputy Inspector-General of Police, and otherwise keep them posted with developments, pending orders referred to above.

(11) In the case of a railway strike, the Railway authorities will supply daily to the Police authorities concerned at their request particulars regarding the number of employees in each department at work and the number of strike at each large centre, with a view to enable them to sum up the situation and to make necessary Police arrangements.

(G. R., H. D., No. 8277/2, dated 12th June' 1931 and G. C., P. & S. D., No. S277iJ
34, dated 18th October 1947.)

(12) The term "Railway strike" occurring in Sub-Rule (10) above excludes strikes or lockouts at the Railway Workshops at Parel, both Central and Western Railways and at Matunga and the responsibility of reporting such strikes rests with the Commissioner of Police, Bombay who should keep the Inspector-General of Police informed of the occurrence and subsequent developments of strikes within those areas.

(13) All District Superintendents of Police should report at once to the District Magistrate any occurrence of the nature specified above. The District Magistrate will be the ordinary channel for conveying the information to Government; but in urgent cases and when the District Magistrate cannot at once be communicated with, District Superintendents of Police must use their discretion as to reporting to Government direct.

(14) A copy of the report submitted by the Superintendent of Police to the District Magistrate should be dispatched immediately, to the Inspector-General of Police, the Range Deputy Inspector-General of Police and the Deputy Inspector-General of Police, Criminal Investigation Department.

51. Reports regarding Hunger-Strikes of Prisoners.-- (1) Information regarding prisoners (including under-trial prisoners) and detenus, whether political or otherwise, going on hunger strike, should be communicated to Government by District Magistrates or Superintendents of Police immediately by wireless.

(G. C., H. D., No. S/90-C, 3484, dated 18th August 1948.)

(2) Refusal to take food or "congee" or other nourishment by prisoners (including under-trials and detenus) for less than 24 hours

should not be treated as hunger strike and in such cases no report need be sent to Government. If, however, the prisoners continue to refuse to take food etc., after 24 hours, such refusal should be treated as hunger-strike and the usual reports should be sent to Government immediately by wireless.

(G. L., H. D" No,- S/90/C-3765-C, dated 29th September 1952,)

52. Police Action during Industrial Unrest.-- The following orders should be followed by the District Police on the occurrence of trouble among the labouring classes which tends to or may eventuate in a strike:

(1) As a general rule, trouble among the labouring classes is due to economic causes and when a strike actually occurs, it is the primary duty of the Police' to preserve law and order and not to interfere in or arbitrate on the economic issues which may be involved.

(2) In particular, it is the duty of the Police, (a) to prevent breaches of the peace, (b) to secure the safety of property, (c) to secure the safety of non-strikers; (d) to deal with any cognizable cases of which they may obtain information, and (e) to obtain information on the points referred to in Sub-Rule (5) below.

(3) With a view to carry out the first three of these objects the Sub-Inspector or, if the city is in charge of an Inspector or Sub-Divisional Officer, that officer shall give the earliest possible warn-ing to his Superintendent of the likelihood of a strike in his charge and the earliest possible intimation of its occurrence, should it eventuate. The report should supply details of the number of men affected, the causes of the strike and the extent of disorder, anticipated. The Superintendent will then take .such steps, as may be necessary to secure the objects set forth In clauses (a), (b) and (c) of Sub-Rule (2) above. Should the Police of the districts be insufficient to cope with the situation, the Superintendent should apply to the Inspector-General for drafts from other districts or, C in emergency, direct to the Superintendent of the nearest district Headquarters for assistance.

(4) With reference to clause (c) of Sub-Rule (2) above, it is to be remembered that peaceful picketing to prevent by persuasion, as distinct from force or intimidation, non-strikes from resuming work is not an offence, unless the persons prevented from their work are public servants within the legal definition of the words.

(5) With reference to clause (e) of Sub-Rule (2) above it is the duty of the Police to ascertain the political issues which may underlie or possibly dominate the economic causes of the strike. Information on the following points should be carefully collected :-

(a) The names of any instigators of the strike not directly Interested in its avowed economic objects,

- (b) The extent to which such instigation is responsible for the strike.
- (c) Communication and concert of action with the leaders of other strikes.
- (d) The fullest possible information regarding the direct and indirect causes of strikes that may be avowedly political.
- (e) The existence of literature inciting to strike.
- (f) The probable local political effects of the strike:
- (g) The numbers of strikers and the classes to which they belong.

(G. L., H. D., No. SD 62, dated 14th January 1921.)

(6) On the occurrence and during the continuance of a strike, the Superintendent of Police will submit to the District Magistrate daily a report on all developments, containing all available information on the foregoing points. Copies of the report should be sent to the Inspector-General of Police, the Deputy Inspector-General of Police, Criminal Investigation Department and the Range Deputy Inspector-General of Police.)

(G. L., H. D., No. SD 62, dated 14th January 1921 and I. C.'s No. 2334'A, dated 27th February 1920.)

53. Police Action during Railway Strikes. -- (1) The Railway Police are primarily responsible for the maintenance of order during a strike on a railway and it is their duty to give early intimation to the Superintendent of Police of unrest or disaffection among railway employees and of anything likely to lead to a strike.

(2) On the occurrence of a strike, the Railway Police Inspectors of the areas affected will at once send a report to the Superintendent, Railway Police and the latter officer will advise the District Magistrates and District Superintendents of Police of the districts affected.

(3) In the event of a serious strike occurring, parties of Police of not less than two men will be sent out at once to all important crossing stations, watering stations and engine changing stations, where Police are not already posted.

(4) The force at junctions and important railway centres will be strengthened.

(5) Each man will be sent out with full kit and must be prepared to stay at the railway station to which he is posted for indefinite period.

(6) For railway stations where there are not sufficient Railway Police available, the Superintendent of the Railway Police will address the Inspector-General of Police with a view to obtaining the assistance of the District Police to work under the orders of the officers of the Railway Police.

- (7) The Railway Police will understand that their powers and duties during a strike are briefly:-
- (a) to prevent damage to, or interference with railway property,
 - (b) to prevent breaches of the peace,
 - (c) to protect the travelling public, and
 - (d) to deal with any cognizable cases of which they obtain information.

(8) It is not their duty-(a) to interfere with strikers, unless a complaint is made that they are committing or about to commit a cognizable offence, (b) to deliver orders from railway officers to any of the railway staff, whether on strike or not, and (c) to patrol the permanent way or, bridges, unless there is reason to believe that an offence will be committed at any particular spot.

(9) Any complaint made to a Railway Police Officer must at once be communicated to the nearest Station House Officer. Station House Officers must not be led into taking hasty or illegal action on unconfirmed reports of the possibility of the occurrence of an offence. They should require a formal complaint disclosing a cognizable offence before taking action.

(10) "Picketing" demands careful attention. "Picketing" means organised endeavors by men on strike or by agitators to induce workers to cease work by means of parties of men posted at important working centres, such as workshops' gates. This does not constitute an offence, provided that the persuasion used is peaceful and that no actual obstruction or impediment is placed in the way of a railway servant in the discharge of his duty.

"Picketing" is illegal and falls under Section 121 of the Railway Act (which is cognizable by the Police), if any person wilfully impedes or obstructs any railway servant in the discharge of his duty.

(1) The Railway Police have no power to turn out peaceful picketing parties, neither have they power to compel any person to leave railway premises; unless he has committed an offence under Section 121 or any other cognizable offence under the Railway Act; but a person commits an offence under Section 121, if he refused to leave railway premises after being ordered to do so by a competent railway officer.

(12) The Police have at all times the Power to interfere to prevent the commission of any serious offence or a breach of the peace. If any such occurrence is apprehended at any Railway Police Station which is not adequately manned, immediate information should be sent to the nearest District Police Station and assistance requested.

(1. G.'s No. 18005-A, dated 14th November 1914.)

(13) The Railway Superintendents of Police should inform the Deputy Inspector-General of Police, Criminal Investigation Department, The Commissioner of Police, Bombay, and the Inspector-General of Police, regularly by daily report, of the exact situation regard-ing railway strikes.

(14) Detailed orders of Government for dealing with strikes on railways will. be found in Government Resolution, Judicial Department No. 2044-89-Confl., dated 27th March 1916.

57. Assaults on Police.-- (1) The tendency on the part of the public to take law into their own hands should be deprecated and put down firmly. It is necessary to create an atmosphere in favour of necessity of maintaining law and order. Courts should be urged to pass deterrent sentences against the accused of such cases. The convictions meted out to the culprits in such cases should be given wide and effective publicity, with a view to deterring people from the acts of assaulting Policemen.

(2) (i) On receipt of a complaint of assault the officer-in-charge of a Police Station should send the injured person to the nearest Medical Officer and get him examined by such Medical Officer, before taking final decision on the question whether the offence is or is not cognizable. Hasty decisions to treat the cases as non-cognizable based only on the contents in the information received, without obtaining medical opinion about the nature of the injuries inflicted should be strongly discouraged.

(ii) The Officer-in-charge of the Police Station, however, should immediately register offences without waiting for medical reports if he finds that prima facie, a cognizable offence has been made out.

(I. G.'s Cir. Memo. No. 6892, dated 24th November 1952; No. 6892-1, dated 21st April 1953 and No. 6892, dated 8th August 1957.)

58. Requisitioning of Troops for Quelling Disturbances. -- (1) The civil officer calling for the aid of troops in quelling a riot should do so in Form No.1 in Appendix I. He is not authorized to interfere in any way with the formation or details of the force, the military officer being held responsible for the success of the operations to be under-taken; and it is for the matter and for him alone, to judge in what manner the troops can effect the object which the civil officer has indicated, and to direct the force in the execution of the service in which it is engaged.

(G. R., J. D., No. 7237, dated 30th October 1894.)

(2) In cases in which military aid is thus requisitioned, the General Officer Commanding the Division should always be informed at the earliest possible moment of the objects and wishes of the civil authorities.-

(G. R., J. D., No. 3224, dated 26th July 1899.)

(3) The civil authority, when asking for military aid to quell disturbances, etc., will indicate to the Divisional Headquarters the nature of the duties which are likely to be required and the place at which the aid is required, but should make no suggestion as regards the strength and composition of the force.

(G. O., J. D., No. 7550, dated 27th November 1917.)

(4) For the latest orders issued by the Government of India, explaining the circumstances in which military assistance may be requisitioned in aid of the civil power and the manner in which it should be employed, Superintendents should refer to the "Memorandum on the requisition and employment of Military in aid of the civil power for quelling disturbances" circulated to them with Government endorsement in the Home Department (Political)-Confidential, No. S. D. 4832, dated 30th October 1930.

(5) Members of the Indian Territorial Force should not be called out for the dispersal of unlawful assemblies, where regular troops are available on the spot in sufficient numbers. In the absence or insufficiency of the latter, there is nothing to divest a Magistrate of responsibility for utilizing the services of members of that force, under Section 130 of the Criminal Procedure Code. A Commissioned Officer of such a force, unlike a Commissioned Officer of regular troops, cannot, however, in the absence of a Magistrate, take the initiative on his own authority under Section 131 of the Code. For any act done in good faith under Section 130, members of that force are amply protected by Section 132, Criminal Procedure Code.

(6) For instructions issued to troops called out in aid of the civil power, see Inspector-General's Circular No. 5914-A of 17th May 1919.

(7) When a Magistrate has called in military assistance for dispersing an unlawful assembly, the Police should not fire or use any force except-

- (i) When specifically ordered to do so by the military commander on the spot, or
- (ii) in actual self-defence.

as any such action on the part of the Police may lead to complications. It is the military who are responsible for seeing that the minimum force necessary is used and for the number of rounds fired and casualties inflicted.

(I. G.'s No. CB/100, dated 5th July 1948.)

60. Use of Fire-Arms in Dispersing an Unlawful -Assembly.-- (1) When armed Police are employed for the maintenance of order, they will be drawn up in strict military formation, each body being under the direct command and control of a responsible officer, ordinarily of or above the rank of Head Constable. Armed Police shall in no circumstances, save as hereinafter provided, be posted in such manner as to preclude the responsible officer from exercising direct control over every individual in the squad or platoon under his command. If circumstances demand that armed Police should be employed on duties ordinarily performed by the unarmed Police, they should parade with batons or lathis and without arms or side-arms, or be required to pile arms in a suitable place; in the latter event a guard will be detailed and a sentry or sentries posted over the arms in the usual manner.

(G. R., H. D., No. 1082-2, dated 17th March 1927.)

(2) On all occasions where policemen are to be supplied with arms, for meeting eventualities while dispersing crowds, policemen, whether armed, unarmed or S. R. P. F. men, should carry 10 muskets as these are considered to be the most suitable weapons for the purpose. The use of .303 rifles will be necessary when a crowd is armed with fire-arms.

Firing even by .410 muskets has to be resorted to as a last resort while dealing with crowds or mobs. Whenever firing becomes unavoidable to disperse unruly mobs; it could be ensured that the aim is kept low and directed against the most threatening part of the crowd. Care should be taken not to fire upon persons separated from the crowd nor to fire over the heads of the crowd as thereby innocent persons may be injured. *Under no circumstances, firing in the air* should be resorted to as experience proves that this leads ultimately to greater loss of life.

(I. G.'s Cir. Memo/No. K/7753-1, dated 14th May 1958.)

(3) With a view of clarifying the role of the State Reserve Police-men in riots and quelling disturbances in view of what is stated at Sub-Rule (8) below, i.e. following procedure should be followed: --

(b) The unarmed Policemen at the Police Stations and Outposts may be provided with 410 muskets from the reserve stock at the District Headquarters, whenever circumstances so warrant.

(I. G.'s No. K/ 753-1, dated 6th October 1958)

(c) Since State Reserve Policemen are using 303 rifles, they can as well use .410 muskets (without any further training).

(I. G.'s Secret Memo. No. Ki7753-1, dated 2nd August 1958.)

(4) When, in exercise of the powers given by Section 128 of the Criminal Procedure Code, a Magistrate or an officer-in-charge of a Police Station, engaged in dispersing an unlawful assembly, is compelled, in the last resort, to direct the Police acting under him to use their fire-arms he will give the rioters the fullest warning of his intention, warning them before-hand that the fire will be effective, that ball ammunition will be used at the first round, and that blank cartridges \ will not be used. Firing shall cease the instant it is no longer necessary. Duties of a Magistrate to command and disperse unlawful assemblies under Sections 127 to 130, Criminal Procedure Code being , of an executive nature they should no as far as possible, be assigned to Judicial Magistrates. However, as the District Magistrates are responsible for maintaining law and order in their districts, discretion in this matter will naturally have to be left to them.

(G. L., H. D., No. sm 1753-A, dated 3rd October 1953 and I. G.'s No. 5490, dated 22nd October 1953.)

(5) As Policemen are liable to misunderstand military words of command conveyed to them otherwise than through the Police officer in command and in the precise technical terms with which they are familiar, Magistrates, who have occasion to give directions in circumstances of a riot or affray to the" Police acting under their orders will, as a general rule, communicate their orders to the Policemen through the Police officer in command.

(I. G.'s No. 72, dated 11th August 1925.)

(6) (i) When parties of armed Policemen are sent to keep order at fairs and festivals, they should be given ball ammunition.

(I. G.'s No. 72, dated 11th August 1925.)

Note.-The officer-in-charge of the Armed party should invariably see that the Arms they carry are in working condition and the ammunition is reliable.

(I. G.'s S. O. Cir. No. 47, dated 6th January 1953.)

(ii) As riots in such cases are somewhat remote possibilities, the armed Policemen should pile their arms at some convenient and central places under a guard to enable them to carry out ordinary Police duties without the encumbrance of their weapons.

iii) A really hostile riotous mob which has been previously organised or if dangerous by reasons of its state of great excitement

and recklessness of personal danger, or a mob attacking buildings, such as Police Stations, treasuries, banks, etc., cannot be dispersed with buckshot. To attempt to do so is to court disaster for the following reasons :---

(a) The range is extremely limited and fire opened at the extreme effective range of buckshot will strike too low to exercise much stopping effect and will do no harm than that. Experience has proved that the injuries caused by buckshot issued to the Police are very trifling and that it is ineffective for dealing with a really determined attack delivered by vast superior numbers.

(b) The mob can come to extremely close quarters in the time taken by the Police to fire two rounds per man, with the result that confusion among the Police is likely to be caused and may be aggravated by the failure of some of the muskets owing to the jamming of the buckshot cases.

(c) It is impossible to pick out and put out of action individual leaders of a mob.

(d) Ineffective fire against a really determined mob is likely to influence it further, so that the attack will be pressed home and the Police overwhelmed.

(e) The Police officers should not forget the protection afforded by section 100, Indian Penal Code. The situation as it occurs is required to be judged on the spur of the moment but in order to satisfy the crucial requirements of section 100, Indian Penal Code, the apprehension must be reasonable.

(I.G.'s. Secret memo. No. 216-III, dated 20th August 1952.)

(iv) Superior Police officers in detailing Police Constables or Head Constables for duty at public gatherings should try to anticipate probable contingencies and instruct their men specifically in advance now they should use their authority to prevent certain dangerous practices that might be attempted.

(I. G.'s No. 13, dated 9th May 1940.)

(7) (a) The Commissioner of Police, Bombay and all Superintends of Police should invariably send a report to Government at the appropriate stage whenever an incidence of Police firing takes place in their jurisdiction, giving information on the following points:-

(i) Whether any cases have been instituted by the Police in connection with the firing and if so, details as to the sections under which the prosecutions have been instituted.

(ii) Whether any complaints have been registered against the Police and whether cases have gone to Court, if so, details regarding the sections under which the prosecutions have been launched.

(iii) Whether complaints and cross-complaints have been registered by one party against the other and, if so, whether cases have gone to Court (with details).

(iv) Whether in deciding any of the cases referred to at (i), (ii) and (iii) above, the Court has made any pronouncement on the justification or otherwise of the Police firing and, if so, the details thereof.

(b) Commissioner of Police, Bombay and the Superintendents of Police, should report the results of the prosecutions in all cases arising out of the incidents of Police firing where prosecutions are launched by the accused persons are acquitted of the charges framed against them, the point whether a particular case is fit for going in, appeal or not, should be immediately considered and, if it is decided to file an appeal, steps should be taken to see that proper counsel is engaged.

(c) The Commissioner of Police and all Superintendents of Police should send along with their reports regarding Police firing, a sketch giving the disposition of the Police party, location of the persons fired upon, and distance and other relevant details which would give clear idea the incident.

(I. G.'s Cir. Memo. No. 216-1, dated 3rd August 1957.)

(d) The Commissioner of Police, Bombay and the District Superintendents of Police should furnish information. Form No.2 Appendix I, regarding incidents of Police firing resorted to by the Police to maintain public order, to the Inspector-General of Police, soon after the incident take place so that it may be furnished to Government promptly.

(I. G.'s Cir. Memo. No. G/5252, dated 24th March 1959.)

(8) For dacoit operations, armed men should be equipped with .303 rifles. When these are then required at any particular places, the Police Station Officers should forthwith arrange to get the necessary number of rifles from the District Headquarters by sending a requisition. The rifles should, however, be returned to the Headquarters as soon as the dacoit operations are over.

(I.G's Cir. Memo. No. K/7753-I, dated 14th May, 1958)

61. Institution of Magisterial Enquiry.-(1) In the following circumstances a magisterial enquiry should invariably be held regard-less of whether the firing resulted in injury or loss "of life :-

(i) in self-defence against riotous mobs trying to rescue gamblers, illicit, distillers or other offenders arrested by the Police;

(ii) in self-defence against riotous strikers..

(iii) to disperse riotous mobs.

(2) It is not necessary to hold a magisterial enquiry in the following circumstances if the firing does not:Result in injury to any person or in loss of life :-

(i) in self-defence against dacoits, railway wagon looters etc., who attack the Police;

- (ii) in self-defence during prohibition raids against illicit distillers who attack the Police;
- (iii) in self-defence against drunken hooligans brandishing daggers;
- (iv) to apprehend dacoits, highway robbers, absconders etc.

But even in such cases an enquiry should, however, be held if the firing results in injury to any person or in loss of life.

(G. C., H. D., SBI/FIR-1057, dated 23rd July 1957.)

62. Medical Aid during Riots and Disturbances.— Officers concerned with measures for dealing with civil disturbances should bear in mind the obligation which rests on them to do the best they can to provide medical aid for persons injured on such occasions and, when necessary to convey them to hospitals as quickly as possible.

(G. R., H. D... No. 8108/2, dated 10th October 1930.)

CHAPTER III .

PREVENTIVE ACTION

63. Record of Crime and Criminals.-- (1) (a) In order to deal effectively with crime, it is necessary to have a continuous record of the criminal history of individuals and localities. To secure this each Police Station will maintain the following records:

- (i) Village Statistics (Village Crime Note Book, Part I).
- (ii) Village Crime Register (Village Crime Note Book, Part II).
- (iii) Village Conviction Register (Village Crime Note Book, Part III)
- (iv) Notes on Crime in Village (Village Crime Note Book, Part- IV)
- (v) History Sheets (Village Crime Note Book, Part V).
- (vi) Surveillance Register.
- (vii) Police Station conviction Register
- (viii) Known Criminals Register.

Registers at Nos. (i) to (iv) should contain information by villages and should be bound together in loose covers for each village, so that fresh sheets may be added, if necessary, while Nos. (v) to (viii) should contain information for the whole Police Station.

(b) In Greater Bombay, a Register known as 'Mawali Register' is maintained at all Police Stations. (vide Rule 73)

(I. G.'s No. 13012-C, dated 25th September 1908 and G. R., H. D., No. 2241/2-1.,
dated 15th December 1930.)

(2) All the registers mentioned in Sub-Rule (1) will be treated and marked as confidential so as to give them the status of "privileged documents". All correspondence in connection with History Sheets should be treated in the same way as other confidential documents, i.e., the Police Station Officer should himself attend to it, and note its despatch in a confidential register. The Inspector through whom the correspondence passes should also deal with the papers as confidential. All entries in Notes on Crime in Village shall be made by the Inspector or Sub-Inspector in charge of the, Police Station in his own handwriting. Entries in "History Sheets" should be written up by the Inspector or Sub-Inspector himself or at his dictation by the writer Head Constable or Constable and must in either case be signed by the officer himself. while those in other records may be made by subordinate Police officers under the direction of the Inspector or Sub-Inspector, who will invariably initial them.

64. Village Statistics.-- The form of this register is self-explanatory and calls for no special instructions.

65. Village Crime Register and Village Conviction Register.-- (1) In the Village Crime Register and the Village Conviction Register, information should be entered only in respect of those offences which are mentioned in Appendix V whether the offences were reported direct to the Police or were referred to the Police by Magistrates under Section 202, Criminal Procedure Code, and whether true or false.

(2) Section 75 of the Indian Penal Code is applicable to offences punishable under the sections mentioned in part A of the Appendix, and where a person is convicted under any of those sections read with Section 75, Indian Penal Code, the fact that Section 75 was applied to the case should be mentioned in the entry in the Village Conviction Register.

(3) When a man is convicted in a taluka or district in which he does not reside, the particulars of his convictions should be communicated to the taluka or district of which the man is a resident, for entry in the Village Conviction Register. The entry in the register should show, below the date of conviction in column 4, the class and location of the convicting Court.

(G. R., J. D., No. 6141, dated 17th November 1906.)

66. Notes on Crime in Village.-- In "Notes on Crime in Village" any fact exhibiting the criminal tendency of the people of the village or likely to lead to crime should be noted. e.g., factions, important civil disputes, disputes in connection with festivals and matters known incidentally during investigation of crime.

67. History Sheets.- (1) History Sheets will be opened' for all persons whose names are in the Surveillance Register (vide Rule 68) and for no others.

(2) History Sheets of individuals will be numbered according to the numbers in the Surveillance Register and filed by themselves.

(3) In the case of persons convicted, History Sheets must be opened at the time of conviction and not left until the convict is released from jail, when the details of his crime have been forgotten. A copy of the individual's finger impressions should also be attached to the sheet.

(4) In order that the release of such a person may not pass unnoticed in a case in which orders have been given for his History Sheet to be opened, the District Superintendent of Police will instruct his Chief Operator to inform the jail authorities that the release of the convict and his proposed residence should be reported to the District Superintendent of Police concerned in due course before his release.

(4) On the date of release of the convict, inquiries should be made at the proposed place of residence as intimated by the jail authorities and the result entered in the sheet. Further entries should be

.made from time to time as to his means- of livelihood, his associates etc., details being given of any subsequent crime in which he is convicted or suspected. If any information favorable to an individual whose name has been entered in a History Sheet is obtained, it should also be duly recorded.

(6) As regards movements, an A roll (as per Rule 69) should be invariably used when a surveillee leaves his residence and his destination is known or suspected, and the result of enquiries thus instituted should be entered in the History Sheet. If a surveillee passes out of sight for more than one month, his absence should be reported in the Bombay Police Gazette and his finger impression slip should be sent to the Finger Print Bureau for note there as absence. If a surveillee leaves his village and is not traced on an A roll, on his reappearance he should be asked to give an account of his movements, and after verification a note should be made in his History Sheet.

(7) The Superintendent and the Assistant or Deputy Superintendent in charge of a divisional of a district should scrutinise the History Sheets whenever they visit a Police Station, to see that they are properly written up and that they are not unnecessarily kept open.

(8) When an individual whose History Sheet has been opened dies, orders to destroy his sheet and to remove his name from the Surveillance Register should at once be obtained by the Police Station Officer.

(J. D., Letter No. 6537, dated 19th November 1910. I. G.'s No. 19195-C, dated 15th December 1910 and G. R., H. D., No. 2241/2-1, dated 15th December 1930.)

(9) (a) When a person in respect. of whom a History Sheet is maintained goes permanently to reside in another State, the officer-in-charge of the Police Station concerned will send the History Sheet to his District Superintendent of Police. The latter will then forward the sheet with an English translation thereof to the Districts Superintendent of Police of the other State for necessary action.

(b) If a person in respect of whom History Sheet is maintained is known to have migrated to a Province in Pakistan, the History Sheet should be forwarded through proper channel to the Government of that Province for further action. If the Province is not known, the history sheet should be forwarded to the Minister of the Interior (Home Division), Government of Pakistan, Karachi. Similar records of bad characters who are known to have come over to India should be obtained from the Provincial Governments concerned of Pakistan.

(I. G.'s No. 6485, dated 13th January 1950 and 6th November 1950.)

68. Surveillance Register.-- (1) A copy of the Surveillance Register by Police Stations will be kept in his office by the District Superintendent of Police and the Sub-Divisional Officer, this register forming an index to the History Sheets.

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(2) The names of all persons required to notify residence under Section 565, Criminal Procedure Code and Bombay Habitual Offender's Act, 1959 of convicts released conditionally or granted furlough under Section 401, Criminal Procedure Code, and of other persons whose surveillance the District Superintendent of Police considers necessary for the prevention or detection of crime will be placed on the Surveillance Register. It is not intended otherwise to fetter the discretion of Superintendents as to the types of persons who should find their way on to the Surveillance Register. It is, however, suggested, purely as guide, that persons convicted of house-breaking, robbery or dacoity committed in a professional manner, well-known receivers whether convicted or not, approvers in property cases, coiners, note counterfeiters, professional railway thieves, and persons bound over under Section 110, Criminal Procedure Code, are persons whose surveillance over whom would be profitable,

(3) The Inspector-General of Prisons will report to the Inspector-General of Police or the Commissioner of Police, Bombay, as the case may be, each case of a juvenile convict released from prison, who has been taught a trade and for whom employment has been secured. The Police authorities concerned should then arrange to leave such juveniles free from all surveillance, except in the following cases:-

(i) Juveniles who are known to have been brought up in an atmosphere of crime or to have commonly practised theft or other offences.

(ii) Juveniles who after release go to reside amongst, and consort with, people who habitually commit offences. The surveillance over juveniles referred to in clauses (i) and (ii) above should be exercised unobtrusively and through the agency of Police officers of rank not inferior to that of Sub-Inspector.

(G. R., J. D., No. 4890, dated 27th August 1909.)

(4) Boys discharged from a Borstal School remain under the supervision of a Probation Officer or other authority, and it is very undesirable that such boys, as long as they continue to earn an honest living should be interfered with by the Police or be made to think that they are in any way under Police surveillance. The Police should refrain from interfering with such boys unless they revert to crime. Any information required in connection with any particular boy should be obtained from the Governor of the Borstal School, concerned and not by questioning the boy himself.

(I. G.'s No.1, dated 5th January 1934.)

(5) The order placing a convict under surveillance and for opening his History Sheet shall be issued by the District Superintendent of Police or Sub-Divisional Officer of the district in which he is convicted at the time of his conviction, and an entry shall at the same time be made in the Surveillance Register. If the convict is a resi-

dent of another district, the history of the crime shall be prepared in the district of conviction and forwarded to the district of residence.

(6) No one should be placed under formal surveillance until his name has been entered in the register. The method and degree of surveillance to be exercised over criminals is left to the discretion of the District Superintendent of Police. The following suggestions are, however, offered as a guide:-

(i) The importance of keeping an eye on men addicted to house-breaking cannot be too strongly stressed. Such persons should receive the most careful attention.

(ii) A man with three convictions (anyone of which was for house-breaking) should be visited not less than once a week. Such visits should more: often than not be made at night.

(iii) The importance of other criminals and the difficulty of their surveillance will vary considerably in each district.

(iv) Minimum number of persons should be brought under surveillance, proper care being exercised while passing the order of bringing persons under surveillance.

(v) Besides, the prevention of Crime, the aim of the Police should be to reform the criminal. They should endeavour to obtain steady employment for the surveillees.

(I. G.'s Gir. Memo. No. G/2994; dated 24th March 1959.)

(7) A Surveillance Register should be maintained at Outposts, containing true extracts from the Station register of all such persons residing within the limits of the Outposts, to enable the men of the Outposts, within their respective beats of villages, to know who the bad characters are over whom they are expected to keep a watch. Whenever any fresh entry or alteration (such for instance, as the removal of a name) is made in the Station register, it should be communicated at once to the Outpost concerned. Similarly, the Station Officer should supply Patels of villages under the Police Station with the names of surveillees residing in the respective villages to enable the Patel to keep a watch on the persons and report their movements.

(8) When any surveillee is found absent from the village, the District Superintendent of Police should immediately report to other districts where the person has previously been convicted that there is a likelihood of his having gone there.

(9) No hard and fast rule can be laid down as regards the period for which names should be kept on the Surveillance Register. It is, however, suggested that the names of persons required to notify residents under Section 565, Criminal Procedure Code, Bombay Habitual Offender's Act, 1959 and convicts released conditionally under Section 401, Criminal Procedure Code, should be

retained on the register for the period specified in the order of the Court or Magistrate issuing it. After that period the names should be removed from or continued on the register at the discretion of the District Superintendent of Police or the Sub-Divisional Officer. In the case of convicted persons, names should be retained on the register after the expiry of the imprisonment for a period which should not ordinarily be more than two years, after which the names should be taken on the dormant file. If for a period of five years the person does not come to adverse notice, his name may be struck off from various files and no routine enquiry about him need be made. In case of others, names should be retained as long as the District Superintendent of Police or the Sub-Divisional Police Officer considers surveillance over them necessary.

(I. G.'s Cir. Memo. No. G/2994, dated 24th March 1959.)

(10) In order to ensure that surveillance is exercised only over persons the knowledge of whose movements will assist in the prevention and detection of crime, the District Superintendent of Police or the Sub-Divisional Officer should, when he inspects a Police Station, verify the entries in the register, removing therefrom after consultation with the officer-in-charge of the Police Station, the Patel or the officer-in-charge of the Outpost, the name of any person whose conduct, he considers safely admits of it.

(G. R., H. D., No. 2241/2-1, dated] 5th December]930 and I. G.'s No. 2994-A-II, dated 8th September 1943.)

69. Bad Character Rolls 'A' and 'B'.-(1) To keep an effective check on bad characters, it is necessary that their movements should be followed and their conduct watched when away from as well as when at their homes. To secure this, the forms of Bad Character Rolls A and B (Forms Nos. P. M. 102-G and P. M. 102.:H) should be freely used. A rolls should invariably be used in connection with persons under surveillance. B rolls should be used in the case of strangers suspected of being criminals and should invariably be issued when a stranger whose criminal history is not known is, suspected or arrested in connection with an offence. Both time and labour would -often be saved, if B rolls took the place of the correspondence which generally occurs when enquiries are/otherwise made.

(2) When a bad character, whose name is entered in the Surveillance Register, leaves his home, it will be the duty of the head of the village immediately to inform the officer-in-charge of the Police Station of. the departure of such person and his alleged destination, if known.

(3) The officer-in-charge o~ the Police Station shall at once fill in a Bad Character Roll Form A, and forward it by the quickest possible means, whether by hand or by post, to the officer-in-charge of the Police Station within which is situated the place to which the bad character is alleged or believed to have gone. If the destination

of the bad character is not known, a copy of the roll should be sent to every Police Station to which there is any likelihood of his having gone.

(4) When a bad character leaves his home for Bombay, Form A should as far as possible, be sent in English to the Commissioner of Police direct by the officer-in-charge of the Police Station. Information must be as detailed and correct as possible, especially with regard to the address which should include, as far as possible, the Police Division of Bombay, the locality, the road, gully, house number etc. In the absence of detailed address, the name and address of his associates, friends or relatives should be given.

(5) A Police officer who receives the roll shall at once acknowledge receipt of it and shall immediately take steps to ascertain whether; the bad character has arrived within the limits of his jurisdiction. If the bad character is found, the Police officer shall note the date and hour of his arrival, the name of the person with whom he is staying, and the names of any persons with whom he associates, and he shall arrange to have his activities watched in the same way as if he were a registered bad character of his own Station. If he has not been traced on the expiry of one week from the receipt of the roll, the officer receiving the roll shall return it, with a statement to that effect on the back of it, to the Police Station of issue.

(6) When the bad character leaves the limits of the Station for his home or elsewhere, the officer-in-charge shall forward the roll to the officer-in-charge of the Police Station to which the bad character has gone, noting on the back of it all the information regarding the individual's movements which was collected while he was residing within the limits of the Station. If the bad character goes to a Police Station other than that in which he is registered, the officer-in-charge of the latter should be informed of the fact.

(7) If the Police Patil of a village hears of the advent of a suspicious stranger in the village, it will be his duty to question the person regarding his antecedents and residence, and to send to the Police Station, with as little delay as possible, all the information obtained by him.

(8) On receipt of such information, it shall be the duty of the officer-in-charge of the Police Station to send a Bad Character Roll Form B with the utmost possible despatch to the Police Station within the limits of which the stranger alleges that he resides.

(9) On receiving such a roll, the officer-in-charge of the Police Station shall at once return it with complete information regarding the individual in question; if he is a resident of that Station, while if he is not a resident, the roll should be returned with a statement to that effect. In that case the officer who issued the roll must take all possible steps to discover the identity of the stranger.

(10) Whenever a Bad Character roll is sent outside the State, or to a district the language of which is different from that of the district from which the roll is sent, the details should always be filled in English.

(G. R., J. D., No. 1819, dated- 30th March 1906.)

70. Police Station Conviction Register.-- The Police Station Conviction Register will contain a complete record of all convictions of persons in cognizable cases reported direct to the Police or referred to the Police under Section 202, Criminal Procedure Code, in the Police Station limits and of persons residing in the Police Station limits though convicted elsewhere. Convictions under Sections 119 and 120 Indian Railways Act (IX of 1890), need not be entered in the Conviction Registers of Railway Police Stations. Special attention should be paid to column 7 of the register which furnishes an inspecting officer with a means of checking whether the necessary communication has been made to Police Stations concerned.

(G. R., H. D., No. 2241/2-1, dated 15th December 1930 and I. G.'s No. 2994.-A-III, dated. 27th July 1938.)

71. Known Criminals Register.-- (1) The Known Criminals Register will be a classified register of criminals known to be active or likely to revert to crime, but of whom all are not sufficiently important to find a place in the Surveillance Register.

(2) The register should be kept for the following classes :--.

- I. House-breakers.
- II. Thieves.
- III. Robbers.
- IV. Dacoits.
- V. Miscellaneous

When, however, it is found desirable to subject ether forms of crime to special study in any particular district, additional classes should be opened in the register, as for example, receiving stolen property, cheating, making or utering false coins or notes, mischief, etc.

(3) All persons having one conviction for house-breaking, robbery or dacoity, receiving stolen property, coining and note-counterfeiting or left from a railway passenger, persons bound over :under Section 110, Criminal Procedure Code, persons who the registered as habitual offenders under Section 3 of the Bombay Habitual Offender's Act, 1959 and persons having three convictions for theft will come automatically on this register of known criminals of the Police Station of which they are residents (this is not necessarily the place of birth) and of the Police Station in which they are convicted. Persons with less than three convictions for theft may be entered in the register, if the circumstances of the particular case merit such treatment. Entries should be made at the time of conviction. On any of these persons being subsequently convicted for any of the above-mentioned

offences, a fresh entry shall be made in the Known Criminals Register of the Police Station or residence and of the Police Station where the new conviction occurs, a reference being made in the remarks column to any previous entry of the same individual by quoting the class and serial number of that entry.

In addition to this, it will be open to the District Superintendent of Police or the Sub-Divisional Officer to add to this register the names of persons known to have committed these or other offences, whether they have been convicted or not.

(4) In order that this register may remain a useful record of active, or probably active, criminals of the Police Station, care should be taken to see that entries are not made unnecessarily. Similarly the names of those criminals should be removed from the register who are not known to have been concerned in an offence for five years from the date of their last release from jail, or from the date of entry in the register, whichever is more recent.

(G. R., H. D" No. 2241/2-1, dated 15th December 1930)

72. Maintenance of separate Registers for Prohibition Offences .-- At each Police Station, two separate Registers, viz. "Known Criminals Register", and "Surveillance Register" in respect of persons convicted for offences under the Prohibition Act, mentioned below has to be maintained. Similarly, it is necessary to have at each Police Station a separate Register known as the "General Conviction Register" for the prohibition offences in which the names of all the prohibition offenders only should be entered.

(I. G.'s Cir. Memo; No. 1199. dated 25th August 1954.)

(1) Distillers and possessors of implements, stills etc., for manufacture of liquor. (Convicts under Section 65 (b) and (f) of breach of Sections 12 (a) and 13 (c) respectively of the Act.)

(2) Sellers of liquors or intoxicating drugs, (Convicts under Section 65 (c) for breach of Section 12 (d) and Section 14 (d) respectively of the Act.)

(3) Smugglers (Importers and Exporters) of liquor and intoxicating drugs. (Convicts under Section 65 (a) for breaches of Sections 12 (c) and 14 (a) of the Act.)

(I, G,'s Cir. Memo. No. 4199, dated 2nd January 1954.)

(4) Persons whose bonds are taken under Section 91 of the Bombay Prohibition Act for abstaining from commission of offences under that Act.

(5) Persons externed under Section 57 (b) of the Bombay Police Act after being convicted under the Bombay Prohibition Act.

73. Mawali Register.-- (I) In this register (which is to be maintained in Form BPC 15 in Greater Bombay only), the names of

persons known or believed , or reported to be habitually involved in acts or accused in cases or violence, intimidation, extortion or other illegal pursuits likely to affect adversely the peaceful living of law-abiding citizens should be entered. Persons who shelter, hire or employ Mawalis and/or are habitual offenders, instigators, a betterers of offences against liquor, gambling and prostitution laws would come within the purview of the definition of Mawali.

(2) The Inspector of the Police Station concerned, in consultation with his Superintendent should arrive at a decision in this connection and in doing so he should give in each case due consideration to the number and nature of complaints against (i.e., whether they emanate from one particular source through enmity or are wide-spread in character etc., as well as to the antecedents and the general background of a person)

(3) The Deputy Inspector or the Selection Grade Sub-Inspector, as the case may be, at each Police Station will be personally responsible for keeping the Mawali Register up-to-date. He should constantly examine the Police Station records and carry to the Mawali Register all relevant Information regarding the Mawali.

(4) The surveillance staff attached to a Police Station should check up the movements and activities of registered Mawalis and make reports in the first week of every month which should be recorded by the Deputy Inspector or Selection Grade Sub-Inspector as the case may be, in his history sheets mentioning the number of the Policemen who made the check and the report and the date on which he did so. Entries so made by the Deputy Inspector Selection Grade Sub-Inspector should be signed (full legible signature) and dated by him (date, months and year); The Deputy Inspector or Selection Grade Sub-Inspector, as the case may be, should at least once every three months carry out a surprise check himself to see whether the reports made by the Surveillance staff are correct and should make a note of this having been done mentioning the date of his check. Every entry should be initialled (with date) by the Inspector.

Superintendents at least once a month and Deputy Commissioners of Police North, Central and South once every three months should inspect and attest the Mawali Registers of the Police Stations in their respective jurisdictions and see that the registers are maintained up-to-date and in proper manner.

(5) In the case of a Mawali operating over a wide area, embracing more than one Police Station, the Inspector's will take co-ordinate action and see that the Mawali, is registered at all the Police Stations within the jurisdiction of which he is active and/or resides.

(6) In addition to the Mawali Register a personal file should be maintained for each Registered Mawali by the Police Station in the jurisdiction of which he resides. This file will, contain all petitions, papers etc., pertaining, to him. All correspondence including

copies of N. C. cases, brief facts of L. A., I. P. C. / Chapter VIII (Criminal Procedure Code) cases, etc., pertaining to the Mawali should eventually be forwarded to the Police Station maintaining his personal file. If a registered Mawali changes his place of residence a copy of his history sheet along with his personal file should be sent to the Police Station concerned without delay.

(7) If for any reason it is found desirable to remove a Mawali from the register, the Inspector concerned should bring the case to the notice of his Superintendent who should pass the necessary order. The personal files of Mawalis removed from the Register should be destroyed, where the reason is the death of the Mawali and dormant file for two years in other cases.

(c. P.'s s. O. No. 118.)

74. Checking of Village Crime Records.-- (1) The object of maintaining the crime records mentioned in Sub-Rule (1) of the Rule 63 is to enable the Police to exercise an effective supervision over criminals and bad characters addicted to crime. It is, therefore, necessary, that they should be carefully entered up and verified from time to time. The superintendent, the Sub-Divisional Officer and the Sub-Inspector should, at the time of their inspection, compare the entries in the Outpost, the Station and the District registers and see that they are correct.

(2) Should the Superintendents of Police or Sub-Divisional Officer find it possible to muster persons under Police surveillance, he should test to what extent the Constable or Head Constable in whose beat, they reside is acquainted with them, not from the register as the entries therein can soon be learnt by heart-but by calling out any person indiscriminately from those assembled and asking the Constable or Head Constable who the person is and what he knows about him. It should be noted, however, that a Superintendent of Police or Sub-Divisional Officer has no legal authority to muster such persons, though, if the person under surveillance is willing to appear, it may be to his advantage to do so, since he can personally make any representation he may have to make regarding the removal of his name, and the inspecting officer can better gauge whether he is a fit person to have his name removed.

(I. G.'s No. 10681, dated 23rd October 1899 and No. 44, dated 16th April 1926.)

75. Prisoners released on condition of Police Surveillance or on Furlough.-- (1) When a long term prisoner is released permanently on condition of Police surveillance, the minimum period for which the condition of Police surveillance is imposed is three years and the maximum 10 years or even for life, according to the merits of each case. Superintendents of Police should bear this in mind when making recommendations for the conditional premature release of long term prisoners. A uniform period of five days within which they must report themselves to the Police has been fixed in the

case of convicts, who are to be released on condition of Police surveillance. Copies of the conditions of release will be sent along with the Government Resolutions sanctioning the conditional release of the prisoner to the Superintendent of Police in whose jurisdiction the convict is to reside as well as to the Superintendent of the district in which the jail is situated.

(G. L., H. D., No. 8228-C, dated 1st May 1926 and I. G.'s No. 60, dated 11th May 1926.)

(2) When a prisoner is released on furlough, the jail authorities will send, in advance as far as practicable, a copy of the release report to the Superintendent of Police of the district in which the prisoner wants to spend the period of the furlough.

(I. G. of Prison's No. 26962, dated 1st September 1950 and I. G.'s File No. 826.)

76. Externees from Greater Bombay. -- Instructions regarding supervision over the movements of criminals and bad characters externed from Greater Bombay will be found in Appendix VI.

77. Persons ordered to notify residence.-- Rules made under Section 565 (3), Criminal Procedure Code, in connection with persons ordered under Section 565 (1) and Bombay Habitual Offender's Act, 1959, to notify their residence, change of residence or absence from residence will be found in Appendix VII.

78. Identification of old offenders -- To afford the Police the opportunity of recognizing old offenders, the Superintendent of the jail shall permit a Police officer deputed in Greater Bombay by the Commissioner of Police and elsewhere by the Superintendent of Police, on a day preceding the weekly parade of prisoners, to have access, in the prison office, to the admission register and release diary. From these the Police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoners still under Police enquiry, whom the Police may have to inspect at a parade. The prisoners found in these lists will be paraded at the weekly parade separately from others and the Police not exceeding twenty in number, selected by the Commissioner of Police or the Superintendent of Police, will be permitted to inspect all those prisoners under the conduct of the Jailor or the Deputy Jailor. They will not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendents will inform the Commissioner of Police or the Superintendent of Police, as other case may be, on what day the weekly parade of prisoners will be held and at what hour the Police Officer can have access to the Prison office. Only, prisoners convicted under Chapters X~I, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years, or attempts at offences under Sections 328 to 369 persons bound over under Section 109 or 110 of the Criminal Procedure Code, and under-trial prisoners need be

paraded for the inspection of the Police. Female prisoners shall not be paraded for the inspection of the Police.

(G. R., J. D., No. 7683, dated 14th November 1900 and G. R., H. D., No. 304- 315, dated 12th November 1914.)

79. Identification of Habitual Offenders. -- (1) A record is to be kept in each jail for the identification of every prisoner, known or reasonably supposed to belong to the class of habitual offenders.

(2) (a) On the 20th of each month, a return in Jail Form No. 82 of habitual offenders and convicts sentenced to imprisonment for one, year and over, who are to be released in the month following, should be forwarded by the officers in charge of prisons direct to the Superintendents of Police of the place of release and of the place of distinction and to the Superintendents of Railway Police, in addition, in the case of criminals on railways.

(G. L., H. D., No. 3242-D, dated 26th February 1923.)

(b) Superintendents of Prisons will intimate the release of the following prisoners only:-

- (i) Habitual offenders.
- (ii) Prisoners sentenced to one year or more for an offence:-
 - (a) under Chapter VI, Indian Penal Code (of offences against the State),
 - (b) under Chapter XII, Indian Penal Code (of offences relating to coin and Government stamps),
 - (c) under Chapter XVIII, Indian Penal Code (of offences against property), or
 - (d) under the Arms Act.

(I. G.'s No. 59, dated 1st September 1927 and G. R., H. D., No. 1345/4, dated 19th November 1940.)

(3) Every facility should be given to every Policeman who may be deputed by the Police authorities to attend the jail daily for the purpose of taking the descriptions etc. of all released prisoners.

80. Village Visitation by Sub-Inspector -- (1) Every sub-Inspector in charge of a rural Police Station should make at least eight to ten halts for village patrolling only (excluding halts required for investigation) in a month in his jurisdiction outside his headquarters. The touring should be systematic, and ordinarily not more than two villages a day should be visited. Time should be spent in a village, full enquiries made and the Sub-Inspector should instruct the Patel and leave with the feeling that he has got to know all that is worth knowing of village affairs. Every village should be visited at least once a year and the more important ones oftener.

(2) Villages should be divided into A (i. e., the more important ones), and B (i. e., villages of lesser importance) and C (i. e., deserted villages) being entirely excluded from consideration. The A villages should be visited twice a year and B at least once

a year. The Sub-Inspector should calculate on this basis the total number of visits he may have to pay in the course of the year and distribute the number evenly over the whole year. If in anyone month, owing to crime, inspection etc. or inaccessibility of villages due to heavy rain, visitation falls below the required standard, the arrears should be made up in the following month by increased activity in touring. In this way a systematic inspection of villages spread over the whole year would be made and work would be done thoroughly and without any sort of rush in the last few months of the year.

(3) The Sub-Inspector should chalk out a tour programme for each month in the beginning of the year and submit copies thereof to the District Superintendent of Police and the Sub-Divisional Police Officer. The Reader will note on the programme the dates of visits paid as mentioned in the Sub-Inspector's diaries and check up at the end of the year whether the programme has been fully carried out.

(1. G.'s No. 40, dated 4th December 01948.)

81.Village Patrolling.-- Village patrolling should be carried out uniformly in all districts on the following lines:-

(1) All villages under a Police Station including those under the Outposts, if any, will be divided into three classes, viz:-

- Class A: (important villages),
- Class B: (unimportant villages) and
- Class C: (deserted villages)

They should be grouped into suitable beats, each beat including in it villages of all the three classes. Each beat will, for the purposes of patrolling, be allotted to a Head Constable, who will visit and camp at each A class village at least once a month B class village once in three months and C class villages being visited only once in six months. Where no Head Constable is available, a senior Constable will be in charge of a beat. The camp at an A village may extend to more than one day according to its importance. If a village has several hamlets under- it, the camp should be at the village and the hamlets should be visited not more than four on anyone day, from that village. The hamlets may also be classed like villages for the purpose of visitation. The visits should be sufficiently long and thorough and mere flying visits of a formal nature should be strictly avoided.

(2) Every patrol Policeman should ordinarily camp for 15 days in a month in his beat, and should spend five days in transit and the remaining ten days at the Police Station or Outpost, as the case may be.

(3) During visits and camps a patrol Policeman must make inquiries with persons of classes, e.g., Patels, the well-to-do and

the poor, hotel-keepers, agriculturists etc. and must try to collect information about the following matters:-

(a) The advent of strangers in fields, temples, mosques, churches, Dharmashalas etc., and particularly persons moving about as *sadhus*, *gosavis* and *sanyasis*, as they may be expert professional criminals like Beuriahhs, Budducks, Minas etc.

(b) The conduct of habitual criminals and persons under I surveillance and those recently released from jail.

(c) The existence of factions or ill feeling in respect of lands, temples, processions, festivals, women, religious or communal disputes or the occurrence of stone throwing etc., likely to give rise to riots or other crime or false complaints.

(d) The delivering of lectures, holding of meetings and other similar occurrences of a political nature or otherwise, including village gossips.

(e) The general health and sanitation of the village, including I ; the existence of stray dogs.

(f) The movements of criminal wandering gangs.

(g) The occurrence of any recent offences, suspicious deaths or serious accidents that might have remained unreported.

(h) Reported offences which have remained undetected, with a View to obtaining a clue to their detection.

(i) Recent births and deaths as noted in the Birth and Death Register to see whether the entries in the register correspond with village rumours, etc.

(j) Generally any matter of interest from the Police point of view.

(4) The patrol Policemen must also see that the Police Patel has with him a copy of the booklet entitled "Instructions for the guidance of Police Patils", the First Information Report book and the Wandering Gang Register, and repeatedly instruct him in the method of writing up of the book and the register with the help of the instructions contained in the booklet.

(5) In addition to the names of history-sheeters under surveillance (vide Rules 67 and ~8), the names of, habitual offenders brought under the operation of the Habitual Offenders Act, 1959, will be supplied to all Outposts Head Constables or, their respective Out. posts and to all Police Patels for their respective villages. This information will be useful to patrol Policemen under Outposts for the preparation of the statements prescribed in Sub-Rule (7) below. Patrol Policemen in charge of beats directly under the Police Station will obtain similar information from the records of the Police Station. It will be the duty of each patrol Policeman to make inquiries as to whether the bad characters in the village

are at their place of abode and as to their conduct and repute and whether any new ones have arrived at the village, and to communicate immediately to the Police Station the details required for the issue of an A or B roll, as the case may be. This does not absolve the Police Patel from the duty imposed upon him in this behalf under Sub-Rules (2) and (7) of Rule 69.

(6) The Head Constables in charge of Outposts should maintain in respect of all the villages under the Outposts, "Notes on Crime in Villages" (Village Crime Note Book-Part IV) and make their own entries from time to time. The Sub-Inspector at the time of his monthly inspections should check these and the patrol books of the patrol Police and take such notes as he deems fit for making entries in the "Notes on Crime in Villages" of the Police Station. He should also enquire from his patrol Police regarding bad characters with a view to writing up History Sheets effectively and for despatching A and B rolls. The Outposts Police should be informed of the fresh entries made by the Sub-Inspector in the History Sheets but they need not be given copies of the entries in the "Police Station Village crime Note Books-Part IV".

(7) In order to provide the patrol Policeman with a handy means of knowing the names of bad characters and the undetected crime pertaining to his beat and also to provide the inspecting officer with an easy means for, checking, the Patel's signatures and for seeing that the patrol Policeman has made inquiries about undetected crime and men under surveillance, statements in Form No.4 in Appendix I in respect of A and B villages in his beat must be kept at the beginning of his patrol book, a mere list of C villages being also kept with them.

(8) A patrol Policeman will be held responsible for any offence occurring in his beat and he should report every such offence at once and proceed to the spot for enquiry, collecting information (not recording separate statements 'except dying declarations, unless he is Head Constable who has received orders to investigate under Section 157, Criminal Procedure Code, preventing disappearance of evidence. arresting offenders and taking all such prompt measures as will lead to the detection of the offence and the arrest and successful prosecution of the offender. Patrol Police should note where "there "are excessive number of stray dogs and then take powders to destroy them. Where factions are likely to lead to an immediate out-break he should report at once to the Sub-Inspector. If gangs have: arrived they should be watched and, if with no means of livelihood, brought to the notice of the Sub-Inspector.

(I. G.'s No. 41, dated 4th December 1948.)

(9) When a patrol Policeman comes across strangers particularly persons moving about as *sadhus*, *gosais*, *sanyasis*, etc., he

should make active enquiries about the antecedents of such strangers found in temples, mosques, churches etc., and in suitable cases search their effects, as they may be expert professional criminals moving in disguise.

(10) Before leaving a village it is the duty of the patrol Policeman to write up the village Visit Book and also his own patrol book, in which he should enter the substance of all information or complaints received and action taken there on, all acts done and all facts observed in his official capacity. The entries must not be confined to information about cognizable crime but must cover the whole field of work, which the Police officer, as much, has to attend to. The signature of the Police Patel must be obtained below the entry, so that the signature may begin in the column for details and end up in the column provided for signature, thereby rendering any interpolations impossible. If the Patel is illiterate, a responsible man's signature should be taken on his behalf. The Patel should be required to read the entry before signing it. If he can-not read, the person who signs for him should be required to read out the entry to him.

(11) (a) The inspection of patrol books will be restricted to Jamadars and senior officers and it would be the Sub-Inspector's business to see that patrol books are checked either by himself or by the Jamadar or the Police Inspector, either at the outpost or at the Police Station twice monthly, e. g., when the Sub-Inspector goes for inspection and when the patrol Policeman comes for his pay, for evidence or some other reason. After inspection, the inspecting officer should, invariably write- "Inspected-All facts noted are receiving attention" and also any other remarks he has to make or instructions he has to give.

(b) This does not mean that this important duty is to be delegated to Jamadars; it simply means that on rare occasions when the Sub-Inspector finds it impossible to check all patrol books fortnightly (e. g" he might be 10 days in the Sessions Court), then and then only as a temporary expedient is he permitted to direct the Jamadar or the Second Sub-Inspector to inspect the books on his behalf for that particular occasion. The Jamadar or the Second Sub-Inspector must of course bring anything worth remarking about at once to the Sub-Inspector's notice. The Jamadar and the Second Sub-Inspector may inspect the patrol books frequently in addition to the fortnightly inspection of the Sub-Inspector. The Sub-Inspector is primarily responsible for peace and order in his charge. He therefore, must see for himself the remarks of his patrolling Police so as to be in a position to Instruct and correct them in the performance of their duty and also promptly to take preventive

measures in regard to crime and criminals. He cannot delegate this important duty to subordinates.

(12) It will be the duty of the Sub-Inspectors to see that patrols are intelligently carried out according to the foregoing instructions and that Outpost Head Constables both understand and perform their duties accordingly. When the Sub-Inspector visits the Out-posts and on all other occasions, he should check patrol books, examine village Visit Books, correct defects and, most important of all, give specific instructions to patrol men regarding the directions in which inquiries should be made and regarding the information that is required.

(13) All Sub-Inspectors and Police Inspectors, when they pass through villages, should invariably instruct Patels in their duties as laid down in the "Instructions for the guidance of Police Patils" and also by enquiries check the visits of patrol Police and see that they are no longer nominal but real, useful visits carried out with intelligence and thoroughness.

(I. G.'s No. 41, dated 4th December 1948.)

82. Town Patrolling.-- (1) It is not possible to lay down any definite system for patrolling in towns and cities by day and during night. The system must be devised by the officer on the spot in consideration of the number of men available, the seasonal conditions, the nature and incidence of normal crime, special outbreaks of crime in particular localities, the habits of the inhabitants and similar factors of a local nature. The principle to be remembered is that the men detailed for patrolling must be under the supervision of higher officers and that no fruitful results can be expected from any patrolling done in a routine manner lacking an element of surprize about it, and this can be achieved only if higher officers exercise personal check on the movements of subordinates. No system of night rounds can be satisfactorily carried out, unless the men are detailed in batches of two or more. Whether the "Flying Squad" system under which a certain number of different squads are detailed for partolling in a particular area on each day by orders made from day to day, or the "Beat" system, under which a certain number of men attached to the respective sections or, chowkies of a town or city carry out patrolling in their respective areas for a specified period of time, would suit a particular town must be judged by the officers concerned in consideration of past experience in relation to local conditions.

(2) Secret watching of criminals and employments of intelligent Policemen in plain clothes in addition to the ordinary staff in uniform should be attempted and encouraged as far as circumstances permit.

(3) Policemen on duty in a town should move on their beats, keeping their eyes and ears open to what is going on around them. They should observe all persons of suspicious appearance carrying bundles etc. They should keep an eye on brothels, Dharmashalas and the houses of suspected or known receivers of stolen property, and on the resort of thieves, gamblers and other bad characters, noting those who enter such places. They should be well acquainted with every street and gully, and should pay particular attention to uninhabited or broken down houses and buildings. As regards strangers they should act in the manner indicated in Sub-Rule (9) of Rule 81 above.

(4) Policemen on duty in a town by night should move about cautiously and quietly in the shadow of buildings as much as possible and observe without being seen. They should vary their rounds and return at times over the same ground, so that thieves may not count on being secure after they have watched them pass. They should be specially alert towards dawn, when thieves may be returning with booty and take note of all persons moving about, at unusual hours, so that they may recognise them again.

(5) In order to prevent the occurrence of thefts in the Courts of District and Subordinate Judges, where valuable property has sometimes to be kept, the Police on night rounds should visit, at least once every night, isolated Court buildings within their jurisdiction, and Subordinate Judges, when they have to accept valuable property or a large sum of money too late to be sent to the treasury or subtreasury for safe custody during the night should inform the senior Police officer in the station and request him to order special attention to be paid to the court buildings that, night by the Police on night » rounds.

(I. G.'s No. 48, dated 29th November 1930 and G. R., H. D., No. 4336/2, I dated 13th February 1931.)

(6) In places where cash transactions are conducted through banks, no armed Police guards are usually engaged at treasuries or sub-treasuries for guarding treasury strong rooms, which at such places are guarded by unarmed revenue peons or watchmen. In such cases the Treasury and Sub-treasury Officers should inform the senior Police officer in the station and request him to order special attention to be paid to the treasury strong rooms by the Police on night rounds, if in their opinion such a watch is necessary.

(G. Rs., R. D., No. 3146/45, dated 24th December 1947 and 10th July 1948.)

(7) The special guards in jails over prisoners condemned to death should be visited at night twice a month by Police officers not lower in rank than a Sub-Inspector or a senior Head Constable. Visits should not be paid on fixed days or at fixed hours, but varied so that such guards may not know when a visit may be expected.

(I. G.'s No. 9383-C, dated 22nd June 1990.)

(8) The duty of performing night rounds belongs properly to Assistant and Deputy Superintendents of Police, Inspectors and Sub-inspectors. The Superintendent of Police should occasionally check this work and that of the patrolling Head Constables and Constables, by doing rounds himself. It is, however, not necessary that the Superintendent of Police should do this regularly every week as a matter of routine. Assistant and Deputy Superintendents of Police are expected to take night rounds regularly every week.

(I.G.'s No. 10018-B. dated 21st August 1919.)

(9) Superintendents of Police will give special attention to the important duty of night rounds in headquarters towns and when on tour, in the more important towns in the districts. They will also see that their Assistants, Deputies, Inspectors and Sub-Inspectors do not neglect their work in this direction but that the night patrols and Head Constables and Constables on other town duties are kept up to the mark, especially on dark nights, by visits at irregular intervals from, superior officers of all grades.

(I. G.'s No. 1585'11-A, dated 31st October 1908.)

(10) The District Superintendent of Police will depute Constables who have special local knowledge of the bad characters of their Police Stations to the railway stations in the district, where provision for this purpose has been made in the strength of the district. Similarly plain clothes men belonging to the Bombay City Police should be posted at important railway stations by the Commissioner of Police. Bombay, as far as, the number at his disposal permit, in consultation with the Superintendent of Railway Police.

(11) District Police are entitled, when on duty, to appear and to remain on the platforms of railway stations. A station master has no power to order the removal of a District Police Constable who, may be there, on duty..

(12) A policeman sent on duty in private clothes to railway station platforms to watch suspected characters moving by trains should have a written order (a general order. got a fresh one every day) from his Inspector or Sub-Inspector, as the case may be, and should produce it and his Sanad, if required by the Station Master.

(13) The duties of the Constable will be:-

(i) to be present at the station for the arrival and departed all passenger trains .

(ii) to watch the arrival and departure of passengers.

(iii) at stations where there are Railway Police, to report to the Railway Police officer particulars of any known or suspected bad characters booking from his station, in order that such office may warn by telegram the station of destination and, through the Railway Police there, the District Police;

(iv) at stations where there are no Railway Police, to telegraph such particulars to the next Railway Police Station to which the train is proceeding, so that similar action may be taken;

(v) to report to the travelling Constable (that is, the plain clothes Policeman travelling with the train), if any, similar particulars, in order that the travelling Constable may warn the station of destination and, through the Railway Police there, the District Police (the travelling Constable will enter the name of the Police Officer and the information given in his note book) ;

(vi) (a) in the case of a District Police Constable to receive any communication from the Railway Police and travelling Constable, if any, for report to his Police Station and, if any suspected persons alight, to send immediate information through the village Police or otherwise to the officer-in-charge of the District Police Station.

(b) in the case of Bombay City Policemen to receive communications from the Railway Police and travelling Constable for report to the: Police Station to which he is attached, as soon as he goes off duty; and in the event of suspected persons alighting, to follow them to their destination, report to the Police Station within the jurisdiction of which the suspect has halted, and then return to duty at the railway station.

(14) Sub-Rules (10) to (13) apply mutatis mutandis in the case of a Policeman on duty at a steamer port.

(15) All information secured by men on patrol duty in towns must be noted by them in their note books, which must be checked by officers. .

83. Patrols, and fixed Posts in Greater Bombay.-(1) The jurisdiction of every Police Station in Greater Bombay is divided into Beats for the purpose of efficient patrolling and for the prevention and detection of Crime. There are one or more fixed posts manned day and night by constables in each Beat.

(2) Every such fixed post or semi-fixed post will carry a Fixed Post Pocket Diary. There will be separate books for day and night duty.

(3) All officers of the rank of Inspector and below are bound to sign such fixed post diaries when on patrol. Divisional Superintendents should also sign the Diaries when on visiting rounds as a corrective against malpractices by their subordinate staff.

(4) While preparing their Order books, Inspectors in charge of sections should endeavour as far as possible to detail Sub-Inspectors on patrol during morning, afternoon, evening and night hours and stipulate the particular beat or beats that the officer should patrol.

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Patrols should not ordinarily exceed two hours except at night. Sub Inspectors, so detailed, will in the course of their patrol, visit all the fixed posts in the area and sign the fixed post diaries. If the Fixed Post is absent, legitimately or otherwise, this fact should be recorded in the Station Diary on return. They should also record the number of the uniformed Head Constables or Naiks they might meet on patrol and what they themselves have done during the patrol or the cases they have picked up.

(5) Beats are patrolled and fixed posts are visited regularly by Beat Head Constables and Naiks. These men are the link between fixed posts in a Beat during their tenure of duty. It is not practicable to lay down hard and fast rules as to how many visits these men should pay to a fixed post during their tenure of duty. Neither is it possible to fix a time schedule in this connection or the route they should traverse. These considerations entirely are dependent on the size of the Beat and the number of fixed posts contained, but this subject should receive the personal attention of the Inspector who should weigh all these considerations and issue orders accordingly.

(6) Fixed post Diaries should be checked regularly by the Police Station Staff to ensure that these orders are being faithfully followed.

(7) It should be clearly understood that the Fixed Posts Diaries must be signed by all officers on patrol. It should also be understood that these orders are not meant to preclude the fixed post constable from making entries in his Diary on certain significant features that might exist or which have been observed in the vicinity of his Fixed Post. On the other hand, the Diaries should contain certain graphical pointers to guide a new man on the post and this should be prepared by the Police Station staff.

(C. P.'s S. O. No. 55.)

84. Flying Squads in Greater Bombay.- (1) Deputy Inspector Selection Grade Sub-Inspectors and Sub-Inspectors attached to Police Station will each do one turn of night rounds a week, the week for this purpose to count from Sunday night. Each officer will take charge of the Flying Squad and be out with it for 4 to 5 hours.

(2) The Flying Squad will usually consist of not less than 1 Head Constable (or Naik) and 5 Constables and they will do their patrol during the hours from 12 midnight and 6 a.m and the officer in charge of the squad will select the hours he considers best to patrol.

(3) The Inspector in charge of the Police Station will detail an officer for this duty daily, in his order book, and will give orders to any particular locality to be patrolled. These orders are to be communicated only to the Squad Officer, and no hard and fast rules

are to be issued by Inspectors, but the actual working and disposition of the squad must be left to the Squad Officer, who will be free to try his own ideas in the manner he thinks best for the detection and prevention of crime.

Note 1.- The Flying Squads must be effective and must work truly in the spirit of these rules. The Sectional Inspectors and Divisional Superintendents should discourage a stereotyped procedure with regard to these patrols and should not just be satisfied with routine entries. '

Note 2.- Flying Squad should not be used to patrol the whole area of the Police Station. Inspector in charge of Police Station should send the Flying Squad to a particular smaller area in the jurisdiction of his Police Station and concentrate on the checking of bad" characters.

Each Flying Squad will be in possession, of two electric torches, and If these torches go out of order or require new batteries, the cost should be met from the Permanent Advance and recouped from Head Office as usual.

(4) A Flying Squad diary will be maintained at each Police Station and in this the Squad Officer will make an entry when he takes the squad out, giving the time that he leaves and the number of men in the squad. He will visit the lock-up before he makes this entry, and enter in the Diary the number of prisoners confirmed. On his return he will write a report for the night, entering first the streets that have been patrolled, then details under which any person has been arrested (as to time and place and by whom etc.), any cases of house-breaking detected, Police Constables found in-attentive to their duties or any other irregularities. When writing up the names of the Streets patrolled, he should enter against such streets the numbers of any Head Constables or Police Constables that he may have met, but he is not to sign the books kept by Fixed Postmen and patrol men, etc. (The Flying Squad duty is to be done in plain clothes and the squad is not supposed to advertise the fact that they are Policemen. No salutes are to be given or acknowledged by the squad and the numbers of Policemen that are met can easily be obtained by one of the squad. Fixed Post men and patrol men etc., should note in their books, the times that the squad passed them). He will visit the lock-up again on his return and again note in the diary how many prisoners there are confined in the same. He will then sign this report giving the time and date of so doing. Below this report he will then enter the names of all persons arrested if anyone below the other, one name on each line, leaving the rest of the line for a subsequent entry, showing the final disposal of the man. These will be entered by the Squad Officer as they are dealt with, and the entries should then read something like the following :-

Mohd. Suleman	..... L. A C. 1234, 2 week's R. I.
Sakharam Pandoo	..... Discharged under Section 169 Criminal Procedure Code.

(5) All persons arrested by the squad will be sent to the Police Station where they will be dealt with by the Station House Duty Officer, who will make all necessary entries in all registers other than the squad diary.

(6) All occurrences that are usually entered in the station diary must also be entered in the Flying Squad Diary. The Flying Squad Officer will make all entries in the Flying Squad Diary and the Station House Duty Officer will make all entries in the Station Diary, but the entries in the squad diary of the going and returning of the Flying Squad may be made by either of the above officers.

(7) Identity cards should always be carried by an officer on Night Rounds as well as at other times when he is in plain clothes. The loss, theft or destruction etc. of an identity card should be immediately reported to Head Office. Superintendents will, hold proceedings in every case of such loss, etc., and forward the proceedings along with the officer concerned, to the Deputy Commissioner of Police Divisions concerned for action.

(8) Officers, on the day following their Night Rounds Duty, will, except in very exceptional circumstances, be excused duty until after midday.

(9) In Police Stations where there are more than seven Officers available, each will do a turn, but the Inspector may use his discretion, and if any particular officer has any important investigation, other heavy night work or ill-health, etc. he can omit this officer or officers from the duty.

In Police Stations where there are less than seven officers, each one available will do one night a week, and the remaining nights may be done in charge of a Jemadar or Head Constable, or the Inspector might himself go out with the squad.

(10) The Station House Officer will see that the squad goes out in time, when the Jemadar or Head Constable is detailed to be in charge 2nd will fill in the Flying Squad diary on the report of the Jemadar \ or Head Constable whichever the case may be) Probationary Officers may be used in this way in accordance with the orders as to their training.

(11) Inspectors will see that officers do not go out in a regular order or rotation, so that no officer will have a particular night for (his duty but will see that each officer goes out on a different night each week, if possible

(10) Inspectors will see that the squad is being worked properly and will report any officer found guilty of slackness. If any officer shows a tendency to make wholesale arrests on suspicion that sub-sequent enquiries show to be unjustified he should be warned by the Superintendent, and, if he persists, should be sent up to Head

Office. Any attempt to suppress cases should be severely dealt with and offenders sent to Head Office.

(13) The Inspectors will initial the Squad Diary daily, and the Superintendent will also see it at his "All's well" and will initial and date it.

85. Surveillance over bad characters in Greater Bombay.- (1) Provision has been made in the Allocation Scheme of each Police Station for the employment and use of Surveillance Staff. The Surveillance Staff should consist of picked men and the Inspectors of Police will be responsible for the activities and assigning duties to this staff. Normally when a man is placed in the Surveillance Staff, he should continue at this duty for a full year after which, he will normally be changed in order to give fresh blood a chance to prove their worth. There is no objection, however, to the Inspectors of Police, in charge of the sections removing from this staff, at any time, any man who is found unsuitable or not pulling his weight. The Constable's work ledger should be consulted when this action is contemplated.

(2) The Surveillance Staff will operate under the direct control of the Inspector of Police, in charge of the Police Station and they should report to him daily at a convenient hour to be fixed by the Inspector. When going on or coming from duties, this staff should report to the Station House Duty Officer who will make necessary Station Diary Entries.

(3) These men should be issued with Note Books in which their daily movements and activities should be recorded by them. The books must be produced before the Inspector daily and initialled by him. When filling in the Note Books the Surveillance Staff men must show the work done by them in detail and it is not sufficient merely to enter the information about cases detected and suspects arrested. They must include details of work such as watch and patrols done by the staff in the location where crime is reported. This must be impressed upon the staff by the Inspector in each case by studying correctly written Note Books. The Inspector can form his opinion about the counter-crime action taken and can devise new methods and ways of dealing with the problems raised in each beat or sector of his section.

(4) The Superintendents should examine the personnel of these squads and if some of them are found unsuitable or in league with unsocial elements, they should be weeded out and replaced by keen, competent and upright men. It should be borne in mind that all men should get a chance of serving in these squads.

As a tentative measure, the Superintendents should see that this special squad should be augmented and divided in Beats, viz. 2 by night and 1 by day who should do duty under the Externment Officer for suspects, Liquor Officer for liquor and/or gaming.

(5) The Prevention of Crime Branch will deal with Bad Character Rolls concerning up country criminals, for which purpose a register will be maintained by the Prevention of Crime Branch. On receipt of a bad character roll the Prevention of Crime Branch will make the necessary entry in the register and forward the roll to the Police Station concerned for report. If the bad character is not traced the Police Station will return the roll to the Prevention of Crime Branch who will return it to its source, after entry in the register. If the bad character is traced the Police Station should obtain his F. I. Slip and sent it with the roll to the Prevention of Crime Branch who will call for his History Sheet and forward it (after entries in the register) to the Police Station concerned through Finger Print Bureau, who will retain the F. I. Slip and nqte particulars.

(6) The Police Station should maintain the History Sheet as long as the crimianal resides in its jurisdiction. If he changes his address the History Sheet should be sent to the new Police Station, through the Prevention of Crime Branch. Any suspicious activities or fresh convictions earned by the criminal whilst in the city should be entered in his sheet by the Rolice Station concerned. Police Stations should keep a watch on these History Sheet criminals and check up their residences quarterly. The sectional Police should not communicate directly with the District Police regarding Bad Character Rolls, History Sheets and movements of outside criminals, but all references concerning these should be forwarded to the Prevention of Crime Brach.

(iii) On Bazaar days in towns and villages, the people attending the bazaar from out villages should be advised to get home before, dark and, if they are likely to be benighted, to stay in the bazaar village till next morning, if possible, and in any case to keep together as much as possible, when returning to their villages.

(1. G.'s Cir. Memo. No. G/4746-II, dated 26th February 1959.) .

88. Precautions to be taken when walking in Railway Lines.- (1) Police officers should exercise the utmost care, especially at night, when walking in the railway line. The officer in charge of a Police party should realize that it is his duty to see that the following precautions are taken for the safety of his men:-

- (i) Lamps with red slides should be carried, if possible and necessary.
- (ii) Enquiries should be made from the preceding and advance stations regarding the trains which are expected in either direction.
- (iii) The station masters should be asked to tell engine-drivers to be on the look-out.
- (iv) The officer in charge of the Police party proceeding on the railway line should keep his men well together and on the alert and, as far as possible, to the side of the line.
- (v) When crossing a railway bridge, where there is no proper footpath, men should be sent in batches and a system of signals should be arranged. A reliable officer should be kept in the rear.

(G. L., H. D., No. 4770-D, dated 19th November 1923.)

(2) (a) No person under the age of 20 years will be employed on the protection of the railway line on the occasion of the President's journey by train.

(b) Villagers employed on such duties will invariably be warned not to lie or sleep on or walk among, the track or between the rails.

(G. R., H. D., No. 4477/3, dated 2nd March 1934.)

89. Travelling Police Guard on Night Passenger Trains.- The primary object of sending Police guards with night passenger trains is to protect the persons and property of passengers. The guards should, therefore, strictly carry out the detailed instructions given to them as to how they are to work, what they are to look for, what they are to do when successful in marking down a suspect and other important matters likely to make for efficiency. Above all, no effort should be spared to prevent the system degenerating into a mechanically and perfunctorily performed duty. In this connection the following points might receive attention:-

(i) A single Constable on a train is virtually useless, and two or more should be detailed if possible.

(ii) In order to make the available staff as effective as possible, resort should be had to any variation in the mode of employing such guards as is likely to introduce an element of surprise and thereby non-plus the habitual railway thief on the look-out for possible Police interference with his plans. For instance, the guard might sometimes be in uniform and sometimes in plain clothes, or, part of it in uniform and part in Mufti; the same guards should not always be posted to the same trains; where all trains cannot be guarded, the train selected should be varied; the distance the guard accompanies the train, the points of joining and leaving the train, etc., should likewise be changed from time to time; one member of the guard might ostentatiously leave the train at a station *en route* and his place be unobtrusively taken by another.

(iii) Intelligent men with an aptitude for this kind of work should as far as possible, be selected and good work done by them promptly and suitably rewarded.

(iv) When trains cross State boundaries relieving stations for Police guards should be fixed where there is a Railway Police Station or Outpost. It will be the duty of the senior Police officer of the Railway Police Station or Outpost present on duty to sign the note books of both guards in token of the train having been regularly escorted up to, and taken over from, that place.

(G. L., H. D., No. 6578/3-D, dated 27th May 1936.)

90. Importance of checking of patrol books and note books by superior officers.- (1) Patrol books and note books should, if properly maintained and carefully examined, afford the Superintendent or Sub-Divisional Officer a most valuable means of checking the work of Head Constables and Constables and judging their fitness to: promotion.

(2) When occurrences come to notice in villages, if Superintendents of Police, Sub-Divisional Officers, Inspectors and Sub-Inspectors make a practice of sending for the patrol books of the Head Constable or Constable concerned, they can see if that officer has been perform-

ing his duties satisfactorily or otherwise. Another check is to compare during inspections the entries in patrol books with those in the various registers usually kept by Police Patels, such as the Visit book, Surveillance register, Register of Convictions, register of wandering gangs and register of arrivals and departures. When patrolling officers find that their books are systematically checked and an interest taken in their work, they are likely to show greater keenness and thoroughness, especially when they find that misleading or incorrect entries or perfunctory work is likely to render them liable to punishment.

(3) To establish an efficient system of patrol, it is essential in the first place that clear stading orders should be issued by the Superintendent or Sub-Divisional Officer laying down the manner in which patrolling is to be done in villages as well as in towns and the nature of information to be collected and entered in their patrol books or note books by the patrolling Officers. But no system, however good and complete it may be, is ever likely to bear good results, unless the work done by tJile men is constantly and systematically watched and checked by the Inspector and Sub-Inspector and the books and men thoroughly examined by Superintendents or Sub-Divisional Officers wi\en on their tour of inspection and at other times as often as possible.

(1. G.'s No. 10681, dated 23rd October 1899.)

(4) Whenever Police Officers go out on duty, no matter what rank or grade they may be, they must keep pencils and Note. Books with them. ,

(I. G.'s Cir. Memo. No. 527, dated 5th July 1955.)

91. Exchange of information regarding bad characters between Railway and District Police.-

(1) To help the Railway Police in tracing the whereabouts of suspected persons residing in the districts, the District Superintendent of. Police or the Sub-Divisional. Officer, should direct his Sub-Inspectors, when called on by officers of the Railway Police, to supply direct lists of convicted persons living in their jurisdictions.

(1. G.'s No. 6984-A, dated 26th July 1901.)

(2) Each Railway Police Station will be furnished by the officer-in-charge of the District Police Station concerned with a list of all bad characters residing in his charge who are likely to make use of the railway in the course or for the purpose of committing crime. This list will contain the names 05 persons of this description who are entered on the district Surveillance Register and will, unless there are reasons for omission, include those who have been previously convicted of railway crime.

(3) In order to differentiate between ordinary and railway crime, officer-in-charge of District Police Stations should make a distin-

guishing mark against each conviction for railway crime in the Village Conviction Register. Officers-in-charge of Railway Police Stations will, report, as occasion arises, to the officers-in-charge of District Police Stations the names of persons resident in their jurisdiction who are strongly suspected of rail way crime. These names will be added to the list mentioned in the foregoing Sub;Rule. Officers-in-charge of Railway Police Stations and District Police Stations will arrange to keep these lists in agreement and up-to-date. The Railway Superintendent of Police will communicate to the District Superintendent of Police the names of such persons resident in the district and convicted or strongly suspected of railway crime as, in his opinion, should be placed on the district Surveillance Register. The District Superintendent of Police, on receiving the report of the Railway Superintendent, will issue such orders as he considers necessary to the officers-in-charge of the District Police Stations. Officers-in-charge of Railway Police Stations should keep duplicate copies of History Sheets of persons suspected of committing railway crime, which have been opened by the District Police

(4) As regards Greater Bombay, the Commissioner of Police will cause the Railway Police to be furnished with lists of those persons only who are likely to use the railways in the course or for the purposE: of committing crime.

(5) The Railway Police should take steps to make themselves familiar with bad characters such as those mentioned in the preceding Sub-Rule. For this purpose, Railway Policemen should be sent to the neighbouring District Police Stations, the officer-in-charge of which should render them every possible assistance. The deputation of Railway Policemen to Greater Bombay for a similar purpose is left to the discretion of the Inspector-General of Police, and the Commissioner of Police will give every facility to men, if deputed by the Railway Police. ..

(G. R., H. D., No. 568, dated 22nd October 1923 and G. R., H. D., No. 2525, dated 2nd May 1910.)

92. Bad Characters lost sight of .- (1) Whenever Suprintendents of Police or Sub-Divisional Officers on examining the Surveillance Register or on mustering the surveillees, if possible, at the inspection. of Police Stations and Outposts (vide Sub-Rule { 10) of Rule 68) as certain that any such person or persons are absent and their where abouts cannot be traced, the particulars of such persons should in-variably be reported at the time to the Deputy Inspector-General of Police, Criminal Investigation Department, State of Bombay, in the prescribed standard form for notification in the Police Gazette. A watch should be kept on the names so published, and if any of the persons have returned to their villages or are traced or arrested, their names should be reported to the Deputy Inspector-General of Police

Criminal Investigation Department, for removal from the list of missing suspects.

(2) Superintendents of Police and Sub-Divisional Officers should pay particular attention to tracing the whereabouts of the bad characters of their districts and impress on all officers in-charge of Police Stations that enquiry regarding every bad character who has passed out of sight is not to be relaxed, until it is definitely and finally ascertained what has become of the individual. They must be warned that this is an important part of their duty, and that any neglect on their part will render them liable to serious consequences.

(3) When an 'accused person is arrested whose name and antecedents are not known, the list in the Police Gazette should be carefully scanned with a view to seeing if he could be traced therefrom.

(I. G.'s No. 220, dated 8th January 1900, 2381, dated 20th February 1900, 7596, dated 27th June 1900, 13886, dated 5th December 1900, 3635, date~ 2nd May 1901 and 704.8-A, dated 30th August 1905.)

(4) A consolidated list of bad characters reported missing and absent during the previous year will be published in the *Police Gazette* at the beginning of every year. This list will be filed with the *Police Gazette* of the year to which it belongs and will be corrected in red ink from time to time, as absentees are reported as traced, dead, etc.

(G. M., J. D., No. 2565, dated 20th May 1904.) .

(5) To facilitate enquiries into the whereabouts of persons wanted by the Police, each Superintendent of Police will be supplied by the, Manager, Government Central Press, with a sufficient number of copies of the Police Gazette to enable him to supply them to sub-ordinate officers in his district.

(G. R., J. D., No. 4913, dated 30th July 1901.)

93. Wandering Gangs.-(1) Special surveillance must be kept over all wandering communities, such as Bhamptas, Berads, Budduks, Rhatores. Lamanis, Wanjaras, Kaikadis, Kunjars, Minas. Sonnerias, etc. Whenever suspicious persons from such communities are found at or near a village, the Police Patel will inform the Police Station or Outpost in the local limits of which his village is situated. It is essential for the Police to keep a constant watch at all railway stations, Dharmashalas and landing places, noting particularly any strange or suspicious persons who may arrive, making every possible enquiry about them.

(2) When such persons are reasonably suspected of criminal practices or causes alarm or danger, a complaint should be laid before the Magistrate of the District or of the Sub-Division, with a view to measures being taken under Section 55 of the Bombay Police Act.

(3) Whenever it is reported to the Superintendent of Police or the Sub-Divisional Officer that suspicious characters or wandering gangs

have left or are about to leave his district for another, immediate information should be sent by him to the Superintendent of Police of the district to which the persons referred to may proceed. Officers-in-charge of Police Station should be instructed to communicate direct, in the same way, with officers of neighbouring districts. In serious cases information may also be sent to the Magistrate or the Sub-Divisional Magistrate of the neighbouring district with a view to his acting under Section 55 of the Bombay Police Act.

(G. O., P. D., No. 7138, dated 8th December 1914.)

(4) The issue of good character certificates to gangs emigrating from the district in the State of Bombay is forbidden.

(G. R., J. D., No. 8023, dated 2nd December 1915.)

94. Action against Gangs of Foreigners.- (1) The States on the frontier of India are- responsible that foreign vagrants and gypsy gangs are not allowed to pass into India. .

(2) In any State where such a gang commits any depredation, no effort should be spared in bringing the chief offenders to justice for specific crimes, or treating them, as the law allows, under Chapter VIII of the Criminal Procedure Code.

(3) On no account should such gangs be passed on under Police or other guards into other districts or States; but if deportation is deemed necessary, it should be carried out at once under the Foreigners Act, XXXI of 1946 (vide Rule 278) full lists and descriptive rolls of the deported persons with finger impression slips of the leaders being prepared and forwarded to the Government of the State concerned on the frontier of India.

(G. O., J. D., No. 7434, dated 3rd November 1900 and G. O., J. D., No. 5242, dated 2nd October 1903.)

(4) The Greater Bombay Police or the Police of the district in which the deportee may be, should hand him over to the Railway Police with his detailed description in writing and full particulars of the reason for surveillance and should forward to the Inspector-General of Police of the frontier State a detailed description of the deportee. Railway Police should send word ahead to the station at which the deportee is to be passed on to, the Police of another State to ensure continuity of surveillance. This communication should also include a detailed description of the deportee. The formal communication received from the local Police should be passed on to the Police of the next State with the deportee, and the signature of the Police officer to whom he is passed on under surveillance should be taken on a copy thereof.

(G. R., P. D., No.3, dated 3rd January 1917.)

(5) Care should be taken to see that the statement of the persons to be deported claimant that he is a native of a particular foreign

country should be supported by other satisfactory corroborative evidence. The mere statement that he is a native of such a country will not be considered as sufficient.

(G. C" P, ana S.D., No. 43/1112, dated 9th November 1933.)

(6) The finger impressions of all Pathans against whom an order is passed or: who are deported under Act XXXI of 1946 should, if possible, be taken and forwarded-

- (a) through the proper channel to the Finger Print Bureau of the State in which the persons are alleged or suspected to reside.
- (b) to the Finger Print Bureau concerned and
- (c) to the Bureau or Bureax of the State to which their operations are believed to extend.

(I. G.'s No. 6388, dated 4th August 1905 and G. R., H. D., No. 2513-A, dated 28th March 1923.)

(7) On no account should safe conduct passes or licenses to carry arms be granted to gangs of this type or to any members of such gang, and if arms or ammunition are found in their possession, they I should be at once disarmed in accordame with the provisions of the Arms Act.

(G. R., J. D., No. 3770, dated 28th June 1879 and G. O., H. D., No. 11851, dated 16th December 1920.)

95. steps of procedure to be followed by the Police against wandering gangs of Foreigners.- (1) It will be the duty of the Police Patel to give immediate information to the officer-in.,charge of the Police Station and to the nearest Police Outpost on the arrival within the limits of his village, of a wandering gang, e. g., Heratis or Baluchis (Iranis), that make exactions from villagers and commit depredations.

(2) (a) Upon receipt of such information the officer:-in-charge will at once, make a report to the District Superintendent of Police and the nearest Magistrate; and will at once proceed to the spot where the gang is encamped. Should any members of the gang be armed without a licence, they should be disarmed in accordance with the provisions of Section 13 of the Arms Act.

(b) The intentions of the gang should be ascertained, as soon as possible; from its headman. If they are making for their own or some foreign country, to which, in the opinion of the Magistrate of.. District, there is no objection to their being allowed to repair, the said Magistrate 'should take measures to induce the headmen to journey by such route, as will ensure tgeir encamping only at villages large enough to supply their wants.

(c) If it appears necessary to the Magistrate of the District, he should report the names of the principal members of the gang to Government with a view to obtairfwritten orders of the Government of India under Section 3, Foreigners Act, XXXI of 1946, directing them

to remove themselves from India by such route as that Government thinks best.

(d) Pending receipt of the orders of Government on such a reference, the District Magistrate of each district through which the gang proceeds must act as in clause (b) above.

(e) In every case the Magistrate of each district on the route to be taken by the gang should be informed, as early as possible, by the Magistrate of the adjoining district of the probable date on which the gang will enter his district and of the arrangements or orders which have been made concerning it.

(G. O., J. D., No. 7434, dated 3rd November 1900 and 5242, dated 2nd .. October 1902.) ,

(3) The following instructions should be followed by the officers-in-charge of Police Stations as a first step towards deportation of gangs f that give troubles:--

(a) Keep the gang within jurisdiction if possible at the Police Station or Outpost till orders are received from the Superintendent of Police or the Sub-Divisional Officer of its disposal.

(b) Submit to the Superintendent of Police or the Sub-Divisional Officer concerned an immediate report stating:--

(i) the strength of the gang, .

(ii) the name, age and description of each member, and

(iii) clear evidence of foreign origin; e. g., place of birth or residence, names of relatives there

etc.

(c) Submit to the Superintendent of Police or the Sub-Divisional Police Officer, as soon after the first report as possible:-

(i) a list of previous convictions as ascertained from the Finger, Print Bureau. .

(ii) evidence as to other crime committed or annoyance caused, by the gang within the month, or at its last two or three halting places, and

(iii) if the gang becomes unmanageable before orders are received from the Superintendent of Police as to its disposal, arrest its leaders under Section 55, and prosecute them under Chapter VIII, Criminal Procedure Code.

(4) On receipt of the report under clause (b) of Sub-Rule (3) above, the District Magistrate should be asked to move the Government of India through the State Government to order the gang to remove itself forthwith from India by sea from the port of Bombay under Section 3 of the Foreigners Act. If the gang is likely to be unruly or to endeavour to clear of into the nearest foreign jurisdiction pending the receipt of the orders of Government, the District Magistrate should at the same time be asked to issue warrants of arrest against the adult male members of the gang under clause (g) of the Sub-Section (2) of Section 3 of the Foreigners Act, XXXI of 1946.

(5) The best method to tackle the gangs is for the District Magistrates, District Superintendents of Police and Railway Superintendents of Police to make full and vigorous use of Section 55 of the Bombay Police Act and break them up rather than hunt them from place to place. A sufficiently large number of armed Police with a Sub-Inspector in charge should be despatched by Superintendents of Police to make contact with any large gang found entering their jurisdictions and the Police should remain with the gang while evidence required for proceedings under the aforesaid Section is being collected and until orders made thereunder are duly carried out.

(G. c., H. D., No. 7325/4, dated 4th July 1947.)

(6) If the gang habitually commits thefts; or robberies, any or all of its members may be prosecuted under Section 401 of the Indian Penal Code. If the gang

(a) graze its cattle on the crops in the neighbourhood of its camp, and intimidates and assaults the owners of the fields when interfered with (Sections 426, 427, 447, 352 and 323, Indian Penal Code)

(b) steals or seizes by force sheep belonging to villagers or shepherds (Sections 379 and 392, Indian Penal Code).

(c) enters villages on the pretence of selling precious stones (the stones being generally false) and steals anything it can lay its hands on—their women especially are great pilferers—(Sections 379 and 380, Indian Penal Code)

(d) enters small villages and forces or intimidates the inhabitants to give it money, food etc. (Sections 384, Indian Penal Code) and

(e) drives away ponies or cattle grazing at the sides of the road with the cattle of the gang (Sections 379 and 403, Indian Penal Code),

every endeavour should be made to bring the offenders to justice. Should, however, it be found impossible to establish the identity of the guilty parties, the headman or Jamadar of the gang should be called upon to deliver up the offenders. Should he fail to do so, he, together with the other headmen of the gang, should be arrested under Section 55 of the Criminal Procedure Code and proceeded against under Chapter VIII *ibid*.

(G. Ro, J. D., No. 495, dated 25th January 1883.)

(7) The last named measures may be taken against all or any of any the members of the gang at any time, if they commit, or show a probable intention of committing, a breach of the peace or any offence.

(8) Large gangs of foreigners should be prohibited from wandering about this State. Whenever the gang exceeds fifty, including women

and children, two or three of the leaders should be deported, provided they refuse to break up into smaller bands, or else steps should be taken for dispersing them under Section 55 of the Bombay Police Act.

(9) The duty laid on a District Magistrate by Section 55 of the Bombay Police Act is not fulfilled by merely passing on a trouble some gang to a neighbouring district. He should take measures for dispersing it, whenever its numbers and combination are a source of danger or alarm to the peaceable community.

96. Deportation of undesirable Foreigners on expiry of imprisonment.-- (1) Superintendents of Jails should always give ample previous notice to the Police officer concerned of the date and hour of the intended release of foreigners, against whom an order of deportation under Act XXXI of 1946 has been issued, so that suitable arrangements may be made for sending them out of India under Police surveillance.

(G. R., P. D., No. 4349, dated 22nd July 1913.)

(2) When an undesirable foreigner is convicted and sentenced to imprisonment and it is considered desirable that he should be deported on the expiry of his term of imprisonment, an application for his deportation should be submitted to Government. If Government consider that the foreigner should be deported, they will issue at once an order under Section 3 of the Foreigners Act, XXXI of 1946, without waiting for his release. This order should be kept with the papers concerning the convict and will remain in the prison, wherever the foreigner is undergoing his sentence. When this time for the foreigner's release approaches, the jail authorities should communicate the date of release to the local District Superintendent of Police who should then make the necessary arrangements to take him over on release and serve the order of deportation, a copy of the order being handed over to the foreigner.

The District Superintendent of Police who serves the order of deportation should give timely intimation of the departure of the foreigner to the representative concerned, in India, should submit report to Government of the service of the order and should forward to Government with the report the duplicate copy of the order with service duly endorsed thereon. He should also forward the photograph and finger prints of the foreigner to the officer on whose recommendation the order of deportation has been issued to enable him to publish the necessary information in the Police Gazette.

(G. R., P. D., No. S-43/616, dated 11th April 1928.)

(3) Photographs of political deportees should, however, not be submitted unless an order, is received in that behalf from the Criminal Investigation Department.

(I. G.'s No. 52, dated 18th November 1933 and G. C., P. and S. D., No. 9843, dated 10th October 1933)

97. Externment of Bullies. - (1) When action under Section 56 of the Bombay Police Act is to be taken for the externment of bullies, (i) the Police should record evidence to show that the externee is by his movements or activities causing danger or harm to person or property or is about to commit an offence involving force or violence etc., and (ii) the externment proceedings should state that witnesses are not willing to come forward in public to depose against the externee. Unless both these conditions are fulfilled by the proceedings, the case does not fall within the purview of Section 56 of the Bombay Police Act.

(G. L., H. D., No. 3065/5-35512-H, dated 14th August 1950.)

Note - The Police officers authorised under Section 59 (1) or Section 55, Bombay Police Act as the case may be, by the externing authority, should submit their reports within one month and the externing authority should pass orders thereafter within a week .

(G. C., H. D., No. SB-11/EXT/4058/21337, dated 8th October 1958.)

(2) The Commissioner of Police, in Greater Bombay and the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent of Police specially empowered by the Government in the district may extern the members of gang, or body, or persons, or immigrants or persons convicted, as the case may be, from any local area, or any such area and district or part thereof, whether contiguous thereto or not.

(Section 63-AA of Bombay Police Act.)

(3) Certain non-cognizable cases must be attended to by the Police themselves with the Magistrate's permission instead of preferring complaints to the Magistrates in cases of complaints of harassment by bullies. Police should also consider action under Chapter VIII or externment or detention in proper cases.

(I. G.'s No. 6297, dated 6th January 1948.)

98. Police Register transfer system.- (1) It is desirable to arrange for the release in the districts in which prisoners have, or have established, their domicile, such prisoners as are likely to revert to crime. In order to arrange for such release, advantage can be taken of the powers of the Inspector-General of Prisons under Section 29 (2) of the Prisoners Act" 1900, to transfer prisoners from one prison to another. This is done under system known as the P. R. T. (Police Register Transfer) system.

(2) (a) The Police Register Transfer system should be applied only in the cases of persons against whom either of the following orders has been made and is in force: -

- (i) Order to notify residence under Section 65 of the Code of Criminal Procedure, 1888 ;
- (ii) Order of restriction under the Provisions of the Bombay Habitual Offenders Act, 1959.

(b) The P. R. T. System is not applicable to juvenile offenders released from the Industrial Schools and the Borstal Schools.

(G. R., H. D., No. 1345/4. dated 25th March 1942.)

(3) When an officer-in-charge of a Police Station receives an order of conviction in respect of a person coming within the category mentioned in Sub-Rule (2) (a) he will report the case to the Superintendent of Police, through the Sub-Divisional Police Officer if there be one, together with particulars in Form P. M. 131. The Superintendent will then send a P. R. T. Slip in Form A (P. M. 134) to the jail. Details of previous convictions should not be entered on the slip, as these convictions are already noted in the warrants sent to Superintendents of Jails. On receipt of this slip, the Jail authorities will attach it to the prisoner's committal warrant, and make a note in the jail register that he is to be transferred prior to release to the jailor sub-jail of the district of his domicile. These arrangements hold good for criminals of this State as well as for those of other States. It will be necessary to make careful and thorough enquiries as to the criminals correct place and distrkt of domicile. When the local Police are unable to ascertain correctly the domicile of such a criminal, the case should be referred to the Criminal Investigation Department for orders.

(4) By district of domicile is meant the district which the prisoner has chosen to make his permanent place of abode, as evidenced by the locality of a series of convictions or by any other circumstances, such as the possession in it of land or other property or the pursuit of any permanent occupation. The district of domicile may also be the district of origin, but is not necessarily so. Failing any evidence of permanent domicile, district of domicile shall be construed to mean the district of origin, or, failing knowledge of this, the place where the P risoner was arrested.

(5) Besides sending the P. R. T. Slip (Form A) to the jail authorities, the Superintendent of police will send a copy thereof to the Superintendent of Police of the district in which the convict is domiciled if the district of conviction is not the same), and so furnish the latter officer with information about one of his district bad characters, whose disappearance might not otherwise have been known.

(6) Form B (P. M. Form 135) is the intimation of impending release to be sent by the Inspector-General of Prisons to the Superintendent of Police of the district of release. This also will be sent with the P. R. T. Slip (Form A) to the jail and kept there with the prisoner's committal warrant Both forms A and B will be attached by the Superintendent of the Jail to the nominal roll which he is required to send to the Inspector-General of Prisons for sanction prior to the transfer of a prisoner. Form B will be detached in the office of the Inspector-General of Prisons and forwarded to the Superin-

tendent of Police concerned, when the sanctioned nominal roll is returned by him to the transferring jail. This will ensure due notice being received by the Superintendent of Police of the impending release of a prisoner.

(7) When: a P. R. T. prisoner is released before the anticipated dates either on payment of fine or furnishing security or on appeal, immediate intimation should be sent by the jail authorities to the Police of the district to which the prisoner was to have been transferred, mentioning the reasons for the premature release.

(8) The number of the P. R. T. Slip (Form A) should be noted in the remarks column of the entry relating to the offence for which the person was convicted, in the Crime Register of the Police Station as well as that of the Sub-Divisional Officer.

(9) There is no objection to sending Police Register transfer prisoners, transferred to prisons outside the State, in private clothes and without fetters to jails in other States. But handcuffs will be necessary and Police relieving parties should have their own handcuffs, so that the relieved party can keep their handcuffs, ropes, etc. Thus there will be nothing to return from the destination, and no extra expenditure to the Jail Department. The escort parties must be on their guard against escapes.

(10) All P. R. T. Prisoners for the State of Madras from the State of Bombay should be transferred to the Vellore Central Jail, which is the receiving depot for such prisoners.

(11) For orders on the subject of meeting, from the Jail Department grants, the cost of the motor journeys of prisoners (whether \ undergoing sentences or to be repatriated on release) escorted by the Police by motor bus instead of being marched on foot, see Government Resolution, Home Department, No. 9206/2 of 19th June 1931 and Government Letter, Home Department No. 9206/2-C, of 6th October 1932.

(12) In Greater Bombay, the, Prevention of Crime Branch will arrange to get transferred such prisoners undergoing imprisonment in outside jails to a jail in Greater Bombay before their release.

(C. P's S. O. No. 26.)

99. Prevention of Breaches of the Peace.- (1) The majority of riots and other disturbances of the peace take place in connection with disputes regarding processions, festivals, fairs, right of way and other easements and similar matters. In order to prevent such breaches, the following steps should be taken according to the circumstances of each case:-

(i) A Police Station Officer must always keep in touch with the information recorded in his records relating to crime in villages.

and acquaint himself with the occasions on which a breach of the peace is likely to take place.

(ii) When a probable disturbance is within sight, he should visit the place in question and try to ascertain the condition of public feeling by getting into touch with influential party and non-party men.

(iii) The village Police and patrol Policemen should be instructed to keep a vigilant watch on meetings held, hand on distributed and rumours set afloat, very often by outside agitators.

(iv) If the circumstances demand such action, the District Magistrate should be moved to issue a proclamation under Section 37 of the Bombay Police Act, prohibiting the delivering of speeches, holding of meetings etc. at the place in question. Action may also be suitably taken under Section 108, Criminal Procedure Code (*vide* Sub-Rule (3) of Rule 100 against persons who may deliver inflammatory speeches or indulging in similar activities.

(v) Higher officers, especially in the Gazetted ranks, should interpose by contacting the influential leaders of parties and even by distributing leaflets containing advice and warning, and should try to avert trouble with the assistance (*vide* Section 149, Criminal Procedure Code).

(vi) If the prospects of averting trouble are encouraging, steps should be taken to concentrate sufficiently large Police strength in the vicinity of the scene where a breach of the peace is anticipated, as a mere show of strength is sometimes likely to be sufficient to avoid untoward developments. For this purpose all available strength of the Police force, especially armed men of the district, should be concentrated at the place. If necessary, the district strength may be augmented by re-inforcement obtained from other districts through the Inspector-General of Police under Section 28 (1) of the Bombay Police Act. The Commissioner, the District Superintendent of Police or any Magistrate specially empowered in this behalf by State Government, may, if necessary, appoint special Police under Section 21 of Bombay Police Act, 1951.

(vii) If the breach of the peace is likely to arise out of a dispute in connection with any procession etc., steps should be taken to invoke the powers of the District Magistrate under Section 39 of the Bombay Police Act. The District Magistrate may also be requested to issue orders under Section 40 of the Act, temporarily closing or taking possession of buildings or places likely to be used as shelters by miscreants intend upon throwing missiles or making an attack.

(viii) In the case of a procession in dispute, superior Police officers should make supplementary orders for regulating the procession under Sections 36 and 67 of the Bombay Police Act. If

time permits, proceedings may be started against the ring-leaders under Section 107, Criminal Procedure Code (*vide* Sub-Rule (2) of Rule 100 and in case of the cause of the trouble is a dispute in connection with any land, temple or other immoveable property, under Section 145 of the Criminal Procedure Code.

(ix) If none of these steps proves or is likely to prove effective, the Magistrate concerned may, as a last resort, be requested to issue orders under Section 144 of the Criminal Procedure Code, temporarily prohibiting persons from doing certain acts, even if they are perfectly lawful.

(x) Higher supervisory officers, such as the Sub-Divisional Officer and the District Superintendent of Police, should invariably be present on the scene of the apprehended trouble and should not leave the matter to be dealt with by subordinates.

(xi) If anti-social elements in Cities and factions in villages continue to commit offences with the result that incidence of murder, stabbing etc. are likely to be on the increase, then strenuous efforts should be made to control such anti-social activities by taking more stringent action under Chapter and Exemption Proceedings.

(1. G.'s No. 7355, dated 12th May 1955.)

100. Proceedings under Chapter VIII of the Criminal Procedure Code.- (1) Section 106, Criminal Procedure Code. Security for keeping the peace can be demanded by a trying Magistrate from an accused person convicted of an offence involving a breach of the peace, in addition to the sentence passed for it. All that the Police have to do is to suggest to the Magistrate the necessity of taking action under that section.

(2) *Section 107, Criminal Procedure Code.-* (a) Proceedings under Section 107 are an effective means for preventing a breach of the peace or a disturbance of public tranquillity which is reasonably apprehended in connection with religious processions, festivals, fairs, elections or any political movement. It is not always essential in every case that there need be two parties fighting against each other. It must, however, be clear that a breach of the peace is imminent, unless averted by proceedings under the section.

(b) Before starting proceedings under this section, the Police should collect evidence, oral or documentary, of persons (including Police officers) acquainted with the circumstances of the case, regarding-

(i) the specific occasion on which the breach of the peace is anticipated.

(ii) the existence of a cause, quarrel or other circumstances which is likely to lead to the breach and the period of its duration.

(iii) the declarations of the parties indicating their determination to carry out or to prevent certain things in connection with the subject-matter of the quarrel.

- (iv) the strength and the following of the party or parties; and
- (v) attempts made for conciliation, with their results, etc.

(c) It is not necessary to record elaborate statements of witnesses, short notes being sufficient. The provisions of Section 162, Criminal Procedure Code, do not apply to any statements or notes made in connection with such an enquiry. In fact the inquiry is not governed by any of the provisions of Chapter XIV of the Criminal Procedure Code.

(d) The proceedings should be initiated by a Police officer lodging personally or sending by post to the Magistrate having jurisdiction information in writing specifying the name with full address of the person from whom security is sought to be demanded, the occasion on which the breach of the peace is apprehended, and the circumstances, calculated to lead to the same, and praying for security being demanded. The period and the nature of the security may also be suggested. The names with addresses of witnesses to be examined in the case should be mentioned in the information. Proceedings under this section can be taken before the Executive Magistrate when either the place where the breach of peace is apprehended is a person, within his jurisdiction who is likely to commit breach of peace in the areas outside his jurisdiction.

(e) The Magistrate will then issue process for the attendance before him of the person to be proceeded against. If it is desired to have the person immediately arrested to prevent any imminent breach of the peace, a request may be made to the Magistrate for the issue of a warrant of arrest. The Magistrate dealing with the case will issue a preliminary order under Section 112, Criminal Procedure Code, calling on the person to show cause why he should not be ordered to furnish security specified in the order. The Magistrate will then record evidence tendered by the Police and also by the person proceeded against and make such final order as he deems fit in the light of the evidence recorded. If, pending the completion of an inquiry, it appears necessary to take immediate steps to prevent a breach of the peace or the commission of an offence the Magistrate should be requested to take interim security from the person.

(f) Care should be taken to see that action under this section is taken against the party who is about to play an aggressive part calculated to lead to a breach of the peace and not against a person who is acting within his rights, though a breach of peace may be apprehended as a result of the activities of a person or persons who may feel aggrieved by the lawful exercise of such rights. In some exceptional cases, it may be difficult to decide who is acting beyond his rights in some other cases it may be desirable on account of some peculiar circumstances to proceed against both the parties, but these would certainly be rare.

(g) Orders under Section 107 may be passed upon the plea and consent of the person proceeded against without recording evidence as the procedure to be adopted is that of a summons case.

(h) Against two contending parties two separate proceedings should be instituted, as persons proceeded against in both cannot be said to be associated with one another.

(i) In proceedings against opposite parties (factions), persons proceeded against in the one may be cited as witnesses against the other and *vice versa*.

(3) *Section 108, Criminal Procedure Code.*-(i) Proceedings for security for good behaviour under this Section are generally taken against (a) Political agitators disseminating seditious matter by making speeches or distributing pamphlets, handbills, etc., or matter which is calculated to promote racial hatred between different communities; (b) editors, printers, publishers etc. of newspaperes or other books, disseminating such matter.

In (b) the sanction of Government is necessary.

(ii) The Police should collect evidence of speeches delivered or pamphlets distributed etc. and note in their reports persons at the meetings at which the speeches were delivered or those to whom the pamphlets were distributed. It is immaterial whether the objectionable activities of the person proceeded against took place within or without the jurisdiction of the Magistrate before whom the information is lodged. All that is necessary is that the person must be within the Magistrate's jurisdiction at the time when the information is lodged. The procedure for initiating the proceedings and the stages of the enquiry in Court will be substantially the same as outlined in Sub-Rule (2) above in the case of proceedings under Section 107 , Criminal Procedure Code.

(4) Sections 109 and 110, Criminal Procedure Code Proceedings under Sections 109 and 110, Criminal Procedure Code, are among the most useful means at the disposal of the Police for checking and controlling crime and should be resorted to in suitable cases. The evidence on the following points will be useful in a proceeding under Section 109: -

Clause (a) - (i) The person proceeded against was found by a Policeman or any other person at an unusual time and in suspicious circumstances at a place where he had no business to go or remain at the time.

(ii) His movements, costume or disguise indicated an attempt to conceal his presence or identity at the time and place.

(iii) When questioned, he gave a false name and residence.

(iv) His conduct, e. g., an attempt to run away, was highly suspicious.

(v) He was making an attempt or exhibited conduct suggesting that his object was to commit an offence.

(vi) Letters or documents had passed between him and any other person suggesting that the concealment was for the commission of an offence.

(vii) He was in possession of implements of house-breaking, bunches of keys or master keys etc.

Clause (b) - (i) The person proceeded against does not follow any profession or occupation or any other kind of employment being his apparent means of livelihood.

(ii) He lives in a style entirely inconsistent with his apparent means of livelihood.

(iii) He lives a licentious life, e. g., indulging in liquor, gambling, etc.

(iv) His income is totally inadequate to meet the requirements of himself and his family.

(v) He gave an unsatisfactory explanation of his presence at the place at which he was found.

(vi) He evaded replying to questions or gave inconsistent or false replies.

(vii) He was found in company of persons of reputedly bad character, when he had no valid reason for being in their company.

(5) *Section 110, Criminal Procedure Code.* -For a proceeding under Section 110, evidence should be collected as follows :-

(a) A Police Station Officer should prepare the ground well before starting proceedings under this section. It is desirable to prepare a History Sheet of a bad character to be proceeded against, taking care to note therein from time to time the reports against his character. Patrol Policemen should also inquire and note in their patrol books everything they learn against the individual so that the entries may later be useful in a proceeding under the section.

(b) In addition to the material collected, as above, the following types of evidence will be highly useful:-

(i) Evidence of previous convictions in respect of offences of a similar nature.

(ii) Evidence of person who testify to their having seen the person committing an offence or to their suspecting him to have committed, it in view of his presence at or near the scene or movement from or to it etc., though the statements of such persons may be uncorroborated and insufficient to sustain a prosecution in respect of that offence.

(iii) Evidence regarding the bad repute of the person proceeded against the respectable witnesses who, owing to their residence in the locality or otherwise, have means for knowing it.

(iv) Evidence of the unaccountable absence of the person proceeded against, especially at night time.

(v) Evidence of his association with other bad characters, receivers or disposers of stolen property.

(6) If the person to be proceeded against under Section 109 or 110 is covered by Section 55, Criminal Procedure Code, he may be arrested by a Police Station Officer and produced Before a Magistrate. In other cases the Magistrate will issue process for his attendance after information has been lodged against him. The procedure regarding / the collection of evidence by the Police and the lodging of information and the inquiry to be made by the Magistrate will be substantially the same as outlined in Sub-Rule (2) above.

(7) The following hints should be carefully observed in taking proceedings under Sections 109 and 110, Criminal Procedure Code:-

(i) It is inappropriate to proceed against a person simply because a prosecution against him has failed.

(ii) A person who is already undergoing imprisonment ought not to be proceeded against as, while in jail, he is incapable of committing any offence.

(iii) Proceedings under both the Sections cannot be taken against one and the same individual at one and the same time.

(iv) Two or more persons may be jointly proceeded against under Section 110, if there is evidence to prove their association in their criminal activities.

(v) The statement of a witness examined 'in proceedings under Section 110, Criminal Procedure Code, deposing to the commission by the person proceeded against of a certain offence does not amount a first information of a cognizable offence and it is not necessary to register the offence.

(vi) Proceedings under Section 110 should be initiated by lodging information as soon as possible after the, inquiry into the character of the person has been furnished, as the absence of evidence of any offence committed by him in the meanwhile indicates that there is no necessity to demand security from him.

(vii) Mere evidence of previous conviction unassisted by evidence of reversion to crime on the part of the person proceeded against after undergoing his last sentence, will not be sufficient to support a demand for security.

(viii) The mere fulfilment of the terms of these provision (Sections 109 and 110, Criminal Procedure Code) is not enough and before making a final order under Section 118, Criminal Proce-

Code, the Magistrate must find it proved to be necessary for maintaining good behaviour that the person in respect of whom the inquiry is made should furnish security, the elements required to establish such a necessity varying in individual cases.

(8) *Instructions regarding Institution of Chapter Proceedings against individuals.*-To avoid indiscriminate and injudicious use of Chapter Proceedings as also the delay in the disposal thereof, the following instructions should be scrupulously followed by Police officers:-

(i) Chapter Proceedings should not be filed unless there is a real need; .

(ii) Even when there is a need, both the parties need not be in-discriminately proceeded against without any attempt being made by the Police to ascertain as to which is the offending party and which is the party acting within its rights;

(iii) The chapter proceedings should not be so much delayed as to defeat their real purpose and to constitute a harassment to the parties. To avoid this the Police officers should on their part assist the Executive Magistrates in the speedy disposal of the chapter proceedings and eliminate delays attributable to causes such as non-service of summonses on parties and witnesses and non-attendance of Police officers in Courts.

(iv) Institution and sometimes even the threat of institution of chapter proceedings constitutes useful preventive weapon in the task of maintenance of law and order, and it is not the intention of the superior Police authorities to impose any fetters on the powers of the Police to use this weapon for its intended purpose.

(I. G.'s Cit". No. 7490, dated 12th January 1956; G. R., H. D., No. CDR 1553/93216-N, dated 6th January 1956; I. G.'s No. G/8275, dated 15th March 1958 and G. C., H. D., No. C. II. 1357/C-5511-VIII, dated 21st February 1958.)

101. Preventive action in case of disputes over immovable property, such as land disputes etc. -

(1) *Section 144, Criminal Procedure Code*:- Proceedings under Section 144, Criminal Procedure Code can be taken when there is urgent necessity to prevent nuisance or apprehended danger. The order can be addressed to the public or to a particular individual. Orders to the Public can be passed directing any person to abstain from certain acts etc. if it is considered necessary to prevent disturbances of public tranquility, riot or affray. In case of emergency, *ex-parte* orders can be passed. The order can be rescinded or altered on the application of the aggrieved person or *suo motto*. In case applications are received from aggrieved persons, they should be given early opportunity to show cause against the order. Orders passed under this section remains in force for two months. The orders can extend to public places or streets or to private places. While passing orders; under Section 144, it is not necessary to consider the legal rights or established customs of the

persons concerned. Orders under this section can be passed by Police officers who are specially empowered under Section 14 (4) Criminal Procedure Code.

(2) *Section 145, Criminal, Procedure Code.*-Proceedings to be taken under this section when disputes concerning land or water etc., are likely to cause breach of peace (expression land or water includes buildings, markets, crops or other produce of lands, unserved from the land, and the rents or profits of any such property). The object of the section is to maintain status quo, i. e.. party in possession to retain possession until legally evicted after enquiry as to possession and the order made by the Magistrate forbids all disturbances of such possession until such eviction (prohibitory orders only made). The order made does not go to the root of the evil. the civil rights of the parties being left untouched by the enquiry made by Magistrate. Proceedings under this section are lengthy and are not suited to cases of emergency and imminent danger. These proceedings are not a bar to proceedings under Section 107, Criminal Procedure Code.

102. Orders under Bombay Regulation XII of 1827. - (1) When a person is committed to prison in default of security under Chapter VIII, Criminal Procedure Code, a Magistrate should endorse his previous convictions on the warrant of commitment.

(G; R., J. D., No. 666, dated 1st February 1911.)

(2) Superintendent of Police may, in suitable cases, make proposals to the District Magistrate to exercise his powers under clause (2) of Section 27 of Bombay Regulation XII of 1827, to adopt precautionary measures of a preventive but more lenient nature against a person who has been ordered to suffer imprisonment in default of security.

(I. G.'s No. 8299, dated 14th September 1898.)

103. Action under the Habitual Offenders Act. 1959. - (1) In the case of persons who are in the habit of committing offences especially those who have a fixed residence and occupation but go out to distant places for committing crime, the best form of action under this Act is to subject them to orders of restriction of movement or report or both.

(2) Such an order of restriction can be made by a Magistrate in any case in which security for good behaviour can be demanded under the provisions of Section 110 of the Criminal Procedure Code. Where such order is deemed necessary, the officer lodging information before a Magistrate under Section 110, Criminal Procedure Code, should also make a request for the order in the information.. The Magistrate will specify in his provisional order under Section 112, Criminal Procedure Code, the period, not exceeding three years, for which the order of restriction will operate and after inquiry as laid down in clause (e) of Sub-Rule (2) of Rule 100, he will make a final order of restriction, if he

is satisfied that the same is necessary, provided that no order of restriction will be made, if the person proceeded against has been ordered under Section 118, Criminal Procedure Code, to furnish security for good behaviour.

(3) Similarly, in a case in which a Magistrate or Court may properly make an order requiring a person to report his movements under Section 565, Criminal Procedure Code, the prosecuting officer should in suitable cases, move the Magistrate or Court to make an order of restriction of movement or report against the convicted person, in lieu of an order under Section 565 (1). .

(4) Where the Magistrate or Court has omitted or refused to make an order of restriction as in Sub-Rule (2) or (3), the District Magistrate or the Sessions Judge, as the case may be, may, at any time, be moved to make the same, and when so made, it will operate in lieu, of, and for the unexpired period of, the order for security under Section 110 or the order under Section 565 (1), as the case may be, of the Criminal Procedure Code.

(5) The person with reference to whom an order of restriction of movement is made cannot leave without pass the area to which his movement is restricted, while an order of restriction of report requires the person to give hazri at prescribed times and also to report absence from or change of residence. The person is thus constantly under a watch and this goes a great way towards producing a preventive effect.

(6) As a further curative and preventive measure, the State Government or a District Magistrate in the exercise of powers which have been delegated to him in this behalf by the State Government, may in suitable cases, order restricted persons to be interned in industrial, educational and other types of settlements, in which the persons are provided with a fixed residence and suitable occupation and training, and live under the supervision of a Reclamation Officer.

(7) Internment in a settlement should not ordinarily be considered, if (a) the order of Restriction in force against a person is for a period of less than one and half years, or (b) the number of times the person has either been convicted or sentenced for offences punishable under Chapters XII, XVI and XVII of the Indian Penal Code or ordered to give security under Section 118, Criminal Procedure Code, is less than three in the aggregate or (c) if the person is physically infirm, or mentally defective. In the case of such persons, internment may be ordered only for special reasons, which must be recorded in writing.

(8) The Superintendent of Police should make out a case for internment in a settlement and send the proposal in the prescribed form through the Deputy Inspector-General of Police, Criminal Investigation Department and the Reclamation Officer; to the District Magistrate, who will pass the necessary order of internment, if he is satis-

fied about its necessity. In the event of any doubt, the case will be referred to Government for orders.

(9) All District Magistrates will submit to Government monthly reports, stating the action taken by them in the matter of internment of persons in settlements together with the grounds on which the action is based.

104. Measures for prevention and suppression of corruption.- (1) Superintendents should submit six-monthly reports of cases of corruption on the part of any person under their control direct to the Inspector-General of Police (with copies to the Range Deputy Inspector-General) so as to reach him by the 5th January and 5th July, giving concise details of each case dealt with during the preceding half year and accompanied by a statement in Form No.5 in Appendix I. If there be no cases of corruption to report, a formal report to that effect should be submitted in due time. The Inspector-General will submit six-monthly statements to Government by the 15th January and 15th July, showing the numbers of such cases which have occurred during the past half year and the results of the inquiries. Cases in which inquiries are pending should not be included in these statements.

(I. G.'s No. 5229-XIII, dated 18th December 1946.)

(2) Every opportunity should be taken to impress upon the students and Head Constables under training at the Police Training Schools and on officers and men, particularly recruits under training, in the districts that corrupt practices must cease.

(3) Wide publicity should be given to the punishments inflicted on, Policemen found guilty of corruption, whether in a judicial or in a departmental proceeding.

(4) All Heads of Offices will prepare a six-monthly statement in January and June every year, showing the action taken against Government servants for corrupt practices, so far as their respective offices are concerned, without, however, mentioning the names of the Government servants against whom the action was taken, and circulate the same to the members of the staff in their respective offices.

(G. C., P. and S. D., N9, 1581/34, dated 28th September 1948.)

(5) A consolidated statement of cases of corruption will be prepared and published by the Director of Information in the form of a press note and Heads of Departments will publish summaries of relevant extracts from the press note in their respective departmental journals.

(C. M., P. and S. D., No. 1581/34-D, dated 17th August 1946.)

(6) With a view to obviating the opportunities of acceptance of illegal gratifications in cases of offering bail, the Superintendent of Police and the Sub-Divisional Police Officers, while inspecting

Police Stations under their charge, should make it a point to examine a few cases of refusal of bail by the Police and find out, if necessary by personal enquir)' with the persons concerned, whether the refusal of bail was or was not justified.

Similarly in the matter of recommending licences, the inspecting officers mentioned above should take necessary measures to reduce delay in disposal of references pertaining to recommendations for grant of licences and see that the cases are not unnecessarily delayed.

(1. G.'s Cir. Memo. No. G/34, dated 21st August 1958.)

INVESTIGATION OF CRIME

SECTION I.- GENERAL RULES RELATING TO INVESTIGATION

105. Appointment and Powers of Police Officers as Special Executive Magistrates - Under Sub-Section (2) of Section 14 of the Code Criminal Procedure, the Police Officers specified in column 1 of sub-joined table are appointed by Government as Special Executive Magistrates for the areas within their respective jurisdictions and are invested with the powers specified against them in column 2 of the table, such powers being necessary :-

(a) for preserving the peace, preventing crime and detecting apprehending and detaining offenders, in order to their being brought before a Magistrate, and

(b) for the performance by such Police Officer of any other duties imposed upon him by d.ny law for the time being in force.

<i>Officers</i>	<i>Powers.</i>
1. Inspector-General of Police	1. Power to endorse a warrant for execu-Police. tion outside the Jurisdiction of the Court issuing it (Section 83).
2. Deputy Commissioner Police, Head-Quar ters, Greater Bombay	2. Power to direct removal of or take bail of from a person arrested under any such warrant (Sections 85 and 86). .
3. All District Superin- tendents of Police	3. Power to issue search warrant otherwise than in course of an inquiry (Section 98).
4. All Assistant or Deputy Superintendents of Police.	4. Power to authorise things found in search beyond jurisdiction to be taken of Police. to the Court issuing the search warrant (Section 99).
	5. Power to issue order in urgent cases of nuisance and apprehended danger I (Section 144).
5. Commissioner of Police for Greater Bombay	1. Power to E'ndorse a warrant for execution outside the jurisdiction of the Court issuing it (Section 83).

*Officers**Powers.*

2. Power to direct removal of or take bail from a person arrested under any such warrant (Sections 85 and 86)
3. Power to issue search warrant otherwise than in course of an enquiry (Section 98)
4. Power to authorise things found in search beyond jurisdiction to be taken to the Court issuing the search warrant (Section 99).

(G. N., H. D., No. 3261j7-D, dated 21st February 1955.)

106. Free Use of Telegrams by the Police in Matters relating to Crime.- (1) With a view to facilitate the detection of crime, the following Police Officers of the District and the Railway Police in the State of Bombay have been authorised to send "Special Police" telegrams viz. :-

1. Inspector-General of Police.
2. Commissioner of Police.
3. Deputy Inspectors-General of Police.
4. Director, Anti-Corruption and Prohibition Intelligence Bureau.
5. Superintendents of Police. .
6. Assistant Inspectors-General of Police.
7. Principals, Police Training Schools.
8. Deputy Commissioners of Police.
9. Assistant Superintendents of Police.
10. Deputy Superintendents of Police.
11. Inspectors of Police.
12. Sub-Inspector of Police.
13. Jemadars.
14. Havildars.
15. Head Constables.
16. Naiks.
17. Lance Naiks.
18. Constables.

(G. R., H. - D., No. MSC-1054/C-1125-D, dated 22nd June 1956.)

(2) In order to distinguish them from other messages, the senders will mark them "Special Police". These words will be signalled free in the service instructions.

(3) Special Police telegrams will be charged for at double the rates for Express telegrams and will take precedence of all telegrams except (i) Immediate, (ii) Immediate Railway Service, (iii) Storm signal and (iv) Foreign State telegrams.

(4) Police officers authorized to send Special Police telegrams should see that the concession is availed of in reference to important crime only.

(5) Special Police telegrams may be despatched during the hours the telegraph offices are closed for traffic, by the payment of extra fees at the rate of one rupee for each of the offices which may have to handle the telegrams during their closed hours.

(6) The concession regarding the precedence in transmission of special Police telegrams has been extended to the case of railway telegraph offices as well.

(G. R., P. W. D., No. T-9345, dated 20th August 1914.)

(7) Officers-in-charge of Police Stations should, where possible, send telegraphic reports to the Superintendent of Police and the Sub-Divisional Officer of the occurrence of any of the offences mentioned in Sub Rule (1) of Rule 114, and the Superintendent of Police and the Sub-Divisional Officer should take action on receipt of such telegraphic information and not wait for a report by post or any other channel.

(I. Go's No. 9209-B, dated 4th August 1919 and 2408, dated 6th October 1947.)

(8) Sub-Inspectors and Inspectors should be encouraged to use the telegraph freely in connection with detection and pursuit of crime, and criminals and for communicating important information. Conciseness in terms consistent with clearness should be insisted on to , secure economy.

(G. R., J. D., No. 1672, dated 18th March 1907, 2851 dated 28th May 1908 and I. G.'s No. 7206, dated 22nd June 1908.)

(9) In cases of motor accidents involving loss of life occurring in rural areas, intimation should be sent to the Circle Police Inspector at once by telegram and/or by special report.

(I. Go's No. 39, dated 13th November 19480)

(10) Information regarding any occurrence endangering human life, Government servants or Government property should be despatched by the railway official concerned forthwith to the Superintendent of Police and, if possible, to the nearest Police Station, even in circumstances where the informant is unable to tender payment for its transmission by the Railway Telegraph. Where transmission by the Railwa)' Control" Telephone is likely to be the quicker method, the local railway officials should utilize it, if necessary, for the purpose. As regards payment of "charges for such telegrams reference, should be made to Rule 174 (3) in Volume II.

(I. G.'s No. 3, dated 5th February 1941.)

(11) Telegrams regarding the escape of prisoners, if sent as ordinary, are delayed and in a majority of cases prove useless. Such telegrams should, therefore, be classed either as "Special Police" or as "Express".

(I. G.'s No.3, dated 5th February 1941.)

107. stoppage of Railway Trains at non-stop Stations and Detachment of a Railway Carriage in a Case of Serious Crime.- (I) In special and urgent cases, trains will be stopped at a station at which they are not booked to stop, on receipt of requisition in writing from a Magistrate or a Police Officer not below Gazetted rank.

(G. R., H. D., No. 1443/3, dated 27th August 1932.)

(2) In the event of the occurrence of murder or other serious crime in a running train, immediate steps should be taken to prevent the disappearance of evidence in the shape of finger prints, blood stains and other marks which might lead to the crime being brought home to the culprit. For this purpose the carriage or compartment concerned should be emptied of passengers and sealed as soon as possible by the first Police officer receiving information of the occurrence. In the event of no Police officer being available within a reasonable period, similar steps should be taken by the guard of the train. The, Police officer or the guard should then arrange for the carriage to be detached at the first station at which arrangements could be made to replace it. At the same time instructions should be issued for the carriage to be sent by the first available train to the Railway Police Station having Jurisdiction to investigate the offence.

(I. G.'s No. 2959, dated 2nd June 1928.)

108. Identity of Police Officers Proceeding outside Jurisdiction.- All Police officers proceeding on duty outside their jurisdiction to place where they are personally not known to the local Police an requiring the latter's assistance and co-operation should take with them their Sanads or other evidence of identity for production, required. Local Police officers should require Police officers unknown to them to produce their Sanads or other trustworthy evidence of identity before they give such officers any information or assistance.

(I. G.'s No. 15815-A, dated 21st November 1913.)

109. Investigation in Military Lines.-- (I) So far as circumstances permit, Police officers should confidentially give previous notice to the Officer Commanding. Adjutant or Orderly Officer of a regiment, when any investigation, search or arrest is contemplate within military lines, and they should wear their uniform when engaged on such occasions. In order to avoid the risk of unfortunate incidents, it is desirable that the assistance of the officer Commanding the unit should be sought before military lines a: entered by the Police.

(G. R., H. D., No. 5120(3, dated 3rd August 1934.)

(2) The services of soldiers are never to be used by the Police without the full knowledge and consent of their Commanding Officers. To "observe" a sepoy whose conduct is suspicious is clearly within the duty of the Police, but to treat with him for his employment, without the knowledge of his Commanding Officer, in the detection of crime designed by his comrades or others is improper. When there are suspicious circumstances against sepoys, the Superintendent of Police, should privately and confidentially place all the facts before the Commanding Officer.

110. Treatment of Certain Offences for Police Purposes.- (1) Except cases under Section 118 (1) (a) (i) (drunkenness) and Section 167 (making or selling food or washing clothes by an infected person) of the Cantonments Act, which are cognizable and should be treated as such cases under the Bombay District Municipal Act, III of 1888, and the Cantonments Act, II of 1924, and under Rules thereunder are non-cognizable cases. First information and final reports should not be submitted regarding such cases. They should not appear in the Superintendent's Crime registers. Summaries of final orders there-in should not be submitted. and such cases will appear in Statement E, Parts I and II, not in Statement A or AA, Parts I and II, of the Annual Police Administration Report. Arrests in such cases will sometimes made without warrant and should then be reported as required by Section 62 of the Criminal Procedure Code, it being understood, however, that such arrest without warrant does not constitute the case in connection with which it is made a cognizable case.

(G. R., J. D., No. 4166, dated 7th August 1889.)

(2) Offences under the Public Conveyances Act, VII of 1920, are cognizable, but should be treated as non-cognizable for the purposes of the Crime Register and other incidents of investigation. They should be included in Statement A A, Part I, of the Annual Administration Report.

(3) Offences under Sections 116, 117 and 126 of the Indian Motor Vehicles Act, 1939, when committed in the presence of a Police officer in uniform, are cognizable and should be registered and dealt with strictly as cognizable under the provisions of Chapter XIV, Criminal Procedure Code. Offences under Section 128 (2) of the Act should be dealt with as cognizable for the purposes of the Annual Administration Report and included in Statement AA, Part I, thereof, but treated as non-cognizable for the purposes of the Crime Register and other incidents of investigation.

(4) Sections 36, 67, 68, 69 and 131 of the Bombay Police Act, read together, empower the Police, while regulating traffic in the streets, to prevent the infraction of any rule or order made under the Act or any other law in force for observances by the public in or near the streets (e. g., any rules for orders made under the Bombay Public

Conveyances Act, 1920, or the Indian Motor Vehicles Act, 1939) and to exercise their discretionary power of giving only a warning, instead of launching a prosecution in the case of infractions of such rules or orders as are in the nature of traffic rules and so are meant for observance by the Public in or near the streets. If Police officers make reasonable use of these powers, they will be able to enforce the law effectively but with fewer prosecutions, and much time and trouble of both the Police and public will be saved. Any Police Officer who either warns an individual to desist from offending against any rule or temporarily restrains an individual failing to comply with his direction under Section 69, should note the name and address of the offender with the date and nature of his offence in his note book or diary. This will be useful for administrative purposes, e. g., as evidence against counter-complaints against the officer of either harassment or partiality.

(5) In dealing with certain classes of non-cognizable cases (i. e. those falling under Sections 117, 119, 131, 134, 137, 139, 140 and 144 of the Bombay Police Act) the Police instead of prosecuting, may issue with advantage a written warning to the offender, informing him that they have evidence that he committed a breach of the law in circumstances which are specified (vide Section 151 of the Bombay Police Act). The use of these written warnings is an effective deterrent to offenders and has the advantage of limiting prosecutions to cases in which the infraction is serious and/or the offence has been repeated after a warning.

(6) It is open to Superintendents of Police to issue such subsidiary instructions as may be necessary to suit local conditions for the purpose of putting into effect the procedure described in Sub-Rules (4 and (5).

(I. G.'s No.1, dated 11th January 1940.)

(7) Section 73 of the Bombay Police Act empowers Police officer to arrest, without an order from a Magistrate or a warrant, person committing offences punishable under Sections 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, XI of 1890. Such offence should, however, be treated as non-cognizable for the purposes of the Crime Register, as the power of arrest provided therein is not absolute but qualified.

(8) Under Sections 70, 71, 72 and 79, a Police officer can arrest without warrant any person who commits an offence punishable under Section 135 or 141 by contravening an order made under Section or 55 respectively of the Bombay Police Act, or an offence punishable under Section 122 or 133 of the Act. These offences should therefore, be treated as cognizable for all purposes and provisions of Chapter XIV of the Criminal Procedure Code will apply to them.

[I. G.'s No. 11 (5024), dated 4th May 1950.]

(9) Offences under Sections 4 and 5 of the Prevention of Gambling Act, IV of 1887 are non-cognizable and should be treated accordingly.

(I. G.'s No. 3403, dated 8th December 1941 & No. G/5122, dated 1st October 1960).

SECTION II -- CASES REFERRED TO POLICE BY MAGISTRATES

111. Complaints referred to Police by Magistrates.-- (1) When a complaint is made to a Magistrate under Section 200 of the Criminal Procedure Code, he must examine the complainant on oath, though a Presidency Magistrate is not bound to follow the procedure. The Magistrate examining the complainant on oath must necessarily take down his statement in writing. This applies equally, whether the complaint is of a cognizable or of a non-cognizable offence. It is not open to the Magistrate, without following this procedure, to send the complaint to the Police, asking them to treat it as information and to deal with it, as such a course would be a dangerous evasion of the law on the part of the Magistrate.

(2) It after examining the complainant, the Magistrate has no doubt as to the truth or falsehood of the complaint, he must be guided by the procedure laid down in Chapters XVI and XVII of the Criminal Procedure Code. If, on the other hand, the Magistrate has any doubt as aforesaid, he may send it to the Police for investigation under Section 202. But before doing so, he must record his reasons for following this course. The Sessions Judge, will see that all Magistrates subordinate to him are aware of their duties in the matter of verification of complaints and recording reasons for ordering investigation by the police. If, however, a Magistrate fails to record reasons, the Police officer concerned should not return the complaint to the Magistrate on the ground that no reasons have been recorded, but should carry out the judicial orders of the Magistrate, leaving it to the aggrieved party to move judicially in the matter. Sessions Judge will see that subordinate Magistrates do not refer cases unnecessarily to the Police for investigation under Section 202 and that they do not permit investigations to be unduly delayed. Superintendents of Police and Sub-Divisional Officers should arrange to get intimation from Sub-Inspectors of Police of cases sent to them by Magistrates for investigation, if they need such intimation.

(G. R., J. D., No. 4025, dated 21st June 1902 and G. R., H. D., No. 2998/5, dated 3rd July 1948, G. R., J. D., No. 5101, dated 9th September 1910 and G. R., H.D., No. 7578, dated 21st September 11/25.)

(3) When an investigation is ordered by a Magistrate under Section 202 of the Criminal Procedure Code, the ultimate responsibility rests with him and not with the Police; so that reports called for under that section should be sent by the investigating officer direct to the Magistrate. It is open to the Magistrate ordering the investigation

to direct that the report shall be submitted within, a specified time and it rests with him to grant an extension of time in any particular case.

(G. R., J. D., No. 5101, dated 9th September 1910.)

(4) In a case referred to the Police by a Magistrate under Section 202 they can make an investigation and exercise the powers, except that of arrest, which they possess in cases reported direct to them. After investigation, however, they can only make the report contemplated by Section 202 of the Criminal Procedure Code and cannot exercise the powers of arresting the accused and of submitting a charge sheet against him under Chapter XIV of the Code. Even if the offence complained of is a cognizable one, the discretion rests with the Magistrate of issuing a warrant, when the law allows immediate arrest. In the absence of such a warrant, the Police should not arrest, except in cases of attempted or probable evasion or when a warrant of arrest cannot be obtained in time to prevent escape.

(G. R., H. D., No. 6218/3, dated 1st October 1935 and G. R., J. D., No. 3,1 dated 3rd January 1889.)

(5) Where the Police report the complaint as false but the Magistrate disagrees with his view, it is not open to the Magistrate to order the Police to register it as a Police case and to bring the accused before him as if in a Police case.

(G. R., J. D., No. 5096, dated 25th September, 1891)

112. Cases referred to Police by Magistrates otherwise than on Complaint.-When a Magistrate acts not upon a complaint but upon information received by him under clause (c) of Sub-Section (1) of Section 190, Criminal Procedure Code, it will be open to him to send the case to the Police for investigation under Section 155 (2) or 156 (3) of the Code according as it is non-cognizable or cognizable. The Police can then exercise all the powers of investigation under Chapter XIV of the Code, including the power to prefer a charge sheet against the accused, provided that where the offence is non-cognizable, the Police shall not arrest the accused, without a warrant.

(G. R., H. D., No. 6218/3, dated 1st October 1935.)

SECTION III.- INFORMATION AND REGISTRATION OF OFFENCES

113. First Information of a Cognizable Offence.- (1) Section 154 of the Criminal Procedure Code requires that every information of the commission of a cognizable offence, when given to the officer in charge of a Police Station, should, if given orally, be reduced to writing by the officer himself or under his supervision. It is not necessary that the information must be given necessarily by the person aggrieved by the commission of the offence. "Information" as contemplated by the Section is not the same thing as a "complaint" as defined in Section 4 (n) of the Criminal Procedure Code. It follows that as soon as information is given, it should be recorded

at once without waiting for the appearance of the aggrieved party. It also follows that once the Police machinery has been set in motion by the giving of information, there can be no withdrawal by the aggrieved party. Further, it is not necessary that the information must be given by a person having first hand information of the commission of the offence, so long as the person giving it undertakes responsibilities entailed by given it.

(2) (a) When a person gives information to a village Police Patel, the latter sends his report about the information to the Police Station. In such cases this report will be treated as first information for the purposes of the law.

Note.- As far as possible Police Patel should be instructed to bring the complainants to the Police Station for proper recording of the First Information Report.

(I. G.'s No. 369, dated 3rd July 1923.)

(b) In many cases the Police Patels do not mention the names of the accused persons in the vardi report for some reason or the other, even though the names of the accused persons are a common knowledge of the people residing in the vicinity of the scene of offence. This failure on the part of the Police Patels, leads the Court to disbelieve the witnesses. Therefore, Circle Police Inspectors and Police Sub-Inspectors should direct the Police Patels to give names of the accused persons in vardi reports if their names are known.

(I. G.'s No. G/8315, dated 12th March 1959.)

(3) Every Outpost in a district will be supplied annually with one or more blank books according to its requirements, the pages of which should be divided into two foils. The Head Constable or other officer in charge of the Outpost should enter therein all occurrences reported to him. e.g. offences both cognizable and non-cognizable, and all other information which, it is necessary, should be communicated promptly to the Police Station. The foil on the right hand side should be cut and sent to the Police Station to which those Outposts, are subordinate. When, however, any report, oral or written, of a cognizable offence is made to the officer in charge of the Outpost, he should merely enter the name of the person who brings the information, the name of the aggrieved person, if known, the nature of the offence, the names of the offenders, if known, and the time and date of receipt on both the foils of the blank book and send one foil duly completed to the Police Station for further action. If the aggrieved person himself appears at the Outpost, he should, if willing, be directed to proceed forthwith to the "Police Station. The fact that he is so willing or not should be recorded on both the foils. The officer in charge of the Outpost will then, proceed according to the provisions laid down in Section 64 of the Bombay Police Act.

(I. G.'s No. 39, dated 27th September 1933 and 60, dated 20th December 1933.)

Note.-First Information Report in one case is admissible in the counter cases.

(4) When information of such a cognizable offence is given direct to the Police Station, the name of the complainant, the nature of the

offence, the names of offenders, if known, and the date of receipt should be communicated on plain paper to the Outpost concerned for pasting it at its appropriate date in the blank book kept there. After pasting it in the blank book, a remark should be made by the Outpost officer to the effect that the complainant had gone direct to the Police Station for giving information of the offence.

(I. G.'s No. 6289, dated 10th July 1901 and 3267-A, dated 12th March 1915.)

(5) As a 'first information' can legally be recorded only by the officer in charge of a Police Station, the foil sent by the officer in charge of the Outpost to the Police Station under Sub-Rule (3) above will be treated as mere intimation that an offence has been committed and it will then be for the officer in charge of the Police Station, acting on such intimation, to contact the person who wishes to give first information and record his information for the purposes of Section 154 of the Criminal Procedure Code.

(6) Section 154 further contemplates that the person giving first information should be personally present before the officer in charge of the Police Station. Where, therefore, information is sent to the Police Station by a letter, or through a verbal message by a servant, or by telegraph or telephone, it is for the Police Station Officer to judge, on the facts of each individual case, whether the information is genuine and to treat it accordingly. If he thinks that the information so received is reliable, he need not refuse to act upon it, but may, for the purpose of fulfilling the requirements of the law, record the information as given either by himself or by any of his subordinates. Similarly, information received through anonymous or pseudonymous communications or from rumours or from the personal knowledge of the Police Station Officer or any other Policeman may in appropriate cases be treated as first information and acted upon after recording it in the same manner.

(7) In those cases in which information of a cognizable offence has not been given by any person to a Police Station Officer, but that officer himself either suspects commission of an offence or has actually witnessed commission thereof, though it is not obligatory on his part to record the first information under Section 154, Criminal Procedure Code, it is always desirable that a Police Station Officer, even in such cases should record the first information, though it may be a formal one, so that the information should afford an accused person a protection from any exaggeration which might subsequently be made in the evidence against him.

(I. G.'s Clr. Memo. No. 2400, dated 25th August 1954.)

(8) First information of an offence as recorded at the Police Station is relevant and admissible in evidence under Section 8 of the Evidence Act. The information given by the offender himself should be recorded as a First Information Report. It should be left to the discretion

of Courts to decide the admissibility or otherwise of any particular portion of this First Information Report. When First Information Report is given by accused himself it can be proved by taking evidence of the person who recorded the same. In cases where complainant in a murder case dies, the prosecution should impress upon the court to treat the First Information Report as dying declaration.

(I. G.'s Cir. Nos. G/2162-III, dated 29th July 1959 and 30th July 1959.)

(9) In the absence from the Police Station House of a Sub-Inspector of Police (in some cases Inspector) in charge of the Police Station the senior Head Constable present there is responsible for recording the first information. When, however, the presence of the Sub-Inspector at the Police Station can be obtained in a few minutes and is considered desirable in view of the seriousness of the case reported, the Head Constable may obtain it by sending intimation to the Sub-Inspector at once, so that the Sub-Inspector may be able to record the first information himself.

(10) In cases in which the first information is recorded by the Head Constable in charge, intimation should at once be sent to the Sub-Inspector, wherever he may be. It rests with the Sub-Inspector subsequently to verify the information and record any supplementary statement of the informant, as may appear necessary. It should, however, be remembered that such a supplementary statement which a Sub-Inspector may record cannot be considered as part of the first information which is recorded under Section 154 of the Criminal Procedure Code.

(11) When a Sub-Inspector or Inspector in charge of a Police Station is on tour within the limits of his Police Station, he carries with him his powers as an officer in charge of the Police Station. If, therefore, he receives information of a cognizable offence while on tour, he should not direct the informant to go to the Police Station, but should record it himself according to Section 154 of the Criminal Procedure Code and transmit it to the Police Station for further action and should meanwhile proceed with the investigation of the offence.

(G. 1, H. D., No, 196/4-D, dated 25th November 1938 and I. G.'s No. 47, dated 17th December 1938.)

(12) It is always advisable, before recording first information, to warn the informant against giving false or exaggerated information and also to give him an opportunity to think coolly what he wishes to say. If the information, though whatever channel received, does not disclose a cognizable offence but indicates the necessity for further enquiry, the Police Station Officer should note the information in the station diary and proceed to the place concerned; and if after

inquiry he is satisfied that the facts disclose a cognizable offence, he should deal with it according to law.

(13) Every report of a person being missing shall be entered in the Station Diary, and enquired into by the Police Station Officer or the Head Constable. The circumstances connected with the disappearance must be carefully elicited, and if a reasonable suspicion exists that a cognizable offence has been committed it should be registered at once. Whenever a child is reported as missing enquiries must be continued until the child is found or its disappearance is accounted for. In checking gangs of Sadhus, Bairagis, Iranis or other tribes known to kidnap children, careful enquiries should be made with a view to ascertaining that the children found with the members of the gang belong to them. It is not the duty of a Police Officer to assist in searching for runaway wives or in compelling the return of any adult person who has left his home or village voluntarily. Care should, however, be taken not to effect arrest where evidence is available against the accused.

(1. G.'s No. G/8315, dated 5th October 1960.)

114. Recording of First Information.- (1) If the informant appears and gives information orally, it should be taken down *verbatim* on the reverse side of the left hand foil of the first available blank form in the First Information Book maintained at the Police Station (Standard Form No. C. P. C. 14). If the space on one form is insufficient for recording the information in full, it should be continued in the same manner on the reverse side of the next form and so on until the information has been completely taken down. After the information has been recorded in full, it should be authenticated by the signature or thumb impression of the informant. If the information is given in writing, it should be in-written in the First Information Book as aforesaid and got signed by the informant.

(2) The next stage is to fill in the columns in the First Information Book and transcribe the complete first information on the corresponding right hand foils of the Book. The portion authenticated by the informant, should be retained in the Police Station and the other despatched to the Magistrate as the first information report required by Section 157 of the Criminal Procedure Code (*vide* Rule 125 below). Should additional copies of the information be required for the case papers of the Police investigation or to be sent to an Out-post, these should be made on plain paper. If there is any delay in the receipt of the first information report by the Police Station Officer at the Police Station, the Chowkidar or messenger bringing such report should be examined as a witness and his explanation for delay should be brought on record. For this purpose an attempt should be made to bring on record the correct distance between the Police Station and the village, and the time ordinarily required for cover-

ing that distance on foot. If for any reason the Chowkidar is not available for giving evidence, the fact should be brought out in the evidence of the Investigating Officer.

(G.R. J. D., No. 6642, dated 19th December 1905, I. G.'s No. 19497-C, dated 12th December 1914, G. R., H. D., No. 6169, dated 5th May 1925 and I. G.'s Cir. Memo. No. G/34, dated 2nd May 1959.)

(3) A copy of the first information as recorded in the First Information Report Book, should be given to the informant as soon as it is recorded, except when it is received in writing. No fees should be charged for this copy. This procedure should also be followed where the information is first recorded by a Police Patel and passed on to the Police Station.

115. Registration of Cognizable offences.- (1) All cognizable (offences reported must be registered in the Cognizable Crime Register (P. M. 37- e.) by the officer in charge of the Police Station, even if treated under Section 157 (1) (b) of the Criminal Procedure Code.

(G. R., H. D., No. 1575/2, dated 1st September 1937.)

(2) (There should be "two separate Crime Registers maintained, one for Indian Penal Code (Classes I to V) offences and the other for Class VI offences in the offices of the Superintendents of Police in charge of sub-divisions and Sub-Divisional Police Officers, and in Police Station offices which ordinarily register 200 or more offences per year. Other Police Stations should have only one register:

(I. G.'s No. 26, dated 19th December 1946.)

(4) Complaints referred to the Police for enquiry under Section 156 or 202, Criminal Procedure Code should not be entered in the Superintendent's or Sub-Divisional Officer's Crime Register, but they should be entered in the Police Station Crime Register under an 'M' number at the end.

(G. R., J. D., No. 4086, dated 14th July 1911 and No. 7244, dated 19th December 1911.)

(5) Cases enquired into under Section 174, Criminal Procedure Code should be entered into Crime Register, in a separate portion of the Register reserved for this purpose. This portion should be further divided into two parts i.e., for (a) accidental deaths and (b) other unnatural deaths. In case there is slightest suspicion of foul play, offence should be registered.

116. Instructions for writing up the Cognizable Crime Register.- (1) The entries in the Cognizable Crime Register should be made in accordance with the instructions printed on the inner side of the cover of the Register. The following subsidiary instructions should also be followed:-

(i) *Column 6.*-The date on which the information reaches the Police Station is to be entered and not the date on which the information reaches the Outpost,

(ii) *Column 7.*- The number of all persons arrested by the Police *suo moto* or under a warrant from a Magistrate and ;persons arrested by other Police on requisition should be entered in column 7.

(iii) *Column 9.*- This column should show the number of persons released by the Police under Section 169 of the Criminal Procedure Code.

(iv) *Column 10.*- In column 10 should be entered the value of the property as given by the complainant. When the property is recovered, the valuation of the panch should be taken as correct, and necessary corrections should be made accordingly in column 10. Property involved in cases classed as B or C and in cases in which investigation is refused under Section 157 (1) (b) of the Criminal Procedure Code on the ground of the case being of a Civil nature should be struck off, when summaries of final orders are received, and should not be taken into account for statistical purposes.

(v) *Column 12.*- The section under which an accused is convicted should. in cases ending in conviction, be invariably shown in column 12, and correction, if necessary, made in column 4 accordingly.

(vi) *Column 13.*- This column should show-

(a) extensions granted by the Sub-Divisional Officer or the Superintendent of Police from time to time,

(b) remand obtained under Section 167 of the Criminal Procedure Code,

(c) if a case is classed as B, a remark as to whether the Magistrate is requested to lodge a complaint,

(d) whether the accused has been made P. R. T. or classed as a habitual offender

(e) in cases of house-breaking, a remark regarding the offender's *modus operandi*,

(f) Whether Section 250 of the Criminal Procedure Code was used,

(g) the order of superior officers to take up investigation, if the same had been previously refused under Section 157 (1) (b), and

(h) the cancellation of bail bond of the accused, if any.

Note.- When the entries in the cognizable crime register are made by 8. Police Station Officer, during the absence of the Sub-Inspector or Police Inspector in charge of the Police Station. they should be initialled by the latter when he next attends the Police Station.

(I. G.'s Cir. No. 66 (4847), dated 25th September 195..)

(2) The Sub-Divisional Officers and the Superintendents of Police in charge of sub-division will maintain similar Crime Registers for each Police Station in their charge, in which entries will be made by

them on the basis of details contained in the case diaries received from time to time. The most important duty entrusted to a Sub-Divisional Police Officer is the control and supervision of crime in his Sub-Division. The Crime Registers maintained in his office are the only record which keep the Sub-Divisional Officer informed of the progress done by the Police Station Officers in the investigation of crime in his Sub-Division. If he does not write them up regularly from day to day, he will not be in touch with crime and will not be able to know how many offences are reported in his Sub-Division, how they are investigated and the progress made in each case. It is, therefore, essential that these Registers should be maintained properly. District Superintendents of Police should impress upon the Sub-Divisional Police Officers and particularly the Probationary Assistant Superintendents of Police serving under them, the importance of maintaining Crime Registers up-to-date. They should also check the Registers in their offices periodically and bring to the notice of the Inspector-General of Police the cases of negligence on the part of the Sub-Divisional Police Officers in writing up these Registers. Deputy Inspectors-General of Police should also pay special attention to this matter during inspections. In order to facilitate the Deputy Inspectors-General to check the Crime Register and understand the facts of important cases, the Sub-Divisional Police Officers or the Superintendent of Police in charge of a sub-division, while writing the Divisional Crime Register should make notes in the remarks column of the Register. This will make matters easy for inspecting officers.

(I. G.'s Printed Cir. No. 4847, dated 21st July 1959. S. O. Cir. No. 19 and S. O. Cir. No. 24, dated 21st December 1960.)

117. Definition of Railway Limits and the Limits of a Station Yard for the Purposes of Registration of offences.- (1) "Railway limits" may be defined as the area owned or legally occupied by a Railway Administration for the purposes of the rail-road and the carriage of goods and passengers, and covers every place or building used for those purposes. A road over or under a railway is not usually railway property and, unless it is so, the Police, duties arising on it are generally to be discharged by the District Police.

(G. R., J. D., No. 478, dated 23rd January 1891 and J. D. Letter No. 3455, dated 28th May 1902.)

(2) The expression "limits of a station yard" means all traffic lines and premises included in railway limits within the distant signals.

(3) Should any doubt arise as to the precise limits of a railway or station yard, the question should be settled by the Superintendent of the Railway Police and the Superintendent of the District Police concerned and, in Greater Bombay, the Commissioner of Police, under the orders of the Inspector-General of Police.

(G. R., J. D., No. 1100, dated 24th February 1910.)

(4) As a general working rule, it may be taken, unless in the circumstances of any particular case there is something repugnant to it, that in the mofussil the Railway Police exercise jurisdiction over all lands and buildings defined in Section 3 (4) (a) of the Indian Railways Act, 1890, unless the latter are grouped or situated out-side the station yard, as the expression is generally understood, as to make it advisable, for better supervision, to combine them with land in District Police Jurisdiction.

(1. G.'s No. 11532-A, dated 8th July 1914 and 6755-A, dated 17th June 1920.)

118. Registration and Investigation of Offences Committed on Railways.- (1) All cognizable offences committed against person or property (except those occurring in running passenger trains and offences under the Indian Railways Act, 1890) and all cases of mischief caused to telegraph posts or wires or of wire-theft, committed on Railway lines, in which the scene of the offence is outside the limits of a station yard, shall be registered and investigated by the District Police. Flag stations should be regarded as "open line", not as "limits of a station yard" and offences occurring there should be dealt with by the District Police. Reports of such cases shall be made in the first instance at the Railway or District Police Station whichever is nearest to the scene of occurrence. The provisions of Railway Stores Unlawful Possession Act, 1955, should be fully and freely used to check the thefts of Railway property.

(1. G.'s Cir. Memo. No. G/1125-II, dated 16th June 1958.)

(2) All cognizable offences against person or property occurring in running goods trains between distant signals shall be registered and investigated by the District Police, if (a) there be reasonable and adequate grounds for concluding that they have been committed by, or with the assistance of persons assembled for the purpose on the railway line or the adjoining land, and (b) the scene of offence is approximately known. In the case of running goods train offences, information should in the first instance, always be sent to the nearest Railway Police Station.

(3) The following examples of how cases should be registered are given for guidance:-

(i) A goods train on arriving at a station is found to have some I wagon-doors open. The guard reports that he has seen thieves attacking the train between two stations or at some more definite spot. The case should be registered by the District Police.

(ii) In the same circumstances the guard is unable to say whether the attack was made between two particular stations. The place being indefinite, the case should be registered by the Railway Police.

(iii) Some bags of grain are found on the side of the line at a particular spot. On enquiry it is ascertained that a shortage has been reported from a running goods train on arrival at an

adjoining station. Here the scene of offence is approximately fixed and the offence should be registered by the District Police.

(iv) A guard reports that he has seen bags being thrown from the train and a crowd of persons assembled at a certain spot. The case should be registered by the District Police.

(v) A wagon arrives at a station with doors open. The guard says he has seen persons assembled on the line, but he is unable to say whether they attacked the train. The case should be registered by the Railway Police.

(vi) A wagon leaves station A in good condition on arrival at B, several stations further on, it is noticed that the doors of the wagon are open. The guard of the train is unable to say how or where it was opened. The case should be registered by the Railway Police.

(L. G.'s No. 41, dated 14th November 1930.)

(4) All thefts from running goods trains except those falling within Sub-Rule (2) above shall be registered at the Railway Police Station within the jurisdiction of which the theft was discovered. Cases in which it is doubtful whether they are covered by Sub-Rule (1) or (2) Above will be registered by the Railway Police. In both these cases information should be given to the Railway Police.

(5) There should be no discrimination between thefts committed by railway servants and thefts committed by others. The mere shortage of goods from wagons with missing or damaged seals is not sufficient to register an offence of theft, unless there are reasonable grounds for believing that a theft of the goods has taken place. The onus of showing that there are reasonable grounds for believing that such an offence has been committed rests on the railway authority making the complaint.

(G. R., H. D., No. 331, dated 10th September 1924.)

(6) In Greater Bombay, the Railway Police should exercise jurisdiction over all the running or open lines (excluding sidings to workshops themselves) of the Central and Western Railways lying within the limits of Greater Bombay.

(G. R., H. D., No. 2048/2, dated 5th August 1927.)

(7) In cases covered by Sub-Rules (1) and (2) in which the report is first made at the Railway Police Station, the information will at once be recorded, and the officer in charge of the Station, having sent a copy of the information to the District Police Station concerned will at once take up the investigation and proceed with it until the District Police officer within whose jurisdiction the offence was committed arrives on the spot. He shall then make over the case to the latter. On receipt of the copy of the report from the Railway Police Station, the officer in charge of the District Police Station shall register the offence and at once proceed to the spot to take up the enquiry.

(8) In cases in which the report is first made to the District Police Station the officer in charge of such Station shall at once send a copy of the information to the Railway Police Station concerned. Such information will be at once recorded in the Station diary.

119. Procedure when Jurisdiction Doubtful.-In cases occurring in districts traversed by railways in which it is not possible at once to fix the Police jurisdiction within which an offence has been actually committed the following shall be the procedure for the registration and investigation of offences:-

(1) A cognizable offence shall be registered and investigated by the Police to whom it is first reported as having been committed.

(2) If, during the course of the investigation, the Police to whom information has been given see reason to suppose that the offence reported was committed in another jurisdiction, they shall send a copy of all the information, which may be with them to the Police within whose jurisdiction the offence is believed to have been committed. The latter Police *shall* thereupon also register the offence and investigate it, as if the complaint had been originally made to them.

(3) When the case has been detected it shall be retained in the register of the Police Station within the jurisdiction of which the offence is proved to have been committed, and information of this shall be given to the other Police Station interested in the case, which may then strike the case off its register.

(4) If the case remains undetected at the end of the year, it shall continue not only in the register of the Police who first registered it, but also in that of the Police of the other jurisdiction concerned who shall also show it as an undetected case in Statement 'A' attached to the Annual Police Administration Report. '

(G. R., J. D., No. 4641, dated 27th August 1903.) j

(5) Whenever there is any doubt or conflict of opinion as to whether an offence has occurred in Railway or District limits or whether the Railway or District Police should deal with the case to finality, the matter should be referred to the Inspector-General of Police for orders.

(I. G.'s No. 6459 A, dated 5th May 1911.)

(6) The Police of different districts and the Railway Police are expected to extend the most complete co-operation, and exchange the most cordial assistance between them in the investigation of crime, and Superintendents will be held responsible if they fail to do all in their power to secure this object.

(7) When the case is one of an *inter*-State nature, the Superintendent of Police should forward the papers to the Inspector-General of Police, who will decide the question of jurisdiction after consultation with the Inspector-General of Police of the State concerned.

(G. L., H. D., No. 87 /3-I! dat~d 30th Jun~ 1934.)

120. Offences Committed by Prisoners inside Jalls.- (1) In respect of acts committed by prisoners, which are punishable under the Penal Code or any other law and also under the rules of jail discipline, it will be discretionary with the Jail Superintendent either to use his own powers of punishment or to prpse-cute the offender before a Court of law, provided that in the case of the following offences, viz.: --

(i) *rioting.*-(punishable under Sections 146, 148 and 152, Indian Penal Code).

(ii) *escapes.*-- (punishable under Sections 222-224, Indian Penal Code).

(iii) *offences against the human body.*-- murder (punishable under Sections 302 and 303, Indian Penal Code), causing death by rash or negligent act (Section 304-A, Indian Penal Code), attempt to commit suicide (Section 309, Indian Penal Code), voluntarily causing grievous hurt, (Sections 32.5-326, Indian Penal Code), and

(iv) *any offence triable exclusively by a Court of Session.*- a prosecution shall be instituted.

(2) Whether, in the case of the offences covered by the Provison to Sub-Rule (1) the preliminary investigation should be entrusted to the Police or should be carried out by the Jail Superintendent is a matter which is for the decision of the latter in his discretion.

121. Registration of Non-cognizable offences.- (1) All non-cognizable offences reported to, or by, the Police should be entered in the Non-cognizable Crime Register (in Form No. 68 P. M.) prescribed by Section 155, Criminal Procedure Code.

(I. G.'s No. 54, dated 24th October 1923.)

Columns 4 to 7 bf the Register are to be written only when a non-cognizable case is referred by the Magistrate to the Police for investigation and an investigation is made. Form 12.3 P. M. is merely a convenient form for making a complaint as defined by Section 4 (h), Criminal Procedure Code, to a Magistrate in non-cognizable cases, and should be used accordingly.

(I. G.'s No. 54, dated 23rd October 1923.)

(2) Non-cognizable cases referred to the Police by Magistrate for investigation under Section 202. of the Criminal Procedure Code should be entered at the end of the Station Non-cognizable Crime Register under an "M" number in the same way as cognizable cases referred by Magistrates are entered in the Cognizable Crime-Register In such cases, column 2. of the Non-cognizable Crime Register should be left blank and an entry made in the remarks column to the effect that the complaint has been received for investigation from the Magistrate of the first or the second class as the case may be.

(I. G.'s No. 1091-C, dated 20th January 1913 and 13919-C, dated 13th October 1913.)

122. Power of Investigation of cognizable offences.- Under Section 156 of the Criminal Procedure Code, an officer in charge of a Police

Station can investigate every cognizable case, which a Court having jurisdiction over the area under the Police Station would have territorial jurisdiction to enquire into or try under Chapter XV of the Criminal Procedure Code. However, for the sake of convenience every Police Station will ordinarily confine its investigations to cognizable offences committed within the limits of the Police Station. When, therefore, any person gives to an officer in charge of a Police Station information of a cognizable offence committed outside such limits, the officer should record it on plain paper and arrange to send it immediately to the Police Station in the limits of which the offence seems to have been committed, and simultaneously instruct the informant to go to that Police Station, a note about the receipt to the information being made in the station diary.

123. Discretion to Refuse Investigation.- (1) Section 157 (1) (b) Criminal Procedure Code, allows the officer in charge of a Police Station who receives information of the commission of a cognizable offence to use his discretion to abstain from investigating such information, if it appears to him that there is no sufficient ground for investigation. It should be noted that the discretion and the responsibility for the proper exercise of it lie with the officer in charge of the Police Station.

(2) This discretion should ordinarily be exercised in the following cases:-

(a) Complaints or information of altogether unimportant offence which are reasonably believed not to be the work of profession, or habitual criminals or to form part of a series of organised crime and which from the surrounding circumstances plainly from the first show no hope of detection or proving a charge against any one.

(b) Frivolous, vexatious, mistaken, or manifestly untrue complaints or information regarding alleged offences, trivial in themselves but magnified for the occasion.

(c) Trivial cases coming within the purview of Section 95, India Penal Code, e.g., petty thefts of agricultural produce, fruit, food stuff etc., in which there is no clue to the perpetrator or trace of the property which, again, is not capable of being satisfactorily identified and it is obvious that successful investigation is practically hopeless.

(d) Cases which, from an examination of the complaint are obviously of the nature of civil disputes, as where the complainant apparently seeking advancement of a petty or technical offence bringing into a criminal Court a matter such as a question right sale or possession, which ought to be decided by a civil Court.

(e) Unimportant offences in which the injured person does not desire an investigation. (in such cases, however, investigation should be undertaken, if the offence appears or is suspected to be

the work of a professional or a habitual criminal or the officer receiving the complaint considers an investigation desirable in the public interests).

(f) Assault (simple hurt) cases with other charges such as theft added, when the truth of the latter appears to be extremely doubtful.

(g) All cases of unclaimed contraband under the Prohibition Act where in it is impossible to trace, the culprits should be registered in a separate register. Such cases should be under Section 157 (1)

(b) Criminal Procedure Code stating that it is not possible to enter upon investigation for want of evidence. In such cases, no case diaries should be made out.

The Sub-Divisional Police Officers, through their Readers, should make entries of cases referred to above in their Crime Registers (in the part reserved for cases of unclaimed contraband) on the basis of the entries in the General Diaries.

(I. G.'s Cir. No. G/5429, dated 26th July 1958 and 3rd October 1958.)

(3) Officers in charge of Police Stations should clearly understand that nothing in the above sub-rules justifies or permits shelving or, refusal to accept complaints of cognizable offences. All such complaints must be received, registered in the manner laid down in Section 154, Criminal Procedure Code, and disposed of according to law. Where the officer in charge of a Police Station sees no sufficient ground for investigation, he should not be backward in the exercise of the discretion allowed him by law to abstain from investigation but full reasons for refusal to investigate must invariably be recorded (vide Sub-Section (2) of Section 157, Criminal Procedure Code) in the first information reports sent to Magistrates under Section 157 (1), Criminal Procedure Code (vide Rule 125 below) and be repeated in the Police Station diaries relating to such complaints.

(4) Superintendents and Sub-Divisional Officers during their tours of inspection should make a point of satisfying themselves that officers in charge of Police Stations have intelligently grasped the purport and principles underlying the above Sub-Rules. They should keep a watchful eye on their working and, by constant and effective supervision, while encouraging the exercise of a wise discretion under Section 157 (1) (b) of the Criminal Procedure Code, check any tendency to negligence and laziness, such as might result in refusal to investigate for improper reasons or on inadequate grounds, or in concealment or burking of complaints of cognizable offences.

(G. R., J. D" No. 5542, dated 1st October 1909 and I. G.'s No. 58, dated 10th May 192~.)

(5) Whenever investigation has been refused under Section 157 (1) (b), Criminal Procedure Code, the first information report must be sent through the Superintendent or the Sub-Divisional Police Officer who has, under Section 97, Bombay Police Act, power to direct the

investigation of such cases without the orders of a Magistrate. A separate order to that effect should be issued to the Police Station Officer concerned and the first information report passed on to the Magistrate with the intimation that investigation has been ordered in the case. On receipt, of such orders, the Police Station Officer should note against the particular case, in the "remarks" column of the Cognizable Crime Register, the number and date of the order of the Superintendent of Police or Sub-Divisional Police Officer ordering the investigation.

(I. G.'s No. 12431, dated 21st October 1919.)

124. Power to Investigate Non-cognizable Offences.- (1) If for any special reason the Police want to investigate a non-cognizable offence, they must obtain the consent of a competent Magistrate, and may then exercise all the powers of investigation of a cognizable offence except the power of arrest.

(2) For the powers of the Police in the matter of investigation of non-cognizable offences referred to them by Magistrate, reference should be made to Rules 111 and 112.

125. First Information Report.- (1) As required by Section 57 (1), Criminal Procedure Code, the first information report has to be sent to the Magistrate before the investigating officer proceeds to investigate the facts and circumstances of the case. Ordinarily this report will take the form of a copy of the first information recorded in the First Information Book (vide Rule 114) and will be sent direct to the Magistrate, the object being that he must have early information and be in a position to act, if necessary, under Section 159, Criminal Procedure Code. When, however, a case comes under clause (b) of the provision to Section 157 (1), Criminal Procedure Code, the instructions in Sub-Rule (5) of Rule 123 should be followed. Also where an officer in charge of Police Station proceeds to investigate an offence, whether the same has been registered under Section 154, Criminal Procedure Code or not, Section 157 of the Code requires him to make a report in writing of the offence to a Magistrate having power to take cognizance of the same. –

(I. G.'s Cir. Memo. No. 2400, dated 25th August 1954.)

Note.-It sometimes happens that the First Information Report is not promptly posted to the Magistrates by the Police Stations and sometimes the Magistrate's Office is closed on account of some holiday which results in late delivery of the First Information Reports. In case of the copy of First Information Reports bearing later date of receipt, it is alleged by the defence that the First Information report was fabricated later and antedated. Such an argument in the context of above mentioned circumstances carries weight in the Courts and adversely affects the prosecution. With a view to avoiding such defects in despatching the First Information Reports to the Magistrates, the Police Stations concerned should post on the same day copies of the First Information Reports in serious offences to the Magistrates under a certificate of posting. The certificates of posting of First Information Reports can be produced in the Court to explain the late receipt of copy of the First Information Report by the Magistrate

concerned. Where it is not possible to take certificates of posting, a mention to that effect should be made in the case diary. At the time of giving evidence, this fact should be brought to the notice of the Court. Where there are no post offices or where such facilities for obtaining certificates are not available, a mention about that fact should be made in the general diary.

(I. G.'s Cir. Memo. No. G/151, dated 4th September 1955 and 8th August 1959.)

(2) For the purposes of Section 158 of the Criminal Procedure Code, the superior officer of Police appointed by the State Government is the officer in charge of the District or Railway, i. e., the Superintendent of Police, or the officer in charge of the sub-division in which the offence has occurred.

(G. R., J. D., No. 6642, dated 19th December 1905 and I. G.'s No. 19497-C, dated 12th December 1914 and G. R., H. D., No. 6169, dated 5th May 1925.)

SECTION IV -- SPECIAL REPORTS .

126. Serious Crime and Events of Importance.- (1) The District Magistrate should be kept fully and promptly informed of every event of importance. Ordinarily such events will find their place in the monthly review of crime of the Superintendents of Police. On rare and extraordinary occasions it may be desirable to omit mention in the review; but in such cases the Superintendent should communicate demi-officially and confidentially with the District Magistrate.

(2) Serious crime of an unusual nature such as organized dacoities, mail robberies, serious riots, professional poisoning, cases in which Police are charged with serious offences or cases in which persons have died while in their custody shall be promptly reported by Superintendents of Police to the Magistrate of the District who may require reports etc. under Section 15, District Police Act.

127. Serious Explosions.- Superintendents of Police should remember that District Magistrates are required to report by telegraph direct to the Chief Inspector of Explosives as also to Government all cases of serious explosions in which, in their opinion, the services of the Chief Inspector are required in connection with any investigation or enquiry. The same procedure is to be followed in all cases where serious conflagrations caused by explosives, petroleum or other dangerous goods occur. Superintendents must, therefore, submit very, promptly full reports about such events to their District Magistrates. For detailed instructions refer to Appendix VIII.

[G. Rs., G. D., No. 3115, dated 4th June 1901 and 5289, dated 26th September 1905 and G. E., H. D., (Special) No. SB II/HDM 2658, dated 13th January 1958)

128. Sedition and Offences against Press Laws.- (1) The officer who lays a complaint of an offence of sedition or any offence against the press laws should *immediately* notify the fact to the Secretary to Government, Home Department, Bombay, by telegram and all subsequent stages in the progress of the case should be reported by

letter. As soon as a case is disposed of, the officer in charge of the case should telegraph the result simultaneously to the Secretary to the Government of Bombay, Home Department, and to the Secretary to the Government of India, Ministry of Home Affairs the telegram to the former concluding with the words ".India informed".

(J. D., Cir, No. 4090. dated 21st July 1910.)

(2) In case an order under Section 144, Criminal Procedure Code against a newspaper is contemplated the matter should be referred to Government as soon as the occasion arises and the prior approval of Government to the issue of such an order should be obtained.

(G, L., H. D., No. BPA 6654/C-3583-Poll, dated 19th September 1956.)

129. Forgery of Currency Notes.- (1) The Deputy Inspector-General of Police, Criminal Investigation Department, will publish weekly in the *Bombay Police Gazette*, Part II, under the heading "Forget Notes" such of the new and old series of forged notes, as in his opinion, require special enquiries.

(2) Superintendents of Police should cause enquiries to be made only in the following cases :--

(a) The appearance of notes of the series specially noted in the *Bombay Police Gazette*, Part II as requiring special enquiries,

(b) All other appearances in which there are obvious chances of immediate detection.

(3) This procedure will save much valuable time and labour, which is utterly wasted in enquiries which from the beginning appear hopeless, and will enable the District Police to confine their attention only to new forgeries and to cases which present possibilities of detection, and to concentrate all their efforts on them.

(4) As soon as a forged currency note comes to the notice of a Superintendent of Police or a Sub-Divisional Police Officer from any source other than the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, an immediate report should be sent in duplicate addressed to the Currency Officer, Bombay through the Deputy Inspector-General, with the following particulars: -

- (a) Number of pieces presented or seized.
- (b) Serial number.
- (c) General number.
- (d) Circle.
- (e) Date.
- (f) Denomination (viz., Rs. 100; 10; 5; 2 and 1).
- (g) Place of appearance.
- (h) Date of appearance. -.
- (i) Remarks-Process-made, hand-made, altered, etc.

(5) In cases where no enquiries are made, the forged notes should be forwarded with the reports sent in accordance with Sub-Rule (4). In other cases, after the completion of the enquiries the forged notes, if any, should be forwarded with a full report, in duplicate, addressed to the Currency Officer, Bombay, through the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State. One copy of the report will be retained in the Deputy Inspector-General's Office, and the other forwarded to the Currency Officer, Bombay, with the notes, if any.

(6) Action according to Sub-Rules (8) and (9) below should be taken where necessary.

(I. G.'s No. 10, dated 6th February 1925)

(7) Ordinarily warnings are not to be issued to the public in respect of forged notes. But when it is generally known that a large number of forgeries of certain notes are in existence, it is desirable to inform the public definitely by means of a communique, But when this course is necessary, Superintendents of Police should obtain the previous approval of the Controller of Currency by making a report to the Deputy Controller of Currency, through the Deputy Inspector-General, Criminal Investigation Department.

{G. R., F. D., No. 4.2/94., dated 26th August 1925.}

(8) When any person is arrested for forging or uttering forged Government currency notes, an early opportunity should be taken:-

(a) to furnish the Deputy Inspector-General of Police, Criminal Investigation Department, with a brief history of the person and of the case in which he was arrested and

(b) to photograph the person in two positions full face and profile such photos being one-tenth of life size.

(9) As the photos will be required for distribution to the several Finger Print Bureaux, the officer in charge, Finger Print Bureau, concerned, should, in, each case, be addressed as to the number of un-mounted copies that will be required, and these when printed should be forwarded to him for distribution.

(I. G.'s No. 6656, dated 13th July 1904..)

(10) No charge will ordinarily be made by the Master, Security Printing, India for giving expert assistance to the Police, in connection with any criminal prosecution. In any case, however, where the Master, Security Printing India, considers that his free services are being abused he will bring the matter to the notice of the Government of India.

(G. R., F. D., No. 2532/33, dated 8th April 1937.)

(11) The following are some of the points that may please be kept in view in holding enquiries about the forged notes:-

(a) All fresh recoveries should be examined to see if similar notes have come to notice before too. The Master, India Security Press.

Nasik, to whom such counterfeit currency notes are referred for expert examination, should also be asked to keep this point in mind to line up each case with any similar notes that have been referred to him before. This information would enable the authorities concerned to examine cases in relation to each other and see if any conclusions can be drawn from similarities in them regarding the identity of persons, who could have put them into circulation.

(b) Very careful enquiries should be made to trace the origin of such counterfeit notes. Organisation of better intelligence amongst smugglers would help not only to prevent illicit trade across the border, but might also enable to trace the origin of forged currency notes. All suspects connected with the circulation of notes should be put through sustained interrogation as a part of a more determined effort to get to the bottom of this racket.

(c) Since the type of crime is such that it is necessary to arrange Inter-District co-ordination of enquiries, it is suggested that the investigation of all such cases should be done under the control of the State Criminal Investigation Department.

(12) Whenever any forged note of Rs. 100 denomination comes into the hands of Police, it should immediately be forwarded to the Currency Officer, Bombay, with a report detailing the name and address of the tenderer(s) and the circumstances in which the note was received. There would appear to be no objection to the Police conducting such investigation as they deem necessary, pending receipt of the report from the Nasik Press and the instructions from the Intelligence Bureau, but the note should not be held up for this purpose and should invariably be sent to the Currency Officer, Bombay, without delay for examination by the Nasik Press.

(13) For detailed instructions on forged currency notes refer to Appendix IX.

130. Counterfeit Coining.- (1) Exceptionally well executed counterfeit coins received at railway stations and all counterfeit coins and implements received by treasuries from Courts and other sources should be forwarded by the Railway Administrations and treasuries to the Mint for examination, except in Greater Bombay, through the Deputy Inspector-General of Police, Criminal Investigation Department. In Greater Bombay the coins received at railway stations should be forwarded through the same officer, while the coins and implements received at Courts and treasuries in that area should be sent through the Commissioner of Police, Bombay.

(G. R., F. D., No. ~469, dated 24th July 1912.)

(2) Where there are two or more specimens of a coin of the same die or of similar moulds, the above agencies may keep one, informing the Mint Master of the fact. If there is only one specimen and

any of the above agencies considers that it should be retained, in the local Criminal Investigation Department under its control, the coin should be sent to the Mint for examination with the intimation that it is needed by the Police. The Mint will then return it to the sending agency after examination.

(3) Copies of the statements of counterfeit coins received at railway stations submitted by railways to the mints, should be sent to the above agencies.

(4) Local station masters and other railway officials should be directed to give the earliest possible information to the Police of the tender of any counterfeit coin.

(5) The railway authorities should co-operate in the detection and suppression of false coining by instructing their station officials to keep a note and report the number of false coins offered and rejected at each station, week by week or month by month. This information could be passed on to the Police and would enable them to take special measures with the aid of detective or otherwise at any stations where they might be called for.

(G. Rs., F. D., No. 1833, dated 9th May 1901 and 2469, dated 24th - July 1912.)

(6) Courts in the mofussil should transmit to treasuries coins coming before them under Sections 517, 523 and 524 of the Criminal Procedure Code, together with a short description of the case and any implements, such as dies and moulds, which may have been found, for being sent on by the treasuries to the Mint through the Deputy Inspector-General of Police, Criminal Investigation Department. As in the case of counterfeit coins, so in that of implements, the forwarding agency should, when necessary, intimate, at the time of forwarding these to the Mint for inspection, that they are required by the Police, and the Mint will thereupon return them after inspection.

(7) The Deputy Inspector-General of Police, Criminal Investigation Department should send a quarterly return in respect of counterfeit coins to the Mint Master, Bombay, with copies to Government and the Inspector-General of Police.

(G. L., H. D., No. BPA 1857/C-3757-V, dated 30th April 1958.)

131. Disposal of Articles used in Forgery and Coining cases.- (1) All samples obtained by the Police of counterfeit coins, forged notes and articles or implements used in counterfeiting, cheating or gambling should be sent to the Deputy Inspector-General of Police, Criminal Investigation Department, for inspection and retention, if necessary in the interests of criminal investigation.

(Go R., J. D., No. 8159, dated 4th December 1900 and G. Ro, Po D., No. 2469 dated 24th July 1912.)

In the case of counterfeit coins and the implements used in making them, the provisions of Rule 130 relating to their examination by the Mint should be held to apply.

(2) The disposal of implements used in the manufacture of forged notes is a matter for the decision of the Court which tries the case. Where the exhibits are ordered to be delivered to the Police for destruction, the Police should, if they consider that any particular exhibits are of special interest and should be preserved, make them over to the Criminal Investigation Department for this purpose. In other cases, they should themselves arrange for the destruction of the implements and not send them to the currency offices or mints for destruction.

(3) The following of the articles produced as exhibits in cases of forgery of currency notes should be sent to the Deputy Inspector-General of Police, Criminal Investigation Department, for preservation:-

(1) Dies, (2) Engraving instruments, (3) Litho stones, (4) Engraving blocks, (5) Cameras, (6) Printing frames, (7) Printing and numbering machines or instruments, (8) Metal block, (9) Water-marked paper, (10) Instruments for water marking.

(G. R., H. D., No. 1353-2, dated 22nd January 1927 and I. G.'s No. 17, dated 5th March 1927.)

132. Accidents to Motor Drivers and Cleaners.-(1) All Superintendents of Police (District and Railways) and Commissioner of Police, Bombay, should invariably report to the Commissioner of Workmen's Compensation, Secretariat, Fort, Bombay, any motor accident occurring in their respective jurisdictions involving death or injury to driver or cleaner of any motor vehicle.

(2) The details required by the Commissioner regarding all such accidents are:-

- (a) Place of accident (road or street, village or town, taluka and, district etc.).
- (b) Date and time of accident.
- (c) Number and general description of motor vehicle or vehicles involved.
- (d) Full name and address of the driver or cleaner injured and, in case of death, of his relatives.
- (e) Name and address of the employer of the driver or cleaner.
- (f) Nature of injury, i.e., fatal, serious or minor.
- (g) Brief details of the accident and proposed action (if any) by the Police.
- (h) Whether the employer of the driver or cleaner was insured, in respect of Workmen's Compensation ; if so, the name and address of the insurance company.

(I. G.'a No. 15, dated 4th May 1936.)

133. Supply of Copies of Police Records in Cases of Motor accidents to Insurance Companies and Private Parties.- (1) Requests made by Insurance Companies and other private persons etc., for the supply of extracts from Police Records concerning motor accidents, etc., on payment of the fees at a flat rate of Rs. 5 in each case together with the cost of stationery used for copies, should not be refused. The term 'police records' is not limited to case or inquiry papers, but includes all entries in authorised Police Registers and files.

(1. G.'s C. M. No. 4808, dated 22nd March 1951.)

(2) The above procedure should be made applicable when State Transport Authorities ask for copies of Police Records concerning accidents in which State Transport vehicles are involved. If State Transport Authorities are not agreeable to pay the copying fees, they should be requested to arrange to make out copies by sending their own men to the Police Station concerned. Similar procedure should be followed if the copies of the Police Record are required by the Employees State Insurance Corporation, Bombay.

(1. G.'s C. M. No. G/8129, dated 29th April 1959.)

134. Serious Crime.-(1) The Police Station Officer will invariably send to his Sub-Divisional Officer and to his Superintendent, a special report by telegram (vide Rule 106) or any other quickest means, as soon as he registers any of the following serious offences :-

- (i) All cases of murder (including attempts).
- (ii) Culpable homicide.
- (iii) Dacoity.
- (iv) Train robbery and Highway robbery between sunset and sunrise.
- (v) Robberies and attempted robberies in which any uses or carries a firearm.
- (vi) House-breaking with theft involving property at Rs. 5,000 or more.
- (vii) Serious riots.
- (viii) Any case in which a Police officer is accused of an offence provided a complaint has been actually registered.
- (ix) Serious motor accidents involving loss of life in Poona City and Ahmedabad City (a special report, by telegram or other means, being sent only to the Circle Police Inspector in the case of similar accidents elsewhere).
- (x)
 - (a) Greasing of rails.
 - (b) Looting of Goods or Passengers trains.
 - (c) Tampering with the rails.
 - (d) Offences that fall within Sections 101 and 126 of the Indian Railways Act involving loss of person or property.

(1. G.'s C. M. No. G/2904-II, dated 11th July 1958.)

(2) A carbon copy of the special report should be sent by the Police Station Officer to the District Magistrate by post on the same day, if possible, and in any case not later than the following day because the District Magistrate is to be kept fully and promptly informed of every event of importance. In the case of the Railway Police, the copy should be sent to the District Magistrate having jurisdiction over the place of occurrence.

(3) In case of serious offences in Bombay City, the information should be given to the Superintendent of Division concerned (and to the Control Room) who will pass on the information to the superior officers.

(C. P'a S. O. Nos. 1 and 99.)

SECTION V - VISITATION OF SERIOUS CRIME

135. Investigation by Superior Officers.- (1) In addition to difficult cases which obviously require the presence on the spot of the Superintendent or the Sub-Divisional Police Officer, many prosecutions fail, because the person arrested admits his guilt on arrest, and the Police, satisfied with the confession, make no effort to secure other proof. On being brought before a Magistrate, the accused retracts or explains away his admission and, in the absence of other proof, a conviction is not obtained.

(2) A Superintendent of Police or Sub-Divisional Police Officer present at the spot would not attach undue weight to a confession, but would obtain all available evidence to make the prosecution case complete as possible independently of it. A confession may lead to such evidence but should not be accepted as a substitute for it. Superintendents of Police in charge of sub-divisions and Sub-Divisional Officers should state in their reviews or diaries as the case may be, whether they have or they have not visited the scene of each serious crime, and in the latter event, they should give very explicit reasons for the omission.

(3) (a) Cases mentioned in Rule 134(1) are serious crimes. Other cases may be so or not according to circumstances, and Superintendents of Police and Sub-Divisional Police Officers are expected to proceed to enquire into such cases at once on receiving the report. When enquiries into allegations made against Police officers of the rank of Sub-Inspectors are made, the officer making the enquiry should not be below the rank of Sub-Divisional Police Officer and he should invariably make the enquiry personally.

(b) In serious railway accidents and in cases of tampering with railway tracks resulting in derailment with or without serious consequences, the Superintendent of Police should also visit the scene in addition to the Sub-Divisional Police Officer. In cases of serious accidents, the District Superintendents of Police concerned should

also visit the scenes of offences immediately with adequate police force to give relief to the injured and needy passengers.

(G. R., J. D., No. 3895, dated 9th June 1899, 3423, dated 30th May 1901. "
G. R., H. D., No. 6169, dated 5th May 1925, G. L., H. D., No. 0/8840. ...
dated 3rd October 1938, I. G.'s No. 46, dated 12th December 1938
. and 10, dated 20th March 1939 and I. G.'s C. M. No. G/2904-II,
dated 11th July 1958.)

(4) Visitation of the scene of offence is not necessary in a case of infanticide in which an illegitimate child is alleged to have been murdered by its mother, particularly when the mother has been traced. Visitation is however, absolutely necessary in a case in which a child likely to interfere with inheritance has been murdered or in which a paramour has murdered a child to avoid maintenance charges.

(G. R., H:D., No. 2155/4, dated 24th June 1939.)

(5) Superintendents of Police and Sub-Divisional Police Officers should identify themselves with the Police enquiry in such serious cases as they are able to visit. Though not as a rule in a position to take up the threads of an investigation, they may under the provisions of Section 551. Criminal Procedure Code, assume the position of investigating officers, whenever the occasion warrants the step. Their presence during an investigation should be brought out in the \ papers of the case, whenever possible, either by signing *panchnamas* or by recording statements of witnesses in the case or in any other suitable manner, so that it may be at least form a guarantee for the regularity of such periods of investigation as come under their personal inspection and control. They should also when visiting the scene, personally go through the case papers, case diaries and *Panchnamas* already prepared, question the persons concerned and verify their statements. In order to show that they have done so, they , must always initial case papers, case diaries Panchnamas etc. and attest the statements of witnesses with their dated signatures. Before an officer leaves a scene of offence involving dacoities etc., he must arrive at some definite conclusion and give instruction to his subordinates. A mere statement in his Weekly Diary e. g., Gave necessary instructions to the Sub-Inspector will not be enough. The officer must definitely state what instructions he has given to his Sub-Inspectors.

(G. R., J. D. No. 7373, dated 18th November 1901, I. G.'s No. 33, dated 23rd October 1948 and No. 28 (2408), dated 11th August 1949.)

(6) Every directly recruited Assistant and Deputy Superintendent of Police, provided he is not officiating as a Superintendent of Police, will, unless specially exempted by the Inspector-General of Police, investigate every year personally, assisted by a Sub-Inspector or Inspector, at least six important cases, i. e. cases which have to appear in his diary, whether occurring at the headquarters station or outside, preparing and signing all diaries and documents pertaining to those cases and generally attending to them to completion in all their stages including the proceedings in Court, Preparation of important documents,

questioning of suspects etc., should not be left to the subordinates. Personal investigation has no meaning if he asks his subordinates to do important things. Such practice defeats the very purpose of personal investigation by the Sub-Divisional Police Officer. And every such officer should send a quarterly return of cases investigated through the District Superintendent of Police and Range Deputy Inspector-General of Police, in form No. 6A in Appendix I during the second week of January, April, July and October every year. The number of such investigations made and the results obtained should be noted by Superintendents of Police, with their remarks on the work done, in Form No.6 in Appendix I, in the annual reports.

(G. R., J. D.. No. 104, dated 6th January 1902 and I. G.C. M. No. G/12 dated 14th Octob~1958.)

(7) It is the duty of a Superintendent or a Sub-Divisional Officer to assist any case visited by him by putting himself down as a witness and so to strengthen the prosecutior evidence, when such a course is necessary. Some discretion must be left to officers in this respect, but failure to exercise this discretion property will merit severe notice .

(I. G.'s No., 59. dated 6th November 1937.)

(8) Cases of assaults on the Police by Military, Naval or Air Force personnel must be investigated personally either by the District Superintendent of Police or the Sub-Divisional Police Officer.

(I. G.'s S. O. C. No. 61, dated 4th August 1954.)

136. Object and Importance of Visitation by Superior Officers.- (1) The object of a visit by a Superintendent of Police or a Sub-Divisional Police Officer to the scene of an offence should be personally-

(a) to ascertain the facts of the case, as far as possible, from r complainant, witnesses and other s9urces of information.

(b) to ascertain what investigation the Police on the spot have made.

(c) to assist and generally to direct the investigation and to see that it is being correctly and vigorously prosecuted by suitable officers.

(d) to prevent irregularities on the part of the subordinate Police and to encourage and guide them in their enquiries, and

(e) when an important confession has been made, to ascertain by enquiry and, if convenient, by inspection of and conversation with the accused, that no corr.pulsion or inducement has been used by the Police and that the confession is voluntary.

(2) In the interest of the detection and prevention of serious crime in a District or on a Railway and of Police efficiency generally, this personal enquiry into crime by the Superintendent of Police or the Sub-Divisional Police Officer is a most important duty. A mere

formal flying visit to the scene of an offence, with a halt there of a few hours only, cannot, in difficult and undetected cases, be expected, to be productive of any appreciable results towards the detection of the case, and affords no sufficient guarantee that the subordinate Police will proceed with their investigation regularly and correctly. The presence, however, during an investigation of the Superintendent of Police or the Sub-Divisional Police Officer for a reasonable time, the encouragement he can give to his subordinates, his supervision over their enquiries and the part he can himself play in the investigation would, of course, go far towards ensuring proper investigation and a successful issue. Circumstances, of course, alter cases, and while in some cases a prolonged stay is desirable, in others it is not called for or perhaps possible. No hard and fast rule can be laid down. Superintendents and Sub-Divisional Officers must, of course, use their discretion in the matter, bearing in mind that close and successful personal enquiry, and supervision of the enquiry into a few important, difficult or undetected serious offences is preferable to flying visits, productive of no particular result, to the scenes of many. The full details of the part played by them in the investigation and the results of their visits to the scenes should be entered day by day in their weekly diaries.

(3) By associating himself more closely with the subordinate Police in their enquiries and by throwing himself into the work of really and personally investigating and supervising the investigation of as many cases serious and otherwise, as possible, a Superintendent or Sub-Divisional Police Officer can do much to improve the tone, morale and efficiency of the force, and to encourage and control them. There is no better way of acquiring useful information about all a Police Officer should know in his charge, or of getting to know his men.

(4) It is desirable that more solid useful personal enquiry should be undertaken by officers in relatively fewer serious cases than a high proportion of flying visits. Ordinarily Superintendents or Sub-Divisional Police Officers should spend at least one night at the scene of offence. The occurrence of another serious offence, unless it were of a very grave nature clearly demanding the Superintendent's or the Sub-Divisional Officer's presence, would not be sufficient justification for cutting short a visit.

(5) Superintendents and Sub-Divisional Officers should note that --

(i) absence on casual leave is not a valid excuse for not visiting a scene of a serious offence, the proper course being to return at once or before proceeding on leave, to arrange for another officer to visit such a scene.

(ii) visits made late are as good as no visits.

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(iii) offences which are only technically serious and obviously unimportant need not be visited.

(iv) visits rriaie for two or three odd hours at night are a source of inconvenience and irritation to subordinates and the parties concerned and must be avoided, and that

(v) detailed timings of journeys and mileage in connection with visitation of crime must be shown in the crime review.

(G. R., J. D., No. 4197, dated 1st July 1901, I. G.'s No. 7716, dated 14th August 1901 and G. R., H. D., No. 6169, dated 5th May 1925, I. G.'s I-O. 1.408, dated 9th September 1943.)

CHAPTER V

DETAILED PROCEDURE REGARDING INVESTIGATION

SECTION I - INVESTIGATION

137. Investigation to be impartial and local.- (1) .Police enquiries should always be impartial. It is the duty of the Police to do all they can to find out the truth. An investigating officer is to aim at discovering the actual facts and arresting the real offender. He ought not prematurely to commit himself to any view of the facts for or against any person. He should consider carefully any evidence tendered to him on behalf of an accused person. He should not make up his mind on any point hastily, but keep, as far as possible, an open mind to be influenced by evidence only.

(G. R., J. D., No. 6642, dated 19th December 1905.)

(2) Except when the information is given against any person by, name and the case is not of a serious nature, the Police Station Officer must, as required by Section 157 (1) of the Criminal Procedure Code, always proceed to the scene of offence and make investigation on the spot, especially when the offence has taken place in a rural tract, though in towns the investigation may be conducted at the Police Station House. An investigation made on the spot enables the investigating officer to discover important clues, to find out persons who are likely to throw light on the facts and circumstances of the case, and generally to form an acquaintance with the habits and customs of the people concerned, which is highly useful in the investigation of crime.

(G. R., J. D., No. 6642, dated 19th December 1905.)

(3) Superintendents of Police or Sub-Divisional officers on examining Police Station records, should carefully note in how many cases the Police have sent for the complainants and in how many cases the Police have, instead of sending for the complainants, proceeded to the spot and made the necessary enquiries. The date of receiving the complaint and the date of enquiry on the spot should be noted.

(G. R., J. D., No. 6642, dated 19th December 1905.)

138. Inspection of the Scene of an Offence.- (1) the following suggestions may be useful in an inspection of the scene of an offence for the investigating officer:-

(A) As soon as the crime is reported:-

(i) He should first consider the facts of the case thoroughly and should consult the Police Station Crime Record, such as Village Crime Note Books, Conviction Register of Known Criminals, etc.

(ii) He must select suitable assistants who would be useful to him in his investigation work.

(iii) He should provide himself with instruments and apparatus, e.g., a measuring tape, a pair of scales, magnifying glass,

an electric torch, material required for casting of foot prints, etc., likely to be required in the inspection.

(iv) He should procure the presence of panchas and also of Experts whose assistance is likely to be required for a thorough inspection.

(v) He should proceed promptly without wasting any time, as delay means loss of valuable clues.

(B) On the arrival at the scene of crime:-

(i) He should exclude from the scene all superfluous persons, who are likely to hamper a correct inspection.

(ii) He should adopt some suitable method of inspection, so that no part of scene should remain uninspected.

(iii) He should attempt to secure the presence of witnesses who are important from the point of view of investigation, such as, the person who first made the report, etc.

(iv) He should make notes of all important points observed by him and by panch, as they come to the notice in the course of the inspection, such as abnormal features, weather conditions, etc.

(v) He should arrange, as far as possible, in some important cases, to take photographs and keep a complete data of the photographs in the case diary, showing date, time, nature of light used, camera position, identity of photographer etc., for letting in evidence in Court.

(vi) He should make a very careful survey of the scene and look for fingerprints, foot prints and other clues such as foreign objects left by culprits etc.

(vii) He should draw dimensional sketch of the scene as far as possible to scale where the circumstances of the case so require. For detailed instructions refer to Appendix X.

(viii) In out-door scenes of crimes, he should look for clues over a wider area considering the approach and departure of criminals to and from the scene. The possibility of tracing foot prints, if any, should also be borne in mind. Search should be made in, a systematic manner, taking care to see that no portion is over-looked.

(ix) The scientific evidence may be collected from glass pieces, strips of paint, blood, hairs, clothes and fibres, soiled dust, debris and grease, tyre and skit marks etc. It has always to be kept in mind that control samples must invariably be collected. It is essential requirement on all examinations in the Laboratory. For the purpose of comparison, samples must be taken from the correct places according to the circumstances of each case, i. e., sample of superficial layer to be taken very near the actual scene for comparison. Deeper layer may have different composition. In

case of hairs, control samples must be collected from the relevant part of the body according to the circumstances of the case as the hairs from different parts of body differ.

(x) Finally, he should draw on the spot a *panchnama* mentioning all important and relevant points observed and articles or documents etc., which might have been taken possession of by him from the scene.

(xi) For an exhaustive list of things to look for at the time of inspection of the scenes of offences of various types, refer to Appendix XI.

(Bombay Police Gazette, Part II (Crime), dated 11th September 1958.)

(2) All house-breakings by *rumali* or *Kham-Nakab*, *bagli/or Gimlet* and window bar wrenching or bending methods should be visited by the Police Station Sub-Inspector himself rather than by a Head Constable or other subordinate.

139. First Aid to the Injured.- (1) In the event of a person being dangerously wounded, the primary duty of the Police officer who first arrivest on the scene is (while noting the position and nature of the wounds) to take immediate steps to procure medical aid or send the wounded person without loss of time to the nearest hospital or dispensary for treatment. This should be done before entering on the formalities of a *panchnama*, etc., as the delay thereby incurred might cause serious risk to the life of the person so wounded.

(2) Serious wounds should be meddled with as little as possible. Free bleeding should be checked by a firm pad of folded cloth tied on, with a bandage. If the blood be spurting out or flowing very freely, a tight bandage may also be tied round the limb above the wound but this must only be used when the bleeding cannot be otherwise controlled.

(3) Dirt or other foreign matter may be washed away from wounds with very clean water; but this should only be done, if early medical treatment cannot be obtained or for other special reasons. Fresh coagulated blood forms the best covering for a wound till skilled medical assistance is available.

(4) Wounds should be covered with a perfectly clean cloth, and in every instance great care should be taken to shake or jolt the wounded person as little as possible while carrying him, and this should be borne in mind in cases of both wounds and serious fractures.

(5) Medical attendance should not be forced on wounded persons against their wishes.

(I. G.'s No. tl687, dated 14t August 1900.)

(6) The Ambulance Vans stationed at Civil Hospitals, Collage Hospitals and Government Dispensaries, should be rushed immediately to the place of accident whenever an intimation is received

about an accident on a road irrespective of jurisdiction with First Aid out-fit. If the party which receives the information has no van or is out of order, it should contact the nearest of the Police Stations or Government Hospitals as the case may be for van. The Commissioner of Police, Bombay, all District Superintendents of Police and the Commandants, State Reserve Police Force, Groups should spare as far as possible the Police Motor Vehicles in their charge to convey the medical officer with necessary equipment to the places of road accidents and to bring the injured to the Hospitals for further treatment. The cost of petrol etc., spent on the Police Motor Vehicles for the above purpose should be borne by the Police Department.

(I. G.'s C. M. No. 7970, dated 31st August 1956.)

140. Medical treatment of wounded persons by Government Medical Officers.- (1) Police officers should when possible procure the services of local medical officers in Government employ in preference to those of private practitioners for the treatment of wounded persons. They should in no case take medico-legal cases to dispensaries in charge of compounders, except for such minor first aid treatment as the compounders are able to give.

(I. G.'s No.8 (3410), dated 9th April 1949.)

(2) No Police officer shall require any medical officer to leave his duties in order to attend upon a wounded person, unless in cases in which the latter cannot, without imminent danger to life, be conveyed to a hospital or dispensary. It is within the discretion of the medical officer to refuse compliance with the summons, if he considers that he cannot absent himself from his hospital or dispensary without serious interference with his regular duties. He should, however, comply with such summons, whenever possible, and when unable to do so, should state his reason in writing.

(3) Only some very unusual circumstances would justify the Police in calling a Sub-Assistant Surgeon away from his dispensary to any distance which would compel him to be absent for more than an hour or so.

(4) The expenditure on account of conveyance of patients in medico-legal cases should be borne by the Police Department. However, it should not exceed the limit prescribed for each district.

(G. R., H. D., No. CVA 1658/71252-V, dated 6th May 1959.)

141. Medical Certificates.- When called upon, medical officers immediately after examination, will supply the Police, as far as possible, with certificates regarding case of injury brought to hospitals and dispensaries.

(5. G.'S Circular No. 4402, dated 6th June 1904.)

142. Post Mortem Examination when necessary.- (1) any case under investigation in which a person has met with his death, the

Police Station Officer or a Police officer not lower than a Sub-Inspector empowered by Section 174 (3), Criminal Procedure Code, to send the body to the nearest Civil Surgeon or other qualified medical man for *post-mortem* examination:-

(i) if there is doubt as to the cause of death, or in the cases of suicides where there is no direct evidence to show that the death was due to suicide, or

(ii) if, though there is no such doubt, the Police officer thinks it expedient to do so, e.g., in order to procure expert medical evidence as to :-

- (a) the period of time that might have elapsed since death;
- (b) whether the death was homicidal, suicidal or accidental;
- (c) the personal identity of the deceased;
- (d) whether the deceased in a case of infanticide was born dead or alive, or
- (e) whether the death was due to the accident, when a prosecution is intended in a case of a motor accident.

No examination will ordinarily be necessary in cases of motor car or other accidents, where no prosecution is intended and there is clear evidence of the cause of death.

(2) It is for the Police officer to decide whether the *post-mortem* examination should be performed or not and it may defeat the ends of justice, therefore, if a medical officer performs a *post-mortem* examination before he has all the information the Police can supply him with. It is necessary, therefore, that the Police should send the medical officer a written authority for the performance of a *post-mortem* examination in a medico-legal case and in that letter should be stated the medico-legal aspects of the case and any points to which the Police officer wishes special attention to be given.

(3) Sub-Rules (1) and (2) apply even where a person who was examined and treated in hospital dies in hospital or elsewhere.

(I. G.'s No.7, dated 26th February 1940 and G. L., H. D., No. C-II-1458/60021- VIII, dated 22nd August 1958.)

143. Procedure regarding post-mortem and other Medico-legal examinations.- (1) Every medical officer of Government of rank not lower than a Subordinate Medical Service Officer, being in charge of a Civil Station or of a Government or Government-aided dispensary is a "qualified medical man" within the meaning of Section 174 (3) of the Criminal Procedure Code. *Post-mortem* and medico-legal" work should under no circumstances be entrusted to Ayurvedic and Unani subsidised medical practitioners.

(1. G.'s No. 3410, dated 17th November 1944.)

(2) Immediately on receipt of a corpse or of any article for medico-legal examination from any Magistrate, Police officer (District or Rail –

way or other authorised person, a medical officer should grant a receipt for the corpse or article received. The receipt should be in the following form: -

Receipt for article sent for medico-legal examination

Station:

Date:.....

from (Name)

Received at a.m. / p.m. on

(Rank)

(Number of Police Constable)

(Residence)

the following articles for medico-legal examination

.....

(Name)

(Rules 1-3 of C. M. Code.)

(3) (a) In all cases where external wounds on a body sent for *post-mortem* examination differ greatly from those described in the *panchnama* accompanying the body and in all cases where no marks are visible at all, though marks are described in the *panchnama*, medical officers should communicate with a Magistrate and ask him to hold a *panchnama* under Section 176 of the Criminal Procedure Code.

(S. G.'s Cir. No. D./3009, dated 28th October 1914.)

(b) Where it is necessary to hold a second *panchnama* as laid down above, the Police who bring the body should be asked to send for the Magistrate. It is not necessary to depute a dispensary servant for the purpose.

(S. G.'s Memo. No. D/245, dated 23rd February 1915.)

(4) (a) When, in performing a *post-mortem* examination in a medico-legal case, a medical officer finds any foreign body (bullet, buck shot, small shot, fragments of iron, stone or other substance), this should be extracted and preserved for production as evidence in Court. The exact position where the foreign body is found should be carefully noted in the *post-mortem* notes and the foreign body itself should be preserved in a sealed bottle or otherwise.

(b) The foreign body should be shown to the Police for inspection when required, but as the medical officer has to swear to its identity in Court, it should not pass out of his charge until he gives evidence before the Court.

(5. G.'s Cir. No. D/188. dated 21st January 1920)

(5) All medical officers (Civil Surgeons, and Assistant and Sub-Assistant Surgeons) making *post-mortem* examination at head-quarters are required to record the result of the examination on Form C. M. No. 23 and to send a full copy of that form filled in by them to the Police Station concerned by the hand of the Police Constable who brings the body to them for examinations.

(S. G.'s Cir. No. 11800, dated 16th December 1903.)

(6) A copy of the paragraph stating the medical officer's opinion as to the cause of death should be simultaneously sent to the Superintendent of Police.

(S. G.'s No. 8899, dated 15th September 1906 and I. G.'s No. 8229, dated 29th September 1906.)

(7) The Police officer who takes the dead body to the hospital should accordingly be directed to wait till he gets the examination certificate.

(8) The making of a *post-mortem* examination for medico-legal reasons admits of no avoidable delay, and it is the duty of medical-officers to give this work precedence over all other work which is not .fibsolutely urgent.

(I. G.'s No. 2807, dated 28th March 1895 and S. G.'s Cir. No. 16677, dated 22nd December 1900.)

(9) Copies of *post-mortem* notes should be supplied to the accused as required by Section 173, Crimul Procedure Code.

(I. G.'s No. 89-3, dated 13th July 1956.)

(10) Police officer accompanying a corpse sent for *post-mortem* examination should not be present in the mortuary during the time of the autopsy but should, after the autopsy is over, be shown the corpse again for identification, should they desire to see it.

(G. R., J. D., No. 3906, dated 28th May 1913.)

(11) The prohibition in Sub-Rule (10) does not apply to the cases of re-examination of corpse for verification of facts after exhumation under Section 176, Criminal Procedure Code. Such re-examination of a corpse generally takes place as the result of doubt being cast on the correctness of the conclusions arrived at, at the original examination. It is clearly in the interest of justice that the Police enquiry officer should be present at the reexamination in such cases.

(G. R., H. D., No. 1.487/3, dated 29th April 1933.)

(12) When a dead body is sent for *post-mortem* examinations by the Police so late that it is necessary to defer the examination till the next day and if there is no-mortuary, the Police must arrange to guard it till the medical officer is ready to begin his examination. If there is a mortuary, no guard should be supplied by the Police.

(I. G.'s No. 8193, dated 15/16th June 1916.)

(13) Copies of *post-mortem* Notes and Medical Certificates may be supplied to the relatives of the deceased after the case is classified

one of accidental death and a summary is issued in that behalf by the competent Magistrate. The following rates of fees should be charged for the supply of copies of the documents in question:-

- (i) Rs. 5.00 for *post-mortem* Notes.
- (ii) Rs. 5.00 for *post-mortem* Medical Certificates, and
- (iii) Rs. 7.50 for *post-mortem* Notes and Medical Certificates.

(14) In respect of requisitions for post-mortem examination by the Medical Officers, the following paragraphs of the Bombay Civil Code, Part I, should be borne in mind:-

“736. *Police to send dead bodies to the nearest Hospital or dispensary.*- It is ordinarily the duty of the Police to take a dead body to the nearest dispensary provided with the requisite accommodation where a medical officer with the proper instruments and appliances is to be found. Magistrates and Superintendents are required to arrange that medical officers are not summoned from their dispensaries except when it is impossible or for special reasons un-desirable to send a corpse to a dispensary.”

“737. Should a medical officer consider that he has reasonable ground for complaint on any occasion that the Police have called upon him to perform a *post-mortem* examination where they ought to have called on some other medical officer, he can bring the matter to the notice of his superior for such departmental action as the latter may deem necessary”.

(I. G.'s C. M., No. 3410-11, dated 2nd March 1954.)

144. Things to be looked for in cases of suspected poisoning.-: (1) In investigating a case of supposed poisoning, the investigating officer should examine the surroundings, clothing, surface of the body and its natural orifices. In the surroundings may be found the vomits excreta, remnants of food or vessels, in which the poison is suspected to have been powdered, dissolved or stored before administration, e. g., bottles, cups, tumblers, pestle and mortar hypodermic syringe, needles, household grinding stone, pill or powder boxes and pieces of paper or covering with which the medicine is dispensed. There may also be found suspected drugs in the form of medicine, pills, powders, etc., and also rat-poison, weed-killer, disinfectant etc. On the bed-sheets and other clothings, or surface of the body, there may be I stains of vomit or urine or faeces or the poison itself, or there may be wounds through which the poison might have been introduced or injected. In the mouth may be present poisonous material or signs of its having been taken. There may be a peculiar odour at the mouth. The Investigating Officer should secure any portion of the food, drink or medicine which may be suspected to contain poison and, if there has been vomiting, the vomitted matter, if possible for the purposes of the examination.

(2) The Investigating Officer should also enquire about the medical history of the victim such as previous illness and the treatment taken e.g., medicine, drugs, etc.

(3) (a) During the *post-mortem* examination urine, liver, kidney, alimentary canal and other organs or tissues through which the poison is suspected to have been administered or excreted or in which it is suspected to have been stored should be preserved.

(b) Blood from the heart should be preserved if coal gas is suspected. Hairs and nails should be preserved if arsenic is suspected and brain should be preserved in cases of respiratory failure where drug is suspected.

(4) In cases in which the corpse has been cremated, ashes and bones should, if possible, be secured from the scene of cremation, as in cases of poisoning by arsenic, the poison may be detected in them.

(B. P. G., Part II Crime, dated 11th September 1958.)

145. Examination of viscera and other articles by the chemical analyser. - (1) (a) After having made a *post-mortem* examination in case of suspected poisoning, the medical officer should report the results thereof to the Police, and on receipt of an order from a Magistrate or from a Superintendent of Police or Sub-Divisional Police Officer, but not before, forward the viscera etc. of the deceased to the Chemical Analyser to Government for examination. In cases where no death has occurred, but it is suspected that poison has been administered, the medical officer should similarly report the case to the Police and on receipt of an order from a Magistrate, Superintendent of Police or Sub-Divisional Police Officer, forward the vomitted matter or the contents removed from the stomach of the affected, individual, or other matters requiring analysis, to the Chemical Analyser to Government.

(b) Microscopic examination of hairs can show whether the hairs are human or not and also serves to identify the hairs of individuals, e. g., hairs of the deceased being found on the person of the accused or vice versa in a case of murder. Similarly microscopic examination of cloth, rope, paper, ink, sealing wax, ashes, dust etc. may also be useful for the detection of crime. An investigating officer should take care, whenever necessary, to have all such articles sent to the Chemical Analyser for such examination.

(c) When any investigation is undertaken of a serious explosion or conflagration caused by petroleum or other dangerous substance, articles seized, which require examination, should be sent to the Chemical Analyser to Government, who will carry out the analysis free of charge.

(2) Bottles containing the viscera or any other medico-legal exhibits, which may have to be sent to the Chemical Analyser, should be sealed by the medical officer concerned and sent to the officer-in-charge of

the nearest Police Station (under intimation to the officer at whose instance the examination was conducted) for sealing and safe custody with the nearest Police guard until the order of the Magistrate, Superintendent of Police or the Sub-Divisional Police Officer is made known.

(3) The Police Investigator, though not a scientist, should have some knowledge about the analytical work done in the Forensic Laboratory and he must possess a good knowledge of the current procedure for collecting relevant material and despatching the same to the laboratory with all helpful information, for utilising well the scientific aid available to him. For detailed instructions regarding scientific aids to investigation refer to Appendix XII.

146. Chemical Analyser to be referred to only in cases of urgent necessity.-(1) Substances ought not to be sent to the Chemical Analyser for analysis, when there is neither a reasonable suspicion that poison has been used, nor anything in the post-mortem examination of the bodies leading to such a supposition. Magistrates should limit their references to that officer to cases of urgent necessity in which the local medical officer cannot give the information required Civil Surgeons and Superintendents of Police are to remember that the duty of making a reference to the Chemical Analyser and of requiring that officer to make a report which will be admissible under Section 510 of the Criminal Procedure Code is one which lies within the province of the Magistrate conducting the enquiry for which information on the character of the suspected substance is required. Such a reference should ordinarily not be made by them directly.

(2) But to avoid failure of justice by delay, Superintendents of Police are given discretionary power to forward any suspicious substances to the Chemical Analyser, at the same time giving him such necessary information as will enable him to form an opinion as to their nature.

(G. Rs., J. D., No. 7290, dated 14th December 1878 and No. 639, dated 3rd February 1879.)

(3) For the type of work that is undertaken in the Forensic Laboratory, refer to Appendix XIII.

(I. G.'s No. 6162-II, dated 17th August 1955.)

147. Information regarding the case concerned to be supplied to the Chemical Analyser by a Magistrate or Police Officer.- (1) Magistrates, Superintendents of Police and Sub-Divisional Police Officers, on instructing medical officers to forward articles for analysis to the Chemical Analyser to Government should at the same time address the latter officer in English, quoting the number and date of their order to the medical officer, and should furnish the Chemical Analyser with a brief summary in English of the history of the case, includ-

ing a reference to the sections concerned of the Indian Penal Code, especially in "blood and semen" cases.

(2) The principal points on which Magistrates etc. should furnish information to the Chemical Analyser in cases of suspected poisoning are as follows:-

(a) What interval was there between the last eating or drinking and the first appearance of symptoms of poisoning?

(b) What interval was there between the last eating or drinking and death (if this occurred)?

(c) What were the first symptoms?

(d) Were any of the following symptoms present, and if so, which :-

(i) Vomiting and purging,

(ii) Deep sleep,

(iii) Tingling of the skin and throat,

(iv) Convulsions or twitching of muscles,

(v) Delirium and clutching at imaginary objects.

(e) Were any other symptoms noticed?

(f) Did any other persons partake of the suspected food or drink and did they also suffer from similar or other symptoms or poisoning?

(3) Any other information available, likely to prove serviceable as a guide to the class of poison administered, should at the same time be furnished.

(4) Any articles in the possession of the Police of which an analysis may be required may at the same time be forwarded to the Chemical Analyser, strong rectified spirit of wine being added to such as are likely to undergo rapid decomposition.

(5) In forwarding such articles, the precautions laid down in Rules 127-28 for the guidance of medical officers should be attended to.

(6) Whenever any question as to the, quantity of poison present in the substances sent to the Chemical Analyser for examination is likely to be of importance in a criminal case, Magistrates and Superintendents of Police should ask for a quantitative analysis in sending such substances to the Chemical Analyser.

(7) When a quantitative analysis is required, early intimation should be given to the Chemical Analyser, and in the absence of a request to that effect, it should be understood that only a qualitative analysis will be made.

(G. R.. G. D., No. 71, dated 11th January 1892, G. R., J. D... No. 5498, dated 23rd September 1893, G; R.. G. D., No. 1453. dated 5th April 1895 and I. G.'s No. 2063-B, dated 21st February 1920.)

(8) In respect to human viscera, the Chemical Analyser to Govern-

ment will make a quantitative as well as qualitative analysis and communicate the result in each case.

148. Packing etc. of articles to be sent to the Chemical Analyser. (1) All articles for analysis are, as a rule, to be packed and forwarded by the medical officer, and this duty does not devolve upon the Police authorities. It is only on very rare occasions, such as when the medical officer is not within a convenient distance or when delay in transmission of articles is likely to hasten decomposition, that the Police should send them direct. The Police are not supplied with the necessary bottles and rectified spirits, and have not the requisite knowledge for carrying out the work.

(G. R., No. 3121, dated 18th May 1882.)

(2) For detailed instructions refer to Appendix XIV.

149. Procedure to be followed by a Medical Officer in sending articles to the Chemical Analyser.- (1) When on receipt of the necessary order, a medical officer forwards articles to the Chemical Analyser for examination, he should address at the same time a letter to the Chemical Analyser, advising their despatch. This letter should contain:-

- (a) an impression of the seal used in closing the bottles and a description thereof,
- (b) a list of the articles forwarded and a statement as to how the articles have been forwarded,
- (c) the name and address of the officer from whom the order has been received to forward the articles and the number and date of such order,
- (d) detailed account of the post-mortem appearances observed in Form C. M. 23 e.,
- (e) a reference to the Sections concerned of the Indian Penal Code, especially in "blood and semen" cases, and
- (f) if he has seen the case during life, an account of the symptoms observed and a statement of the treatment, if any, adopted.

(I. G.'s No. 2063-B, dated 21st February 1920.)

(2) The medical officer forwarding the viscera should furnish a copy of the letter referred to in Sub-Rule (1), to the Superintendent of Police or the Sub-Divisional Police Officer who issued the order to forward the articles to the Chemical Analyser.

(Go Rs., J. D., No. 71, dated 11th January 1892 and No. 4006, dated 8th November 1893 and No. 3268, dated 6th August 1895.)

150. Mode of Despatching articles to the Chemical Analyser.- (1) Medical officers should acknowledge the receipt of the articles sent to them by the Police for transmission to the Chemical Analyser C to Government and should state in the receipt whether or not the seals were intact. When despatching the articles to the Chemical

Analysers, the labels originally attached by the Police should be used again on the bottles or other receptacles in which such articles are sent; and in the letter to the Chemical Analyser the medical officer should quote the number given to the articles by the Police. The Chemical Analyser should, in describing the articles in the certificate refer to the Police number and the distinguishing label.

(G. R., J. D., No. 8955, dated 27th September 1920 and G. R., H. D., No. 156 dated 29th April 1922.)

(2) When parcels are sent by post, the medical officer will send the direct. When a special messenger is required, he will send the through the Station Sub-Inspector, who will arrange for the special messengers. Civil Surgeons requiring special messengers for the purpose should obtain them direct from the Superintendent of Police or, during that officer's absence, from the officer-in-charge of the Police Headquarters. Parcels should be sent by post or rail or by special messenger, whichever is cheaper, discretion being always reserved to the medical officer to send a special messenger, when he considers necessary. Blood stained articles, which are to be sent to the Forensic Science Laboratory for examination should be sent immediately with the sanction of the Sub-Divisional Police Officer the District Superintendent of Police.

(I. G.'s Cir. Memo., No. 151-II, dated 9th September 1955.)

(3) Detailed Instructions for sending the articles to the Director Forensic Science Laboratory and the Chemical Analyser to Government will be found in Appendix XV.

(G. C., H. D., No. FSL-1458/63052-V, dated 1st July 1958.)

151. Examination by Chemical Analyser of specimens other than Medico-legal Exhibits.-(1) It is one of the duties of the Chemical Analyser to Government to examine and report on specimens (other than medico-legal exhibits) sent to him by Superintendents of Police in connection with cognizable criminal cases.

(G. R., G., D., No. 7221, dated 25th March 1941.)

(2) Superintendents of Police should, however, use discretion in sending specimens to the Chemical Analyser for analysis in case of commercial frauds. In such cases, where the prosecution will be mainly for the benefit of the complainant, Superintendents of Police are authorized to require the deposit of the Chemical Analyser's fees by the complainant before agreeing to send samples for analysis. Superintendents of Police should pay the fees to the Chemical Analyser, who should dispose of them, according to rules.

(G. L. H. D., No. 3994/4-D, dated 15th April 1941.)

(3) No charges will be levied for services rendered by the Chemical Analyser to Government in respect of Special Police Establishment cases.

(G. L., H. D., No. G494/6-D, dated 25th March 1954.)

152. Intimation to the Chemical Analyser to Return articles. – When forwarding cases to the Chemical Analyser to Government., it should invariably be stated whether any of the articles sent for examination are required to be returned.

(G. R., G. D., No, 2190, dated 19th March 1914.)

153. Chemical Analyser's Report.- The Chemical Analyser should send his report on the articles forwarded to him for examination to the medical officer or the Police officer concerned who forwarded them to him. The medical officer or the Police officer concerned, on receipt of the report should make a note of it and then transmit it to the Superintendent of Police or the Sub-Divisional Police Officer by whose order the articles were forwarded to the Chemical Analyser. The Superintendent of Police or the Sub-Divisional Police Officer will then take the necessary steps for the production of the report at any magisterial enquiry that may thereafter be held.

(G. R., J. D., No. 71, dated 11th January 1892, No. 4006, dated 8th November 1893 and No. 3268, dated 6th August 1895.)

154. Chemical Analyser's report in prohibition cases.- If Police officers require an immediate certificate from the Chemical Analyser in doubtful prohibition cases, and in particular, when the accused is in custody and a complaint has been lodged in the Court, they should communicate the urgency of the cases to the Chemical Analyser and give him a definite time by which they require such certificate from him.

155. Examination of animals or carcasses by veterinary officer's.- (1) It is part of the ordinary duties of all veterinary officers in charge of Government or Government aided veterinary dispensaries to conduct, at the instance of a Magistrate or a Police officer not below the rank of a Police Station Officer, medico-legal or *post-mortem* examinations, to report on any animals or carcasses sent to them for the purpose at the dispensaries and to retain notes in a form prescribed by the Director of Animal Husbandry, Bombay State.

(2) The opinion of medical officers should not be sought by Magistrates in the case of live animals with respect to which there is a complaint of cruelty, except in very special cases and never when the services of a veterinary officer are available. In such very special case, a fee of Rs. 2 should be paid to the medical officer.

(G. R., G. D., No. 6363, dated 25th September 1912 and G. R., R. D., No. 7225, dated 5th July 1915.)

(3) All viscera of cattle which the Police desire to submit to the Chemical Analyser for further examination, should be sent to the Civil Surgeon of the District or the nearest Sub-ordinate Medical Service Officer to be packed and forwarded. In Places where there is a civil veterinary graduate, this duty devolves on him.

(G. R., G. D., No. 3182, dated 20th December 1880 and No. 3581, dated 8th October 1886 and G. R., G. D., No. 6434, dated 16th December 1909.)

156. Symptoms in cases of cattle poisoning- -The following is a brief description of the symptoms likely to be observed in different cases of cattle poisoning:-

(1) Arsenic or other irritant mineral poisons

The animal evinces, soon or almost immediately after the poison is given, violent abdominal pain, trembles, writhes, rolls about in agony, groans, foams at the mouth and dies speedily. In more protracted cases, from less poison being given or from its being absorbed more slowly, the abdomen swells, acute diarrhoea or dysentery supervenes, great thirst prevails and death ensues from exhaustion.

Rinderpest, hoven and dysentery are the diseases the symptoms of which most nearly resemble those of arsenical poisonin,. The following are the most obvious distinguishing marks:-

(a) In rinderpest, there is trembling with nervous or spasmodic twitches, but accompanied at first by dullness instead of agony. The access of the disease is by comparison gradual; for irritant poison produces violent symptoms suddenly

(b) In hoven distension of the abdomen precedes and causes pain, in poisoning by arsenic, pain precedes distension and is also more acute, violent and agonizing.

(c) In acute dysentery, violent, bloody, slimy purging is the prominent symptom; abdominal pain is subsidiary. In arsenical poisoning, pain is the chief and primary symptom; purging may come afterwards.

(2) Aconite

The most characteristic symptoms are trembling, nausea, eructations, retchings, causing discharge of mucus, partial convulsions early inability to stand, paralysis, stupor, slow pulse and breathing, coma and death.

(3) Nux Vomica

Nux vomica in poisonous doses causes spasms of the voluntary muscles and all the symptoms of acute tetanus, such as jaws fixed, the hooves projected over the eyes, ears erect, body rigid and often contorted, tail extended and quivering, death being caused by suffocation from the diaphragm and other muscles of respiration being affected, or by the beating of the heart being stopped by spasmodic contraction. Tetanus might be mistaken for this form of poisoning; but it is a rare disease amongst horned cattle. It is hardly ever caused in them except by wounds and is never so sudden and violent in its attack how so rapidly fatal as the poison. of nux vomica.

157. Examination by Medical Expert in certain cases.- In order to procure expert evidence, the investigating officer should send to a Government medical Officer any person, with that

persons's consent, for examination by such officer, in cases in which the question is as to-

- (i) the age of the person,
- (ii) the personal identity of the person,
- (iii) whether the person is unsound in mind, or
- (iv) the signs and effects on the body of that person due to criminal violence, any sexual offence, infanticide or concealment or birth, criminal abortion, etc.

158. Examination by an Anatomical expert.-Cases with reference to questions as to the sex and the age at death of persons whose bones are found should be referred to the Professors of Anatomy at the Medical Colleges at Nagpur, Aurangabad, Jamnagar, Ahmedabad, Baroda and Poona and at the Grant Medical College, Bombay as shown below:-

Districts	Name of the Professor of Anatomy
Chanda, Bhandara, Nagpur, Akola, Buldhana, Yeotmal, Amravoi, Wardha and Central and South Eastern Railways.	The Professor of Anatomy at Medical College Hospital
Aurangabad, Parbhani, Nanded, Bhingar and Osmanabad.	The Professor of Anatomy at the Government Medical College, Aurangabad.
Jamnagar, Rajkot Surendra Nagar, Bhavnagar, Junagadh and Kutch.	The Professor of Anatomy at the Jamnagar Medical College, Jamnagar
Amreli, Mehsana, Banaskantha, Sabarkantha and Ahmedabad	The Professor of Anatomy at the Medical College, Ahmedabad.
Panch-Mahals, Baroda, Kaira, Broach and Surat.	The Professor of Anatomy at the Medical College, Baroda.
East Khandesh, West Khandesh, Nasik, Thana, Kolaba and Ratnagiri.	The Professor of Anatomy at the Grant Medical College, Bombay.
Ahmednagar, Poona, Sholapur, North Satara, South Satara and Kolhapur.	The Professor of Anatomy at the B. J. Medical College, Poona.
Western Railway	Ahmedabad, Baroda or Bombay whichever is nearest to the Police Station concerned.
Central and Southern Railways.	Bombay, Poona or Aurangabad whichever is nearest to the Police Station concerned.

159. Examination by Finger Print Expert.- (1) Latent prints are found at scenes of crime often play an important part in the detection of crime, and the investigating officers should make the best use of them; The Experts attached to the Finger Print Bureau have been equipped with the necessary developing kit and are detailed to visit scenes of crime at the request of Police officers. Though they, are more easily available at places of their Head-Quarters there is no objection for the Police at other places to ask for their services, in important crimes. Local Crime Branch Sub-Inspectors and Head Constables from some districts are also being trained in art of developing prints and their services can be made use of in smaller crimes where it would be expensive to call Expert from the Bureau.

(2) The latent impressions of even slight touches of the hand and fingers are left on all smooth and polished surfaces such as of glass articles, metal vessels, Chinawares, wooden furniture, tin boxes etc. which are not generally visible to the naked eye. It is the duty of Investigating Officers to make a careful survey of all such articles which are suspected to have been handled by the culprits during the commission of the crime and to ensure that all such articles which are likely to yield latent finger prints are properly protected against any further handling, as such handling and exposure to rain and sun will almost certainly destroy the original prints or result in other prints being superimposed over them, thus rendering them unreadable. Similarly, bloodstained, greasy or dirty fingers often leave chance impressions which are visible to the naked eye, on the articles found at the scene of crime. When this is done their examination and treatment for the development of the chance prints should be left to the trained Police personnel or the Expert from the Finger Print Bureau. If the presence of latent finger prints on any article is suspected they should be developed by :-

(i) Dusting the surface with universal powder (grey in colour), where all glass articles (transparent), window panes, metal, polished wooden and where other articles of 'dark colour are involved.

(ii) In the case of prints found on paper, Chinaware and other, articles of white colour black brushable powder or ivory black powder should be used. All portable articles bearing chance prints should be very carefully handled and packed, due care being taken; to protect the chance prints and sent to the regional Finger Print Bureau for examination and further action. The finger impression slips of the investigating officer or any other innocent persons who might have handled the articles in question, together with the finger impression slips of the inmates and suspects should also accompany the articles sent for examination. When it is impossible to send the articles to the Finger Print Bureau an Expert from, the Bureau should be summoned to examine them on the spot,

(5) Any palm prints found or suspected to be on any object should be treated in the same way as finger prints and subjected to examination by a finger print expert.

(4) Instructions on the subject of foot-prints will be found in Appendix XVI.

Note.- The local Special Police Establishments' should not be charged for the supply of the opinions by the Finger Print Bureau and the State Examiner of Questioned Documents of the State Criminal Investigation Department and photographic copies of the document etc. in cases dealt with by them.

(I. G.'s C. I., No. 8(7094), dated 6th February 1951 and G. L., H. D., No. 6494-6-D, dated 25th March 1954.)

160. Examination of weapons, bullets etc. connected with accidents or crime.- (1) In respect of all service bombs and shells recovered by the Police, they will contact the nearest Inspector of Explosives. The latter would be at liberty to seek assistance from the Inspecting Ordnance Officer at the nearest Ammunition Depot for identification, disposal, etc. Should this officer be unable to identify the exhibit, he will send it to the Chief Superintendent of Development (Ammunition), Kirkee. In all court cases the Inspector of Explosives will testify when necessary. Under this arrangement requests for examination of service bombs and shells to the Inspecting Ordnance Officer at the nearest Ammunition Depot would go through the Inspector of Explosives and not from the Police direct.

(G. I. M. H. A. Letter. No. 26/50-46-Police. dated 27th November 1948.)

Note.- The Chief Superintendent (Ammunition), Kirkee, is not to be cited as a witness in any case, unless either (a) the Court writes upon it, or (b) the success or failure of the case depends entirely on his evidence. Even in such cases attempts should be made to have his (evidence taken on commission at Kirkee.

(I. G.'s C. M., No. 6210, dated 4th April 1956.)

(2) In respect of the identification of weapons and bullets seized by the Police and coming within the purview of the Arms Act and Rules (vide Government of India, Home Department letter, No. F.128/VI/34-Police, dated the 17th August 1934), the Police may contact the Chief Superintendent of Development (Ammunition), Kirkee, direct for technical opinion.

In doing so, the following procedure should be observed, so as to avoid any dislocation of the normal production work, as suggested by the Chief Superintendent of Development (Ammunition), Kirkee :-

(a) All requests for rendering expert advice/identification and disposal of ammunition and connected questions should be made in writing, duly signed by a Police officer not below the rank of Gazetted Officer. In cases of emergency, however, messages by, telephone from a Gazetted, Officer will be entertained during office hours only.

(b) A suitable officer, capable of giving expert advice will then be detailed to examine ammunition under investigation and will render a report to the Police authorities.

(c) A fee of Rs. 40 only per exhibit will be charged by the Technical Development Establishment (Ammunition) for examining ammunition and rendering expert advice to the Civil Police [vide Rule 160 (4) below].

(d) In cases of local investigation from Poona City area, the articles requiring Expert examination by the Chief Superintendent, T. D. E. (Kirkee), should be sent to his office.

(e) An acceptance Certificate, in quadruplicate, will be sent to the Indenting Authorities for completion and return to the Chief Superintendent of Development (Ammunition), Kirkee, on completion of the examination.

(f) In cases where the ammunition in question is desired to be demolished or is dangerous enough as has to be demolished *in situ*, the same will be done by the expert from the Technical Development Establishment (Ammunition), Kirkee. Necessary arrangements for demolition will have to be made by the Police. The cost of demolition will also have to be borne by the Police, and will be added on with the Acceptance Certificate

(g) Only service type of ammunition will be examined and handled by the expert.

(1. G.'s C. M., No. 6210, dated 30th September ~954 and No. 5210, dated 13th July 1955.)

(3) The following procedure should be followed regarding the correct despatch of arms, ammunition and bicycles etc., to the Ordnance Authorities:-

(i) In no case should any Police officer send arms and ammunition without proper escorting party.

(ii) Arms should be sent to the Ordnance Depot, Kirkee.

(iii) Ammunition should be sent to the Ammunition Depot, Dehu, Road.

(iv) Vehicles and their components should be sent to the Ordnance Depot, Talegaon-Dabhade.

(1. G.'s C. M., No. 6374. dated 28th March 1952.) I

(4) For the examination of each exhibit a fee at a flat rate of Rs. 40 per exhibit will be charged. (i.

(5) Any question of forensic ballistics will be dealt with by reference to the Government Examiner of Questioned Documents. The previous sanction of Government should be obtained in all cases in which it is proposed to utilize the services of the Government Examiner of Questioned Documents for the purposes of comparing bullets or cartridge cases with weapons etc. No fees will be charged for the services other than the actual Expenses incurred on the cost of photography and, when evidence is given by the officer, on travelling and halting allowances at the rates laid down for Grade I Officers of the Central Services and for the peon accompanying the officer at the rates fixed for Government of India peons. The claims for the cost will be settled by book adjustment.

(G. R., H. D.. No. 4895/3, dated 8th October 193..)

161. Expert opinion of the Mint Master and the Currency Officer.-

(1) Coins suspected to be counterfeit coming to the notice of the Police should be sent through the Deputy Inspector-General, Criminal Investigation Department, to the Master of the Mint at Bombay for his opinion as to whether they are counterfeit or not (vide Rule 130).

(2) Whenever currency notes suspected to be forged or counterfeit come to the notice of the Police, they should be sent through the Deputy Inspector-General of Police, Criminal Investigation Department, along with a report regarding the circumstances in which the notes were found, to the Currency Officer for examination and expert opinion (vide Rule 129)

(3) For details instructions on counterfeit coins refer to Appendix IX.

162. Photographers and- other technical experts.-(1) Whenever it is necessary to take a photograph of ,a scene of crime or of' finger prints foot-prints or any document which cannot be easily removed, the investigating officer should call in a photographer to make a photograph of the same.

(2) In investigations of railway accidents, the Police should apply to the General Traffic Manager for expert evidence on the proper interpretation of any pertinent rule or rules, and the Manager will arrange to depute a competent person to assist the Police and to attend in Court.

(3) Similarly in all matters of a technical nature, e.g., engineering and motor mechanics, the investigating officer should obtain assistance from persons, official or non-official, specially skilled in such matters.

(I. G.'s No. 49, dated 6th November 1922.)

163. Use of different rays in crime detection.-There are seven visible colours in solar spectrum. They are violet, indigo, blue, green, yellow, orange and red. Besides these seven visible colours there are other invisible rays before the violet and again others rays beyond the red which are termed as Ultra-violet ,and Infra-red respectively. Similarly beyond the Ultra-violet light there are Rontgen rays, which are commonly known as X-rays. Although human eyes cannot see 'them without aids, photographic plates are easily affected showing their existence. With certain objects, Ultra-violet rays are sometimes visible to the eye in darkness by the phenomenon commonly called , fluorescene. These different rays are extensively used these days in crime detection work by photograph objects under various radiations i.e., rays to suit the occasion'. For detailed instructions refer to Appendix XVII.

164. Examination of documents by the examiner of questioned documents, Government of India, Simla.-Police officers in the Bombay State should not ordinarily find it necessary to obtain opinion

on handwritings from the Examiner of Questioned Documents, Simla, as those can be obtained from the Examiners in the State Criminal Investigation Department but in certain exceptional circumstance where it becomes necessary to do so and in all cases pertaining to identification of ink and paper the procedure to be adopted by the Police officers will be as follows:-

(1) The Police officer concerned should submit a detailed report of the case, through the District Superintendent of Police to the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, Bombay stating the necessity of obtaining the opinion of the Examiner of Questioned Documents, Government of India, Simla. In proper cases, the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, Bombay will obtain the necessary sanction for the payment of fees for opinion and evidence (if necessary) of the Examiner of Questioned Documents, Simla, and inform the District Superintendent of Police to submit the case directly to the Examiner of Questioned Documents, Simla, after receipt of the sanction.

(2) On receipt of such intimation, the Police officer should send the documents to the Examiner of Questioned Documents, Simla. Detailed instructions for sending such documents for examination are enumerated in Rule 165 (5).

165. Examiners of documents of the State Criminal Investigation Department.- (1) The Criminal Investigation Department of the Bombay State has attached to it five Handwriting and Photographic Bureaux, at Poona, Bombay, Ahmedabad, Rajkot and Nagpur. These Bureaux are under the general administrative control and supervision of the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State. The Bureau at Poona is controlled by the Chief State Examiner of Documents and the other four Bureaux are controlled by the State Examiners of Documents. These examiners along with certain number of Assistant State Examiners carry out the work of examination of questioned documents.

(2) The jurisdictions allotted to these Bureaux are as follows:-

(a) *Poona Bureau: Districts*

1. Poona City, 2. Poona Rural, 3. North-Satara, 4. South Satara 5. Kolhapur, 6. Ratnagiri, 7. Sholapur, 8. Ahmednagar 9. Nasik, 10. East Khandesh, 11. West Khandesh, 12. Osmanabad, 13. Aurangabad, 14. Bhir, 15. Nanded, 16. Parbhani.

(b) *Bombay Bureau: Districts*

1. Greater Bombay, 2. Thana, 3. Koiaba.

(c) *Ahmedabad Bureau: Districts*

1. Ahmedabad City, 2. Ahmedabad Rural, 3. Sabarkantha, 4. Surat., 5. Kaira, 6. Panch-Mahals, 7. Baroda and 8. Broach.

(d) *Rajkot Bureau : Districts*

1. Bhavnagar, 2. Rajkot, 3. Amreli, 4. Surendranagar, 5. Junagadh, 6. Jamnagar, 7. Kutch, 8. Mehsana and 9. Banaskantha.

(e) *Nagpur Bureau: Districts*

1. Akola, 2. Amravati, 3. Bhandara, 4. Buldhana, 5. Chanda, 6. Nagpur, 7. Wardha and 8. Yeotmal.

(f) Cases relating to examination of documents from the State Criminal Investigation Department, Anti-Corruption and the Railway Police to be dealt with in the above Bureaux as per the above distribution of districts.

(3) Cases to be accepted for opinion of the Examiners in the State Criminal Investigation Department: Such cases are of three types:-

(i) *Police cases:-*

(a) Cases sent for opinion, during the stage of investigation by the Superintendents of Police in the State.

(b) Cases sent for opinion during a criminal trial by the Judicial Magistrates or the Sessions Judges, at the instance of the Prosecution.

(ii) *Government cases:-*

(a) Cases pertaining to Departmental enquiries sent for opinion by the Heads of Departments in the Bombay State after following the procedure laid down in Sub-Rule (6) below.

(b) Cases received from Secretarial Departments or by the orders of the State Government.

(c) Cases sent for opinion by Judicial Magistrates, Sessions Judges and other presiding officers of Criminal Courts in the State for their own information when no such requests have been made either by the prosecution or the accused.

(iii) *Paid cases :-*

(a) Cases sent by Civil Courts in the State.

(b) Cases sent by municipal or other local bodies, Universities, Railway Administrations and firms of Solicitors and other public bodies in the State.

(c) Criminal cases received from Courts for opinion on the application of the accused.

(d) Criminal cases received from Courts for opinion on the application of a party in a private prosecution.

(e) Cases from other States, if they are forwarded by the Government of the State concerned.

Provided that cases in category (iii) (Paid cases) above may be rejected at the discretion of the Deputy Inspector-General of Police,

Criminal Investigation Department, Bombay State, Bombay, if in the circumstances of the case, he finds it fit to do so, due to pressure of work, shortage of material, etc.

(4) (i) Application for the Opinion of the Examiners of Documents:

All applications (preferably typewritten) should be addressed to the following officers according to the jurisdictions of the different Bureaux, viz:-

Poona Bureau	Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, Poona.
Bombay Bureau	Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, Bombay.
Ahmedabad Bureau	State Examiner of Documents, Criminal Investigation Department, Bombay State, Ahmedabad -1.
Rajkot Bureau	State Examiner of Documents, Criminal Investigation Department, Bombay State, Rajkot.
Nagpur Bureau	State Examiner of Documents, Criminal Investigation Department, Bombay State, Nagpur.

(ii) In Police cases, the investigating officers should supply, in particular, the following information, viz.,

1. Police Station and C. R. No.
2. Charges laid against the accused.
3. Necessity of obtaining the opinion on handwritings
4. Names of, the complainants and the accused.
5. Total number of documents sent for examination with the appropriate exhibit numbers etc.
6. Such other circumstances (e.g., the mental and physical condition of the alleged writers as may be conducive to arrive at a correct opinion on the handwritings under examination

(iii) *Standards of writing for comparison.*-It is advisable to send as many specimens of the handwriting of the suspected person or persons as can conveniently be obtained. Care should be taken as to the selection of these standards and no writing should be characterized as admitted or genuine, unless it is absolutely certain that it is so. When selecting handwritings for comparison, writings written about the same period as the document in question should, as far as possible, be selected. This should be done in cases where already existing writings of the suspect or accused are readily available, whether contained among correspondence or in books or regis-

ters. The natural admitted writings and signatures should be in the same script as that of the questioned ones. Signatures or writings in different scripts should not be sent. The natural admitted writings should be so selected as to contain sufficient words in common with those from the questioned writings. When taking specimen hand-writings of several suspected or accused persons, the writings of each individual should be taken on separate sheets and not on the same sheet. In cases where a person is required to give several specimens of his signature, it is also advisable to take each specimen on a separate paper, care being taken to remove the previously written sheets from the sight of the individual when he is writing the other specimens. For the purposes of obtaining specimen handwritings, the matter should preferably be dictated. The suspect, if unable readily to write from dictation, should be made to write from typewritten or printed matter, and not manuscript, so the chances of imitation or variation of formation may be minimised. In no case should the suspect be allowed to see the questioned document to write from. When any lengthy piece of writing is dictated or given for copy, the actual time occupied in writing should be noted and also the kind of pen used and the position of the paper while in the act of writing, i.e., whether laid on a flat hard surface, or held across the palm or placed across the thigh or in any other position. The officer taking the specimen should state on it the name of the writer together with the particulars above referred to, and affix the date of the writing. He should also certify on the same sheet that the specimen was written in his presence. Admitted writings, if undated, should if possible, bear on them a pencil entry giving the probable date of the writing e.g. said to have been written in July 1904. In the same way, If the disputed document bears no date, the supposed or probable date of writing, or the date of receipt, should be ascertained and noted.

(iv) Such applications should be accompanied by a list of documents and questionnaire as shown in Schedule 'A' in Appendix XVIII

(v) Applications received from private individual will not be entertained.

(5) The following instructions should be scrupulously observed while forwarding documents for examination in the Handwriting and Photographic Bureaux of the State Criminal Investigation Department.

(a) The document is should be described in terms of Exhibit Numbers followed by the description of the document as shown in 1 Schedule "A" in Appendix XVIII and never in the application for opinion which may contain a brief statement of the facts of the case. The covering letter forwarding the documents should contain the following details:

1. Language of the writing, 2. The number of exhibits sent, giving their distinguishing marks and other necessary particulars indicating separately the questioned documents on which opinion is sought and the admitted documents with which comparison is to be made, these latter being classified according to their respective writers, 3. The question, to the Examiner clearly and precisely put, in regard to the particular writings or portions of writings on which opinion is desired, 4. Particulars of the case such as title, number, date, names of the complainant and the accused and the section under which the charge is laid, together with any remarks as to the circumstances of the writing and on any other matters or points on which the examiner should be informed.

(b) At least six specimen handwritings (i.e., before panchas) should be obtained in respect of each of the disputed documents by dictating the entire contents on it, on a paper and with a pen, as far as possible of the same kind as are used for writing the disputed document. These are termed as "Proveable documents" in Schedule "A" in Appendix XVIII.

(c) Natural admitted writings and signatures should invariably be supplied in addition to specimen handwriting taken as in (b) above. Such writings may be available in the form of various types of correspondences manuscript applications or Registers and Books maintained by the suspect. The particular portions from the same which can be thus treated as admitted documents should be clearly encircled, flagged and given separate exhibit numbers. Such natural writings should be written on dates as near as possible to those of the questioned documents. If such natural admitted handwritings and/or signatures are not available, the fact should be mentioned with reasons in the application for opinion.

(d) *Encircling of signatures or portions of writings intended for examination:* -In cases where opinion is required on, or the attention of the Examiner directed to, the signature only or to a portion of the writing, the signature or the particular portion should be clearly indicated by being circled in red or blue pencil. Ink, mark should be avoided. The encircling or marking off of signatures or portions of writings for examination or comparison should be carefully and neatly done by means of a fine pointed pencil, specific care should be taken to see that the encircling does not touch the writings in question. The encircling should be complete and mere under-lines and brackets avoided. If there are other writings in juxtaposition, the dividing line should clearly exclude the outside portions. Carelessness in this matter causes unnecessary increase of work and is apt to lead to mistakes. Special attention should be given in this matter in regard to interpolations, additions and overwriting and to signatures on bonds

and on the reverse of Government currency notes where there are other signatures, endorsements and writings.

(e) If the disputed writings are in ink, the specimens obtained should also necessarily be in ink. The same principle should be applied to disputed pencil and typed writings. Handwritings in the form of carbon copies will not be examined unless they are accompanied by the original documents.

(f) *Pen and writing pad.*-When the writings of suspected individual are required to be examined, his pen and writing pad, if obtainable, should be sent. In such cases, a piece of paper containing the name of the writer should be gummed on the pen handle and a similar label affixed to the pad.

(g) *Sealing wax Impressions.*-While sending sealing wax impressions for examination, care should be taken in the packing, so that the wax or lac is not broken in transit by the post. A thin layer of cotton placed on either side of the portion containing the seal impression will afford safe protection.

(h) *Distinguishing marks.*-All papers should bear distinguishing marks, such as A, B, C, or Exhibit 1, 2, 3, etc. Any other writing on the document should be avoided. In cases of letters sent together with their envelopes or covers, the envelopes should bear a sub-mark or number to the letter it contained. Thus, if a letter is marked A, its covering envelope should be marked A-I, or if the letter is marked 1, its envelope may be marked I-A. In the case of documents already entered as Court exhibits, the Court marks will, of course be observed.

(i) *Stitching or stringing of papers.* - In stitching or stringing paper together, care should be taken not to mutilate any written portions.

(j) The questionnaire should be very brief and compiled in terms of the exhibit numbers and not the actual description of the documents. It should also never be worded in a manner which would suggest the opinion required. Any material in the questionnaire likely to create a prejudice is frequently utilised in cross-examination by the adverse party's counsel as a basis for the allegation that the Examiner was not impartial in his examination.

(k) *Despatch of Papers.*-Papers intended for examination by the Examiner should, if possible, be placed flat, either between blank sheet or thin boards. If too large to allow of this being done they should be rolled rather than folded. If folding cannot be avoided, care should be taken to refold into the original folds. The documents should invariably be sent in clearly sealed envelopes and never in a loose condition. If sent in such loose condition, they will be returned to the sender in the same condition, un-examined and no correspondence will be entertained if the documents are

lost, spoiled or damaged in any way. In no case, should the questioned documents be pasted to any other paper, even if those be in a very tattered condition. For such purposes, transparent adhesive tape should be used on the reverse side of the document which is simply torn. When in pieces, those should be placed between two glass plates and such plates be fixed by an adhesive tape.

(l) In anyone case, opinion should be sought only on such number of documents as will be included in one criminal case under the charges originally framed. Under any circumstances, opinion should not be sought on more than a minimum number of documents which are absolutely essential for the successful prosecution of the case.

(m) Opinion should not be sought twice on the same disputed documents and the investigating officers should, therefore, be very vigilant in supplying all sufficient data (such as specimen writings, natural admitted writings etc.) and should in no case, submit them for comparison when an opinion has already been furnished on the strength of the material supplied.

(n) The work of giving opinion on inks and on age of documents will not be undertaken. For this purpose, reference may be made to the Government Examiner of Questioned Documents, Simla.

(G. R., H. D., No. CID 2256/63738-V, dated 21st February 1959.)

(6) *Procedure for obtaining opinion in Departmental Inquiries.*-The Head of the Department concerned should submit the report of the case stating the necessity of obtaining the opinion of the Examiner in the State Criminal Investigation Department to the Administrative Department concerned of the Secretariat which should obtain the orders of Government in consultation with the Political and Services Department and Home Department for referring the case to the State Criminal Investigation Department. On receipt of such intimation, the Head of the Department, should send the case to the concerned Examiner of the State Criminal Investigation Department for opinion, in accordance with the instructions in Sub-Rule (5) above.

(G. R., H. D., No. FPB/2358/C, 6624-V, dated 29th November 1958.)

(7) (i) *Supply of Photographs.*-Subject to the availability of Photographic material, photographs of documents examined by the Examiners will be supplied on request at the rates mentioned in Schedule "B" in Appendix XVIII.

(G. R., H. D., No. 8129,'5, dates 20th June 1953.)

(ii) Photographic materials offered by private parties will not be accepted in 'Paid' cases enumerated In Sub-Rule (3) (iii) above.

(8) (a) *Court-Attendances of the Examiners in the State Criminal Investigation Department.*-As long a notice as possible should be given to the Examinee as to his attendance in Court being needed,

and efforts should be made to arrange for dates suitable to him with regard to his other engagements. It sometimes happens that owing to an emergent call or an important case or other circumstances, the Examiner is obliged to revise his current programme of Court attendance. In such cases he will suggest fresh dates for the acceptance of the Courts for which revised dates of attendance becomes necessary.

(b) In no case should the Examiners be summoned to give evidence in cases wherein the documents have not been previously examined.

(c) As the Examiners have to visit unfamiliar places for giving evidence, the Prosecutor in charge of the case should request the Court to record his evidence early so that he may be able to return to his Head-quarters immediately without being required to halt at places. If for some reason the evidence of the Examiner cannot be recorded on the date on which he is summoned to appear in the Court, the Prosecutor concerned should sent a prior intimation, if necessary by a telegram, to the Examiner.

(d) The summons should give full details of the opinion number with date of the Examiner in the case in question, the Police Station, C. R. No., the name of the accused, date of offence, sections, etc Name of the Examiner concerned should be mentioned in the summons.

(e) Whenever possible, the Prosecutor should arrange for a personal discussion with the concerned Examiner prior to the evidence being given.

(9) Fees for examination of documents and Court-Attendances (including Travelling fees):-

(a) No fees will be charged when the Examiners' services are requisitioned in Police and Government cases. The examination of documents in Paid cases will not be undertaken, unless the Court or the party calling for the opinion of the Examiner guarantees payment of the photographic charges and of the opinion and Evidence Fees (vide Schedule, 'C' in Appendix XVIII).

(b) An extra charge of Rs. 5 for each disputed document over five (irrespective of the number of admitted documents) will be charged in addition to the opinion fees and photographic charges mentioned in Schedule "c" in Appendix XVIII (Explanation:-For the purposes of this sub-rule, a disputed document means one disputed signature alone or with its bodywritings alone on a full-scape paper or a part of it)

(c) When an Examiner attends a Civil case outside Head-Quarters and also attends a Criminal case at the same place or another place in the same tour, the fees to be recovered in the civil case should be calculated as if the Examiner travelled to and fro between the place of the civil court and his Head-quarters.

(d) The Inspector-General of Police is competent to sanction the disposal of fees levied under this Sub-Rule, subject to the observance of the provisions of Rule 360 of the Bombay Civil Services Rules.

(e) The general principle to be observed is that a fee received for work done during office hours and on the strength of special knowledge acquired in the course of an officer's duties should be credited to Government. The entire fees for supplying the opinion and any other work done during the office-hours (whether at Head-quarters or outside) by the Examiner should be credited to Government under the head "XXIII-Police".

(f) Attendance fee of Rs. 40 per day is admissible to the Examiner if he gives evidence on a Sunday, holiday or a working day outside office-hours. Half the fees, viz., Rs. 20 are permissible when he gives evidence on a Saturday out of Head-quarters.

(g) Travelling Fee of Rs. 40 per day is admissible to the Examiner if he travels on the forward or return journey on a Sunday or a holiday for attending a paid case out of Head-quarters.

(10) The Examiners of Documents in the State Criminal Investigation Department will not undertake the examination of documents anywhere else except their respective offices nor will they attend a Court for evidence unless the documents have been so examined, sufficient time being allowed for such examination.

(11) (a) The Police and the Public Prosecutors should seek the assistance of the Examiners in the State Criminal Investigation Department whenever they have to conduct important cases involving Expert-evidence, especially when a private Handwriting Expert is likely to be examined as a Defence-witness to contradict the opinion and evidence given by the Examiners in the Criminal Investigation Department. They should, however, obtain a prior permission to do so from the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State.

(b) Whenever an Examiner of the State Criminal Investigation Department has been summoned to give evidence in a Civil or other Paid case, his services can be spared in that case for helping the pleader who cites his evidence, to cross-examine a private Hand-writing Expert appearing for evidence on the opposite side. These services can be spared only at the discretion of the Deputy Inspector-General of Police, on the application from the concerned party through the Court, after giving guarantee of the usual fees, on account of the Examiner's attendance.

(12) The examiners in the State Criminal Investigation Department will not accept photo-stat copies or photographs for examination without their originals. In case of documents in possession of the Audit offices, the Investigating officers should approach the Inspector-General of Police, Bombay State, through the District Superintendent

of Police to obtain the original documents in accordance with the procedure laid down in that behalf.

(13) *Records* - All case papers concerning identification by the State Examiners will be preserved for five years from the final date of giving evidence by the Examiner or from the date of despatch of the opinion from the office of the Deputy Inspector-General of Police, Criminal Investigation Department, in cases where evidence has not been recorded.

(14) *Intimation of results.* - All officers should intimate to the Deputy Inspector-General of Police, Criminal Investigation Department, Bombay State, Poona, in due course the result of cases in which the opinions of the Examiners were called for.

(15) Training of candidates from other States in the Science of Examination of Questioned Documents is undertaken in the Criminal Investigation Department of the State, provided sanction for such training from the Government of Bombay State is obtained by the State concerned.

(16) *Photographers in the 'State Criminal Investigation Department.*-(a) The Handwriting and Photographic Bureaux of the State Criminal Investigation Department are manned by a staff of photographers whose main work is to take photographs of documents concerned in examination of handwritings, finger prints and other questioned documents. Work of photographing of chance prints in the detection of crime and other incidental work for the use of the Finger Print Bureaux in the State Criminal Investigation Department at Poona, Ahmedabad, Rajkot and Nagpur is done by these photographers. In Bombay City, only the work of photographing documents to be examined by the State Examiner of Documents is done by the photographers of the State Criminal Investigation Department. The other work of photographing including that of Finger Prints etc. is done by the photographers attached to the Modus Operandi Bureau of the Bombay City.

(b) The work of taking photographs of unknown dead bodies, accidents, scenes of offences in murder cases, etc. is attended to by these photographers at Poona, Ahmedabad, Rajkot and Nagpur, subject to availability of necessary photographic equipment and material.

(c) In cases where chance-prints are developed at the scenes of offences, the services of the photographers should be requisitioned only after the Finger Print Expert has certified that they are fit to be photographed and that the article in question cannot conveniently be taken to the Photographic Bureau for photographs. Where the chance-prints are developed on moveable articles, they should be carefully taken to the Finger Print Bureau where the developed chance-prints will be re-examined by the Finger Print Expert and photographs will be taken only of those decipherable prints which

will be useful for comparison. The requisition for the services of the photographer should, in all cases, give full particulars of the nature of the work, police station and C. R. No. (if any), the description of the article and the total number of chance prints developed on the same.

(d) *Records of Negatives of Photographs.*-The negative film record will be preserved for the below mentioned periods in respect of each type of work, the period beginning to run from the date on which any photographic work is last done in connection with the particular case:-

- | | |
|---|-------------|
| 1. Handwriting cases | ...5 years. |
| 2. Accidents, scenes of offences, Modus Operandi
Bureau and B. H. O. | ...1 year. |
| 3. Unknown-Dead-bodies | ...3 years. |

(17) Photographs required by the Modus Operandi Bureaux and under the Bombay Habitual Offenders Act should be obtained from the local photographers and the expenditure should be met from the sanction grants of the District Superintendents of Police concerned.

(G. R., H. D., Nf. C1D. 2256/63738-V 21st February 1959, No. FPB/C-6624-V 29th November 1958; No. 8129/5 20th June 1953.)

166. Examination of typewritten documents in dispute.-(1) The State Examiner of Questioned Documents attached to the Criminal Investigation Department will also undertake the examination of typewritten documents in dispute and give his opinion as to whether it has been typed on a particular machine, the probable date of the making of the document, whether there have been any subsequent additions of pages or paragraphs, whether the document was made by one machine or by more than one machine, and as to matters similar to those in the case of manuscript documents.

(I. G.'s No. K/3481-VII, dated 3rd September 1958.)

(2) Sub-Rules (1) to (4) of Rule 165 will apply *mutatis mutandis* the case of examination of typewritten documents.

(3) (a) The examination of type written documents is based on the features and peculiarities of type-writing machines. Type-script produces many varied characteristics peculiar to the machine of origin. Type-writing identification rests not upon the make of the machine, but upon the characteristics of its own particular type, such as certain letters out of alignment or variations in the spacing between letters and lines. Sometimes defects in the type-faces, which are visible in the typewriting itself, disclose the machine. A type-writer has an individuality of its own which is developed further by use. No two machines of the same make, even when new, behave alike. Typewriting individuality is often of unmistakable and convincing character and the same can be established with a degree of certainty that may amount to absolute proof.

(b) With a view -to improvement, manufactures of typewriting" machines are constantly changing the design and relative proportions Qf the letters. They have aimed at an individual peculiarity in the design of letters. This provides a valuable clue to the date of type-writing, e.g., typewriting alleged to be done in 1912 and proved to have been done on a machine manufactured in 1920 will bring -home the guilt to the accused. The first typewriting machine came' into use in 1874; but they were in a crude and experimental stage until 1879, when the first machine was put on the market. There have been progressive changes in the type-writer from this time in the design, size and proportions of the type faces, the length of the line that the machine will write, the verticalJ spacing between the lines the number of characters on the machine, etc.

(4) The examination of a typewritten documents consists of an examination of the following prIncipal features of the writing:-

- (a) The design, size and proportions of each of the characters.
- (b) The relation of each character as printed to adjacent characters or its vertical and horizontal alignment.
- (c) The vertical position of the character in relation to the line of writing, i.e., its perpendicularity, or slant to the left or right.
- (d) The comparative weight of impression of the upper lower right or left sides of each character.
- (e) The condition of the type faces of all the letters and the presence of defects, bruises or scars due to wear or accidents,

(5) The examination is made with the aid of various typewriting test-plates and devices. A typewriting test-plate has been devised, on which small squares, 1/50 of an inch, are marked. A magnified typewriting protractor is used to measure the deviations to the left or right of the perpendicular. Curves of a known radius are drawn on a glass-plate which is useful in measuring curves and turns of the typed letters. There are also other plates used in this connection.

(6) For typewriting identification, the investigating officer should obtain at least three specimens of typewriting of the same context, as of the disputed documents, typed on the suspected machine. If the disputed document is a carbon impression, carbon copies should also be obtained along with the first impression copy. While taking specimens of typewritten do.cuments, they should be spaced as in the disputed documents.

167. Identity of articles to be preserved.- It is essential that the identity of each article attached by the Police in the course of investigation of medico-legal as well as all other cases should be preserved unmistakably from the commencement of attachment and writing the *panchnama* up to its production in the trying court and identification by witnesses and through all its intermediate stages, if any, such as while in the custody of the Civil Surgeon and the Chemical

Analysed. With this end in view, the following instructions should be followed by the investigation officers:-

(1) In describing in the *panchnamas* the articles attached, they should be serially numbered. Separate serial numbers should be given to the articles described in each *panchnama* in cases where simultaneous searches are carried out at different places in connection with one and the same registered offence, or where more than one *panchnama* in connection with the same offence have to be drawn up because of property being recovered at different times.

(2) Large and distinctive labels, showing the names of, and the numbers given to the articles attached in the *panchnama* and the names of the persons from whom and dates on which, they are attached, should be securely fastened to the articles, *as soon as they are attached*

(3) Receptacles containing small articles of value should be sealed in addition to being labelled.

(4) In cases where it is not possible to fasten tie-on-labels, the articles should be packed in paper or cloth as may be convenient, unless they are very bulky, labels bearing the number and name of articles being put on the covering.

(5) It is not necessary to label live-stock. In such cases it will be enough, if a full description of the animal or animals attached has been given in the *panchnama*, for action being taken under Sections 516-A, 517 or 523 of the Criminal Procedure Code. It may be necessary to attach, in the course of investigation such articles as fodder, grain, etc., which cannot be labelled. In such cases labels need not be attached.

(T. G.'s No. 64, dated 19th September 1927.)

(6) Cases in which chemical analysis is required would usually be:-

- (a) alleged murder by poison, .
- (b) alleged rape,
- (c) alleged unnatural offence,
- (d) alleged cattle-poisoning.

The articles to be sent would be:-

- (i) viscera,
- (ii) vomit,
- (iii) excreta, .
- (iv) articles with blood stains,
- (v) articles with semen stains, .
- (vi) articles of food or drink said to contain poison,
- (vii) charred bones and ashes of a person who has been cremated and who, it is suspected, has died of poisoning, and

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(viii) any other articles in which poison may, according to the circumstances of the case, be present, e.g., earth where the washings of vessels used for administering the poison have been spilt.

(7) Whenever any such article is attached which may have to be sent to the Chemical Analyser to Government, the investigating officer must see that it is enclosed in a proper receptacle or covering, so far as possible, *on the spot and in any case in his presence and in that of the panch* and that the cover is sealed by him in such a way as to preclude tempering.

(8) The labels on articles sent to the medical officers should be attached in such a manner as to permit of their being detached without damage being done to them and used again by medical officers in repacking and transmitting the articles to the Chemical Analyser.

(9) The investigating officer should be careful to see that such articles are sent in proper custody to the medical officer. The numbers given to such articles in the *panchnama* should be quoted in the forwarding report. The number of seals put on the receptacle or covering should also be stated in the body of the report. A receipt acknowledging these articles with seals intact should be obtained from the medical officer.

(G. R., J. D., No. 8955, dated 27th September 1920 and G. R., H. D., No. 1561, dated 29th April 1922.)

(10) (a) A statement containing the following particulars in a tabulated form, should invariably be furnished to trying courts by investigating Police and prosecuting officers and Public Prosecutors with regard to the articles to be produced in courts, in all cases in which articles have been sent to the Chemical Analyser for examination:-

- (i) Numbers of the articles sent for examination to the Chemical Analyser.
- (ii) Corresponding numbers of the articles in the list of property submitted to the Court.
- (iii) Corresponding numbers of the articles in the certificate of Chemical Analyser.
- (iv) Corresponding numbers of the articles in the *panchnamas* bearing on the point and dates of the *panchnamas*.
- (v) Names and numbers of the accused persons connected with the respective articles.
- (vi) Names of deceased persons (if any) connected with the respective articles.

The statement should, as far as possible, be submitted by the Station House Officer prior to the provisional date fixed by the Magistrate or the Judge trying the case.

(b) In other cases in which there are many accused persons and a mass of exhibits, the list of property submitted to courts should be arranged according to the serial numbers of the accused persons connected with the particular articles.

(G. R., H. D., No. 5196/3, dated 2nd February 193)

SECTION II - COLLECTION OF ORAL EVIDENCE

168. Examination of Witnesses. - (1) Under Section 161 of the Criminal Procedure Code, an investigating officer is empowered to examine orally any person (including even a suspect) who is supposed to be acquainted with the facts and circumstances of the case, and he may, if he wishes, reduce to writing the statement of each such a person separately. The person so questioned is bound to answer all questions, but not bound to give incriminating answers or to answer truly. No prosecution can be launched under Section 179 or Section 177, Indian Penal Code, as the case may be, against a person who refuses to answer or gives false answers in reply to the questions put by a Police officer, investigating a case under the Criminal Procedure Code. The investigating officer may, whenever necessary, require any other Police Officer not lower in rank than a Head Constable to examine witnesses. For the examination of witnesses, residing at long distances, a requisition may be made to local Police officers not lower in rank than a Head Constable through the proper channel.

(Section 161 of Criminal Procedure Code.)

(2) In order to examine witness, the investigating officer should, as far as possible, contact them at their places, but may, where necessary, call them by a written order to attend before him at the Police Station or any other place within the limits of the Police Station provided such persons are at the time within the limits of his own or any adjoining Police Station. A person so-called to attend is liable to be prosecuted under Section 174, Indian Penal Code, in case he intentionally omits to attend as required. This power to call for attendance should, however, not be exercised for the purpose of procuring the attendance of a suspect or an accused person as he is liable to be arrested at any time without a warrant.

Note:-A male person below the age of 15 years or a woman cannot be required to attend at any place other than the place in which such male person or woman resides.

(I.G.'s No. 7490, dated 12th January 1956.)

(3) As regards the attendance of a railway employee for the purpose of a Police investigation, reference should be made to Sub-Rule (5) of Rule 183.

(4) (a) If it becomes necessary to question a prisoner in the course of an investigation, the Inspector-General of Police, a Deputy Inspector-General of Police, the Commissioner of Police; Bombay, a

District Magistrate or Superintendent of Police may, by letter addressed to the Superintendent or Jailor, authorize any Police officer therein specified, (who except for special reasons which shall be stated therein shall not be below the rank of an Inspector in Greate Bombay or of a Sub-Inspector elsewhere) to interrogate any prisone and the officer so specified shall thereupon be permitted to interrogate such prisoner in the presence but not within the hearing of the Jailor or some other prison officer approved by him. Except as in this rule provided, no Police officer shall, except in the capacity an *ex-officio* visitor, interrogate any prisoner.

(G. Rs., J. D., No; 7683, dated 14th November 1900 and.No. 6476, dated 11th December 1905.)

(b) A letter to the Superintendent or to a Jailor of a Prison or Sub-Jail authorising a Police officer to interrogate or identify a prisoner in jail, signed by an Assistant or Deputy Superintendent Police, "for the Superintendent of Police" should be accepted as sufficient authority.

(G. R., H. D., No. 6629, dated 11th October 1916.)

(5) (a) .When it is necessary to secure the help of a convict under going sentence in the detection of crime, it is advisable to suspend the sentence of the convict under Section 401 of the Criminal Procedure Code on condition of his giving such help. The suspension of sentence will, in the first instance, be granted for a period of six months only. If any extension of the period is required, further application should be made to Government by the authorities concerned.

(G. R., J. D., No. 6188, dated 7th September 1915.)

(b) No promise of a remission of sentence after the period of suspension should be made to such convicts, but they should be informed that a reoprt of the assistance rendered will be submitted to Government, who will consider it.

(G. R., J. D., No. 735, dated 5th February 1917.)

(6) For detailed instructions regarding interrogation of witnesses refer to Appendix XIX.

169. Summoning as witnesses Police Officers of other districts. - When an investigating officer requires the attendance of a Police officer of another district to give evidence either before him or before a Court in a case belonging to his own district, he should be careful, in calling for his attendance to cause the least inconvenience to the other district. The best course in such a case is to leave the nom.ination of the witness to the Sub-Inspector of the Station from which he is to be summoned, intimating to him at the same time the point or points on which his evidence is required. The Sub-Ins-pector will then determine who is the, person best fitted to give evidence on those points and send him to the Police officer requiring his attendance.

170. Recording of statements of witnesses and accused persons. - (1) It is advisable, though not compulsory, for the investigating officer to record the statements of witnesses, as they enable the superior officer and the prosecuting officer to know what each witness has got to say' and thereby to form a correct estimate of the evidentiary position of the case. The investigating officer must not, however, obtain the signatures of the witnesses to their statements. Such statements may be used provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act, 1872, and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination. It should, however, be noted that a statement which amounts to a dying declaration under Section 32 (1) of the Indian Evidence Act, though made to a Police Officer in the course of an investigation, and a confession relevant under Section 27 of the Evidence Act can be used for evidentiary purposes in the inquiry or trial against the accused.

(2) It is equally important and advisable for an investigating officer to record the statement of an accused person, especially if it consists of lengthy details in complicated cases, so that these details may not be forgotten or overlooked in the course of enquiries for their verification. The statement may sometimes disclose his line of defence and may also at times indicate sources from which independent evidence may be available.

(3) In all important criminal cases, where vicarious responsibility is involved, it is proper that before a criminal case actually instituted, the vicarious offender should be given an opportunity to explain as to why he should not be prosecuted. The investigating officer should, therefore, before launching a prosecution against any offender, call him and ask him orally, Why a prosecution should not be launched against him. However, in certain exceptional cases he should record the explanation given by the vicarious offenders. If the alleged accused refuses to make a statement or give an explanation then, the investigating officer should proceed with the case as in the ordinary course.

(I. G.'s. C. M., No. 151-III, dated 28th April 1954 and 23rd July 1954.)

Note.-Statements of witnesses should be recorded as far as possible in, language of the witnesses)

171. Dying declaration. - (1) Whenever a person whose evidence in a case is likely to be relevant as to the incidents or the circumstances which have eventually resulted in his death is likely to die it is advisable to record his dying declaration, which is relevant as

evidence under Section 32 (1) of the Evidence Act, in every case in which the cause of that person's death is in question. Even if such a declaration is made to a Police officer, it is admissible in evidence and its use is not barred by Section 162, Criminal Procedure Code.

(2) In the normal course dying declarations should ordinarily be got recorded by the Executive Magistrates and if possible in the presence of the accused, and the Judicial Magistrates should be approached only when the Executive Magistrates are not available. In case, it is not practicable to get the declaration recorded either by an Executive Magistrate or a Judicial Magistrate in time, an Investigating Officer should record it, preferably in the presence of the *panch*. Even if it has been made orally in the presence of any person, it may be proved in Court by the oral evidence of that person. The declaration becomes admissible, if the declarant subsequently dies. If he survives, it will be useful, if made, before a Magistrate, only to corroborate his oral evidence as a witness in Court. If it was made before a Police officer, it will be treated only as a statement covered by Section 162, Criminal Procedure Code.

(3) The declaration must be complete by itself. If the declarant dies before he has finished it or if it contains any indication that he intended to modify or add to it, it will not be of any evidentiary value. The person making the declaration must be a competent witness and must be speaking from personal knowledge of the facts. If reduced to writing by the Police, the declaration should, as far as possible, be in the form of questions and answers and in the very words of the declarant. If practicable, the declarant should be asked to sign it, and the *panch* and the Police officer should attest it. Signs (Section 119, Indian Evidence Act) made before the death explaining the cause of death can be a statement under section 162, Criminal Procedure Code and is admissible as a dying declaration.

(4) Dying declaration of a married woman committing suicide should not be recorded in the presence of her mother-in-law, father-in-law, husband, or any other influential person in the family of the husband. As far as practicable, a well respected, non-partisan social worker, if immediately available, should be invited as a '*panch*' when such a dying declaration is recorded.

(G. L. H. D., No. C. II. 1458/60021-VIII, dated 22nd August 1958.)

Note - The first information report given by a complainant can be treated as dying declaration if he subsequently dies and is not available for examination.

172. Recording of statements of witnesses and confessions of accused persons before a magistrate. - (1) In important cases witnesses may be produced before any Presidency Magistrate, any Sub-Divisional Magistrate, any Magistrate of the First Class or any other Magistrate specially empowered by the State Government in this behalf, and their statements got recorded by the Magistrate on oath (Section 164, Criminal Procedure Code). Such statements cannot

be used as evidence by themselves, as they have been made behind the back of the accused. The only object in recording such statements is to obtain a hold over the witnesses.

(2) If an accused person is willing to make a confession, he should be taken under arrest for the purpose of his confession being recorded under Section 164, Criminal Procedure Code, before any Presidency Magistrate, any Sub-Divisional Magistrate, any Magistrate of the First Class or any other Magistrate specially empowered by the State Government in this behalf. It is advisable, though not obligatory, that the Magistrate is not the one who will eventually try the case or hold committal proceedings. As far as practicable, confessions should be recorded in the court house in preference to the residence of the Magistrate and on working days in preference to holidays.

(3) (a) Confessional statements made to Police Officers are admissible in evidence under Section 27 of the Evidence Act, but only that portion of the confession which is absolutely necessary to lead to the discovery of property or other relevant fact is admissible. The words "fact discovered" in Section 27 are not to be treated as equivalent to the object or article produced; the fact discovered embraces the place from which the object is produced and the knowledge of the accused about its existence at that place and the information given must relate distinctly to this fact. Information as to past user or the past history, of the object produced is not related to its discovery in the, setting in which it is discovered. Information supplied by a person in custody that "I will produce a knife concealed in the roof of my house" does not lead to the discovery of a knife. It leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant. But if to this statement the words be added with which I stabbed A", these words are inadmissible, since they do not relate to the discovery of the knife in the house of the informant. " So where a confession of an accused person is deposed to by a Police officer who says that the accused said to him "I stabbed Shivayya with a spear. I hid the spear in a yard in my village. I will show you that place", the first sentence is inadmissible, but the second and the third sentences are admissible under Section 27. There may be cases in which the object produced by an accused person may not in itself be of an incriminating nature and its production would be irrelevant in the absence of any evidence to connect the article with the offence in question, apart from the accused's confession. However, the difficulty, insuperable as it may be, of proving that a fact discovered on information supplied by the accused is a relevant fact can be no justification for reading into Section 27 something which is not there and for admitting in evidence a confession barred by Section 26.

(b) Where one of several accused persons, who have taken part say, in burying stolen property at a certain place offers to point

out the place and the property is found in consequence, his confessional statement is relevant against him under Section 27 of the Evidence Act. If all accused persons give the same information, no joint statement should be recorded. Statement of each accused should be recorded separately, and as precisely as possible, in the very words used by the accused. This should be done before the recovery is actually made. After such statements are recorded, the accused who first gave the information may be taken to point out the discovery. The evidence about the discovery of facts in pursuance of information given by all accused may be led in the Court leaving it to the discretion of the Court to accept the evidence or not.

(I. G.'s No. G/151, dated 4th May'1959.)

(4) The slightest attempt on the part of the defence to prove any circumstance vitiating a confession is usually sufficient to render the confession irrelevant and inadmissible. Even when relevant, it is at best a very flimsy and, from its very nature, unreliable piece of evidence. It should therefore, not be regarded as an end and aim of investigation, but merely as a basis for working out the case by procuring evidence to verify and support it. It is only when cor-roborated by such independent evidence in material particulars that a confession acquires some evidentiary value as against the person making it. It goes without saying that as against persons other than the maker of confession has practically no such value.

173. Approver's evidence.-(1) With a view to obtain the evidence of a person supposed to have been directly or indirectly concerned in or privy to the offence, pardon can be tendered to such a person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or as abettor, in the commission thereof. In the course of investigation of serious offences in which such pardon can lawfully be tendered under Section 337, of the Criminal Procedure Code, if an accused person is in a mood to make a full disclosure of such a nature, he should be placed before the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate or any Magistrate of the First Class with a request to offer the person a pardon on the aforesaid condition; and if he accepts the offer, he will thereafter remain in custody, but will be examined as a witness on oath in the course of an inquiry or trial that may follow. Similar steps can be taken even during the course of an enquiry or trial provided that, where the offence is under enquiry or trial no Magistrate of the first class shall exercise the power hereby conferred unless he is the Magistrate making the enquiry or holding the trial, and, where the offence is under investigation no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the *sanction* of the Sessions Judge has been obtained to the exercise thereof.

(2) The investigating officer, whenever he finds it necessary to make an accused person an approver, should obtain the permission of his Sub-Divisional Officer. The person to be selected for an approver should be one who is the least guilty and whose evidence, at the same time, covers the largest possible part of the prosecution case. The criterion for deciding whether the evidence of an approver is necessary in a case is whether in the absence of the evidence of an approver, no evidence would be forthcoming to throw light on any part of the prosecution case. More than one accused person may be made approvers in a case, if it is necessary and advisable to do so in that particular case. After a person has accepted a pardon, arrangements should be made to keep him in a separate cell and well protected.

SECTION III - COLLECTION OF DOCUMENTARY EVIDENCE PROPERTY

174. Searches. - (1) Whenever any document or article or any animal is required for the purposes of an investigation, any officer not lower in rank than a Police Station Officer can call for the production before him of the same under Section 94, Criminal Procedure Code, and subject to the Rule 155 below, it is the duty of the person in possession or control of the article, etc., to produce the same unless, in the case of a document, he has privilege to refuse to produce it under Section 123 or Section 124 of the Indian Evidence Act.

(2) Where the procedure laid down in Sub-rule (1) above has proved or is likely to prove ineffective, the investigating officer may himself or through a duly authorised subordinate not lower in rank than a Head Constable make a search of the house or place within, his jurisdiction, wherein the document, article, etc., is expected to be found. Before making the search, the Police officer must record a description of, the articles to be searched for and the grounds on which he suspects the articles to be in the house or place to be searched and must submit a copy of the record to the Magistrate having jurisdiction, who in turn may supply a copy thereof on application to the owner of the house or place searched. For articles or property suspected to be in a place outside the limits of the Police Station, the local Police Station Officer should be requested to make a search. But where this procedure is likely to result in delay and consequent futility of the search, the investigating Police Officer may make a search direct, care being taken to send to the Magistrate concerned a copy of the record referred to above and of the search list made in connection with the search.

(3) In making searches in military quarters or lines, the procedure laid down in Rule 109 should be followed. The premises of educational institutions should be searched in the presence of the heads of those institutions, unless they are not available and immediate search is necessary.

(I. G.'s No. 4354, dated 25th February 1950 and G. L., H. D., No. O/(29266)-G. dated 4th February 1950.)

(4) The general provisions (Sections 101-103) of the Criminal Procedure Code as to the method of making searches should be strictly followed.

(5) The instructions in Rule 145 regarding the preservation of the identity of the articles should, in so far as they may be applicable, be carefully observed in regard to articles, etc., seized in the course of a search. Under Section 10 of the Bombay Village Police Act, it is the duty of the Police Patels to preserve all incriminating articles found at the scene of offence till the Police reach there and take charge of them.

(G. C., H. D., No. P. 1154/31344-g, dated 13th May 1955)

(6) (a) If 'Chhattisa' has been seized in the course of a search, one grain of copper sulphate should be added to an ounce of the solution seized in order to arrest fermentation. To obviate allegations from the defence that they were not aware of the substance added to the preparation seized, two samples from the copper sulphate to be added should be taken out and sealed up with the seal of the *panch* and the Police Officer. One of these samples should be retained by the Police Officer and the other handed over to the accused and his acknowledgment taken for receipt of the same. These facts should be entered in the *panchnama*. Expert evidence may then be cited at the time of trial to prove that copper sulphate instantaneously arrests fermentation.

(b) When 'wash' is seized in course of raids it is necessary before sending the sample to the Forensic Laboratory, to prevent further fermentation. It is sufficient to arrest further fermentation of one quart bottle or 8 drams of wash. As it is not always possible to have the exact weight of copper sulphate, one teaspoonful of copper sulphate crystals should be added to one quart bottle of wash. This fact should be mentioned in the letter to the Forensic Laboratory at the time of sending the wash for being analysed. The fact that copper sulphate has been added should be mentioned in the *panchnama*. Evidence on this point must be adduced in the Court while producing report from the Forensic Laboratory. Police Officers should also add copper sulphate to the samples of wash and should seal the bottle containing a sample wash invariably.

(1. G.'s C. M., No. 5429-III, dated 16th October 1954, and G-5414 dated 24th April 1959.)

(7) (a) When in the investigation of an offence, a live animal is seized by the Police, it may, in order to avoid the expenditure of Government money for feeding it, be handed back to the person from whom it is attached, on his entering into an agreement to produce it whenever required. The agreement should be taken on a stamped paper (Re. 1.50 nP.) and the stamp duty should be paid by the person concerned.

(b) If for any reason it is considered undesirable to hand the animal over to the person from whom it was seized, or desirable, be

fore handing it over to take security from him or from any other person to whom It may be proposed to hand It over, the Police should forthwith report the seizure to a Magistrate under Section 523, Criminal Procedure Code, and take necessary orders from him, to do so.

(I. G.'s No. 10, dated 20th Februry 1942.)

(8) While acting strictly within the limits of the authority to search for specified articles conferred by section 165, Criminal Procedure Code, a Police officer happens to notice or come across, without effecting a general or roving search, any property which may be alleged or suspected to have been stolen which may be found under circumstances which create a suspicion of any offence, he would be entitled to seize it in pursuance of his powers under section 550, Criminal Procedure Code.

(G. C., H. D.. No. MIS 1053/49923. 'dated 24th December 1954.)

(9) Under Section 165, Criminal Procedure Code, Police Officers are authorized to search only if there are reasonable and sufficient grounds. Police Officers have to keep a record of the same. Whenever a question arises as to whether there were reasonable grounds or not, it can be decided only from the record made about the grounds that existed at the time. The best way of keeping such record is to mention the grounds in the First Information Report itself whenever it is convenient to do so, specially in prohibition cases. In other cases the grounds should be mentioned in the case diary. The words to the effect "on receipt of reliable information " would suffice.

(I. G.'s C. M., No. G/8315, dated 30th July 1959.)

(10) (a) When a Greater Bombay Police Officer receives a requisition from the mofussil Police to cause a search to be made for anything necessary for the purposes of Investigation of any offence which the mofussil Police are authorised to investigate under Section 166, Criminal Procedure Code, he should first see whether the provisions of Section 165, Criminal Procedure Code apply to the case. and that such things cannot be obtained without a search. If it is intended to search, then a complete description of things to be searched for, the reason for the search and the place to be searched should be mentioned on the requisition, and such search should be conducted in the presence of '*panchas*'. Ordinarily mofussil Police should be asked to obtain a search warrant, either from their court or from Bombay Court.

(b) The articles and things which are seized by Greater Bombay Police or produced before them by witnesses should not be directly handed over to the mofussil Police. A copy of the *panchanam*, a made or the list of articles seized should be handed over to them.

(c) The articles taken charge of by the Greater Bombay Police should be produced before a Presidency Magistrate for an order as to their transfer to a mofussil Court or otherwise by making an application to the Court with a notice to the persons from whom the

articles were seized and also to the officer from the mofussil Police if he is present in Bombay. The articles seized should be dealt with according to the orders passed by the Court.

(d) All provisions regarding custody, preservation etc., in respect of property seized in Bombay cases will apply *mutatis mutandis* to the articles wanted by the mofussil police.

(e) All cost of transport is to be borne by the mofussil Police.

(C. P.'s S. O. No. 42.)

(11) *Search of Mail Vans.* - The following procedure should be followed by Police officers while carrying out searches of mail vans:

(i) The Police officer entering the mail van for search should be, of and above the rank of an officer in charge of a Police Station. He should establish his identity before the senior-most officer of the Post and Telegraphs Department present on the spot. He should be accompanied by two panchas whose identity also may be established in the same manner.

(ii) The number of Police officers allowed to enter the mail vans for search should be restricted to two.

(iii) The Police officer concerned should ordinarily consult the Divisional Officer of the Posts and Telegraphs Department, before the search is carried out, but in emergent cases the preconsultation may be dispensed with and the Divisional Officer should be in-formed immediately after the search is taken.

(iv) The Inspector of R. M. S. should also be taken into confidence if he is available on the spot, otherwise the search may be conducted in the presence of the senior-most Postal official on the spot.

Note :- In view of the arduous and difficult duties of the R. M. S., staff, searches should be carried out in such a way as not to obstruct them in the discharge of their duties or to cause them unnecessary in-convenience.

(G. E., H. D., No. GOI 1055/84281-D, dated 18th November 1955.)

175. Documents and articles in the custody of the Postal or Telegraph Authorities.- (1) To obtain protection under Section 94 (3) of the Criminal Procedure Code, documents and articles in the custody of the Postal or Telegraph authorities must be of the nature of a letter, post-card telegram parcel, or other thing. To obtain protection under Sections 123 and 124 of the Indian Evidence Act, documents must relate to affairs of State or must be communications made in official confidence, by the disclosure of which the public interests would suffer. The bulk of the records of the Post Office do not come under any of these exceptions and consequently they will be produced on the written requisition of any Police officer making an investigation, but, only to the extent of those entries which relate to the person accused in the case and which are relevant to the offence. Documents and articles covered by Section 91 (3) must, if necessary, be obtained in accordance with the procedure laid down in Section 95, Criminal Procedure Code,

(2) Whenever Postal documents in possession of the Accountant General, Posts and Telegraphs, Simla, are required for the purpose of Police investigation, requisition for the same should be addressed to the Accountant-General, Posts and Telegraphs, Simla-3, through the Inspector-General of Police, in triplicate (along with the accompaniments, if any).

(1. G.'s C. M., No. G/7403, dated 18th December 1958.)

176. Proof of correction of Gazetted order or Notification. - As the Gazette of a State Government is, under the Indian Evidence, Act, 1872, *prima facie* evidence on certain matters, the correction of any error, typographical or otherwise in any notification or order will be formally made by notification in the usual form issued over the signature of the Secretary or other officer over whose signature the original notification or order was issued. Whenever, therefore any such correction is required to be proved, the notification by which the same was made must be produced before the Court.

(G. R., J. D., No. 705, dated 30th January 1901.)

SECTION IV - PANCHANAMA

177. Panchnama.- (1) The only occasion on which a document which is popularly styled as a *panchanama* is required by law to be drawn up are when (i) some articles are seized in the course of search of a place under Section 105 (2) of Criminal Procedure Code or (ii) an investigation into the cause of death is made under Section 174, Criminal Procedure Code. The holding of *panchnamas* on other occasions is not a duty imposed upon a Police officer by law, though in practice a Police officer resorts to it as a mode of procuring independent evidence to corroborate the results of his own inquiry and observation. In such cases a *panchnama* by itself has no evidentiary value. It is merely a memorandum of what has been observed by the *panch* and the investigating officer, who are apt to forget many of the details observed by them, in the interval between the events themselves and the day on which they are called on to testify to them in Court. Hence a *panchnama* is useful only as a piece of corroboration of the oral evidence of the *panch* and the investigating officer (Section 157, Evidence Act) or as a memorandum of facts observed by them, which they may use to refresh their memory while giving evidence of those facts (Section 159, Evidence Act). For the latter purpose, it is essential that the person using the *panchnama* must either have written it himself immediately after having observed certain facts or must have personally read it soon after it was written up by some one else, and found it to be correct. (2) In view of the above legal position of *panchanama's* the *panch* to be selected, should be of mature age, intelligent, literate as far

as possible, respectable impartial, free from objectionable antecedents, not likely to be influenced by pecuniary or other considerations, free from bodily infirmities or loathsome disease and should be selected by the Police officer and not by the complainant or any other interested person. When females are concerned, female *panch* should be called in.

(I. G.'s C. M., No. G/151, dated 5th May 1959.)

(3) The *panch* should be present from the beginning to the end of the transaction, should be informed beforehand of the nature of the proceedings at which they have to serve as *panch* and should also be instructed to observe carefully what they are called on to see, as they would afterwards be required to give evidence, about the facts observed by them.

(4) The *panchnama* should begin with a mention of the full names, age, occupation and address of the *panch*, followed by a preamble explaining the purpose, e.g., search of a house etc., for which the *panchnama* is being held. It should contain full and accurate statements of the articles or other relevant circumstances found and the exact spots at which they were found. It should state clearly what articles, if any, were attached and from where they were attached. After it has been written up, it should be read over by or to the *panch* and they should be asked to sign it after they have read it and admitted it to be a true account of what they observed. The name of the writer should be mentioned and his signature taken. The time when it was commenced and completed, the date and the place should also be mentioned in it.

(5) The following general hints should be borne in mind in holding *panchnamas*: -

(i) The *panchnama* should be written up at the place where and immediately after, the proceeding concerned, e.g., a search, is held.

(ii) It should be held ordinarily during day, but if the circumstances demand it, even during night time.

(iii) As no fair copies are supposed to be made, it should be written up very carefully, so as to avoid the need for insertions or erasures. All erasures or insertions, if inevitable, should be initialled by at least two of the *panch*. Where *panchnamas* are drawn up in English, a translation in the regional language thereof signed by the *panchas* should accompany it. Copy of the *panchnama* should be given to the person concerned without his asking for it.

(I. G.'s C. M., No. G/151, dated 5th May 1959 and No. 7490, dated. 12th January 1956.)

(iv) In all murder cases the investigating officers should themselves draw the *panchnamas*.

(I. G.'s C. M., No. 151-II, dated 9th September 1955.)

(v) In case of the attachment of currency notes or documents, the identification of which is a material point, the initials of the *panch* should be taken on them, and in case of currency notes, the numbers should also be noted in *panchnama*.

(vi) Where the complainant or informant is present, the identification of property attached should be done in the presence of the *panch* and the fact noted in the *panchnama*.

(vii) When ornaments are concerned, they should be got properly weighed by a goldsmith who may be included among the *panch*.

(viii) Where any property is produced by the accused, the exact place where it was found and the fact that the *panch* accompanied the accused producing it should be mentioned.

(ix) Care should be taken to avoid the inclusion in the *panchnama* of-

(a) any statement of accused person except to the extent admissible under Section 27 of the Evidence Act, or of other persons except when the statement is coupled with some relevant conduct, e.g., the owner of property in identifying it makes a statement that it is his own. Statements of accused should be incorporated in the *panchnama* only) if the accused has made the statement in the presence of the *panch* witnesses. It should be borne in mind that the value of such a *panchnama* is reduced to a great extent, if some part of it is found to be untrue. .

(1. G.'s C. M., No. G/151, dated 1st March 1959.)

(b) the opinions of the *panch* or the investigating officer except to the extent permitted by Section 174, Criminal Procedure Code, vide clause (vii) of Sub-Rule (7) of Rule 212.

(1. G.'s Nos. 5864-A, dated 23rd December 1920, 19, dated 17th July 1947, 6, dated 21st June 1944 and 29, dated. 30th October 1947.)

(6) (a) For certain specific duties the Home Guards are a part .of the Police Organization and as such member of the Home Guards cannot be regarded as an independent person in the judicial sense of the word. In view of this, Police officers should refrain from using Home Guards as *Panch* witnesses.

(1. G.'s C. M., No. 7069, dated 26th September 1952.)

(b) A fresh *panchnama* should be drawn up every time, the offender is approached by a bogus customer in a trap case.

(I. G.'s C. M., No. 3637, dated 17t1! September 1954.)

(c) *Panchas* themselves or any other literate man called for the purpose can write the *panchnama*. When the *panch* as are illiterate the Police officer holding the *panchnam.a* or his subordinate can write it. The *panchas* should themselves dictate the contents of a *panchnama* as to what they have seen or observed

(7) If Police officers are on a general round and they discover a working-still, which is an offence under Bombay Prohibition Act, it may not be reasonable to expect that they should secure the services of panchas and get a panchnama written before arresting the accused, who are seen by them to be working still, but that wherever it is reasonably possible for them to take precaution of securing the presence of panchas they should comply with the provisions of Section 103, Criminal Procedure Code.

(G. c., .R. :n., No. BPA. 1754, dated 10th January 1954.)'

178. Holding of Identification Parade.- Object of the Identification Parade of accused persons is to test the veracity of eye witnesses when they have a genuine claim to have seen the culprit and to assure reliability of the witnesses who pass the test.

Procedure for Identification Parade

(a) Before the Identification Parade-

(i) the accused or suspect, at the time of his arrest to be told that he is to be put on Test Identification Parade,

(ii) The Investigating officer should screen the lockup in which, the suspect is kept before sending to jail.

(a) At the time of parade and after-

(i) the number of persons to be mixed should not be too few or too many. It is better to have separate parades for not more than two at a time. However, it is advisable to mix up the accused or suspect with other persons in the proportion of 1 to 9 and for every additional accused or suspect the number of persons to be mixed should be increased by 5,

(ii) Police officers should completely obliterate themselves after arranging the parade.

(iii) The statement made before Police officers by witnesses at the time of Identification Parades are statements to the Police and as such are hit by Section 162, Criminal Procedure Code. In view of this it is necessary that Identification Parades are not conducted in the presence of Police officers, as such Identification Parades held in the presence of the Police are inadmissible in the Courts. The Police officers concerned should obtain the help of Executive Magistrates or Honorary Magistrates in districts or Justice of Peace in Bombay City. Honorary Presidency Magistrates in Bombay City are invested with judicial duties and as such they should not be called to hold Identification Parades. When the presence of Executive, or Honorary Magistrates is not readily available, the only alternative is to hold the parade by the panch witnesses.

(a) Witnesses to be kept away at a distance and called one by one.

(b) After identification witnesses should not be allowed to mix with other witnesses who are still to be forwarded.

(c) Any objection by the accused or suspect for the presence any person at the parade should, be given proper consideration.

(d) In case of deformity or special marks suitable arrangements should be made to bring in uniformity.

(e) In cases where an accused or suspect whose identification, is necessary is lying in hospital; the identifying witnesses should be kept out of sight of the Ward in which he is lying and the, accused or suspect should be shown to the *panchas* and given the option of having his cot changed if he so desires. The *panchnama* should show whether this was done or not, and should also show how many patients and cots are there in the Ward, with their numbers. Identifying witnesses should then be called and the procedure outlined above should be followed.

(iv) The attendance of witnesses at the Identification Parade is the sole responsibility of the investigating officer.

(v) Peacemeal Identification Parades are deprecated; at the same time delays mar its sanctity.

(vi) The Police should continue the investigation and collect evidence even though the accused are identified in identification parades;

(G. C., H. D., No; IDP. 1058/79482-V, dated 4th December]1)58; G. C., H. D., No. MIS, 1054/84588, dated 22nd April 1955; C. P.'s S. D.. No.2 and I. G.'s Cir. memo., No. G/151, dated 1st March 1959.)

SECTION V - ARREST AND CUSTODY

179. Power of arrest. - The powers of the Police in the matter of arresting a person in connection with cognizable offences and under other circumstances will be found in Sections 54, '55, 57, 66, 401 etc., of the Criminal Procedure Code and the provisions of various other Acts and every Police officer should' be thoroughly conversant with these powers. As to the exact stage at which an arrest should be effected in the' course of an investigation, no hard and fast rule can be laid down.

180. Be-arrest of a person arrested by the village police. - When a person is arrested by the Village Police and is forwarded to an officer of the District Police, such officer is not authorised to arrest the person in question if the offence alleged does not fall within Section 54 of the Criminal Procedure Code, and subject to the provisions of Section 57 of the Code, he must release him forthwith. In all probability, however, a Police Patel will rarely make an arrest, unless the offence, imputed is not only of a cognizable, but also of a, serious nature, and it;l that case the conditions of Section 59 of the Code being fulfilled, a fresh arrest must be made by the District Police on the analogy of the procedure prescribed in that Section

(G. R., J. D., No. 5734, dated 6th August 1897.)

L-S (K) 1764-12-a.

181. Intimation of arrest, detention etc. of a member of the Bombay Legislative Assembly / Council to the Speaker / Chairman. - (1) When a member of the Assembly / Council is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order intimation of such fact should immediately be given to the Speaker/Chairman indicating the reasons for the arrest, detention or conviction as the case may be as also the place of detention or imprisonment of the member in Form 7 (A) and (B) Appendix I.

(2) When a member of the Assembly Council is released on bail pending his trial or pending an appeal against his conviction or otherwise such information should also be given to the Speaker/Chairman in Form 7 (C) Appendix I.

(3) No arrest shall be made of any member nor any legal process civil or criminal be served within the precincts of the House without obtaining the permission of the Speaker/Chairman.

(B. L. A. Rules 247-251, B. L. C. Rules 223-227, G. L., H. D., No. LAM/2159/109559-XIII, dated 16th November 1959.)

182. Intimation of arrest, detention, etc. of Members of Parliament to the Speaker. - Whenever any Member of the Parliament is arrested, detained, convicted or released the following matters in Form No.7 in Appendix I should be intimated immediately through proper channel to the Speaker of the House-

(i) that in the communication regarding arrest, detention or imprisonment of a Member, the place of imprisonment or detention of the Member should invariably be specified;

(ii) that when a Member, who is under detention or undergoing a sentence of imprisonment, is transferred from one jail to another the change in the place of detention or imprisonment should also be intimated to the Speaker; and

(iii) that when a Member is released from jail on any ground e.g., on bail pending appeal or on the sentence being set aside on appeal or on the remission of sentence by Government or on completion of the sentence or on termination of preventive detention, such release should invariably be communicated to the Speaker.

(Govt. of India Letter No. 35/2/57-P-II, dated 21st May 1958.)

183. Arrest of a Railway Employee. - (1) The exercise by the Railway Police of the power of arrest without warrant given them in Section 131 of the Indian Railways Act (IX of 1890), for offences under Section 101 of the same Act is discretionary. It should be exercised only in extreme cases, as for instance, when-

(a) there has been loss of life or serious injury to person; or

(b) a person is caught in the commission of a grave offence; or

(c) the accused is likely to abscond or continue to endanger the safety of the public

(2) When an arrest is made without warrant, immediate intimation of such arrest must be given to the head of the railway employee's department.

(3) Under ordinary circumstances, no immediate arrest is necessary. A warrant should be applied for in the usual manner, the Police maintaining a watch over the movements of the accused, where this precaution is deemed necessary.

(4) When an arrest is effected under a warrant, the warrant should, in the absence of any direction to the contrary in the warrant under, Section 77 of the Criminal Procedure Code, be executed by a Police officer of rank superior to that of a I Grade Head Constable. The officer entrusted with the execution of the warrant will execute it judiciously and, if the arrest is likely to cause risk or inconvenience to the public, make arrangements to prevent the escape of the accused and apply to the head of his department to have him relieved, arrest being deferred till he is so relieved.

(G. R., J. D., No. 5647, dated 6th September 1902.)

(5) When a Police officer finds it necessary for the purpose of any Police investigation to require any employee of a Railway Administration to leave his duties or otherwise to detain such employee from his duties, he shall give previous notice of the fact to the responsible railway official concerned in order that steps may be taken to replace the employee, and shall at the same time take all necessary measures to ensure that the object of the investigation is not thereby defeated.

(6) By "previous notice" is meant notice sent to the railway office concerned at the same time that the Police actually set out for a search or other action during which they wish to detain the railway servant, named in the notice, irrespective as to whether he is on duty or not.

(7) The following classes of railway servants, if actually on duty at the time; shall not be required to leave their duty until they have been replaced; --

Station Masters.

Assistant Station Masters.

Cabin and lever-men. .

Signallers. .

Pointsmen.

Keymen

Patrolmen.

Individual gangmen posted to show caution signals at weak bridges or other points requiring cautious working.

Shunting staff.

Watchmen.

Gate-men in charge of level crossings. The actual running staff of a train (guards, engine drivers and firemen).

More than half a gang of engineering gangmen.

(8) The staff of the Railway in this State will co-operate with the Police in giving effect to the requirements of Sub-Rules (5) to (7) above.

(G. R., H. D., No. 11449, dated 17th December 1920 and No. 79, dated 8th March 1922.)

184. Arrest of a Central Government servant on operational staff of any Department, or Ordnance Factory Employees or any other Military employees. - Whenever, Central Government servants on operational staff of any Department or Ordnance Factory employees or any other Military employees are arrested or removed, the Police Station Officer should send immediately an intimation of the arrest to the immediate superior officer of the officials concerned, if in any case prior warning of the arrest cannot be given. The intimation should be followed by a more detailed report of the offence committed together with an indication as to whether the arrested person is being released on bailor bond by the Police. Wherever practicable, prior intimation of the arrest of such an officer, should be sent secretly to his immediate superior officer or the officer-in-charge of the installation or Department.

185. Arrest of Pakistan Officials.- Whenever officials of Pakistan are arrested while on duty or on leave or otherwise in this State, the fact must be intimated at once to the Inspector-General of Police for communication to the Government of Pakistan through the State Government and the Government of India. Under the reciprocal arrangements arrived at with the Government of Pakistan arrests of officials of India in Pakistan will be similarly intimated to the Government of India.

(G. E., H. D., No. 5305j-A, dated 12th September: 1950.)

186. Prosecution of Law Officers under legal Department. – Whenever a Law Officer under the Legal Department is to be prosecuted, that Department should first be informed about it.

187. Arrest of Central Government servants.;(1) Whenever Central Government servants other than those mentioned in Rule 184 are arrested or/and released on bail etc., the Police Station Officer should send prompt intimation thereof to the official superiors of the Government servants concerned, indicating also the circumstances of the arrest etc. to enable them to decide what action, if any, should be taken against such employees.

(I. G.'s C. M., No. 5588, dated 30th May 1955.)

(2) Whenever an employee of the Government of India or an employee of other Departments of the State is convicted by Court of Law for criminal offences, necessary intimation regarding such conviction should be sent promptly to the administrative authorities concerned.

(G. C., P. and S. D., No~ 1581/34, dated 14th November 1951.)

188. Hints for the guidance of a Police Officer making an arrest.- (1) When a Police Officer proceeds to arrest a person and cannot identify him personally, he should secure the services of a person who knows the person to be arrested and should also provide himself with a photograph, a descriptive roll and the marks of identification of that person, as far as possible.

(2) The Police Officer should be in uniform and should arm himself with a revolver or other means of defence, if the circumstances, demand such a precaution.

(3) Police parties engaged on decoit operations or similar duties likely to result in effecting arrests should carry handcuffs and ropes with which to secure prisoners.

(4) The person to be arrested should be informed of the authority for making the arrest.

(5) The arrest should be effected without unnecessary violence or publicity.

(6) The arrest should be effected strictly in accordance with the provisions of Sections 46 to 53' and Section 58 of the Criminal Procedure Code.

(T. G.'s No. 4719, dated 17th August 1944.)

189. Use of Fire-arms in making arrest, - (1) Where a person forcibly resists the endeavour to arrest him or attempts to evade arrest, the Police officer making the arrest may, under Section 46 or the Criminal Procedure Code, use all means necessary to effect the arrest. If, therefore, an arrest cannot otherwise be effected, the use of fire- arms to effect the arrest is justifiable and the Police officer is protected from the consequence and even from liability for the death of a person fired on under such circumstances, in case of the person to be arrested is accused of an offence punishable with death or transportation for life.

(2) Even in cases of offences punishable in a lesser degree than by death or transportation for life, though Section 46 of the Criminal Procedure Code does not authorize the killing of a suspected person merely for the sake, of effecting his arrest, it does not deprive the Police officer of his right of self-defence if the resistance to arrest is such as would justify him in causing death in defence of his own person under Section 100 of the Indian Penal Code. This right of self-defence includes the use of fire-arms to overcome the resistance, unnecessary, even with fatal effect. Police officers who are entrusted-

ed with a warrant or who have reason to suppose that crimes of particular gravity have been committed by a specified person are bound to arrest the person and are punishable if they fail to do so. They cannot desist upon a mere show of resistance, they are bound to redouble their efforts, even at the risk of their lives, if opposed; and the law protects them from any consequences which the resistance entails.

(3) The above statement of the law as to the right of self-defence given to a Police officer attempting to effect an arrest does not of course apply when the person to be arrested merely "attempts to evade arrest" i. e. without resistance flies to avoid arrest. In such a case the amount of violence, which may be used by the officer effecting the arrest, depends upon the cause of the arrest. When the offence in question is one punishable with death or transportation for life, such as murder dacoity and there is no other means of effecting the arrest of the suspected person, the resort to fire-arms is justifiable in spite of any danger there may be of thereby wounding him and causing his death. If, however, the offence is one punishable in a lesser degree than by death or transportation for life, and the suspected person merely tries to evade arrest by flight without resistance the Police officer would ordinarily not be justified in causing the death of such person, and it would be very hazardous for the officer to fire in such a case and thereby to run the risk of inflicting what might prove to be fatal injuries.

(4) These instructions apply also to the case of Police officers endeavouring to arrest prisoners who have escaped from, or are attempting to escape from, lawful custody and who are thereby guilty of an offence punishable with two year's rigorous imprisonment and fine under Section 224, Indian Penal Code; but they must not be taken as in any way modifying those laid down regarding the use of fire-arms by a Police guard over prisoners (vide Rule 325) and the rules in Chapters XLI and XLII of the Bombay Jail Manual, 1944, Part I, regulating the use of arms by officers of a prison against any prisoner, or body of prisoners in case of an outbreak or attempt to escape.

(G. R., J. D., No. 6190, dated 13th September 1898.)

190. Enquiry as to ill-treatment of a person arrested. – Directly an accused person is placed under arrest, the investigating Police officer shall, as the first step in the Police investigation, ask him whether he has any complaint to make of ill-treatment by the Police, and shall enter in the case diary the question and answer. If an allegation of ill-treatment is made the investigating officer shall there and then examine the prisoner's body, if the prisoner gives consent, to see if there are any marks of ill-treatment, and shall record the result of his examination. If the prisoner refuses to allow his body to be examined, the refusal and the reason therefor shall be recorded. If the investigating officer finds that there is reason to believe the allegation of ill-treatment, he shall at once so far suspend

the investigation on which the prisoner has been arrested, as to forward the prisoner with his complaint, the record of corporeal examination, any other evidence available, and, if possible, the Police officer implicated by the prisoner's complaint, to the nearest Magistrate having jurisdiction to enquire into the case.

(G. R., J. D., No. 3317, dated 19th June 1906, G. M., J. D., No. 4130, dated 1st August 1906 and I. G.'s No. 68790, dated 10th August 1906.)

191. Search of an arrested person. - As soon as a person is arrested, his body should be thoroughly searched, preferably in the presence of the panch in order to ascertain if there are any marks of violence or injuries on his person, and also to see if he has any incriminating articles, dangerous weapons, poisonous drugs, etc. on him. If any such things are found they should be taken possession of after noting in the *panchnama*. If the search of the person discloses, any injuries etc., he should be forwarded to the Medical officer concerned for treatment. If the person to be searched is a woman, the search should be made with the help of a woman.

192. Interviews with the accused. - (1) All applications from pleaders or other members of the legal profession, for interviews of, accused in Police custody, for the purpose of defence, must be in writing and should be referred to the officer in charge of the Police Station who will, if there are no valid objections, give necessary orders on the application, and appoint a suitable time.

(2) If there are valid objections, the Officer in charge Police Station will forward the application without any delay to the Sub-Divisional Police Officer/Divisional Superintendent, with an endorsement stating what the objections are, and the Sub-Divisional Police Officer/Divisional Superintendent will then pass orders immediately. In cases in which the accused in a C. I. D. case is detained in a Police Station lock-up, interviews, should be granted only after the Inspector/Sub-Inspector of the O. I. D. Branch concerned has been contacted and signifies "No objection."

(3) The interview should take place within sight of, but not within the hearing of, a Police officer, who will see that nothing passes between the parties.

(4) No interviews should be granted after 8 p.m. or before 8 a.m. unless such a course will lead to real hardship to the prisoner, i.e. such as when the charge-sheet is put up the following day, and the denial of an interview during the prohibited hours will hamper the preparation of his defence etc. Such interviews should only be granted with the previous permission of the Officer in charge Police Station.

(5) Counsel, desiring to interview a client who is involved in a case to be tried by the Sessions and who is detained in the Court lock-up, will produce to the officer in charge Sessions Court duty, a permit from the Registrar or the Clerk of the Court authorising his interview with the accused.

(6) A suspect or an undertrial prisoner in Police lock-up shall be permitted to maintain himself and purchase or receive from private sources at proper hours food, clothing and bedding and other necessities subject to examination of these articles and availability of space in the lock-ups.

(7) Police officers visiting prisons for the purpose of interviewing prisoners should take their Identity Cards with them.

(8) Interviews can be refused only-

- (a) when a pleader insists on going to see an accused at any time, that suits him,
- (b) if the Police have any reason to believe that a particular pleader has abused his right of access (for instance, by tampering with witnesses), and
- (c) when there is reason to believe that the ends of justice might be defeated or might suffer by such access.

(C. P.'s S. O. No.5)

193. Release on bail of other disposal of a person arrested.- (1) When a person is arrested without warrant by a Police officer lower in rank than the officer in charge of a Police Station, it is his duty to produce the person arrested without delay before the Police Station Officer and act upon his instructions.

(2) When the person arrested is accused of a bailable offence or has been arrested under Section 55 of the Criminal Procedure Code, the officer-in-charge of the Police Station must release him on bail, if he is prepared at any time, while in the custody of such officer, to furnish satisfactory bail.

(3) (a) If the person has been arrested for a non-bailable offence and applies for being released on bail at a stage when no investigation has yet been made to enable the question to be decided on consideration of his guilt, the Police Station Officer has discretion in all cases, excepting those punishable with death or transportation for life, to release him on his furnishing satisfactory bail, provided the Police officer thinks that in view of the person's respectability, landed or other interest of a substantial nature, or any conduct, such as voluntary surrender, he is not likely to avoid being present before the Court to take his trial.

(b) Further, if at any stage after the investigation has been entered upon but before it is completed, the person arrested applies to be released on bail, the Police Station Officer has to consider the evidence that has become available against him up to that time and if that evidence does not afford reasonable grounds for believing that the person has committed a non-bailable offence, though further investigation is still necessary, the police Station Officer just release him on bail.

(c) The question of releasing the person on bail after the completion of the investigation will be governed by the provision of Section 169 of the Criminal Procedure Code, vide Rule 219 (1)

(d) An officer in charge of a Police Station shall have to get bail bonds and bonds for appearance (recognizances) executed under Sections 496, 497 and 170, Criminal Procedure Code affixed with a Court fee stamp of 25 nP. by the party executing the bond.

(I. G.'s No. 7680, dated 29th June 1955.)

(4) For the procedure to be followed after the arrest of a Borstal School licensee, *see* Rule 314.

(5) The disposal on arrest of a child as defined by the Bombay Children Act, LXXI of 1948, will be governed by Sections 64-67 and Section 88 of that Act.

(6) Police officers should avoid indiscriminate bailing out of children and to bail them out only in a few really safe and securely deserving cases preferably on the recommendation of a Probation Officer.

(I. G.'s C. M., No. 5132-111, dated 3rd November 1950)

(7) The collection of the bail bond money made by the Police Station Officer should be deposited immediately into the local Treasury by the officers concerned under "P-Deposits of Advances-other Deposit Accounts--Civil Deposits-Criminal Courts Deposits" direct or through the Magistrates concerned, according to the nature of the case. The collection should not be kept at the Police Station in any case.

194. Powers of a Court to release on Bail. - (1) The powers of a Court in the matter of releasing a person on bail are governed by Sections 496-498, Criminal Procedure Code.

(2) It is open to a Court, when releasing an accused person on bail, to impose upon him a specific condition that the person should not do a particular thing or act, while on bail.

(G. c., H. D., (Poll), S. D. No. 1378, dated 19th April 1940.)

(3) The Magistrates are empowered to release on bail any person in custody who has been accused of a non-bailable offence if the trial is not concluded within 60 days, from the first date fixed for taking evidence in the case. It is therefore, necessary that all the proceedings are concluded within this stipulated period.

(I. Go's C. M., No. 7490, dated 12th January 1956.)

195. Prohibition against the use of Temples, Mosques, etc., as Lock-ups. - The use of places of religious worship, such as temples, churches, mosques etc., for the purposes of confining persons arrested by the Police pending immediate local investigation into offences alleged against them is strictly prohibited. In such cases, other arrangement for the confinement of such persons should be made.

(I. G.'s No. 7, dated 22nd April 1947.)

196. Maximum number of undertrial prisoners to be detained in Police Lock-ups.- (1) The number of prisoners kept in a Police lock-up must not exceed the number for which there is sleeping accommodation, which should be calculated at 7 feet by 4 feet surface area of the floor of the cell.

(2) Over the door of every lock-up shall be inscribed the maximum number of prisoners which it is capable of accommodating on the above scale, e.g., "Accommodation for prisoners."

(3) The above number shall never be exceeded at night. It may be exceeded in the day time as a temporary measure for one day only, in case of real necessity, provided that, an area of at least 12 square feet on the floor of the cell is allowed for each prisoner. Any excess over the authorized number shall be accommodated in some other convenient building under an adequate guard.

(4) Sub-Rules (1) to (3) do not apply to subsidiary jails, even if the Police are allowed to use them to confine persons who remain in their custody.

(G. R., J. D., No. 7798 of 1st December 1916 and No. 4948, dated 3rd August 1917.)

197. Treatment of undertrial prisoners in Police Lockups- (1) Interference with religion and caste prejudices of prisoners is prohibited but care shall be taken that this rule is not made an excuse for frivolous complaints. Conservancy duties shall not be exacted from arrested persons who owing to caste prejudices are not in the habit of performing such work when in a free state.

(G. L., H. D., No. LA. 36, dated 17th June 1938.)

(2) Earthen kundas should be kept in the cells for night use only until the cells are provided with night latrines and not otherwise. Superintendents of Police should during their inspections see that these orders are properly carried out by subordinate officers and men.

(I. G.'s No. 533.1, dated 12th May 1948.)

(3) Convicted prisoners in general and undertrial prisoners in particular, are held in custody as a sort of trust and they should not, there-fore, be denied the urgent necessities of life. It is quite essential that medical aid to any extent, whenever necessary is immediately rendered to them. The authorities concerned should not give any grounds for complaint, whatsoever from any quarter regarding in-humane treatment towards the prisoners or negligence in rendering medical aid to them.

(G. C., H. D., No. SAT. 1058j5187-IV, dated 3rd June 1959.)

198. Procedure preliminary to production of an arrested person before a Magistrate.- (1) As soon as any person is arrested without a warrant, the Police Station Officer must send to the concerned Magistrate an arrest report in Form No. CPC 2-MGR. The report must be sent whether or not the person arrested has been released on bail

(2) In appropriate cases finger impression slips of the arrested person should be taken for being sent to the Finger Print Bureau for tracing his previous convictions.

(3) A descriptive roll and marks of identification of the arrested person should be prepared in accordance with instructions Appendix XX and entered in the "Register of persons arrested within the jurisdiction of the Police Station.

(I. G.'s No. 70, dated 31st July 1925.)

(4) A person arrested can be detained in Police custody for a maximum period of 24 hours excluding the time taken up for his journey from the place of arrest to the Magistrate's Court. The period required for the journey will be calculated by the route and the type of transport usually used by the public, and any detention due to the making of inquiries on the way will not be excluded from the calculation. Before the laps of the period of 24 hours or even earlier, if his presence in Police custody is not necessary, he must be produced before a Magistrate having jurisdiction in the case.

(5) The report should be accompanied by a statement giving reasons for the arrest such as the information about the details of decision to commit a cognizable offence together with the recommendation for further action under the Bombay Act or the Preventive Detention Act. If action under Chapter VIII, Criminal Procedure Code is proposed to be taken that should be done promptly before the expiry of 24 hours.

(G. C. H. D., No. PRO. 2358/90669-III, dated 14th April 1959.)

199. Photographs of arrested persons. - It is usually unnecessary to take photographs of prisoners whose finger impressions have been taken. In cases where, in the opinion of the Superintendent Police, it is advisable that they should be taken, the previous sanction of the Deputy Inspector-General of Police, Criminal Investigation Department should invariably be obtained. In very urgent cases where such sanction cannot be obtained immediately, photographs may be taken and a report made to the Deputy Inspector-General, to whose grant under contingencies all such expenditure will be debited (vide Rule 102, Volume II).

(G. Rs., J. D., No. 7734, dated 13th November 1896 and No. 88, dated 6th January 1897 and I. G.'s No. 3630-B, dated 16th March 1911.)

200. Intimation of arrest of a Military or Consular Employee. - (a) In the event of the arrest by the Police of a person subject military, naval or air force law, charged with the commission of offence, as early intimation as possible of the fact must be given to Commanding Officer so as to enable him to adopt in time any measures he may think necessary for defence.

(b) Subject to clause (a), the person so arrested shall be dealt with in all respects like any other person in the matter of investigation

etc., of the offence in respect of which he is arrested. The question as to whether, he is to be tried by a Court Martial or a Court functioning under the Criminal Procedure Code is one for decision between the Commanding Officer and the Magistrate before whom he is brought by the Police, in accordance with rules made by the Government of India under Section 549 of the Criminal Procedure Code (reproduced under Government Notification, Home Department, No. 4051/2, dated 2nd April, 1935 as amended by Notifications Nos. 4051/2, dated 13th November 1941 and 24th May 1945).

(2) if it comes to light that a person who has been arrested on a criminal charge is an army reservist, the appropriate military authority should immediately be advised of his arrest and, if he is subsequently convicted, also of his conviction. A reservist who is convicted of a criminal offence forfeits pay for any periods spent under arrest and in jail, and the above, intimation is necessary to prevent such payment.

(G. R. H. D., No. 6557/3, dated 27th June 1935.)

(3) Whenever an employee of a foreign consulate is arrested within the limits of India for any offence, information of his arrest should immediately be supplied to the consulate concerned, irrespective of the wishes of the person arrested.

(G. C., P. D., No. 6701, dated 3rd February 1930.)

201. Arrest of a Deserter from the armed forces of India. - (1) In accordance with the instructions issued to Military Units/formation, a report of a military deserter / absentee without leave will be made by express letter to the civil authorities as under:---

- (a) The Local Police.
 - (b) The Local Railway Police.
 - (c) The Superintendent of Police deserter/absentee belongs.
 - (d) The Deputy Commissioner/Collector of the district to which the deserter / absentee belongs.
 - (e) The Deputy Inspector-General, Criminal Investigation Department of :
- (i) The State in which desertion In case of In case of desertions with arms and
desertions with, absence occurs, ammunition, collective desertions with or without
arms and ammunition, or where it is considered
that desertions/
 - (ii) The State to which deserter/absence belongs absences are due to subversive activities the
report will be made by signal followed by an
express letter in confirmation.

(2) The desertion reports will be made in the following form :--

- (a) Number, rank and name.
- (b) Name and address of the sponser if known.
- (c) Unit.
- (d) Class.
- (e) Home address (village, post office, Tehsil, Police Station or Thana, district, the street or gali, house number in the case of recruits of urban areas) and father's name.
- (f) Date and place of enrolment.
- (g) Age, description and distinguishing marks.
- (h) Date of return from last leave.
- (i) Date of absence.
- (j) With or without arms.
- (k) Full description of incident especially when in possession of arms (nature and registered number of arms to be stated).
- (l) Any other information which will contribute to the apprehension of the deserter, e.g., any plan in connection with his desertion which he may have confided to his associates.
- (m) Opinion of Commanding Officer as to cause of desertion.
- (n) Name of place of desertion.
- (o) The particular Controller of Defence Accounts in whose payment the deserter was.

(3) The Police officers concerned should make every possible effort to apprehend the deserters/absentees without any delay, particularly if they are reported to be in possession of arms and ammunition.

(4) There may, however, be genuine cases of overstaying of leave for reasons beyond the control of an individual. The Police authorities should not arrest personnel who are in possession of railway warrants and leave passes and apparently on their way to rejoin their units unless such leave passes show that they have overstayed their leave by at least 10 days. They should not in any instance take away soldiers; leave passes or railway warrants.

(5) On apprehension or voluntary surrender of a deserter/absentee the Police Station Officer, who effects the arrest or accepts the surrender will send telegraphic information to the adjacent Regimental Centre or the Military Unit specified in Appendix II and arrange despatch of the deserter/absentee to the Centre/Unit in question under civil Police escort as early as possible. They will not, however, be detained in civil jails, nor should they be produced before a Magistrate.

(6) An apprehension certificate (IAFD 910) in the Form No.8 Appendix I, will invariably be sent with the Police Escort as deserters/absentees may not be accepted by the Regimental Centre/Unit

without this form duly completed. The original copy of the desertion report (wherever possible) will also be sent with the Police escort.

(7) The expenditure incurred by the State Governments in escorting deserters to Regimental Centres/Units will be reimbursed from the Defence Services Estimates. Debits on that account supported by an audit certificate to the effect that "the charges debited have been audited and admitted under Rules" will be raised by the Civil Accounts Officer-concerned against the Controller of Defence Accounts referred to in para. 2 (e) above.

202. Responsibility for preventing escape of Prisoners. - (1) Once an accused person is arrested, it is the duty of the Police to see that he does not escape from Police custody.

(2) The following instructions should be followed in order to prevent escapes of convicted as well as undertrial prisoners from custody:

(i) All Police Station Officers should clearly understand that they will be held personally responsible for any slackness in the performance of guard duty by men serving under them, if this slackness has its origin in any way in faulty supervision by them.

(ii) Systematic and periodic instructions in guard duties should be given to all members of the armed Police at each district Head-Quarters. The Range Deputy Inspectors-General will, at the time of their inspections, see that this has been done.

(iii) A selected Jamadar from each Head-Quarters should be detailed periodically to visit all Police Stations to instruct the Police Station officers and armed men and to bring to the notice of the Police Station Officers any faults in procedure.

(iv) Primarily it is the duty of the Guard-Commander, the Sub-Inspector and superior officers to see that there is no defect in the place of confinement or the arrangement of escort which would facilitate escapes. The Inspecting officers should always make it a point to inspect the lock-ups in their charge and see that there are no structural defects. Since prisoners often escape from latrines or urinals, the Superintendent of Police should see how these places could be made escape-proof by providing enclosures around them.

(I. G.'s C. -M., No. 4719-1V, dated 31st May 1954.)

(v) Whenever an escape from Police custody, attributable to negligence on the part of the Police occurs, a brief summary of the nature of the negligence and of the punishment awarded should be sent to the Inspector-General for publication in the *Bombay Police Gazette*. Entries of the character in the Gazette should be read out to the armed Police on parade both at Head-Quarters and at Police Stations.

(vi) Every incident of escape from Police custody should be reported with such brief details as are available immediately to the Range Deputy Inspector-General with a copy to the Inspector-General of Police. A subsequent detailed report should be sent by the District Superintendent of Police to the Inspector-General of Police through the Range Deputy Inspector-General of Police, after completing all the necessary enquiries.

(I. G.'s No. 4719-III, dated 22nd March 1944 and 21st. June 1944 and No. .4719-1V, dated 19th February 1955.)

(vii) Unarmed Police should be used for guarding and escorting of prisoners only when Armed Police are not available either totally or in sufficient numbers. In such cases prisoners should be permitted to be escorted by Unarmed Police from the place of arrest to the Police Stations only.

(viii) Unless there are special circumstances, Unarmed Police should not be used for escorting prisoners to Courts or from local jails or Police Stations to District Head-quarters.

(ix) In no case should the Inter-District transfers of prisoners done by Unarmed Police.

(x) Dangerous prisoners should always be escorted by Armed Police and the escort should be given special instructions.

(xi) The above sub-rules should not be interpreted as relieving the Unarmed Police of escort duty. Superintendents of Police should continue to train unarmed men in escort duties also.

(I. G.'s C. M., No. M/4719-1V, dated 30th January 1959.)

203. Illegality of Nazarkaid.- (1) It is a mere evasion of the law, to place a suspected person in what is ordinarily known as '*nazarkaid*' and to say that he is not under arrest. The system is still more objectionable when applied to witnesses. When a person is placed under *nazarkaid* or Police supervision and restraint he should be considered to be in the custody of the Police and the provisions of Section 60 of the Criminal Procedure Code should be held applicable to him.

(2) The persons suspected to be involved in cognizable crime should not be merely called at the Police Station. Such detention is highly objectionable and is often challenged by the persons concerned.

(I. G.'s C. M., No. 151, dated 5th November 1952.)

204. Treatment of persons in Police Custody.- (1) On arrest of a person by the Police, he should be allowed to consult a legal practitioner before he is taken to a Magistrate for remand, subject to the exceptions mentioned in clause (3) of Article 22 of the Constitution of India.

(2) Once a person is arrested by the Police, he must, while in Police custody, be given proper subsistence and shelter and in the event of his becoming ill, proper medical treatment.

(3) Undertrial prisoners should be treated with such reasonable consideration as is comyatible with their safe custody and production before the Court. Their shtus and the probability of their attempting to escape should be taken into account in deciding the necessity or otherwise of the use of handcuffs and allowing them the use of a conveyance at their expense [*vide* Sub-Rule (10) of Rule 417 in Volume I].

(4) For detailed instructions as to the handcuffing of persons in custody and provisions of a conveyance for their transport, reference should be made to Rules 411 and 413.

205. Allegations of Ill-treatment made to a Judicial Magistrate of a Medical Officer. - (1) The Judicial Magistrate before whom a prisoner is first brought, whether for confession or otherwise, shall invariably question the prisoner whether he has any complaint to make of ill-treatment against the Police or others responsible for his arrest or custody, and shall place on record the question put and answers given. If any allegation of ill-treatment be made, he shall then and there examine the prisoner's body, if the prisoner consents, to see if there are any marks of injuries as alleged and shall place on record the result of his examination. If the prisoner refuses to permit such examination, the refusal and the reason therefor shall be recorded. If the Magistrate finds that there is reason to suspect that the allegation is well founded, he shall at once record the complaint and cause the urisoner to be examined by a medical officer, if possible, and shall make a report to the Sessions Judge. If he has not the power to take up tne necessary inquiry himself, he should act according to the orders of the Sessions Judge.

(2) (a) Medical officers in charge of jails must carefully examine the body of every undertrial prisoner on the day of his 'arrival in jail, or on the day following at the latest.

(b) Similarly in the case of third class subsidiary jails, if there is a Sub-Assistant Surgeon or other medical officer in local charge of the place, every undertrial prisoner should be examined by him, if present in the station, within 24 hours of admission.

(c) In the case of lock-ups and subsidiary jails at places where there is no medical officer, the officer-in-charge should in all suspicious cases send undertrial prisoners in custody to the nearest medical officer for examination.

(d) A medical officer to whom a person in Police custody is brought for attention should examille the person of the prisoner and, even though no suspicious marks are found, should at once report to the Judicial Magistrate authorismg Police custody that he has, done so.

(3) In all such caes the medical officer should record the result of the examination.

(4) If any marks or symptoms at all indicative of recent violence or ill treatment are found, the medical officer concerned should immediately make a report to the appropriate Judicial Magistrate and to the Sessions Judge. This report should specify the nature of the injuries and their position, together with the opinion of the medical officer as to their causation, and should state whether the prisoner makes any allegations in regard to them against the Police or others responsible for his arrest or custody, or should state how else the prisoner explains them.

(5) If such allegations have been made, the Sessions Judge should arrange for an immediate magisterial investigation into the complaint through such officer as he may deem most convenient, unless he is satisfied by the Judicial Magistrate's report under Sub-Rule (1) above that adequate investigation is proceeding.

(6) The result of this investigation, so far as it refutes or establishes the truth of the allegations made, must be communicated, as soon as possible, to the Court seized of the substantive case. If it seems expedient, the trial Court (including the Sessions Court) will summon the medical officer to give evidence at the trial.

(G. R., H. D., No. 810/4/12489, dated 5th November 1938.)

(7) Officers of all grades must understand that if the senior officers present during an investigation cannot restrain their subordinates or fail to strain every nerve correctly to ascertain the actual facts of outrages happening in the course of an investigation of which they are immediately in charge, they themselves cannot but be held responsible departmentally, together with all those against whom there is a reasonable suspicion of complicity, and will thus come under the severe displeasure of Government. Responsibility as a matter of departmental discipline is a very different matter from criminal responsibility; and if the actual truth of such cases is concealed by officers engaged in an investigation, all those who come under reasonable suspicion of responsibility for the occurrence must expect to suffer departmentally.

(G. R., J. D., No. 4367, dated 30th July 1907 and No. 7289, dated 16th November 1917.)

206. Deaths in Police Custody. - (1) When any person dies in Police custody or when attending before the Police for an inquiry an immediate report should be made direct to the District Magistrate and to the nearest local Magistrate empowered to hold inquest by the Sub-Inspector or Inspector in charge of the Police Station concerned, copies being sent simultaneously to the Superintendent of Police and to the Sub-Divisional Officer, if any.

(2) The corpse of such a person should be promptly sent for *post-mortem* examination.

(3) On the occurrence of such a death, the Sub-Divisional Officer and, if necessary, the Superintendent of Police should proceed to the

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spot at once and make inquiries in person, forwarding his report to the District Magistrate with the least possible delay. If the inquiry is made by a Sub-Divisional Officer in addition to sending his report direct to the District Magistrate he will despatch a copy simultaneously to the Superintendent of Police. Copies should also be sent by the officer making the inquiry direct to the Inspector-General and the Range Deputy Inspector-General of Police.

(4) The fact that the Sub-Divisional Officer is required to proceed at once to make the local inquiry in a case of this nature within his sub-division does not absolve the Superintendent of Police from all responsibility in the matter. He is expected to keep in close touch with such events and, if he considers it necessary or desirable to, proceed himself and make inquiries in addition to, or in lieu of, those made by any officer subordinate to him.

(5) In the event of such a person dying in hospital and the medical officer certifying that the person died from natural causes, a personal inquiry on the spot may be dispensed with, all that is required being a simple report detailing the facts and the cause of death accompanied by the medical officer's certificate, provided that the medical officer is not of lower rank than an Assistant Surgeon.

(6) Sub-Rules (1) to (5) do not apply to prisoners dying after conviction or to those dying at the camp of Sessions Judge or Sub-Divisional Magistrate or District Magistrate.

(G. R., H. ~., 2140/2, dated 18th July 1927).

207. Remand. - (1) When an investigation cannot be completed within 24 hours after the arrest of an accused person and the Police Station Officer, or the investigating officer not below the rank of a Sub-Inspector finds that in the interest of further investigation, further detention of the arrested person in custody is essential, he must forward the person in custody to a Judicial Magistrate of the First Class whether or not he has jurisdiction to try the case with a report giving reasons for further remand. The report should be supported by copies of the case diaries. Whenever the Magistrate empowered to take cognizance of the offence is away from the Headquarters and a Civil Judge is available, the arrested person should be produced before the Civil Judge for the purpose of obtaining an order under Section 167 of the Criminal Procedure Code, after fulfilling all the conditions thereunder.

(1. G.'s C. M., No. 5325. dated 22nd June 1953 and G. C., H. D., No. 4307/7, dated 30th April 1953.)

The Magistrate will grant remand to Police custody, if he feels satisfied that there are reasonable grounds for doing so; otherwise he may grant remand to magisterial custody. The maximum period of remand in either case will be 15 days on the whole. If remand first granted for a shorter period is found insufficient to complete the investigation, further remand may be applied for and granted,

the procedure mentioned above being repeated on each occasion. It must however, be noted that all such periods put together must not exceed 15 days (Section 167, Criminal Procedure Code).

(2) If during the period of remand. to Police custody the Police complete the investigation and find that there is no ground for sending up the accused to a Magistrate for inquiry or trial, it is not open to the Police to release him on bail under Section 169, Criminal Procedure Code. The proper course for them is to send the accused back to the Magistrate concerned or request him to release the accused on bail under Section 497, Criminal Procedure Code.

(3) If the investigation is too heavy or complicated to be finished within the period of 15 days report under Section 170, Criminal Procedure Code based on such evidence as has been collected should be sent to the Magistrate having jurisdiction to inquire into or try the case and he should be requested to postpone the hearing in order to afford time for further investigation, the accused remaining in magisterial custody during the time so granted. The Magistrate may, if he thinks fit, examine the Police officer asking for a postponement and even any witnesses for the prosecution before granting postponement, which may be for not more than 15 days at a time and may be granted oftener than once, if necessary (Section 344, Criminal Procedure Code).

(4) Neither the Judicial nor the Executive Magistrate can grant remand in respect of persons arrested under Section 151, Criminal Procedure Code and hence whatever action is proposed to be taken, that should be done promptly before the expiry of the period of twenty-four hours.

(G. C., H. D., No. PRO 2358/90669-111, dated 14th April 1959.)

(5) Arrests made by a Police officer without a warrant are governed by the provisions of Sections 54, 56, 60, 61 and 167, Criminal Procedure Code. Under these provisions a Police officer in mofussil is competent to arrest an offender in Greater Bombay and take him to the Magistrate having jurisdiction to try, the case without producing him before a Presidency Magistrate, provided that such an offender is produced before the Magistrate within 24 hours as provided in Section 61, Criminal Procedure Code. In view of the provision of Section 167, Criminal Procedure Code, a Presidency Magistrate also can remand an accused to the custody of the District Police.

(I. G.'s No. 5325-B, dated 1st June 1955.)

208. Steps to be taken in regard to an absconding accused person.- (1) If an accused person seems to be evading arrest, the investigating officer should make the best possible efforts through appropriate Police Stations to trace his whereabouts.

(2) The person's relatives, friends and also the Village Police should be instructed to give information of his whereabouts and warned against harbouring him.

(3) If with all these efforts the accused cannot be found, a charge sheet should be sent to the appropriate Magistrate, showing the accused person's name as an absconder in red ink.

(4) The Magistrate should be requested to issue a warrant for the arrest of the accused.

(5) If, after diligent efforts to execute the warrant, the accused person cannot be traced, evidence of Police officers associated with the efforts to effect the arrest should be led before the Magistrate to prove that the accused is purposely evading arrest, and the Magistrate requested to follow the procedure regarding the issue of a proclamation under Sections 87, 88 etc. of the Criminal Procedure Code.

(6) A photograph, a descriptive roll and marks of identification of the accused person should be sent to the Deputy Inspector-General of Police, Criminal Investigation Department, State of Bombay, for publication in the *Bombay Police Gazette*.

(7) In suitable cases, the Superintendent of Police should arrange for the offer of a handsome reward being published in newspapers and the Police Gazette and in any other manner to induce people to help the Police in securing the accused person.

(8) The name of the accused person should be entered in the Register of Absconders maintained at the Police Station.

(9) Information should be given to the Finger Print Bureau that the accused is wanted in connection with the case concerned.

(10) In appropriate cases, a Magistrate should be requested to record evidence of witnesses, in the absence of the accused, under Section 512, Criminal Procedure Code.

(11) All the papers of the case and the articles and property attached should be carefully preserved, so that they may be available when the accused person is eventually arrested.

(12) All the Superintendents of Police should send promptly special reports in regard to the absconders whose domicile is outside the Bombay State, to the Deputy Inspector-General of Police, Criminal Investigation Department, in addition to the usual reports which are sent for publication in *Bombay Police Gazette* as per Sub-Rule (6) above.

(I. G.'s No. G/34, dated 27th August 1958.)

(13) The police should keep a watch over the persons acquitted by the lower Courts where the acquittal appears to the Police to be clearly unjustified and when there is an apprehension of the accused absconding. It will enable the Police officers to secure the attendance of the accused when the acquittal appeals are filed and notices are to be served on the accused.

(I. G., C. M., No. G/721, dated 4th October 1938.)

A SECTION VI - INVESTIGATION OF OFFENCES COMMITTED BY POLICE
OFFICERS AND OTHER PUBLIC SERVANTS.

209. Complaints against Police. - (1) When an individual, who is not personally aggrieved, brings to the notice of the Superintendent of Police the fact that complaints are current against a Police officer, it is the duty of the Superintendent of Police to ask such person to produce all the details in his possession and especially to disclose the names of the persons actually aggrieved.

(I. G.'s No.9, dated 4th April 1949.)

(2) Whether or not further details are given, the Superintendent of Police should then consider whether there are sufficient grounds to hold a departmental enquiry.

(3) If, in the opinion of the Superintendent of Police, there is in-sufficient ground, he should decline to make an enquiry. On the other hand, if he decides to order an enquiry, he should see that the enquiry is made thoroughly and impartially. The inquiring officer must direct the enquiry as activity as if it were an investigation into a crime. He must decide for himself which witnesses are to be examined and he should himself secure their attendance.

(4) It is of the utmost importance that grave charges against Police officers should receive -an investigation that is not only impartial and exhaustive but is accepted as such' by the persons aggrieved and the general public. From the Police point of view, it is equally important that charges should either be clearly disproved or clearly established, so that those who misconduct themselves and bring a bad name on the service should be removed. It is the Superintendent's duty to investigate rigorously all cases in which suspicion is areoused in regard to the honest dealings of their subordinates.

(5) When complaints are received against any police officers or men, they should not be sent to them for enquiry.

(I. G.'s No. 614:2, dated 19th August 1947.)

(6) It is essential that the trial of, or enquiry into, such case either by the Magistracy or the Police; shall be conducted with the least possible delay, in order that the harassment of Police officer by means of criminal complaints may be reduced to a minimum.

(G. L., H. D., No. 6105, 3-D, dated 29th February 1936.)

210. Inquiries into serious misconduct on the part of the Police. - (1) (i) When a complaint is made to the Police or a Magistrate of serious misconduct (i. e., the causing of grievous hurt, torture of a cruel nature, extortion and any other misconduct of a like nature which, subject to the guidance of the District Magistrate, the Police officers and Magistrates concerned consider fit to be treated as serious) on the part of any Police officer or when such misconduct comes to the notice of the Police or of a Magistrate in the course of investigation or otherwise, immediate information shall be lent by the Police

or the Magistrate as the case may be, to the District Magistrate and in Greater Bombay, to the Commissioner of Police.

(ii) In any case of alleged serious misconduct of which complaint has been made direct to the Police or has been referred to the Police by a Magistrate for previous local investigation under Section 202, Criminal Procedure Code, the Superintendent or the Assistant or Deputy Superintendent of Police (in Greater Bombay, the Commissioner or a Deputy Commissioner of Police) shall, on receiving the information forthwith proceed to the scene of the alleged offence and shall, under the provisions of Section 551 of the Criminal Procedure Code assume the position of investigating officer [vide Rule 43 and Sub-Rule (5) of Rule 135].

(iii) When the Magistrate taking cognizance of a case of alleged serious misconduct by the Police is of opinion that the complainant has wilfully made a false charge (Section 182 or Section 211 of the Indian Penal Code), it is very desirable that he should lodge a complaint against the complainant. District Magistrate, or Sessions Judge, as the case may be, and the Chief Presidency Magistrate should also remember that under Section 195 (b) of the Criminal Procedure Code they can lodge a complaint in writing of an offence under Section 211 of the Indian Penal Code, if the offence was committed in or in relation to any court subordinate to their own.

(2) (i) In cases in which serious misconduct as explained in clause (i) of Sub-Rule (1) above is imputed to any Police Officer by a Court, the following procedure will be followed:-

(a) In the case of a Magisterial Court, the Presiding Magistrate shall at once furnish the District Magistrate (in Greater Bombay, the Commissioner of Police) with a copy of the judgment and in the case of a Sessions Court, the District Magistrate shall require the Court under para. 6 (a) of circular No. 103 of the Criminal Manual issued by the High Court of Bombay, 1947, to send him a copy of the judgment or of the heads of charge to the jury.

(b) If the strictures have been passed by a Magisterial Court, or if the Sessions Court or the High Court, in passing strictures has not recorded an opinion that a special enquiry is necessary, the District Magistrate shall, if in his opinion there be sufficient evidence to warrant his taking cognizance of any offence appearing to have been committed by the Police officer, proceed under Section 190 (1) (c) of the Criminal Procedure Code, as upon information received. In Greatw Bombay, the Commissioner of Police shall if there be sufficient evidence to warrant such a course, cause proceedings to be instituted against the Police officer before a Magistrate. If the District Magistrate or the Commissioner of Police, as the case may be, does not cause proceedings to be instituted against the Police officer or officers concerned, he shall record departmentally his reasons for not do so

(ii) If a Sessions Court or the High Court indicates that in its opinion a special enquiry is necessary with reference to the conduct of the Police in any case before it, whether misconduct imputed or suspected be of the kind referred to in Sub-Rule (1) above or not, the following directions shall be observed:-

(a) If the Court be a Court of Sessions, the District Magistrate shall call for a copy of the judgment or heads of charge to the jury, as in clause (i) above.

(b) The District Magistrate or in Greater Bombay, the Commissioner of Police, shall, if in his opinion there be sufficient evidence to warrant such a course, take criminal proceedings in the manner indicated in clause (i) above.

(c) If the District Magistrate or the Commissioner of Police, as the case may be, does not consider the facts sufficient to warrant the immediate institution of criminal proceedings, he shall forth-with report the case to Government, who will direct a public enquiry to be held by a commission of two officers, of whom one must have had judicial experience and neither must belong to the Police Department.

(G. R., J. D., No. 3305, dated 2nd May 1914.)

(iii) If any case falling under clause (i) or (ii) above is referred to the Police, the Superintendent or the Assistant or Deputy Superintendent of Police (in Greater Bombay, the Commissioner or a Deputy Commissioner) will proceed in the same manner as in clause (ii) of Sub-Rule (1) above.

211. Investigation of cases of Corruption, Black Marketing etc.- (1) All officers should see that complaints regarding charges of corruption on the part of their subordinates are inquired into personally with care and without discouraging persons from bringing all available evidence.

(2) (i) All members of the public should be encouraged to bring to the notice of the Heads of Offices any cases of misconduct among the lower ranks of officials.

(ii) The utmost care should be taken before prosecutions are launched under Section 182, Indian Penal Code, against persons from whom complaints of corruption have been received, and in no case should such prosecutions be undertaken without the sanction of Government. This does not apply to any prosecution which may be launched by an officer in his judicial capacity as a Court. Superintendents wishing to undertake such prosecutions should address their reports to the Inspector-General, copies being sent to the Range Deputy Inspector-General for information. The Inspector-General will take the necessary further action in the matter on receipt of

these reports. If there are no cases of such prosecutions, the fact should be mentioned in a separate paragraph in the six monthly reports referred to in Rule 85.

(G. Rs., P. and S. D., No. 1581/34, dated 25th August 1937 and 9th October 1937, G. C., P. and S. D., No. 1581/34, dated 21st October 1937, I. G.'s No. 5229, dated 2nd April 1937, 7th April 1938 and 10th November 1938 and G. C., P. and S. D., No. 1581/34, dated 29th September 1939.)

(iii) The responsibility, however, for the conduct and discipline of the Government servants under them rests entirely on the respective Heads of Offices and they cannot and should not on any account share with non-officials the duty of initiation, conduct or control of departmental inquiries into cases of misconduct on the part of their subordinates. Departmental inquiries are strictly official in character and the participation in any such inquiry, except as witnesses, of non-officials must be entirely at the discretion of the officer-in-charge of the inquiry and in accordance with the prescribed procedure only. Heads of Departments should bear this principle in mind and make sure of its observance by the Heads of Offices under them. While members of the Legislature as well as other gentlemen interested in the administration are to be encouraged to bring complaints that have come to their notice direct to the notice of the district officers competent under the rules and the law to deal with these complaints, these gentlemen should be made to understand quite clearly that it is the function only of the Government officers concerned to conduct any investigation required. .

(G. C. M., P. and S. D., No. 3760/34, dated 20th May 1940.)

(iv) Anti-corruption committees of officials and non-officials have been established in all districts with the Collector as the Chairman and the District Superintendent of Police as an official member, three non-official members being appointed by the Collector, subject to the approval of Government. The committee in each district acts in collaboration with Heads of Offices, who in turn, give all necessary facilities to the committee to work in co-operation with them in the matter of bringing cases of corruption to the notice of Government for necessary action.

(G. R., P. and S. D., No. 2765/34. dated 5th April 1939, 19th June 1946, and 7th September 1946.)

(3) Every Police officer receiving information about bribery, black marketing, corruption etc. from members of the public should take immediate action on the information. The identity of any persons who give secret information to the Police should be kept a close secret and that their names are not disclosed except in accordance with instructions laid down in Rule 426 of Bombay Police Manual, Volume I and subsequent rules.

(G. C., H. D., No. 207/5-1, dated 26th July 1946 and I. G.'s S. O. C., No. 55, dated 5th April 1954.)

(4) Superintendents should note the necessity of making inquiries into all complaints of this nature in all important cases. On others

they should satisfy themselves that the inquiry is made promptly thoroughly and fairly by a Sub-Divisional Officer or other officer according to circumstances. In general, inquiries into serious complaints of corruption should not be entrusted to subordinate officers

(5) Under Section 6 (2) (b) of the Bombay Police Act, 1951, this Director of Anti-Corruption Bureau and Prohibition Intelligence should exercise the powers under the Act in the matter of (a) taking disciplinary action against persons serving under him in the Central Intelligence Force and (b) authorise the officers in the Central Intelligence Force to take up investigation of cases detected by them after their registration at Police Stations. Heads of Department should see that sanction for prosecution of the Government servants involved in cases of corruption is accorded by the sanctioning authorities immediately on receipt of a communication from the Police officers investigating the cases. The Criminal Law Amendment Act created certain new offences and Section 6 provided for the appointment of Special Judges and Section 7 made certain offences solely triable by these Special Judges and among the offences created by Amendment Act are the offences which fall under Section 5 (2) of the Prevention of Corruption Act, 1957. It is not advisable to use any Magistrate for witnessing trap cases.

(G. L., H. D., No. 207/6/C-3801-D, dated 21st April 1956, and G. C., H. D., No. MIS. 1253/C. 4635-B, dated 22nd March 1955.)

SECTION VII - ACCIDENTAL DEATHS AND RAILWAY AND OTHER ACCIDENTS

212. Inquiries into Accidental or Suspicious Deaths. - (1) All Police officers of and above the rank of a Sub-Inspector are empowered to perform the duties referred to in Sub-Sections (1) to (3) of Section 174, Criminal Procedure Code, in the matter of holding inquests. It is necessary that the Police should draw up the Inquest Report immediately after they get intimation of accidental or suspicious death.

(G. R., J. D., No. 3595, dated 26th June 1909 and I. G.'s C. M., No. 219-1, C dated 25th April 1955.)

(2) (a) The investigation to be made under Section 174, Criminal Procedure Code "should consist of a close and minute examination of the dead body, an examination of persons acquainted with the facts and circumstances of the case and an inspection of the spot where the body is lying and of its surroundings.

(b) Statements made to a Police Officer in the course of an investigation under Section 174, Criminal Procedure Code, are not to be signed by the witnesses making the statements.

(I. G.'s C. M., No. 5301, dated 13th November 1954.)

(3) All cases which prima facie appear to be purely accident cases should be enquired into as such. Head Constables can be deputed to make necessary enquiries in such cases.

In all other cases of unnatural deaths, the investigating officer should go deep to find out the cause of death. An offence of murder should immediately be registered when there is slightest suspicion to that effect. All cases of suspicious deaths should as far as possible, be personally investigated by the Police Sub-Inspectors. The cases should be entrusted to Head Constables only if the Police Sub-Inspectors are not available owing to other important engagements. Investigation made by Head Constables should be always verified by the Sub-Inspector.

(4) (a) The most important thing in such an investigation is the identification of the body, which should be done by assembling the villagers, relations and other persons. In case the body is not identified, a photograph, finger impressions, a descriptive roll and marks of identification should be sent to the Deputy Inspector-General of Police, Criminal Investigation Department, for publication in the *Bombay Police Gazette* and the information circulated in neighbouring Police Stations. Clothes and other articles on the body should be carefully preserved for future identification.

(b) In the preparation and publication of the photograph the following instructions should be observed:-

(i) Photographs of unidentified dead bodies should not be taken if they are too mutilated or too decomposed to make identification possible.

(ii) Ordinarily dead bodies should be held up in a sitting position, and the head and shoulders only should be photographed.

(iii) As a rule, the most important portion of the body for identification purposes is the face, and before the photograph (which should be of quarter size) is taken, the face should invariably be washed and cleaned in order to remove any blood stains, etc. that may be present.

(iv) In cases where special reasons exist, such as peculiar fashion or dress, some deformity of the body or limbs etc fulllength photographs (which should be of cabinet size) may be taken.

(v) Revolting photographs of dead and decomposed bodies, which are obviously useless for identification purposes, should not be taken and sent for publication, except on the personal orders of the Superintendent or Sub-Divisional Officer, who should see that only those photographs are sent for publication which are likely to be of real advantage.

(vi) In cases where photographs have been taken but are not sent for publication in the *Bombay Police Gazette* a remark should be made in the notice sent for publication that the photograph is on record in the Superintendent's or Sub-Inspector's office and is available for inspection.

(5) Except when decomposition has set in to such an extent as completely to destroy the surface of the skin, finger impressions of an unidentified dead body should be taken in accordance with the following instructions:-

(i) The fingers of the corpse should be carefully cleaned of all dirt etc. and all moisture removed. If available, a piece of clean cloth soaked in turpentine should be used for the cleaning process.

(ii) The finger print slab should be prepared in the ordinary way and the roller well covered with a thin film of ink.

(iii) The inked roller should be rolled gently on the fingers between the edges of the nails so that the tip of the finger as far as the crease of the first joint is fully covered with a thin film of ink.

(iv) The finger print slip should then be folded at the line indicated thereon and a thin piece of wood or stiff cardboard placed behind and within the folded slip.

(v) The finger print slip thus stiffened should be placed against the finger at right angle to the other side of the nail, care being taken to keep constant contact with the finger and to avoid smudging the print.

(vi) Great care should be taken to see that the impressions are taken in the proper spaces in the form.

(vii) Instructions as regards the making of finger impression slips of unidentified dead bodies for search as contained in the Bombay State Finger Print Bureau Manual should also be observed.

(viii) If the unidentified body is that of a dacoit robber or a thief killed during operations, his finger impressions should invariably be taken and sent to the Finger Print Bureau for trace.

(6) As regards descriptive roll and marks of identification, instruction in Rule 198 (3) should be observed.

(7) In holding inquests the following hints may prove useful:-

(i) The presence of the accused or suspect, if available, should be secured.

(ii) The dead body should not be allowed to be touched by any-body until the *panch* have arrived and the report (*panchnama*) prepared.

(iii) Bodies found in wells should be taken out, those that have been buried should be exhumed, while those which are found hanging should be lowered down, in the presence of the *panch*.

(iv) A minute inspection should be made to every part of the body. All wounds, fractures, bruises Contusions, scalds burns and any other marks on it should be noted with the following details:-

(a) The position and the condition of the corpse should be fully described.

(b) The details of wearing apparel, colour of hair, or other peculiar or characteristic marks, ornaments, documents or any other articles found on it should be mentioned.

(c) The seats of wounds, their number, nature, shape and dimensions, whether bleeding or not the direction from which the manner in which, and the probable weapons with which they were caused and the absence or presence of ants or maggots on the body should be specified.

(d) In cases of poisoning, hanging, strangulation, drowning, etc., special mention should be made of the symptoms and other *post-mortem* appearance and the odour etc. of the poison, e. g., opium.

(e) The spot where the body might be lying and all its surroundings should carefully be inspected to find an indication to the cause of death.

(f) The situation of the place where the body has been found should be examined to ascertain whether death occurred there or somewhere else. In the case of a house or room, a mention should be made as to whether it was closed from within or without.

(g) The circumstances in which the body was found, whether suspended from a tree or roof of a house, floating in water or placed on the railway line, or run over by train etc., should be mentioned.

(h) The details and description of the weapons, bullets and their marks, poisons, clothes, shoes and any other articles and their identity, the apparent means employed to cause death, and any mark or engraving on it which, could establish the ownership should be carefully noted.

(i) The existence (or non-existence in certain cases) of any marks of struggle, blood, foot-prints or finger impressions should be observed.

(j) The stage or Rigour Mortis (stiffening) and the *post-mortem* lividity (staining) should be minutely observed and noted.

(v) A map of the scene of occurrence should always be prepared and all the necessary points and circumstances relating to the incidents of the case should be accurately noted in it.

(vi) A detailed report should be drawn up in Form C. P. C. 23, supplemented, if necessary, by blank paper.

(vii) The report should, contain only those matters which are covered by Section 174, Criminal Procedure Code. In it the *panch* can express their opinion as to the manner in which, and the weapon or instrument etc. with which, the wounds appear to have been caused.

(8) When there is any doubt as to the cause of death, the body should be sent for *post-mortem* examination (see Rule 142) with a copy of the inquest report and form P. M. 35 duly filled in.

(I. G.'s No. 46. dated 13th August 1928.)

(9) In cases of sudden death in railway carriages, the Civil Surgeon's certificate and the inquest report, if any, should be sent to the Magistrate, who, after being satisfied regarding them, should handover copies to the railway authorities.

(10) (a) After the inquest is over, if there is no suspicion as to the cause of death, the body if claimed, should be handed over to the relatives of the deceased for disposal. In other cases the body should be disposed of by the Police at Government expense, unless the District Magistrate has arrived at an arrangement with the local municipality or any other private body or institution for the disposal of such bodies. The maximum amount of expenditure permissible on this account will be Rs. 8 in each case and will be paid by the District Magistrate out of a grant placed at his disposal for this purpose. Expenses connected with the disposal of the bodies of paupers found in railway limits in Greater Bombay should be recouped from the grant at the disposal of the Commissioner of Police, Bombay. If any of the approved institutions does not require the dead body for the anatomical examination or dissection, the authorised officer of the place shall dispose of the dead body or cause it to be disposed of by cremation, burial or any other recognized method of disposal of dead bodies in accordance with the custom of the community to which the deceased person belonged. Where an unclaimed dead body is handed over to the authorities in charge of an approved institution under section 5 of the Bombay Anatomical Act, for the purpose of conducting anatomical examination and dissection, the authorities in charge of such institution should, after use of the dead body for the said purpose, arrange to dispose of the body or its remnants in such manner as they deem fit.

(G. R., J. D., No. 3061. dated 22nd May 1951. G. N., L. S. and P. H. D. No. 5337/33, dated 10th July 1951 and I. G.'s No. 7151, dated 18th March 1952.)

(b) With a view to facilitate quick disposal of dead bodies in the mofussil, the highest ranking Police officer not below the rank of Police Sub-Inspector permanently stationed in the locality, may issue permission for the transport of dead bodies outside the jurisdiction of his station, in Form No.9 in Appendix I. As regards Greater Bombay the Police Inspector of the Station concerned may issue such permit after the party has produced a letter from the Municipal Health Officer indicating "No objection to the removal of the body outside municipal limits".

(G. R., H. D., No. 4173/6. dated 28th August 1951.)

(11) (i) If it becomes necessary to disinter a body which has been formally buried the sooner it is done the better. The order of a competent Magistrate should be obtained before taking such a step

(ii) No such order is however required if the body has been merely hidden or concealed underground or buried without any ceremony.

(iii) Where Magistrate's permission has been applied for, the place where the body has been buried should be guarded until the permission is received.

(iv) The body should be disinterred in the presence of the *panch*.

(v) The attendance of a medical officer should, if possible, be secured.

(vi) The grave should be got identified and an attempt should be made to get the body identified after it has been exhumed.

(vii) Disinfectants may be sprinkled round the body, but not on the body itself.

(viii) The odour should be marked and stage of purification noted.

(ix) The skull and bones should be carefully examined for marks of injury.

(x) If mineral poisoning is suspected, the bones as well as the earth above and below the body should be sent for examination by the Chemical Analyser.

(xi) The dates of burial and exhumation should be noted.

(12) If the investigation made in accordance with the above Sub-Rules discloses any offence, the appropriate procedure for its registration and investigation should be followed.

(13) (i) In cases of suicide, Police investigation should be more elaborate and conducted in a spirit of discovering the cause of the social evil.

(ii) The Police investigation should invariably reveal details of family relations, the economic conditions of the family and the physical and mental condition of the victim.

(G. L. H. D.. No. C. II. 1458/60021-VIII, dated 22nd August 1958.)

(14) Even dismembered limbs strewn here and there may help identification by medico-legal means. Limbs and adhering tissues should be carefully collected and inquest held separately for each limb and one more inquest collectively, after putting all together; suspected to be of the same person. It is better always to take photographs of all the places.

213. Inquiries regarding dead bodies and carcasses found in Railway limits. - (1) (a) In the case of dead bodies found within railway limits, investigation into the circumstances regarding the cause of death should be taken up by the chief Railway Police authority present; but when it is not probable that some one of rank above that of a Constable in the Railway Police will arrive at the spot in time, intimation should be sent to the nearest District Police Station at once.

(b) The responsibility for the custody of such corpses at all stages until final disposal must rest with the Railway Police. After the conclusion of the necessary investigation or inquiry, if relatives or friends willing to dispose of the corpse cannot be found, it should be disposed of on the lines indicated in Sub-Rule (10) of Rule 212. Private agency or any arrangements made by the District Magistrate under that Rule should be utilised, when possible. But the Railway Police will themselves be responsible for the disposal of such dead bodies, if they can find no other agency for their speedy disposal.

(c) The expenses of the disposal of corpses of paupen by official or municipal agency under clause (b) above should be borne ultimately by the District Magistrate of the district concerned in the manner laid down in Sub-Rule (10) of Rule 212.

(G. R., J. D., No. 4251, dated 25th June 1918)

(2) Property found with the dead body should be dealt with as, other unclaimed property under Sections 82 and 83 of the Bombay Police Act, when it has served any purposes to which it can be applied as evidence.

(3) The Railway Police will deal with the carcasses of cattle found on the line precisely b they would deal with other unclaimed property.

(4) The proceeds of the hides of animals killed on railway lines and of all unclaimed property found there should be credited to Government.

(G. R., P. D., No. 4441, dated 21st June 1901'

214. Investigation of Railway Accidents. - (1) The Railway Police 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 grievous hurt and 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 of the Rules sanctioned by the Central Government in their Railway Department (Railway Board) Notification No. 1926-T, dated the 19th March 1930 (vide *Bombay Government Gazette*, Part I, dated the 3rd April 1930, pp. 613-618) has given a i direction under clause (c) of that Rule.

provided that no such investigation shall be made when an enquiry has been commenced or ordered under clause (a) or clause (b) of that Rule.

(2) The Railway Police shall report, immediately, 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 occurring in the course of working railway, which comes to their notice and 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 which has *prima facie*, been due to any criminal act or omission.

(3) Whenever an 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 a direction given under Rule 22, clause (c) referred to in Sub-Rule (1) of this Rule,

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.

(4) An officer deputed under Sub-Rule (3) shall ordinarily be the senior officer available and shall, whenever possible, be superior Gazetted officer, and shall in no case be of rank lower than that of Inspector, provided that the investigation may be carried out by a officer in charge of a Police Station-

(i) in such a case as is referred to in clause (a) of Sub-Rule (3) unless loss of life or grievous hurt has been caused to more person than one or injury to property has been caused a value exceeding Rs. 20,000 or there is reason to suspect that any servant of the railway has been guilty of neglect or rules, or

(ii) in the case referred to in clause (b) of the Sub-Rule (3), if the District Magistrate so directs.

(G. R., H. D., No. 3831, dated 19th November 1923.)

(5) The officer, who is to conduct an investigation in pursuance Sub-Rule (3) or (4) above shall proceed without delay to the scene of the accident and conduct the investigation there, and shall at once advise the General 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 railway official may be arranged for, to watch the proceedings and the 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

(6) In every case to which Sub-Rule (3) or (4) 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

(7) Subject to any provisions elsewhere contained in this Rule, the further prosecution of the case, on the conclusion of the Police investigation, shall rest with the Railway Police.

(8) The result of every Police investigation shall be reported at once to the Magistrate of the District, or other officer appointed in this behalf by the State Government, to the General Manager of the railway or other officer appointed by him and to the Government Inspector.

(9) Where there are no Railway Police, the duties imposed by Sub-Rules (1) to (8) above on the Railway Police or on the officer-in-charge of the Railway Police shall be discharged by the District Police or by the District Superintendent of Police, as the case may be.

(G. C., J. D., No. 3435, dated 3rd May 1919 and G. R., H. D., No. 3831, J dated 7th June 1923 and 18th January 1926.)

(10) Rules regarding the notice of accidents under Section 84 of the Indian Railways Act, 1890, and the duties of railway servants, Government Inspectors and Magistrates on the occurrence of accidents in the course of working a railway will be found in the Central Government Notification No. 1926-T, dated the 19th March 1930, published at pages 613-618 of Part I of the Bombay Government Gazette, dated the 3rd April 1930'

(G. R., H. D., No. 3831, dated 14th May 1930.)

(11) For stoppage of trains at non-stopping stations in special and and urgent cases, see Rule 107 (1).

(12) In future a copy of the findmg of the Government Inspector, Railways, as per his final report on any accident inquired into by him will be sent to the Superintendent of Police. The Superintendent of Police should see that intimation regarding the decision as to whether or not Police desires to prosecute the persons responsible for Railway accidents is sent to the General Manager immediately on receipt of the report of the Inspector of Railways so as to enable him to communicate the decision to the Railway Board within the prescribed time limit.

(1. G.'s C. M., No. G/2904 - II, dated 4th June 1958.),

(13) Hints which may help the investigating officer in determining sabotage are as follows:-

(1) *Site of accident and time of occurrence:-*

(a) Secluded area at or near a gradient curve, bridge or culvert, availability of covers for the saboteurs.

(b) Height of embankment at the sight.

(c) Time of accident.

(2) *Open fish – ptates* :-

(a) He must determine whether it happened before or after the accident and differentiate between bolts opened by hand and machine from those torn off as a result of accident. Threads bolts and nuts found at the scene will help enormously in coming to conclusions.

(b) *Displaced rails*.- (i) He should examine screw holes and threads and see whether they are torn or intact.

(ii) He should see whether rail seats are crushed.

(c) *Last rail intact at the point of suspected fractures*.- (i) Existence or burr is highly significant against sabotage,

(ii) Rounding off supports sabotage strongly.

(iii) Position of wheels of derailed waggons is a matter of great importance and should be examined carefully as to whether the position of displaced rails could have been possible after the accident.

(iv) He should carefully prepare a map of the sight of accident, if railway plan-drawers are used he should carefully check each item shown on the map.

(v) Determination of speed at the time of accident-

(a) In case of through trains, the time of passing of previous station and the exact time of occurrence may give the possible and likely speed of the train at accident.

(b) If train had stopped at previous station, the time, of departure, the distance at which accident occurred and the time of accident, if known may lead to very approximate calculations of the speed or the train.

(iv) Breaking distance, vacuum brakes, reaction time, visibility, weather condition and the depth of water by the side of embankment should be carefully noted as it will affect decisions.

(vii) It is extremely necessary to check engine tools and gang wayman's tools.

(viii) He should check the movements of suspicious character~ and of the known saboteurs.

(ix) If track patrolling is in vogue in the area, he should ascertain at what time they passed at the spot of accident.

(x) He should also verify whether other trains passed shortly before the accident and if so, their drivers and guards should be questioned. Station records of both stations between which accident occurred should be seen immediately to prevent any fudging.

(xi) He should note whether the victim train was carrying any bullions, currency, etc.

(xii) He should take the photographs of the sight of the accident, from various angles and of various materials concerned. He should also make use of scientific aids for tools marks, finger prints (latents), particles of exploded material, if bomb used etc.

215. Inquiry into street accidents.- (1) It is the duty of the Police to regulate traffic in streets, and when, therefore, any accident in connection with street traffic takes place, the Police must inquire into the circumstances under which the accident took place with a view to discover as to whether any person's negligence or recklessness resulted in the occurrence.

(2) The Police officer making the inquiry into the accident should note-

- (a) the names and addresses of the bystanders who witnessed it,
- (b) the width of the road and the condition of the surface, and
- (c) in case a vehicle was involved in the occurrence, the side of the road on which, the driver was travelling prior to the incident and the direction in which he was going the signal which driver gave of his approach, the lights which the vehicle was carrying, if it was after dark, what side of the road the parties concerned were on, the number and description of the vehicle and the damage caused to any property.

(3) If the accident is attended with injury to any person, the Police officer should act in accordance with the instructions given in Rule 139. If any animal has been injured, the same should be sent to the nearest veterinary dispensary for examination and treatment.

(4) In cases where an injured animal is sent to a veterinary dispensary, the Police officer concerned should, if the owner of the animal disowns interest in it, obtain sanction of the District Magistrate for the animal to be sold, destroyed or otherwise disposed of e. g., sent to a Panjrapole, as soon as the purpose for which the animal was referred to the veterinary dispensary is served.

(G. R., H. D., No. 6273/4. dated 6th March 1943.)

216. Incidents of common interest to Military and Civil Departments. - In all cases in which a Court of Inquiry is set up to inquire into an incident in which both military and civilian Government personnel are involved or in which both military and civilian Government Departments obviously have an interest (e. g., an accident which has involved loss of life or injury to civilian Government personnel or damage to Government-property controlled by a civilian Government Department), the officer who orders the assembly of the Court will ensure that a precis of the case with a list of relevant witnesses is forwarded to the civil authorities concerned to enable them to-

institute a departmental inquiry, if they desire. Both the authorities should hold their inquiries in their own way independently of each other. The findings arrived at may then be exchanged and such action as may be deemed necessary, as a result of those findings, may be taken by the two authorities. Both the authorities should co-operate in the fullest possible manner with a view to the issue of joint orders to prevent the recurrence of similar incidents

(G. E., H. D., No. 9489j4-D, dated 14th March 1946, and I. G.'s No. 6063, dated 29th March 1946.)

SECTION VIII - COMPLETION OF INVESTIGATION AND FINAL DISPOSAL

217. Completion of Investigation. - (1) Every investigation must be completed without unnecessary delay.

(2) It is the duty of Superintendents of Police and Sub-Divisional Police Officers to see that investigations are promptly and vigorously carried out by officers-in-charge of Police Stations. In no case should an officer-in-charge of a Police Station fail to make a final report within fourteen days of submitting the first information report in a case, without satisfying the Superintendent or the Sub-Divisional Officer that there is sufficient cause for further delay and in no case must the completion of the investigation be delayed beyond one month from the date of the first information report supplementary report may be afterwards sent in, when necessary.

(3) Section 97 of the Bombay Police Act enables a Superintendent or Assistant or Deputy Superintendent, in any case especially requiring it, to take up the duty of a Police Station Officer or to assign it to another competent officer (vide Sub-Rule(1) of Rule 43)

(4) Superintendents and Assistant and Deputy Superintendent of Police should carefully go through the papers and exercise some control and supervision, through their orders, over the progress of the enquiries by obtaining explanation where such seems necessary, giving orders calculated to further the investigation and to elucidate points, and generally stimulating the investigation. Investigating officers should, when applying for extension of time for investigation, be required to show concisely in their application what they have attempted and what they have achieved during the first 14 days of their investigation or the extension previous to the one applied for, as the case may be, and for the same period to quote the diaries in which their movement and the results of their enquiries have been recorded. Anything in the shape of a stereotyped form of application for extensions or of orders granting extensions should be avoided. All reports for extensions should be made on ordinary blank paper. Each successive report must be accompanied by the one previous and the order regarding the grant of extension endorsed thereon. The whole correspondence regarding extensions should accompany the final report on the case.

(1. G.'s No. C-725, dated 7th February 1908 and C-976', dated 20 th. March 1908.)

(5) The maximum period for which an investigation may, for special reasons, be permitted to remain pending is six months from the date of the first information report. At the end of this period the final report must be submitted to the Magistrate for final orders.

(6) In a Magisterial case, extensions to complete the investigation should be obtained from the Magistrate concerned.

(7) When any subordinate Police officer has made any investigation, he shall report, the result of such investigation to the officer-in-charge of the Police Station.

(8) Investigation in cases of misappropriation of Government money should always be thorough so that the accused will not find any loophole to shift his responsibility on others. Evidence to show that the person involved was present on the spot on the dates of alleged misappropriation should be invariably collected before sending the charge-sheet. Similarly, if the evidence discloses that two or more persons are responsible for the offence, all of them should be charge-sheeted leaving it to the Court to fix individual responsibility.

(1. G.'s C M., No. G/151, dated 13th December 1958.)

218. Charge-sheet. - (1) The reports required by Section 173, Criminal Procedure Code, to be submitted on the completion of an investigation are of two kinds, viz., (i) charge-sheets in Form C. P. C. 20, and (ii) final reports in Form C. P. C. 19. ,

(2) When there is sufficient evidence to justify the sending of an accused person to a Magistrate, a charge-sheet should be sent to the Magistrate direct. In addition to the information to be filled up in X the columns of the charge-sheet, the following points should be observed: -

(i) The correct, home address of each of the accused, the place, time and date of his arrest together with the name of the officer arresting him should be shown in the column for accused persons sent for trial or at the foot of the foil sent to the Magistrate as well as of the counterfoil retained at the Police Station. The information regarding home address will be entered by the Court in the committal warrant, and if the information is not given in the warrant, the Superintendent of the jail which receives the prisoner concerned should return the warrant to the Court for completion, unless it is specifically stated by the Court in the warrant that the information is not available, in which case the Superintendent of the jail will obtain the information from the Police concerned, and if the same is not available, will release the prisoner at the place where he was arrested. In view of the provisions of Sub-clauses (2) and (4) of Section 207-A, Criminal Procedure Code, the officers sending the charge-sheets should make a note on the charge-sheet before the name of the witness *in req*

ink, that the witness is an eye-witnesses. The officers conducting the prosecution should examine all such witnesses by taking help of the legal provisions. All eye-witnesses should normally be examined in the Committal Court. The depositions recorded in the Committal Court can be taken on record as substantive evidence in the Sessions Courts under Section 288, Criminal Procedure Code in case the witness turns hostile in Sessions Court.

(1. G.'s C. Ms. G/151, dated 2nd December 1958 and 30th December 1958.)

(ii) The value of property stolen and recovered should be shown in a prominent place.

(iii) At the bottom of the charge-sheet, notes should be made on the following points, as may be necessary in each case:-

(a) whether the date of hearing has been fixed by the Police or whether the Police desire the Magistrate to fix it;

(b) what arrangements have been made for conducting the prosecution;

(c) whether the Police themselves would keep the prosecution, witnesses present on the day fixed for hearing or whether they desire the Magistrate to issue the necessary summonses;

(d) When witnesses are Government servants of other department (such as the village accountant, medical officer, forest officer etc.), whether the Magistrate should issue summonses to them through their official superiors;

(e) whether any of the accused sent up for trial has made a confession before a Magistrate;

(f) where the offences are of a kind in which previous convictions can be proved for the purpose of enhancement of punishment under Section 75, Indian Penal Code, or any other law, whether finger impressions of the accused have been taken and sent to the Finger Print Bureau for trace.

(g) Whether additional witnesses will be produced;

(h) whether, and if so, which articles have been sent to the Chemical Analyser for examination;

(i) whether the Police wish to oppose the release of the accused on bail.

(G. C., H. D., No. 100/5-1, dated 5th September 1946)

(iv) When a previously convicted person is again sent for trial, as complete a record as possible of his previous convictions should be given in the charge-sheet. Section 75 of the Indian Penal Code should be shown in the charge-sheet of all cases which obviously merit the application of that section. It is, however, unnecessary to delay the sending up of a charge-sheet in such cases; but if the information regarding previous convictions is not received before

the charge-sheet is sent up, a remark should be made on the charge-sheet to that effect and steps taken to obtain an adjournment in Court before a charge is framed. Omission to apply the section in suitable cases is only too likely to lead to inadequate sentences.

(v) Whenever a deaf and dumb person is to be sent for trial, the Investigating Officer will quote marks of identification on the charge-sheet, so that if he is sent to prison the Court can furnish these marks along with the warrant of commitment

(C. P.'s S. O. No.9.)

(3) When absconding accused persons present themselves before the Magistrate or are arrested after a charge-sheet has been sent up, a supplementary charge sheet should be submitted against them.

(4) The charge-sheet should be accompanied by-

- (i) the accused, if in custody,
- (ii) the bail bond of the accused, if he is on bail,
- (iii) a descriptive roll and marks of identification of the accused,
- (iv) any weapons or articles of evidentiary value,
- (v) the bonds of the complainant, if any, and witnesses for their appearance before the Magistrate, and
- (vi) remand order, if any.

(I. G.'s No. 18, dated 26th April 1934)

(5) It is open to the Police to take security under Section 170, Criminal Procedure Code, without a formal arrest. Sub-section (1) of that section lays down two alternatives, viz., (a) forwarding the accused under custody, or (b) taking security from the accused for his appearance before a Magistrate. Although the Police may arrest and then take security, yet it is not obligatory on the Police to make a formal arrest in a proper case where security is taken. The Police have discretion in the matter, and the belief that the Police have no option but to arrest is erroneous. Apart from the fact that Section 170 (1) does not necessarily contemplate an arrest in connection with the second alternative, there is no point in making a formal arrest when security is taken.

(G. R., H. D., No. 1742/2, dated 5th April 1927.)

(6) Whenever an officer in-charge of a Police station requires a complainant or other person to execute a bond to appear before a Magistrate to prosecute or to give evidence, as the case may be, in accordance with the requirements of Sub-Section (2) of Section 170, Criminal Procedure Code, he shall, if Such complainant or other person is a soldier in the Army, send a copy of the bond, immediately after taking the bond, to the Commanding Officer of the regiment in which he is serving.

(G. B., J. D., Ne. 4826, dated 10th July. 1864.)

(7) After the Police officer has forwarded a report under Section 173, Criminal Procedure Code to the Magistrate he shall furnish to the accused, free of cost, copies of (1) the report forwarded under Sub-Section (1) ; (2) the first information report recorded under Section 154, and (3) all documents or relevant extracts thereof, on which the prosecution proposes to rely, including statements and confessions recorded under Section 164 and the statements recorded under Sub-Section (3) of Section 161 of all prosecution witnesses intended to be examined. The Police officer can, however, exclude any part from the statements recorded under Sub-Section (3) of Section 161 which in his opinion is not relevant to the subject matter of the enquiry or trial or that its disclosure to the accused is not essential in the interest of justice and is inexpedient in the public interests. In that case he should submit a report to the Magistrate giving reasons for such exclusion. If Magistrate, however, directs, copies of such excluded portion shall be furnished.

(I. Go's C. M., No. 7490, dated 12th January 1956.)

(8) Section 173, Criminal Procedure Code provides that after a charge-sheet is sent by the Police, copies of First Information report, statements of witnesses and all other documents on which the prosecution has to rely should be supplied to the accused, before the hearing of the case starts. In the case of additional witnesses, this is not possible, as they are cited at a later stage of the case. In view of the mandatory provision of the section, the Courts are not inclined to permit the prosecution to examine additional witnesses. However, the prosecution are not wholly debarred from examining additional witnesses after a charge-sheet is sent. The Court may, however, refuse permission to examine additional witnesses if their evidence is not relevant and if their examination is likely to cause prejudice to the accused.

(I. Go's No. G/5229, dated 15th March 1958.)

(9) All the Police Station Officers should supply the requisite copies to the accused in cases investigated by the special organizations, such as Criminal Investigation Department, Anti-Corruption Bureau, in time, without unnecessary delay.

(I. G.'s C. M., No. 7490, dated 7th August 1956.)

(10) The submission of charge-sheet should not be delayed in Prohibition cases, in particular for want of previous conviction slips, as Section 173, Criminal Procedure Code provides that the investigations into the offences should be completed by the Police without unnecessary delay and the charge-sheet submitted as soon as investigation is completed. Non-availability of previous conviction slips cannot be valid ground for withholding charge-sheet in such cases. Nevertheless the information about previous conviction slips should

be placed before the Court before the judgment is announced. While submitting the charge-sheet, the Police officers should make a request to the Court for postponing the hearing of the case or the delivery of judgment.

(G. C" H. D., No. 105~/90673-B, and 30th January 1956.)

(11) In the absence of any provision in the Code of Criminal Procedure for giving copies to the Courts, the Courts are required to go through original case papers which are with the Police. One set of copies should, however, be supplied to the Court along with the charge-sheet to facilitate the work of the Court. Copies of other documents should also be given to the Courts, if asked for and the originals kept ready in Courts on the dates of hearing.

(I. G.'s C. Mo, No. 7490, dated 10th June 1957.)

219. Final Reports.- (1) When there is no sufficient evidence to justify the forwarding of the accused to a Magistrate, the Police Station Officer or the investigating officer will release the accused person on bail, if he is in custody.

(2) The Police Station Officer will then submit a final report to the Magistrate empowered to take cognizance of an offence on a Police report through the Superintendent of Police or the Sub-Divisional Police Officer, as the case may be, in the following three classes of cases: -

(a) Those in which it appears from the Police investigation that no offence has been committed.

(b) Those in which it appears from the Police investigation that only a non-cognizable offence has been committed.

(c) Those in which there are grounds for believing that an offence has been committed, but in which, in the opinion of the officer-in-charge of the police Station, there are not sufficient grounds to investigate or there is not sufficient evidence to justify sending anyone for trial, or in which the offender is not known or cannot be arrested and sent for trial.

In cases referred to the Police by a Magistrate, the final report will be sent direct to the Magistrate.

(3) The final report should be written up carefully by the officers in-charge of the Police Station personally and should be accompanied by all the case papers numbered and indexed methodically. If the accused has been released on bail, the Magistrate should be requested to cancel the bail bond. He should also be requested to pass orders regarding the disposal of property attached, unless any of the articles, e. g., blood stained clothes, are required for further use in true but undetected cases. A request should also be made to the Magistrate to classify the case and to issue an appropriate summary of his order, viz. :-

"A' True, undetected (where there is no clue whatsoever about the culprits or property or where the accused is known but there

is no evidence to justify his being sent up to the Magistrate (for trial).

"B" Maliciously false.

"C" Neither true nor false, e. g., due to mistake of fact or being of a civil nature.

"Non-cognizable" Police investigation reveals commission of only a non-cognizable offence.

(4) A Superintendent of Police or a Sub-Divisional Officer is not bound to forward a final report to the Magistrate immediately. He may of his own motion direct further enquiry or he may for special reasons permit a case to remain pending under investigation.

(5) When any further investigation is ordered and made subsequent to the submission of the final report the papers should, at each stage up to final disposal, be sent though the Superintendent of Police or the Sub-Divisional Officer. In urgent cases however, the Magistrate may return the papers, direct to the investigating officer.

(G. R., J. D., No. 5570, dated 26th October 190..)

(6) When a final report of an officer-in-charge of a Police Station is returned to him for further investigation or other purpose, the date of the submission of the final report in its last and complete form should be taken as the date of its submission to the Magistrate for the purpose of determining, the beginning of the period of 14 days within which a summary of the Magistrate's final order should be sent

(G. R., J. D., No. 5570, dated 2~th October 190..)

(7) It is not competent to a Magistrate to return investigating officer's report made to him under Section 173, Criminal Procedure Code, with an order to make a case against the accused and to send it up for trial. If the Magistrate considers that there is a prima facie case against the accused he should take action under Section 204 of the Code.

(Letter No. 957, dated 7th June 1984 from the Relistrar, RiCh Court, Bombay to the District Magistrate, Ratnaiiri, and 1. G.'. No. 5531-C, dated 19th April 1913.)

SECTION IX - EXTRADITION

220. Delegation of functions of the Government of India under the extradition Act .- Under Article 258 of the Constitution of India (corresponding provision to Section 124 of the Government of India Act 1935) the functions of the::-Government of India have been delegated to the State Government under Sub-Sections .(1), (4), (6), (7) and (8) of Section 3, Sub-Sec~ons (1) and (2) of Section 4, Section 5, Section 8-A, Section 9, Sub-Sections (1), (2) and (3) of Section 10, Section 11, Section 15, clause (c) of Section 19 and Section 20 of the Indian Extradition Act, XV of 1903.

Extradition. - (1) Extradition is governed by the Extradition Acts, 1870, 1873, 1885, 1903, 1906 and 1932. It is the arrangement agreed to between certain countries whereby they agree to surrender to the country applying for extradition of persons, who have committed certain crimes (laid down in Extradition Treaty), of that country.

(2) Extradition offences are enumerated in the first Schedule of the Extradition Act, XV of 1903, but offences such as bribery and under Dangerous Drugs Act are included in the enactment. Foreign State means a State in which for the time being the Extradition Acts of 1870 and 1873 shall apply.

(3) Procedure to be followed in case of Extradition:-

(a) Upon a requisition made by the Government of any foreign State to the Government of India for the surrender of a fugitive criminal of that State who is in or suspected to be in any of the States in India, the Central Government may issue an order to any Magistrate within jurisdiction directing him to enquire into the case.

(b) For the purpose of the enquiry the Magistrate has the same jurisdiction and powers as the Sessions Court or High Court with respect to offences triable by them. In certain cases a Magistrate of First Class or any Magistrate specially empowered by Central Government is authorised to issue warrant for the arrest of such person. The Magistrate who is authorised to hold an enquiry under this Act is not subject to the appellate jurisdiction of the High Court.

(c) The Magistrate issues a summons or warrant for the arrest of the fugitive criminal according to the nature of offence.

(d) He shall take all such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal.

(e) If a prima facie case is made out, he may commit the fugitive criminal to prison to await the orders of the Central Government. If no prima facie case is made out or the offence is bailable, the fugitive criminal may be released on bail.

(f) The Magistrate is required to report the result of his enquiry to the Central Government along with any written statement which the fugitive criminal may desire to submit for the consideration of the Government.

(g) Important question of law can be referred to the High Court for clarification, but if the Central Government decides to surrender the criminal, it may issue warrant for the custody and removal and delivery of such a criminal at a place and to person named in the warrant.

221. Procedure for extraditing the fugitive offenders from United Kingdom and other Commonwealth Countries.- (1) The Government

of India have laid down the following procedure for extraditing the fugitive offenders from United Kingdom and other Commonwealth Countries:-

(a) The Magistrate concerned will issue a warrant for the arrest of the fugitive offenders to Police officials in the usual form prescribed under the Criminal Procedure Code.

(b) The warrant for arrest, accompanied by all such documents would enable a prima facie case to be establishing against the accused will be submitted by the Magistrate to the Government of India, Ministry of External Affairs through State Government concerned.

(c) The Ministry of External Affairs in consultation with the Ministry of Home Affairs and Law, will make a requisition for the surrender of a fugitive offender in the form of letter requesting the Secretary of State (in the case of dominions, the appropriate authority in that dominion), to get the warrant endorsed in accordance with law. The letter will be addressed through the High Commissioner for India in United Kingdom/Dominion concerned and will be accompanied by the warrant issued by the Magistrate at (b) above and other documents received therewith. (Memorandum No. K/52/6131/41, dated 31st May 1955.)

222; Extradition from a British possession of a fugitive offender to the Indian territory.- As regards the procedure to be adopted under the Fugitive Offenders Act, 1881, for the return of a person who has committed an offence in India and has escaped to a British possession the following rules should be observed :-

(A) Taking of Evidence and Issue of warrant under part I of the Fugitive Offenders Act

(Sections 3 and 29 Fugitive Offenders Act, and Section 19 (c) Extradition Act)

(1) Application for a warrant of arrest should be made to a First Class Magistrate or a Magistrate specially empowered.

(2) *Evidence* should be addressed on the following points, viz: -

- (a) that the criminal has absconded;
- (b) that he has committed the alleged acts;
- (c) that the alleged acts constitute under the law in force in the Indian territory an offence of piracy, treason or any offence punishable under the Indian Penal Code with rigorous imprisonment for not less than twelve months;
- (d) that the facts stated in the depositions disclose a *prima facie* case of an offence of the nature specified in (c); and
- (e) the description of the fugitive,

Points (c) and (d) should be proved by expert evidence. The expert may be a Judge, Barister, Advocate, Solicitor or an official in a position from which knowledge of the law may be inferred (e. g., the Magistrate's clerk).

(3) The evidence should be recorded under Section 512 of the Criminal Procedure Code, in the same way as evidence is ordinarily recorded in Court, and each deposition and exhibit should be signed by the Magistrate.

(4) Ordinarily copies of the depositions and exhibits will be taken for the purpose of being sent with the warrant. Such copies must be authenticated with a 'true copy' certificate signed by the Magistrate.

(5) The warrant and all documents sent with it, that is, the certificates, depositions, exhibits and copies, must also be sealed, as directed in Section 29 of the Fugitive Offenders Act, with the official seal of the Political and Services Department. This procedure obviates the necessity of the authentication of such documents by the oath of a witness in the country where the fugitive is found.

(6) The most convenient manner of authenticating copies is to fasten them together with ribbon and to seal and to append to the file a certificate in the form given in paragraph 1 of Appendix XXI which can then be sealed with the seal of the Political and Services Department. The latter seal should also be separately affixed to all original documents to be sent.

(7) All evidence should, if possible, be taken in the presence of the Police officer entrusted with the execution of the warrant.

(8) The warrant should be in the form prescribed by Section 75 of the Criminal Procedure Code and directed as required by Section 77. It should be signed as shown in paragraph 2 in Appendix XXI.

(9) The warrant in original with the copies of the depositions and exhibits properly indexed and numbered should be handed to the Police officer.

(10) If possible, a photograph of the fugitive should be put in as an exhibit with the deposition.

(11) If the Police officer entrusted with the execution of the warrant is unable to identify the fugitive, he should be accompanied by some person able to do so.

(B) Procedure for obtaining arres-

(Section 4, Fugitive Offenders Act)

(1) If the case is urgent, application should be made by telegram to the Police authorities at the place to which the fugitive has absconded, for the issue of a provisional warrant. This telegram should

be sent by the Political and Services Department. It should contain the following particulars:-

- (a) Name and aliases of fugitive
- (b) Description of fugitive or name and address of a person who can identify him.
- (c) Description of offence (e.g., "murder")
- (d) Date of offence.
- (e) Place of offence.
- (f) Particulars of offence.
- (g) Statement that warrant has issued.
- (h) Unless the offence is treason or piracy, a statement that the offence is punishable with twelve months' rigorous imprisonment.
- (i) Time when the papers in the case may be expected.

Specimen telegrams are given in paragraph 3 in Appendix XXI. In telegrams to the United Kingdom it should be stated also that further proceedings under the Fugitive Offenders Act will be taken. is

(2) The telegram should be confirmed by a letter to the Government of the place where the fugitive is to be arrested. The letter should be issued by the Political and Services Department.

(3) Where the case is not urgent, the procedure for issue of a provisional warrant need not be followed, and the original warrant, when presented by the Police officer entrusted with it, will be endorsed in the place where the fugitive is to be arrested. For this purpose the warrant should be presented to one of the authorities re named in Section 3 of the Fugitive Offenders Act. I

(4) Whether a provisional warrant has been applied for or not, the Police officer should take the original warrant with the depositions and other papers and the witnesses, if any, to the place at which the fugitive is to be arrested and apply to the proper authorities for the surrender of the fugitive.

(C) Convicted persons

Under Section 34 of the Fugitive Offenders Act, the procedure for the arrest of accused persons applies, so far as is consistent, to convicts. In the case of convicts, where the fact of the convict being unlawfully at large itself amounts to the commission of an offence to which the Fugitive Offenders Act applies, such additional offence should be clearly brought out in the proceedings and referred to in the application for surrender. In other cases it will be necessary to rely on the original conviction, and care must be taken that all necessary preliminaries to arrest have first been completed,

(D) Cases to which Part II of the Fugitive Offenders Act applies;

(1) The following places have been grouped with the Indian territory (by Orders in Council) under Section 12 of the Act :-

Ceylon.
 Strait Settlement.
 Zanzibar.
 East Africa and Uganda Protectorate..
 Aden.
 Mauritius.
 All British Possessions and Protectorates in Africa, South of Equator.
 The Somaliland Protectorates.
 The Persian Coast and Islands.

(2) Where a fugitive has escaped to any place in the above group a First Class Magistrate or a Magistrate duly empowered in the State of Bombay, may issue a warrant for his arrest, whatever the nature of offence committed.

Requisition for Extradition of Fugitive Offenders from and to Nepal-Procedure regarding

In communication with the Nepalese authorities, the actual request for extradition should be made and received through the Central Government. But, if the Central Government have no objection to the District Magistrate continuing to address their opposite member in Nepal directly and vice versa and asking them to arrest and hold a wanted offender pending extradition proceedings.

(G. E., No. EXT. 1553, dated 10th September 1955.)

(2) Such warrant should be drawn up duly authenticated in the manner provided for warrants under Part I of the Act. When endorsed by a Magistrate in the place in question, the warrant will sufficient authority for the arrest of the offender.

(3) After the arrest of the fugitive a witness should be produced to give oral testimony before the Magistrate as to the identity of the fugitive, and if satisfied on this point, the Magistrate should surrender the fugitive without further formalities.

(4) In cases of ill-gency, application should be made to the authorities at the place where the fugitive is to be arrested for the issue of a provisional warrant. The procedure regulating such application will be the same as in the case of a provisional warrant, under Part I of the Act.

(E) Cases to which Section 33 of the Fugitive Offenders Act applies

In these cases the offender is not, strictly speaking, a fugitive but being in some part of the Commonwealth Countries has committed an offence in such part, for which he would be triable in India were he found there, either by virtue of the ex-territorial jurisdiction of the Indian Government or for any other reason peculiar to the case. The alleged act must at the same time be an offence punishable by the law of that part of the Commonwealth Country in which it was committed. In such cases the procedure herein before laid down will be applicable *mutatis mutandis*.

(F) Authentication of Warrants etc.

In order that warrants etc. referred to in Sub-Rules A (5) and (6) and D (3) above, when issued by Magistrates in the State of Bombay, may be deemed duly authenticated for the purpose of the Fugitive Offenders Act 1881, it is necessary that:-

- (1) (a) they should be authenticated in the manner provided for the time being by law; or
 - (b) they should purport to be signed by or authenticated by the signature of a Judge, Magistrate etc.; and
- (2) they must, in every case, be authenticated by being sealed with the official seal of and bear an endorsement signed by the Secretary to the Government of Bombay, Political and Services Department, certifying that the warrant was issued by the Magistrate (to be named) having lawful authority to issue the same.

(G. R., P. D., No. 5224, dated 28th October 1927.)

223. Extradition from Iraq to India.-In case of extradition from Iraq to India of persons wanted for trial in the State of Bombay; applications should be made by Magistrates in the State of Bombay to the Consular Officer of India in Iraq through the Government of Bombay and should be accompanied by the following documents:-

- (a) A brief summary of evidence sufficient to make out a *prima facie* case against the accused.
- (b) A warrant for his arrest.
- (c) A copy or extract of the law under which the accused is charged.
- (d) A detailed of the accused and, if possible, a photograph.

(G. R., P. D., No. 3984, dated 22nd March 1926.)

224.Surrender of property in connection with extradition of offenders.- (1) In any proceedings against any person under the provisions of the Indian Extradition Act, 1903, or of any treaty for the extradition of offenders, the Magistrate acting in such proceedings and any Police officer authorised to arrest such person, under the provisions of the said Act or of such treaty, has been empowered under Section 22. of the Act to exercise in any place in the Indian territory in respect of any property in the possession of such person or of any other person which appears to such Magistrate or Police officer to have been the subject of, or to be required for, proof of the offence in respect of which the proceedings are being taken, the powers respectively of a Court and of an officer-in-charge of a Police Station under the Code of Criminal Procedure, 1893, as if such property were property, the production of which is necessary for the purposes of any investigation or trial under the said Code, by or before such Court or officer, and the provisions of the said Code, so far as they can be made applicable, shall apply to any summons or warrants issued in pursuance of this Rule and to any search made under the authority of any warrant so issued and to the disposal of any property seized in any such search.

(2) Such Magistrate may send such property to the State to which such person is surrendered and shall have, in respect of, any such property produced before him in such proceedings or returned by the aforesaid State, all the powers of disposal vested in a Court under the Code of Criminal Procedure, 1898, in respect of any property produced before it during an inquiry or trial.

(G. R., P. D., No. 3524-BB, dated 13th August 1925.)

CHAPTER VI

DIARIES, REVIEWS ETC.

225. Case Diary of the Investigating Police Officer.- (1) The "case diary" is maintained under section 172, Criminal Procedure Code, and is to be kept for each case by the investigating officer in his own handwriting.

(2) The fair copy of the case diary is to be sent daily to the Superintendent of Police or Sub-Divisional Officer.

(3) There is only one investigating officer in each case, who is ordinarily "the officer in charge of the Police Station" or when he does not "proceed in person to investigate the case, the subordinate deputed by him "to investigate the facts and circumstances of the case" (Section 157, Criminal Procedure Code). In special cases the Superintendent of Police or Sub-Divisional- Officer may, however, under Section 551, Criminal Procedure Code, either take over the investigation himself or nominate any officer superior to the Police Station Officer to take charge of the investigation. The Superintendent of Police or the officer so nominated then becomes the investigating officer for the purposes of Chapter XIV, Criminal Procedure Code.

(4) Those who, under the orders of the investigating officer, assist him by making any enquiries they are directed to make and are bound to make under Section 64 of the Bombay Police Act do not thereby become investigating officers under Chapter XIV, Criminal Procedure Code, nor, because of the subordinate part they are required to take in any investigation, it is necessary for them to keep diaries under Section 172, Criminal Procedure Code. The result of any enquiries and action such officers take in furtherance of the investigating officer's instructions or orders will be communicated by a report written or verbal, as required by the investigating officer and will be embodied by the latter officer in his case diary under Section 172, Criminal Procedure Code. This will appear also, briefly in the subordinate officer's weekly diary or in his patrol book.

(G. R., H. D., No. 2420/3, dated 15th May 1933.)

(5) Case diaries should be maintained in cognizable cases and in inquiries under Section 174, Criminal Procedure Code, and in the latter case, after verification, if the inquiries were first made by Police Patels.

(G. R., H. D., No. 1551, dated 13th November 1922.)

(6) Copies of diaries in cases referred by Magistrate to the Police for enquiry under Section 202, Criminal Procedure Code, should be

submitted by Police Station Officers to the officer in charge of the sub-division. (No entry should, however, be made in the Sub-Divisional Officers' crime registers)

(I. G.'s No. 95, dated 30th October 1925.)

(7) With regard to the contents of the diary, it should not be necessary to issue any directions, since Section 172, Criminal Procedure Code expressly lays down the matters to be contained in it. These should be the time at which the information reached the investigating officer or, in the case of an officer deputed to make an investigation, the date and substance of the order of the officer in charge of the Police Station, the time at which he began and closed his investigation, the places visited by him and a statement of the circumstances ascertained in the investigation.. The last should be as brief as is consistent with clearness and need not include statements or reports *in extenso* or copies of *panchnamas* or other proceedings. The diary need contain only a brief reference to the recorded statements. The fact that *panchnamas* have been recorded or reports made should be entered as part of the history of the investigation, but a statement of their contents should appear, if at all, only as a portion of the narrative of the results. Case diary should not be verbatim copy of the statements of witnesses recorded under Section 162, Criminal Procedure Code. The case diary should show how the case progresses during the course of investigation. It must also reflect the mind of the Investigating Officer. On receipt of a Summary from a Magistrate, a note about it should be made on the last case diary previously written or if no sufficient space is available in it, on a loose slip which should be attached to the diary. It is for Superintendents or Sub-Divisional Officers to see that diaries are properly kept in accordance with these instructions.

(I. G.'s No.2, dated 27th January 1944.)

(8) As a guide to writing up the case diary, reference may be made to the model diary in Appendix XXII.

(9) On holidays as well as on other days, every case diary must be written up in the evening of the day of the enquiries or, if the enquiries have been prolonged into the night, the first thing the following morning, and a copy thereof must be despatched at the latest during the morning of the day following the day or night of enquiry, by the officer in charge of the Police Station to the Superintendent or the Sub-Divisional Officer and, in case of murder, high-way robbery, gang robbery or robbery with violence, also to his Inspector. A Superintendent not in charge of a sub-division will have discretion to require the submission to him of any diary he may think it necessary or desirable that he should see.

(J. D. Letter No. 1402, dated 13th March 1906.)

(10) The Superintendents of Police should scrutinize all serious crime diaries received by them in the usual manner, make entries

personally in the ordinary Crime Register and deal with them as the Sub-Divisional Police Officer deals with his cases viz., scrutinise them, issue suitable checks and enter the diaries promptly in the Register.

(I. G.'s C. M., No. G/7504, dated 11th April 1958.)

(11) The investigating officer should note down in the case diaries of the cases concerned, the names of other Police officers including the subordinate officers who were associated with him in the investigation of the case, so that some of them could watch the case after his departure.

(I. G.'s C. M., No. 151-11, dated 9th September 1955.)

226. Station diary of the Police Station Officer.- (1) *Objects of station diary* - The main object of the station diary is to safeguard the interests of the public by chronicling briefly, at the time they take place all important occurrences affecting the Police and the public. A further object to the diary is to keep superior Police officers informed of such occurrences. The diary is not intended to serve as a personal diary of the senior Police Station Officer. For this purpose, separate diary is provided (vide Rulef) 229, 231)

(2) *Contents of station diary.* -- Subject to any general or special orders of the Commissioner of Police/Superintendent of Police, the entries should be as brief as possible, consistent with the objects of the diary. The entries should be regarding the following among other occurrences taking place within the Police Station limits:-

(a) *Charge of Police Station House.*-The taking and handing over charge of the Police Station House.

(b) *Informations of crime, etc* - The receipt and immediate manner of disposal of all Information and magisterial orders or directions received under Sections 154, 155, 156, 159, 174 and 202 of the Criminal Procedure Code.

(c) *Case diaries.*-- The preparation and disposal of all case diaries made under Section 172, Criminal Procedure Code, or in accordance with executive orders, and of all copies of such diaries made for submission with copies of station diaries.

(d) *Arrests.*-The effecting and reporting to the Magistrate of all arrests by the Police with or without warrant and the immediate disposal of the arrested persons, except in the case of arrests shown in the case diaries of the Police Station.

(e) *Searches.* -- The effecting and reporting to the Magistrate of all searches of person brought in place by the Police, except in the case of searches shown in the case diaries of the Police Station.

(f) *Seizures.* -- The effecting and reporting to the Magistrate of all seizures of property by the Police *sou motu* and the immediate disposal of such property, except in the case of seizures shown in the case diaries of the Police Station.

(g) *Complaints.*-The lodging of all complaints by the Police to Magistrates under the Indian Penal Code, special and local laws, or otherwise.

(h) *Police reports.*-The submission of all reports by the police to Magistrates or superior Police officers for the issue of warrants of arrest, search warrants etc., or with a view to preventive action being taken.

(i) *Miscellaneous informations.*-The receipt of important miscellaneous information regarding the disappearance of persons, apprehended offences and nuisances, etc.

(j) *Miscellaneous occurrence.*-The receipt of information regarding local occurrences of importance, such as fires, accidents, strikes, fairs, processions, public meetings, unlawful assemblies, epidemics wandering gangs, the time of registration of all cognizable and non-cognizable cases, showing the sections of law under which recorded; Discharge or release on bail of arrested persons except in cognizable cases actually registered; departure from the Police Station of arrested persons for enquiries or for courts quoting the B. Nos. of the Policemen in charge of each prisoner, time of departure and the name of the court to which sent; time of return of prisoners from Courts or from enquiries with results; action taken on broadcast messages relating to missing motor cars, murders riots etc., noting the date and serial number of the wireless. message; affrays between civilians and members of the Armed Forces or the Police escorts of explosives being carried through Greater Bombay; reports on blasting operations in Greater Bombay, up-country police requesting assistance or reporting for any duty; misconduct of Police officers and men calling for disciplinary action; visits paid by superior officers and other high Government officials, etc.

(C. P.'s C. O. No. 34)

(k) *Departmental duties.* - The performance of departmental duties by the Station House Officer, such as parades and inspection held or attended, attendance at Courts, town patrols, night rounds, assistance to officers or other Police Stations, etc.

(1) *Other occurrences.* - Any other occurrences which the Superintendent of Police orders to be mentioned or which, the Police Station Officers consider, should be mentioned.

(3) *Mode of writing diaries.* - (a) The diary is to be written up as from midnight to midnight, and the entries therein. are to be made chronologically hour by hour, as the occurrences they record become known to the Station House Officer, the exact time being shown against each entry.

(b) Reference to case diaries or other miscellaneous information should be given at the end of the day's diary.

(4) *Officers responsible for writing diary.* - An officer in charge of a Police Station, on leaving the Station House for any purpose, should give over charge of the Station to the next senior officer present who, under clause (p) of Section 4, Criminal Procedure Code, becomes invested with all the powers of an officer in charge of a Police Station. The diary is to be written up and signed by the Police officer actually in charge of the Police Station House. The in-charge Police Station Officer and the senior Police Station Officer are responsible for keeping each other informed immediately of public occurrences affecting the Police as soon as they become known to them, when the latter is on tour within the Police Station limits.

(5) *Place of keeping diary.*-The diary is on no account to be removed from the Station House, except on the orders or permission of higher authority..

(6) *Copies of diaries.*-The diary in original is to be submitted early on the day following that for which it is written up, to the Sub-Divisional Officer or the Superintendent of Police, and the carbon copy retained in the Police Station as office copy.

(7) *Form of diary.* - The diary is to be written in form No. C. P. C. 22-A. The forms will be bound in book form and paged and sealed by the Superintendent of Police.

(I, G,'s No. 20, dated 25th July 1939.)

(8) *Procedure in Greater Bombay.* - In Greater Bombay, copies of the Station diaries are not sent to the higher officers as a matter of routine; but only extracts from them are sent to the Superintendent and Deputy Commissioner of Police for their information.

If the officer in charge Police Station goes out on urgent work, the relieving officer takes his place. In case officers are not available, one of the Deputy Inspectors or Inspector himself holds the charge. If, whilst the Station House Duty Officer is out, the relieving officer has to record any cases, he will carry on with such case and will not hand them over to the Station House Duty Officer on his return. Any other enquiry etc., that may come to the relieving officer, will be carried on to its conclusion by that officer and not handed over.

Note: The relieving officer is expected always to remain present at the Police Station, -

(C, P,'s S. O. No. 47.)

227. Morning Bulletins in Greater Bombay.- The Divisional Superintendents in Greater Bombay should submit morning reports styled as 'Morning Bulletin' in form No. 10 Appendix 1, every morning both on holidays and on working days. Full details should be given in respect of the following: -

(a) Cases where property involved is over Rs. 400.

- (b) Cases of unusual interest, where M. O. is peculiar etc.
- (c) Murders and attempts, including infanticide.
- (d) Dacoities.
- (e) Isolated riots.
- (f) Affrays resulting in death or serious injuries.

Note:-1. When there is an epidemic of any form of crime brief notes of any special action taken and the result thereof should be made. This should continue until the epidemic ceases.

2. In cases of hurt or stabbings, the exact cause of the offence should be quoted instead of in vague terms, such as 'previous enmity'.

(C. P.'s S. O. No. 113.)

228. Weekly diary of Assistant and Deputy Superintendent of Police.- (1) Assistant and Deputy Superintendents of Police will maintain and write up day by day, as the facts come to be known in their own handwriting, for each week commencing on Sunday and ending on Saturday, a diary in a bound book stamped, paged and endorsed by the Superintendent of Police, of their movements and proceedings.

(I. G.'s No. 3550, dated 3rd September 1885 and No. 79, dated 19th January 1925.)

(2) Probationary Assistant and Deputy Superintendents of Police attached to districts for training as well as Headquarters Deputy Superintendents of Police, who are not in charge of sub-divisions, should also maintain such a diary.

(3) A Superintendent of Police, whilst holding temporary charge for his Sub-Divisional Officer on leave, should write the latter's usual diary.

(4) (a) But when a Superintendent of Police visits a scene, serious crime, it is not necessary for him to make entries in a regular diary. He should, however, make detailed notes of his investigation on plain paper, which should be attached to the office copy of the 'E' Statement of the Crime Review, so that they will, when necessary, be readily available for refreshing memory, if he is called upon to give evidence in Court. A brief report of investigation should be sent to the Range Deputy Inspectors-General of Police with a copy to the Deputy Inspector General of Police, Criminal Investigation Department, on the first Monday following the week in which the offence was visited.

(b) No further investigation reports need be sent if the case is later supervised by the Sub-Divisional Police Officer as he is required to send such reports. When the District Superintendent of

Police visits a serious crime in addition to the Sub-Divisional Police Officer, it is not necessary for him to send investigation report as the Sub-Divisional Police Officer sends the same with his weekly diary.

(I. G.'s No. G/1252-1, dated 9th September 1958.)

(5) Cases of the following description should be reported in the Asistant Superintendent's or Deputy Superin.tendent's diary:-

- (a) All cases of serious crime as mentioned in Rule 134 (1).
- (b) Other cases which the Sub-Divisional Officer personally enquires into.

(I. G.'s No. 13, dated 27th 'October :t944 and No. 2042-B, dated ..22nd February 1916.)

(6) When Sub,.Divisional Officers visit scenes of crime in any of he above cases and make personal investigation, they should enter Lay by day their proceedings, setting forth briefly the places visited by them in the course of their investigation, the persons examined he facts ascertained through: their investigation, and generally particulars bearing on the points noted in Rule 136. In fact the Sub-Divisional Officer's diaries regarding any personal investigation into an offence should *mutatis mutandis*, though in less detail, contain very much what a Sub-Inspector is required to record in his case diary. In visitable cases not visited by. them, the entries in the diaries should be based on the details available from the case diaries sub-mitted by the investigating officers.

(7) Each case of crime should be serially numbered. Entries re-lating to other matters should not be numbered.

(8) The entry number for each case should run right through until the case is finally disposed of, e. g. entry No. 75. Further references; to this case should be numbered 75/2, 75/3 and so on.

(9) In referring to former entries, e. g. 75/2, a brief reference should be made showing the nature of the crime, the place and the date thus: -

Dacoity at Junnar, loth ultimo

(10) In numbering cases at the beginning of the year, Sub-Divisional Officers should continue to old year's series of numbers for all cases reported to the Police before the close of the year, although not entered in their own .weekly diaries till the beginning of the new year. The new series of numbers should commence with the first serious crime reported on or after January first.

(I. G.'s No. C/1166, dated 16th April 1907.)

(11) Whenever a Sub-Divisional Police Officer of one division is required to make investigation into an offence that has occurred in another division, he should record in his diary the entries pertaining to that crime under the proper serial number of the division to which it belongs. For example, if a Sub-Divisional Officer in-charge of the Northern Division investigates an offence of Southern Division, he should make entries relating to that offences in his diary under the correct serial number of the Sub-Division, e. g. 5/S. D. 52 f S. D. and so on.

(I. G.'s No. 23, dated 9th August 1958.)

(12) Assistant and Deputy Superintendents of Police who do not hold separate charges must not number afresh in their diaries cases which have already been numbered in the diaries of the Sub-Divisional Officers, even if such cases have personally been investigated by them.

(I. G.'s No. 711, dated 26th January 1907 and G. R., H. D., No. 6169, dated 5th May 1925.)

(13) The town, the Police Station and the taluka, the nature and the date of crime, the name of the complainant and the amount of loss are to be given at the head. After giving the above, the Sub-Divisional Officer. should invariably give some account of the circumstances of the case. It is not sufficient to know, for instance that a certain house was broken into, Rs. 4,000 stolen, and that enquiries are being mad'e. A short precis of such particulars as have been learnt from the Sub-Inspector's reports should be given.

(I. G.'s No. 10720, dated 30th November 1896.)

(14) In cases of moves, the distance in miles should be given, if journeys are performed by road or by water in country craft. In addition to the name of the village at which the camp is, the name of the taluka should invariably be added

(I. G.'s No. 6346-B, dated 24th June 1921.)

(15) The place of camp is, as a rule, the place where the officer was at midnight. If the officer was outside the district at that hour, it is irregular to enter as his camp the place where his office or tents have been during the time. The place of camp need not be entered at all for Sunday, provided no work is done and no entry is made on that day in the diary. If the Assistant or Deputy Superintendent of Police works on a Sunday and makes entries under that date, the place of camp should be given; otherwise the Range Deputy Inspector-General of Police has no means of knowing to what place the entry refers.

(I. G.'s No. 8792, dated 11th September 1901 and J. ,D., Letter No. 6364, dated 1st October 1911.)

(16) Inspection of Police Station and Outposts or other offices (vide Sub-Rule (3) of Rule 528) including a reference to any grave irregularity of which the higher authority should be informed or which .

is likely to be the subject of special investigation and visits to, and inspections of, shops, etc. of licensed manufacturers under the Arms Act should be reported in the .Sub-Divisional Officer's diary.

(17) Time of arrival and departure, distance travelled, and vehicle used should be entered by all Assistant and Deputy Superintendents of Police in their weekly diaries in respect of all Journeys undertaken by them. Time of arrival at and departure from, the scene of crime or place where any personal investigation is conducted and time of beginning and ending night rounds should also be shown in the diaries.

(I. G.'s No. G/2460, dated 13th February 1958.)

(18) The final result of any case once entered should invariably be noted in the diary.

(I. G.'s No. 10720, dated 30th November 1896.)

(19) Copies of the diary may be made by a clerk. Each Assistant or Deputy Superintendent of Police will send to the District Superintendent of Police, the District Magistrate, the Range Deputy Inspector-General of Police and the Deputy Inspector-General of Police, Criminal Investigation Department, a copy of the weekly diary accompanied by a copy of the weekly statement prescribed by Sub-Rule (2) of Rule 441.

(20) The officers to whom copies of the weekly diary are sent under Sub-Rule (19) should scrutinize the diary and make such remarks and issue such instructions as they deem necessary in relation to the scope of the control which they exercise over the work of the Assistant or Deputy Superintendent of Police. Copies of his remarks and instructions should be sent by the officer issuing them to other officers to whom copies of the diary are sent. Replies, if any to such remarks should be submitted by the Assistant or Deputy Superintendent of Police through his Superintendent of Police, copies of the replies being simultaneously sent to other officers to whom copies of the remarks were sent.

(21) As these diaries are to serve the additional purpose of special reports on serious crime to the Criminal Investigation Department (Rule 441), they should contain as much detail as possible of all crime reported therein, both as to facts and special steps taken to deal with it.

(I. G.'s No.2, dated 8th January 1934 and 51, dated 27th November 1934.)

To facilitate an independent record of every serious crime being maintained, the diary should be split up into two parts viz. (1) Movements and (2) Investigation of cases. The facts of investigation should be typed datewise on a separate sheet for each case during the week and sent to the officers concerned along with the weekly

diaries so that they can be filed separately. For example, an officer who is at Headquarters on 19th September 1954 will write his Weekly Diary thus:-

Weekly diary of the for the week ending ,25th September 1954.

Date	Camp	Number of Returns	Proceedings.
1	2	3	4
19 th September 1954	Sholapur	..... 2	(1) 7 hours attended parade office routine. At 16 hours recieved express report of a murder at Baral. (2) Murder at Baral on 16 th September 1954 at 20 hours of Gersappa shivappa by Balappa in his field. Sub-Inspector recieved the report at 21 hours and sent a telegram which was received by me at 16 hours. Left Sholapur at 17 hours and reached Barsi at 22 hours. (For details <i>vide</i> Memo attached)
20 th September 1954	Barsi	..... 2/2	Last entry No. 2 of 19 th September 1954 continued Investigation. (For details <i>vide</i> Memo attached)

(22) Superintendent in charge of undivided Districts or Railway charges or in charge of a sub-division in not fully sub-divided District or Railway charges will not maintain any weekly diaries, but will include information regarding crime mentioned in Sub-Rule (5) above, in the weekly crime statements prescribed by clause (ii) of Sub-Rule (2) of Rule 441, which they will submit direct to the Deputy Inspector-General of Police, Criminal Investigation Department.

(23) The District Magistrate, after proper scrutiny of the diary, will report to Government points, if any, requiring immediate attention, copies of such reports being endorsed to the Inspector-General of Police.

229. Inspector's weekly diary.-(1) Each Inspector of Police will write in his own handwriting, day by day, as the facts come to be known, a weekly diary, in a bound book stamped, paged and endorsed by the Superintendent of Police commencing on Sunday and ending up on Saturday. It must be a minute and faithful record of his movements and actions. It should state concisely every duty performed, inspection made, and every occurrence and information coming to his notice. It should record every step taken in tracing cases and following up clues and all circumstances elicited in his enquiry. It should also state any neglect of duty by subordinates..

(2) A copy of the diary will be submitted to the Superintendent of Police on the following Monday.

(I. G.'s No. 3550, dated 3rd September 1886.)

230. Record of investigation by Greater Bombay Police Officers.- (1) Every Sub-Inspector, Deputy Inspector, Selection Grade Sub-Inspector and Inspector of Police Greater Bombay should maintain a personal record in a book of all offences personally investigated by him, with their results from time to time. The record should be continuous, i.e., if he is transferred to some other Police Station the officer concerned should continue his record in the other Police Station also in the same book.

(2) This book should be divided into six parts, viz., (a), (b), (c), (d), (e) and (f). Part (a) should consist of cases under the Indian Penal Code; (b) Prohibition Act cases; (c) Gambling Act cases; (d) Local act cases other than (b) and (c); (e) Preventive action such as Chapter cases, cases under sections 120-122 124 and 142 Bombay Police Act cases. (Chapter cases under Sections 107, 109, 110 should be shown separately, and (f) miscellaneous cases such as accidental deaths, accidents etc.

(3) The entries in respect of the above should be under the following heads:-

(i) S. No. (ii) C. R. No. and date (iii) section of law, (iv) name of the accused, (v) property stolen, (vi) property recovered, facts and (viii) result and remarks.

The first page of the book should be an index of the above and a separate slip of paper showing the rewards and good entries received by the officer along with the P. N. para. number and date should be pasted on the second page. Similarly a statement giving crime figures reported and detected of the previous three years of the Police Station concerned under the following heads should be attached to the book..

	Year
1. Murders with attempts
2. Dacoities
3. Robberies with arms
4. Robberies
5. H. B. by day.
6. H. B. by night
7. Thefts
8. Cycle thefts
9. C. B. T. in respect of cycles
10. Kidnapping cases
11. Other I. P. C. cases

(C. P.'s O. No. 100.)

231. Weekly diary of Police Prosecutor, Sub-Inspector, I Grade Head Constable and Brevet Jemadar (1) Every Police Prosecutor, Sub-Inspector, I Grade Head Constable and Brevet Jemadar will maintain in his own hand writing a diary in Form No. P. R. 2 in a bound book stamped, paged and endorsed by the Superintendent, or Assistant or Deputy Superintendent of Police in charge of a sub-division, showing his personal movements and work, his camps, the distances he travels and the time of arrival and departure from each place.

(2) When a case is investigated and a case diary submitted, the details of the work done, as entered in the weekly diary, need only be *very* brief, reference being made to the case diary for full particulars.

(1. C.'s No. 3835-A, dated 12th March 1909.)" g

(3) With a view to economize paper, the blank space in the first three columns should be utilized by writing the proceedings right across the form instead of confining the entries to the column intended for the purpose.

(4) Police Prosecutors will submit copies of their weekly diaries for the week ending Saturday to their Superintendents through the senior Police Prosecutor and the Sub-Divisional Officer concerned on the following Monday. Sub-Inspectors will similarly submit copies of their diaries to the Sub-Divisional Officer, and I Grade Head Constables and Brevet Jemadars to the Sub-Divisional Police Inspector through the Sub-Inspector.

232. Note Books and Personal Diaries for Officers in Greater Bombay.-(1) Note Books.-(a) All officers of and above the rank of Sub-Inspector at each Police Station should keep with them pocket Note Books (which can be had on indent from the Head Office) to enable them to keep proper notes of investigation or enquiry in crimes, accidents etc.

(b) New books should be issued on the return of the old ones, which should be kept on record for one year.

(c) If an officer is transferred or goes on long leave, the books issued to him should be retained at the Police Station and handed over to his reliever.

(2) *Personal diaries.*-- (a) Every Sub-Inspector attached to a Police Station in any division should maintain a diary of his official movements. The diary should be written up each day and placed the following morning by 10 a.m. before the Inspector. The Superintendent of the Division should see it once every week.

(b) Similarly, Inspectors should also maintain a diary and submit copies of weekly diary to concerned Deputy Commissioner, and the Divisional Superintendent for scrutiny on every Monday.

(c) The diaries should be maintained in the following manner in exercise note books available on indent from the Head Office.

Diary of.....
 P. S.

Date	Time	Proceedings
------	------	-------------

(C.Ps. & O.No. 78)

233. Corrections of entries in the diaries. - It is quite necessary that the entries in the officers' diaries should be quite correct and accurate. Severe action should be taken against officers making wrong entries in their diaries. This applies to all grades of officers.

234. Patrol books and note books of Head Constables and Constables.- (1) All Head Constables and Constables, other than I grade Head Constables and Brevet J emadars, will keep patrol books in standard Form No. P. M. 5, if on patrol duty. All other Head Constables and Constables in Districts and all Head Constables and Constables on Railways, will maintain note books, in accordance with instructions given in Rules 81 and 82.

(2) Extracts from patrol books and note books need not be sent to Superior Officers, who should when on tour, examine them as laid down in Ru]e 90.

235. Monthly crime reviews of Superintendeats of Police. - (1) (a) All Superintendents of Police will prepare for their respective charges monthly reviews of crime consisting of the following parts in the prescribed forms:

- Part A : Statistical information (for the whole district), in Form No. PR 50-e (Revised).
- Part A-1 : Preventive action taken by the Police and its disposal during the month, in form No. P. Ro 50.e (Revised).
- Part A-2 : Statement showing number of cases of (1) serious crime, (2) crime other than serious crime, and (3) preventive action, pending trial for over six months at the close of the month to be sent quarterly (i.e. with the reviews for the months of March, June, September and December only) in Form No. PR 50-e (Revised).
- Part B : Statistical data and also comments on the incidence and the disposal of each type of important offence.
- Part C : Remarks on any features of any particular form of crime, measures taken or proposed for dealing with it, etc. in Form No. PR 51-e (Revised).

- Part D: A brief narrative account of the circumstances and investigation of each individual crime classed as serious, reported or under investigation during the month, in Form No. PR 52-e (Revised).
- Part E: Statement of personal movements.
- Part F: Inspection of Police Stations and Outposts (figures to be given separately for each Gazetted Officer).

When space in the printed forms is insufficient, blank sheets should be added.

(2) The following instructions should be observed in the preparation of the review:-

PART B

(i) This part is mainly intended for offering comments on the statistical data given in Statement A and remarks on increase, decrease and special measures taken to deal with the crime situation in the district. With a view to increasing utility of this Part, it is essential that this part should provide statistical data and also comments on the incidence and the disposal of each type of important offences. This part should, therefore, be divided under different heads of important offences such as Murders, Dacoities, Robberies, House Breaking and Thefts, Thefts, Rioting, etc. A paragraph should be devoted to each head and it should begin with the total number of offences reported during the month and their disposal. Thus for example, the paragraph pertaining to House Breakings and Thefts would begin as under :-

No. of Cases recorded.	Disposal during the month under all different heads.	Amount of property stolen.	Amount of property recovered.
(i) Detected.			
(ii) Sent up.			
(iii) Pending Investigation.			
(iv) Disposal, if any of cases by Court.			

(ii) After this statistical data, comments should be offered on the large fluctuation of crime under the head and also on any salient features of the type of offence. Variation within the district should also be commented upon although the total may not show appreciable change. This is intended to provide to the supervising officer a continuity of thought and a true picture of the crime situation from all possible angles. The District Superintendent of Police should

study crime closely to enable the supervising officer to get a complete picture of the crime situation of the district. The serious offences like murders, dacoities, etc. need not be discussed individually as the facts are already given in Part D.

In order to keep uniformity in the modus operandi of house break-ings' information throughout the State it is suggested that "Khan-Nakab" should be included under the head "Rumali" and "Gimlet" be included under the head "Bagli."

(I. G.'s C. M., No. 1252-I, dated 9th October 1958, 6th November 1958, 25th November 1958, 7th January 1959.)

(iii) The Railway Police Reviews should contain statistics about thefts under different heads as mentioned below:-Thefts

(1) Running Train Thefts:

- (a) of goods consigned to the charge of Railway Administration.
- (b) of goods in charge of passengers themselves.
 - (i) First or Second Class compartments.
 - (ii) Other parts of the train including Third Class compartments.

(2) Goods Shed Thefts.

(3) Yards Thefts.

(4) Platform Thefts.

(5) First or Second Class Waiting Room Thefts.

(6) Third Class Waiting Halls Thefts.

(7) Thefts by Pickpockets.

(8) Miscellaneous Thefts.

They should also contain remarks about the watch or patrolling systems at various yards, platforms and goodsheds and ways and means devised to prevent these offences.

(iv) The additional information as follows should be supplied in this Part while offering comments on Prohibition cases under Class VI offences to enable the Inspector-General of Police to assess the quality of work done by the District Police in the enforcement of the Prohibition Act:-

- (a) Number of cases in which accused is known.
- (b) Number of cases of consumption, and
- (c) Number of cases of distillation.

PART C

This Part should contain a statement showing information relating to important events other than concerning Crime such as:-

(i) Visit of V. I. Ps.

- (ii) Movements of Wandering Gangs.
- (iii) Big fires, serious motor accidents, or other incidents not directly connected with crime like Police arrangements at fairs and big meetings, floods and other natural catastrophes.

PART D

(i) This Part should contain a brief narrative account of the circumstances and investigation of each individual crime classed as serious, reported or under investigation during the month. It should be shown whether the scene of offence was visited in each case by a Gazetted Officer, reasons for non-visitation being explained. The final results of all such cases should also be reported.

(ii) Each offence should be given a serial number, which should be mentioned when a reference is made to the offence in subsequent reviews

(iii) Cases in which the method of the criminal or the course of investigation is of unusual interest should be described in detail for publication in the Police Gazette.

(iv) For the purposes of this Part, the expression "serious crime" means those offences enumerated in Rule 134 (1), which are required to be visited by a Superintendent or a Sub-Divisional Officer.

(v) The particulars should invariably be given in form No. 16 in Appendix I, separately for each individual crime classed as serious crime reported or investigated during the month under review.

(vi) An entry should invariably be made below the above particulars as under:-

"Seen visited by the Superintendent of Police"Sub-Divisional Officer on " (Here give dates during which the officer was engaged on the investigation). The account of the serious crime should also contain a brief account of what part the Superintendent or the Sub-Divisional Officer personally took in the investigation.

(vii) The information regarding the assistance rendered by members of the Village Defence Party in detection and prevention of dacoities etc. should be incorporated in the body of the brief facts of the cases concerned in this Part.

(I. G.'s No. G/1252-1, dated 22nd December 1958.)

PART E .

This Part should give a brief outline of the duties performed by the Superintendent, whether at headquarters or on tour, day-by-day for the period of the halt, irrespective of whether the work done is of a routine nature or not. Consequently all, visits to Headquarters or

Police Stations in headquarters and attendance at drill, parades, etc. must be recorded in this Part. Mention should also be made of inspections of Police Stations, Outposts or other Police offices on the lines indicated in Sub-Rule (2) of Rule 528. Detailed timings and mileage of distance travelled by the Superintendent should in-variably be given in respect of journeys undertaken to visit crime as well as other journeys outside district headquarters.

(I. G.'s No. 30, dated 22nd June 1928; 44, dated 24th August 1935 and 1252-III, dated 9th September 1943.)

PART F

The number of Police Stations and Outposts in the charge of each Gazetted Officer, the number inspected during the month and the number inspected during the year upto the end of the month under review (figures to be given separately for each Gazetted Officer) should be mentioned in this Part.

(3) Superintendents of Police are expected to give their personal attention to the preparation of the crime review and not to regard it merely as work of a routine nature, leaving it entirely to their offices. It is their duty to write especially Parts B, C and D which are intended to be the personal observations of Superintendents. As far as possible, the review should be submitted over the signatures of Superintendents themselves.

(4) District Superintendent of Police will submit copies of the crime review to the following officers:-

- (i) The District Magistrate.
- (ii) The Range Deputy Inspector-General of Police.
- (iii) The Deputy Inspector-General of Police, Criminal Investigation Department.
- (iv) The Inspector-General of Police.

Superintendents of Police in charge of Railways will send them to (1) the Range Deputy Inspector-General, (2) the Deputy Inspector-General of Police, Criminal Investigation Department and (3) the Inspector-General of Police.

(5) (i) The Review should be despatched so as to reach the Inspector-General's office not later than the 10th day of the month following that to which it relates.

(ii) The information given in Parts 'B' and 'D' of the Monthly Crime Review should be invariably typed in double spacing.

(iii) All Parts of the Crime Review should be sent together serially and neatly arranged.

(6) Whenever a case is shown in Part A-2 of the Crime review, as pending investigation for over three months, because of the non-receipt of sanction or opinion of the Finger Print Bureau, State Examiner of Questioned Documents, Chemical Analyser, etc., the date on which the sanction or opinion was sought should invariably be mentioned in the remarks column.

(1. G.'s No. 1252-V1, dated 4th March 1955.)

236. Crime charts, graphs and. Maps.-(1) (a) Officers mentioned, in column 2 in the sub-joined table should maintain, in Police Stations in the case of Sub-Inspectors and Inspectors in charge of Police Stations, and in their respective offices in the case of other officers, crime charts in respect of cognizable crime falling under the heads shown in Form No. 11 in Appendix I, month by month, in the manner indicated in column 3 of the table :-

Serial No.	Officers by whom crime chart should be maintained	The areas for which separate crime chart should be maintained
1.	2.	3.
1.	Sub-Inspector and, Inspectors (in charge of Police Stations)	(a) For each output under the Police Station and (b) For the Police Station as a whole.
2.	All Inspectors (in charge of sub-divisions or circles)	(a) For each Police Station, and (b) For the Sub-division or circle, as the case may be, as a whole
3.	All Sub-Divisional Police Officers	(a) For each Police Station in the Sub-Division, and (c) For the Police Station as a whole.
4.	All superiendent of Police (Districts and Railways)	(a) For each Police Station, and (b) For the District or Railway as a whole.
5.	The Range Deputy Inspector-General of Police.	(a) For each District in the Range, and (b) For the Range as a whole.
6.	The Deputy Inspector-General of Police, Criminal Investigation Department	(a) For each District. (b) For each Range, and (c) For the State as a whole.
7.	The commissioner of Police, Bombay.	(a) For each Section, and (b) For the Greater Bombay as a whole.

(I. G.'s C. M., No. G/1252-I, dated 13th February 1958.)

(2) (a) Officers mentioned in column 2 of the table in Sub-Rule (1) above should similarly maintain, for the areas mentioned in column 3 of that table, graphs according to following instructions:-

(1) Graphs should be maintained for each type of offence under the following important heads of crime for the last 10 years:-

(i) Murder, (ii) Dacoity, (iii) Robbery, (iv) H. B. and Thefts, (v) Thefts, (vi) Riot, (vii) Hurt and (viii) other offences under the Indian Penal Code.

(2) The graphs should show in a vertical column:-

- (a) Number of cases registered,
- (b) Number of cases sent up,
- (c) Number of cases convicted, and
- (d) Number of cases disposed of by Courts.

(3) The percentage of cases convicted to cases disposed of by Courts, should also be shown in the columns of the graph, year by year.

(b) There should be two sheets showing graphs in the form of columns.

Note,-The heads of crime in charts and graphs maintained at Police Stations should be given sub-headings in regional language,

(3) (a) Similarly, maps showing the location of the following heads of serious crime should be maintained by the officers mentioned in column 2 of the table in Sub-Rule (1) (a) above for their respective charges:-

- (1) Dacoities.
- (2) Murders and culpable homicides.
- (3) Robberies.
- (4) House-breaking and thefts.

(b) In case of any serious outbreak of crime in any particular area, the Range Deputy Inspector-General of Police should submit with their reports a map of the affected area to the Inspector-General of Police and a copy to the Deputy Inspector-General of Police, Criminal Investigation Department, for information.

(4) Copies of the charts, graphs and maps maintained in accordance with this Rule should be submitted, as indicated in column 3, by the officers mentioned in column 2, to the officers mentioned in

column 4, to reach them by the dates mentioned in column 5, of the sub-joined table :-

Sr. No.	Officer by whom crime charts should be maintained.	Whether crime charts or graphs or maps to be sent.	Officer to whom the crime charts, graphs or maps, as the case may be, should be sent.	The date of the month succeeding the month to which the charts graphs or maps relate on which they should reach the officers shown in column 4.
1.	2.	3.	4.	5.
1.	Sub-Inspectors	Charts	Inspector in-charge of the Sub-Division or the circle, as the case may	5 th .
2.	Inspectors (Whether in-charge of a Police Station or a Sub-Division.)	Charts	Sub-Divisional Police Officers.	5 th .
3.	Sub-Divisional Police Officers.	Charts	Superintendent of Police	10 th .
4.	Superintendent of Police	Charts	(1) Range Deputy Inspector General of Police. (2) Deputy Inspector General of Police, C.I.D.	
5.	Range Deputy Inspector-General of Police.	Charts maintained for the Range as a whole	(1) Deputy Inspector General of Police, C.I.D	20 th
6.	Commissioner of Police, Bombay	Charts, graphs and maps maintained for the Greater Bombay as a whole.	Inspector-General of Police.	20 th
7.	Deputy Inspector-General of Police.	All charts, graphs and maps maintained by him.	Inspector-General of Police.	20 th

(I. G.'s No, 1252-V, dated 29th November 1949 and I. G.'s C, M., No. G/1252-I, dated 24th January 1958.)

(5) No separate covering letter is necessary in submitting the charts. The charts should be forwarded with an endorsement at the foot of the chart.

(6) The charts sent in anyone month should contain figures of previous months also, and not of that month alone. The charts should be sent in by the prescribed date without fail.

(7) Superintendent of Police and Deputy Inspector-General of Police should maintain large scale maps of their jurisdiction showing:-

- (1) Police Stations.
- (2) Outposts.
- (3) Beats, and
- (4) Places where there is any heavy incidence of crime of a serious type.

(8) Similar graphs for prohibition offences should also be maintained in the offices of the Superintendents of Police separately on yearly and monthly basis indicating the classification and disposal of cases.

(I. G.'s M., No. 34-G, dated 17th April 1956.)

237. Maps and graphs of motor Accidents. - Separate maps and graphs in respect of motor accidents should be maintained at all Police Stations as well as in the offices of District Superintendents of Police. Fatal accidents should be shown in red, serious accidents in green and minor accidents in blue.

(L G.'s No. 6564, dated 22nd June 1950 and 22, dated 4th August 1950.)

CHAPTER VII

PROSECUTION AND COURT PROCEEDINGS

238. Sanction to Prosecute. - (1) Prosecution for an offence under Section 101 of the Indian Railways Act, 1890, shall not be instituted without the sanction of the Railway Superintendent of Police, which shall be communicated to the General Manager of the Railway, immediately it is accorded.

(2) (a) Whenever any Judge or Magistrate, or a public servant not "removable from his office except by or with the sanction of a State Government or some higher authority is to be prosecuted for any offence alleged to have been committed by him in the discharge of his official duty, the sanction of the Governor or the President of India, as the case may be, must be obtained as required by Section 197, Criminal Procedure Code.

(I. G.'s No. 6199, dated 17th/20th October 1947.)

(b) From the legal point of view anything done by the Police before institution of any criminal proceedings in the Court, against former rulers of Indian States, is not barred by the provisions of Section 197-A, Criminal Procedure Code. However, it is desired that before any such action is taken the Government of India should be consulted.

(Government of India, Ministry of. States, letter No. 31 (6)-PB/51, dated 18th November 1951.)

(c) The Indian servant of a diplomatic envoy is not immune from the law of the land, but is only treated differently in the execution of the law in consonance with international usage. If he commits a heinous, non-bailable offence, such as murder or if there is a case for the proper investigation of which the culprit must immediately be apprehended, the local authorities should report the case with full details to the Government of India in the Ministry of External Affairs, who will persuade the diplomatic envoy to waive immunity. Similarly, if a culprit takes refuge in an Embassy, the local authorities should seek the intervention of the Ministry of External Affairs for the surrender. In all such cases, redress is to be sought through diplomatic channels, and it will be the endeavour of the Government of India to ensure that the ends of justice are met without unduly compromising the freedom and dignity of a diplomatic envoy.

(Government of India, Ministry of External Affairs, letter No.8 (42)-Pt-II/50,dated 21st February 1951.)

(3) When a public servant is to be prosecuted for an offence under Section 161 or Sections 165 and 165-A of the Indian Penal Code or

Sub-Section (2) of Section 5 of the Prevention of Corruption Act, II of 1947, the sanction of the Central Government, the Government, the State or any other authority competent to remove him from his office must be obtained before sending up a charge sheet, according as the public servant is removable from his post by the Central Government or the Government of the State or any other authority (vide Section 6 of the Prevention of Corruption Act).

(4) (a) If in cases referred to in Sub-Rule (3) above, Government have directed a prosecution, that direction is merely of an administrative character and cannot take the place of a valid sanction required by law. A legal sanction, therefore, of the Inspector-General, the Deputy Inspector-General or the Superintendent of Police concerned is necessary and should be obtained before a charge sheet is sent up against a Police officer dismissible by the Inspector-General, the Deputy Inspector-General or the Superintendent of Police respectively.

(b) The sanction order to be issued under Section 6 (c) of the Prevention of Corruption Act, 1947, should, as far as practicable, be in Form 12 in Appendix I. Care should be taken to see that a statement of facts on which the prosecution is to be based is embodied in the sanction order. Such sanction orders need not be referred to the Remembrancer of Legal Affairs for scrutiny, unless there is any particular point involved on which his opinion is considered necessary.

(I. G.'s No. 5671, dated 9th November 1949.)

(5) Whenever a member of the Home Guards organisation is to be prosecuted, the sanctioning authority should, before sanctioning the prosecution, discuss the case with officer concerned of the Home Guards. The test to be applied in such cases would be the test that would be applied if a complaint similar to the one made against a Home Guard were made against a Police officer.

(G. C., H D., No. HGS-H, 5353, dated 2nd July 1953.)

(6) In the case of offences under the Bombay Co-operative Societies Act, 1925, no prosecution can be lodged without the previous sanction of the Registrar of Co-operative Societies.

(I. G.'s C. M. No. 151-V, dated 27th January 1955.)

(7) Drivers and conductors of the nationalised transport undertakings can be straightaway prosecuted for offences under the provisions of the Motor Vehicles Act, 1939 except those falling under Chapter VI of the Act in which case the matter should be referred to Government in the Home department *direct* by the District Superintendent of Police or the Commissioner of Police, as the case may be, for sanction to prosecute. Simultaneously the Police officers should endorse copies of the communications to the General Manager of the concerned nationalised transport undertaking and also to the Divisional Controller if he is different from the General Manager.

(G. L., H. D., No. MVA/4358/93115, dated 13th/14th March 1959.)

(8) As Government do not want to discourage members of the public giving information against Government servants, utmost care should be taken before prosecutions are launched under Section 182, Indian Penal Code against persons making false complaints about the misconduct of Government officials and in no case should such prosecutions be launched without the sanction of Government.

(G. Cs., P. and S. D., No. 1581/34, dated 21st October 1937 and 16th January 1949.)

239. Officers Conducting Prosecution.-(1) Police Prosecutors will conduct and prosecute all serious cases and such other important cases as they may be deputed to take up in the Courts of Magistrates. All other cases will be conducted by a Police officer not below the rank of Head Constable, provided he has not taken any part in the investigation of the case. Ordinarily I or II Grade Head Constables should be employed as prosecutors. Head Constables of the III Grade may conduct prosecutions, only--

(a) if they have been specially empowered by the Superintendent of Police in this behalf, and

(b) in the unavoidable absence, owing to sickness, leave or other similar reason, of I and II Grade Head Constables.

(I. G.'s No. 6824, dated 20th December 1958 and G. R., H. D., No. 179, dated 6th August 1942.)

(2) No. III Grade Head Constable should be empowered to conduct prosecutions in a Magistrate's Court, unless he has passed the departmental examination in law, and has undergone a course of one month's training with a Police Prosecutor, Superintendents should arrange for this course, as necessary.

(G. L., H. D., No. 179-D, dated 18th August 1942 and I. G.'s No. 20, dated 4th September 1942.)

(3) If in any Police case it is considered necessary, in view of its importance, that the services of the Public Prosecutor should be retained to conduct the prosecution in the Court of a Magistrate, application should be made to the District Magistrate for the purpose.

(4) The sanction of Government should be obtained when it is considered necessary to retain the services of any pleader of counsel other than the Government Prosecutor, and any officer who calls in additional professional assistance without previously obtaining the sanction of Government will be held personally responsible for the remuneration of the persons whom he has employed without such authority.

(G. R., J. D., No. 4416, dated 10th December 1959.)

(5) The main duty of a Police Prosecutor is to prepare and prosecute cases in Courts. With pleaders now so readily available for the defence, it is imperatively necessary that as many Police cases as possible should be properly conducted in Courts. It is more to

the point, therefore, that Police Prosecutors should appear in each and every possible case, rather than be engaged in subsidiary duties, such as opinion work.

(I. G.'s No. 13, dated 17th April 1939.)

(6) The appointment of special prosecuting officers does not preclude Sub-Inspectors from personally prosecuting cases, in the investigation of which they have not taken any part. It is, however, the chief duty of Sub-Inspectors to supervise the investigation of crime, collect evidence, assure themselves that only true cases are put up before the Courts, and instruct the prosecuting officers, so that when a case is sent into Court, the evidence may be presented in the best manner possible.

(G. L., H D., No 36.50-C, dated 24th September 1923)

(7) Section 495 (1) of the Criminal Procedure Code, however, provides that any Magistrate enquiring into or trying any case, may permit the prosecution to be conducted by any person other than an officer of Police below the rank to be prescribed by the State Government in this behalf; but no person other than the Advocate-General, Standing Counsel, Government Solicitors, Public Prosecutors or other officer generally or specially empowered by the State Government in this behalf shall do so without such permission. Sub-Section (2). of Section 495 provides that any such officer shall have the like power of withdrawing from the Prosecution as is provided by Section 494, Criminal Procedure Code and the provisions of that Section shall apply to any withdrawal by such officer. The Police Prosecutors have been empowered to conduct prosecutions on behalf of the State and, therefore, they can withdraw the cases under Section 495 (2), Criminal Procedure Code without being appointed as Public Prosecutors under Section 492 (2), Criminal Procedure Code. Although there is no legal objection to appointing Police Prosecutors as Public prosecutors, it is not desirable to appoint Police Prosecutors as Public Prosecutors as a general rule.

(I. G.'s C. E. No. B/2941 (101)/59, dated 5th May 1959 and Memo. No. B/2491, dated 19th July 1958.)

(8) Cases relating to offences punishable with imprisonment from six to twelve months are "summons cases".

(G. C, H. D, No. CPR-1553/9321 6-B, dated 6th January 1956 and I. G.'s No.7490, dated 12th January 1956.)

(9) Muddled property produced in committal cases should be carried to the Sessions Court by the Police, subject to the condition that the expenses incurred should be borne by the Sessions Court.

(I. G.'s C. M. No. G/3679, dated 19th March 1958.)

(10) The Commissioner of Police, Bombay, is authorised to withdraw certain types of prosecutions such as under the Bombay Prohibition Act, pending in Courts against persons in respect of whom externment orders have been issued and under Section 113 of the Indian Motor Vehicles Act, 1939.

(11) The cases where breach of the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, is suspected the services of the District Government Pleaders and the Public Prosecutors should be utilised in the mofussil and the services of the Chief Police Prosecutor should be utilised in Greater Bombay.

(G. R., L. S. G., P. H. D., No. ACA-1054-H, dated 22nd November 1955.)

(12) Every Police Prosecutor and every Prosecuting Jemadar will maintain a register of cases conducted by him in Form No. P. M. 190 (e).

(I. G.'s No. 6896, dated 19th June 1950.)

240. Trials to be Expeditious.-(1) Priority should, as a rule, be given to criminal work over other work, and every effort made to reduce, as far as possible, the hardship to parties and witnesses, which the proceedings entail. The hearing of a case should usually go on from day to day excepting authorised holidays. Adjournments when, necessary should be as short as the circumstances will permit.

(G. L., H. D., No. 3650-C, dated 24th September 1923.)

(2) To avoid the needless harassment to witnesses by detention for cross-examination after the charge has been framed, Magistrates will usually find it convenient not to wait for the completion of the evidence for the prosecution, but to frame the charge as permitted by Section 254, Criminal Procedure Code, at an earlier stage, as soon as, from the examination of the prosecutor or complainant or otherwise, it is apparent that there is a prima facie case.

(G. L., H. D., No. 3650-C, dated 24th September 1923.)

(3) (a) Police officers should give due priority to court attendance over all other work. The fact that they were called away by superior officers, however high & should not be made an excuse by them for late attendance or non-attendance in Court.

(I. G.'s No. 1484, dated 20th December 1947, 34 (1484), dated 17th September 1949 and 38, dated 11th November 1948.)

(b) Officers and men of City and Town Police Stations at District places who, when summoned, cannot attend Courts for any valid reasons should obtain certificates regarding their non-attendance from the Home Inspectors and send them immediately to the Courts concerned. In the case of rural Police Stations, the Sub-Inspector concerned should send the certificates to the Courts. If the certificates pertain to the non-attendance of the Sub-Inspectors, themselves, they should send copies of the certificates to the Sub-Divisional Police Officer, who will check up that the certificates are invariably sent to the Courts concerned in good time before the hearing of the cases. Similarly in Greater Bombay, a certificate from the Divisional Superintendent, should be obtained.

(I. G.'s C. M. No. 1484/IV, dated 2nd August 1954 and G. L., H. D., No. 6833/ 6/9490-D, dated 6th May 1953.)

(4) Judges and Magistrates should not be approached by the officers by writing to them letters confidentially or otherwise for the

purpose of expediting the hearing of any cases. The proper procedure to be followed in such cases is to ask the Public Prosecutor for the Police Prosecutor to move the Court for passing necessary orders.

(I. C...s Cir. No. 2400, dated 10th November 1953.):

241. Prosecutors to press for appropriate Sentences or Orders in Certain Cases.-(1) The Public Prosecutor or the Police Prosecutor, as the case may be, should press for deterrent sentences in the following cases:-

- (a) Dacoity by night accompanied by violence.
- (b) Cases of gambling, particularly those in which bucket shops are involved.

(G. R., J. D., No. 1908, dated 18th April 1905 and I. G.'s No. 55, dated 15th August 1927.)

(c) Cases of illicit distillation or transport of liquor (e.g., substantial fine and in default substantial imprisonment will be preferable to a combination of a small fine and a short term of imprisonment. In aggravated cases, in which imprisonment is desirable in any case, there should also be a substantial fine with a substantial term of imprisonment in default).

(I. G.'s No. 5468-1, dated 27th October 1944.)

- (d) Offences regarding hoarding, profiteering and pilfering.

(G. R., H. D., No. 7665/4, dated 21st January 1944.)

- (e) Cases under the Explosive Substances Act, 1908.

(G. R., H. D., No. 3755/5, dated 16th December 1947.)

- (f) Offences under the Factories Act, 1934.

(G. R., H. D., No. 5127/5, dated 9th July 1948.)

(2) (a) Cases, such as thefts of steel keys, etc. on railway lines, which are likely to result in serious accidents, thereby endangering the safety of the travelling public, should not be indifferently dealt with by Police Station Officers (both Railway and District Police). An Inspector of Police must be made responsible for the supervision of such cases, and a Police Prosecutor must deal with them in Court and press for deterrent sentences.

(I. G.'s No. 18, dated 11th September 1940.)

(b) Under no circumstances should a Prosecutor agree or concede to a punishment lesser than the minimum prescribed by law unless he has first consulted the District Magistrate and obtained his instructions in the matter. In the absence of such instructions the only course for him to adopt is to point out to the Court the policy of the law as evident from the particular legislation and to leave it to the Court to decide what sentence is adequate in the circumstances of

(c) Persons who are fined in a Court of Law generally prefer to undergo imprisonment in default of payment of fine; although they are in a position to pay it. The Police Prosecutors should move the trying Courts to recover the fine in all suitable cases.

(I. G.'s No. 4645, dated 18th April 1950.)

(3) The officer conducting the prosecution should remind the Court of the provisions of Section 250, Criminal Procedure Code, in every case in which, during the hearing, he has had reason to form the opinion that the complaint was false and either frivolous or vexatious.

(I. G.'s No. 16694-A, dated 23rd November 1916.)

(4) As a more extensive use of Section 565 of the Code of Criminal Procedure will assist the Police in preventing offenders from returning to the place of their former activities, and in curtailing crime, all Police Prosecutors should bring prominently to the notice of the Courts the necessity of passing orders under Section 565 in suitable cases.

(I. G.'s No. 43, dated 30th October 1936.)

(5) In a trial of any person for any offence against public tranquillity (excepting offences under Sections 143, 149, 153-A and 154 of the Indian Penal Code) or for assault or other offence involving a breach of the peace, the prosecuting officer should remind the Court of the advisability of demanding security for keeping the peace under Section 106, Criminal Procedure Code, in the event of the person being convicted of any such offence.

(6) Where the accused appears to the trying Court to be between 16 and 21 years of age, the Court should invariably record evidence as to his age, such as the birth certificate of age after a medical examination etc., and record a definite finding as to age, so that though the accused may not be in the opinion of the trying Court fit for detention in a Borstal School, the Inspector-General of Prisons may later order such detention under Section 11 of the Borstal, Schools Act. All Police Prosecutors and other officers conducting cases against juveniles should invariably produce evidence of age before the trying Court.

(G. Cs., H. D., No. 5210/3, dated 5th April 1941 and 7th July 1942.)

242. Attendance in court of investigating Officers.- (1) In all important criminal cases, and especially in cases of murder and dacoity it is desirable that the Police officer by whom the investigation was conducted should be in readiness to be examined, if necessary, as a witness in regard to the circumstances of investigation. The Police officer should bring with him his diary of the case and also the statements of the witnesses taken down by him under Section 162, Criminal Procedure Code. He should study his diary before attending Court to give evidence and should, as far as practicable, avoid the use of the diary for refreshing his memory, while in the

witness-box. If, however, it becomes inevitable to use the diary for that purpose, he should not hesitate to do so. The Court has power to look into the diary and use it to put questions to the Police officer on the basis of its contents. In that case an extract from the diary should be attached to the record of the case. As regards the use of the statements of witnesses, reference should be made to Rule 170.

243. Attendance to watch the trial of important Cases.- (1) Superintendents of Police will, either in person or by subordinate officers, watch serious cases till they have been finally disposed of either by magisterial or by judicial officers, there being no doubt that in many cases the guilty escape punishment merely through the negligence with which cases are prepared for trial, and because no person acquainted with them from their beginning watches them in their later stages. The Superintendent should require a brief report from the officer watching each case. He should confer, in particular cases, with the Government Prosecutor and should give such instructions as may prevent a recurrence of errors and defects injurious to the success of prosecutions.

(G. C., dated 25th October 1952.)

(2) An unwarranted exhibition of zeal on the part of Police to try and make prosecution witness to conform to previous Police statement is strongly objectionable and further that such action amounts to interference with a witness, as it renders Section 162, Criminal Procedure Code nugatory.

(I. G.'s C. M. No. 6596-A, dated 26th February 1954.)

(3) As regards the duty of superior officers in the matter of citing themselves as witnesses in cases visited by them, reference should be made to Rule 135 (7). Inspection of scenes of offences by Courts

(4) As soon as a Court intimates his intention of visiting the scene of an offence, the Inspector in Bombay City and the Police Station Officer in the mofussil should make such arrangements as may be necessary.

(C. P.'s S. O. No. 21.)

244. How to give Evidence in Court.- The following may serve as some of the useful hints for the guidance of Police officers in the matter of giving evidence in Courts:-

- (a) Always appear in uniform for giving evidence in Court.
- (b) Always salute the Court both when entering and leaving the witness-box.
- (c) Be attentive, never fidget.
- (d) Be calm and dignified in giving evidence, so as to impress favourably by manner and appearance the Court, the Jury or the assessor and counsel.

- (e) In giving evidence, look neither to your right nor to your left but look towards the Court.
- (f) When questioned by the adverse party, never turn towards the prosecution counsel.
- (g) Do not answer a question by means of a question.
- (h) Answer no question at random without understanding it. If the question is not clear enough to be understood, say so and politely ask counsel to repeat it in a simple form.
- (i) If you do not remember any fact, say so at once, rather than attempt a random answer.
- (j) Never show irritation and do not be offended if the cross-examiner questions you in a way you do not like.
- (k) If the questions are unnecessarily vexatious or abnoxious, represent the matter to the Court and seek its protection. Above, all, do not quarrel with counsel.
- (l) Carefully distinguish between what you know personally from what you may have heard from others.
- (m) In answering a question, volunteer no unnecessary information, e.g., if asked whether the colour of a certain article is white, do not say "no, it is black" say simply "No" or "Yes".
- (n) If you consider that some of your answers require an explanation which counsel failed to elicit, you may, when both sides have finished, represent the matter to the Court.
- (o) Remember that all that the Court wants to ascertain is the guilt or innocence of the accused, and not any intelligence displayed by you.
- (p) Give no more details regarding the source of your information than "from information received, I did this or that".
- (q) Avoid lengthy answers, as they furnish more material for cross-examination. Your replies should be commendably short.
- (r) Do not leave the Court without the permission of the Court, unless all evidence adduced by the party summoning you has been finished.

245. Procedure to be followed when a Government Servant is summoned by a Court to Produce Official Documents for the Purpose of giving Evidence.- (1) The law relating to the production of unpublished official records as evidence in Courts is contained in Sections 123, 124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872), which are reproduced below:-

"123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the Head of the

Department concerned, who shall give or withhold such permission as he thinks fit.

124. No public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interest would suffer by the disclosure.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it : refers to matters of State, or take other evidence to unable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the, document is to be given in evidence, if the interpreter disobeys such direction, he shall be held to have committed an offence under Section 166 of the Indian Penal Code."

(2) For the purposes of Section 123, above, the expression "officer at the Head of the Department concerned" may be held to mean the officer who is in control of the Department and in whose charge records of the Department remain. Ordinarily such an officer would be the Secretary to the State Government in the case of State Governments and the Secretary, Additional Secretary or Joint Secretary in charge of the Ministry in the case of the Government of India. But in case of attached offices like Directorates, the Director-General may be regarded as "the Head of the Department" for the purposes of this section. Only such an officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence. In case of centrally administered States, the Chief Commissioner or the Lieutenant Governor, as the case may be, regarded as "the Head of the Department" and not his Secretaries.

(3) In respect of documents (1) emanating from a higher authority, i.e., the Government of India, or the State Government, or which have formed the subject of correspondence with. such higher authority or (2) emanating ,from other Governments, whether foreign or members of the Commonwealth, the Head of the Department should obtain the consent of the Government of India or of the State Governments, as the case may be, through the usual official channels before giving permission to produce the documents in Court. or giving- evidence based 01, them unless the papers are intended for publication or are of a purely formal or routine nature, when a reference to higher authority may be dispensed with.

(4) In the case of documents other than those specified in Sub-Rule (3) above, production of documents should be withheld only in public interest when such disclosure would be injurious to national defence, or to good diplomatic relations or where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service. Some High Courts have pointed out the circumstances under which no such privilege should be claimed, e.g... privilege is not to be claimed on the mere ground that the documents are State documents or are official or are marked confidential or, if produced, would result in Parliamentary discussion or public criticism or would expose want of efficiency in the administration or tend to lay a particular Department of Government open to a claim for compensation. The mere fact that the Head of the Department does not wish the documents to be produced is not an adequate justification for objecting to their production. The High Courts have also observed that refusal to produce documents relating to affairs of State implies that their production will be prejudicial to public interest. Consequently the reasons therefor should be given in an affidavit in Form No. 13 in Appendix I at the appropriate place.

(5) In a case of doubt the Head of the Department should invariably refer to higher authority for orders.

(6) These instructions apply equally to cases in which Government is a party to the suit. In such cases much will depend on the legal advice as to the value of the documents, but before they are produced in Court, the considerations stated above must be borne in mind, and reference to higher authority made, when necessary.

(7) A Government servant other than the Head of a Department who is summoned to produce an official document should first determine whether the document is in his custody and in his position to produce it. In this connection, it may be stated that all official records are normally in the custody of the Head of the Department and it is only under special circumstances that an official document can be said to be in the custody of an individual Government servant. If the document is not in the custody of the Government servant summoned, he should inform the Court accordingly. If, under any special circumstances, the document is in the custody of the Government servant summoned, he should next determine whether the document is an unpublished official record relating to affairs of State and privilege under Section 123 should be claimed in respect of it. If he is of the view that such privilege should be claimed or if he is doubtful of the position, he should refer the matter to the Head of the Department, who will issue necessary instructions and will also furnish the affidavit in Form No. -13 in suitable cases. If the document is such that privilege under Section 123 could not be claimed but if the Government servant considers that the document is a communication made to him in official confidence and that the

public interest would stiffer by its disclosure, he should claim privilege under Section 124 in Form No. 14. In case of doubt he should seek the advice of the Head of the Department.

The expression "Head of the Department" used in this paragraph: will have the same meaning as the expression "Head of the Department" in Sub-Rule (2).

(8) The Government servant who is to attend a Court as a witness with official documents should, where permission under Section 123 has been withheld, be given an affidavit in Form No; 13 in Appendix I, duly signed by the Head of the Department. He should produce It, when he is called upon to give his evidence, and should explain that he is not at liberty to produce the documents before the Court, or to give any evidence derived from them. He should, however, take with him the papers which he has rJeen summoned to produce.

(9) The Government servant who is summoned to produce official documents in respect of which privilege under Section 124 has to be claimed will make an affidavit in the Form No. 14 in Appendix I. When he is not attending the Court himself to give evidence, he shall have it sent to the Court along with the documents. The person through whom the documents are sent to Court should submit the affidavit to the Court when called upon to produce the documents. He should take with him the documents which he has been catred upon to produce but should not hand them over to the Court unless the Court directs him to do so. They should not be shown to the opposite party.

(10) The Head of the Department' should abstain frotr: entering, into correspondence with the presiding officer of the Court concerned in regard to the grounds on which the documents have been called for. He should obey the Court's orders and should appear personally, or arrange for the appearance of another officer in the Court concerned, with the documents, and act as indicated in Sub-Rule (8) above, and prod.uce the necessary affidavit if he claims privilege.

(G. R., H. n., No. 8996/6, dated 28th April 1954.)

SECTION IT. - DISPOSAL OF POLICE CASES BY MAGISTRATES AND COURTS.

246. Summaries of final orders. - (1) Each Magistrate shall, immediately after disposing of a cognizable case, forward through the Police Station from which the case came, to the Superintendent or Sub-Divisional Police Officer concerned a summary of a final order In Form E. It should be sent in all cases, whether disposed of by trial or otherwise, brought to an end by the death, lunacy or escape of the accused or in axry other way whatsoever. When a case has been tried by a Magistrate, he will issue the summary. In cases tried by the Court of Session, the committing Magistrate will forward the required summary after' the disposal of that case by that. Court or by the High Court. When the result of a case is changed on appeal or

revision, the Magistrate who- sent the original summary will send a summary of the amendment in Form F.

(G. R., J. D., No. 6272, dated 19th November 1888.)

(2) If an accused in a case dies after a charge sheet has been sent up against him but before any evidence is recorded by the trying Magistrate, the Magistrate should be requested to Issue an 'A' summary.

(I. G.'s No.2, dated 17th January 1940.)

(3) Summaries in cases not sent up for trial but disposed of on final reports should be issued by a Magistrate who is empowered to take cognizance of the offence on a Police report.

(4) To reports in cases in which investigation has been refused by the Police under Section 157 (1) (b), Criminal Procedure Code, a Magistrate's reply is necessary. It is sufficient to enter in question 4 of the summary (Form E) that the case is not investigated by the Police acting under Section 157(1) (b), Criminal Procedure Code, with Magistrate approval. The Magistrate should also include in his summary the value of property alleged to have been stolen in such cases, unless investigation was refused on the ground that the complaint was of a civil nature.

(G. Rs., J. D. No. 46, dated 6th January 1911 and 2590, dated 1st April 1912.)

(5) If the case is "true" it should be classed as "A". This applies even where an accused is tried and, in the absence of conclusive evidence, is acquitted. The classes 'B' and 'C' are reserved for case in which it is found that no offence has been committed at all either by the accused or by anyone else. In such cases, if the complaint is found to be "false and maliciously false", the case should be classed as 'B'. If the case is found to be "neither true nor false" or "false but not maliciously false", it should be classed as 'c', if the case ends in a conviction for a non-cognizable offence it should be classed as "Non-cognizable", A case where police report made under Rule 203 reveals commission of only a non-cognizable offence may also be classed as "Non-cognizable".

(G. R., J. D., No. 3499, dated 15th May 1896.)

(6) If the case has been compounded, Magistrates should make no attempt to characterize the complaint, but should simply record against entry No.3 of the summary Form E that the case has been compounded. Similarly when an accused person dies, or becomes a lunatic or escapes, this fact should be mentioned against entry No.3 of the summary form.

(G. R., J. D., No. 1260, dated 15th February 1897.)

(7) Magistrates should send direct to the officer-in-charge of the Police Station for record summaries of their final orders in the prescribed form in cases referred to the Police for enquiry under Sections 156 and 202, Criminal Procedure Code.

(G. R., J. D., No. 3598, dated 14th May 1914.)

(8) Section 6 of the Criminal Law Amendment Act, 1952, provides for the appointment of Special Judges for trying the following offences:-

(a) An offence punishable under Section 161, Section 165 or 165-A of the Indian Penal Code Sub-Section (2) of Section 5 of the Prevention of Corruption Act, 194-7;

(b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a); and

(c) any other offence connected with any of the offences specified at (a) and (b) above with which the accused may, under the Criminal Procedure Code, be charged at the same trial.

Police Station Officers or the Officers of the Anti-Corruption Bureau, as the case may be, should make their investigation reports with regard to the above offences to the Special Judges, in the same way as they make their reports to Judicial Magistrates under Section 173 of the Criminal Procedure Code, and obtain summaries from the Special Judges after the cases are decided.

(9) In cases in which Government has ordered prosecution, the further orders of Government should invariably be obtained, if for lack of evidence, etc., no prosecution can be launched and 'c' s~. Inary has to be asked for.

(I. G.'s Cir. No. 49 (6020), dated 20th December 1949.)

247. Filing of Investigation Papers.- (1) Police investigation papers in non-cognizable cases, and in cognizable cases which are excluded, i.e., classed as B or C, should be filed in the Courts of the Magistrates who pass the final orders. Police investigation papers in cognizable cases which are class'd as 'A' but remain undetected and are not brought to trial should be returned to the Police for record.

(G. Ro, J. Do, No. 5257, dated 18th July 19120)

(2) After the trial of a case is over, *panchnamas* and statements recorded by the Police and all other Police papers, except the copies of Police diaries and such of the Police papers as have been exhibited, will be returned by the Courts to the Police after the period allowed or appeal is over or after the decision of the appeal if any, provided that the Police may call for these papers and should be entitled to their return earlier, if they are wanted for the purpose of any investigation. The copies of Police diaries, with such of the Police papers as have been exhibited, will be filed in the Courts with the papers of the case.

(G. Co, H. D., Noo 8054/2, dated 24th March 1931.)

(3) Whenever a Police Officer makes an inquiry into a case of damage by fire and no cognizable offence is disclosed by the inquiry, the papers of inquiry should be filed by the inquiry officer himself.

(G. R.. Ho Do, No. '1443/3, dated 15th July 1936.)

248. Action in Maliciously False Cases.-(1) In every Police case classed B whether on a final report or after trial, the offence of giving a maliciously false complaint would fall under Section 211 and not under Section 182, Indian Penal Code, and in no such case can complainant be prosecuted for an offence under the former Section, except on the written complaint of the Magistrate concerned, as provided for in Section 195(1) (b), Criminal Procedure Code.

(G. R., J. D., No. 5653, dated 27th August 1901.)

(2) The Superintendent of Police or the Sub-Divisional Police Officer concerned should, unless the complainant has been dealt with under Section 250, Criminal Procedure Code, consider the question of prosecuting him under Section 211, Indian Penal Code. If he decides in favour of a prosecution, he should, while forwarding the final report for a B summary or on receipt of the B summary after trial, as the case may be, make a separate report to the Magistrate concerned, giving details of the case and requesting him for reasons shown to lodge a complaint in writing in the Court having jurisdiction in the case.

(3) For facilitating the collection of information required for the Annual Police Administration Report, in every such case dated entries should be made by the Superintendent of Police or Sub-Divisional Police Officer in the remarks column of the Cognizable Crime Register, stating:-

- (i) whether request was made to the magistrate to lodge a complaint,
- (ii) whether the Magistrate did lodge a written complaint and
- (iii) the result of the case, if any, under Section 211, Indian Penal Code.

(G. L., H. D., No. 6284/2-D, dated 4th June '947 and I. G.'s No. 14, dated 14th June 1947.)

249. Detected cases registered at more than one Police Station.- The procedure to be followed in cases registered at more than one Police station for striking them, when detected, off the register of the Police Station within the jurisdiction of which they are provided not to have been committed will be found in Rule 119.

250. Sessions: (Procedure in Greater Bombay.)- (1) After the committal of a case to the Sessions, the Officer in charge of the Police Station concerned will forward to the Public Prosecutor three copies of all papers pertaining to the case which are to be sent to Counsel, including the First Information and statements of all witnesses irrespective of whether they have been examined in the lower Court or not. Except in cases of murder and culpable homicide these papers, should be sent direct, unless there be special reasons for sending them through the Deputy Commissioner of Police, Crime Branch.

(2) In cases of murder and culpable homicide, the officer in charge the Police Station concerned will send to the Public Prosecutor through the Deputy Commissioner of Police, Crime:-

(a) three copies of the statement of facts of the case as known to the Police with an outline of the defence set up by the accused in the lower Court, Coroner's Court and before the Police.

(b) Eight copies of the plan of the scene of the offence.

(c) Where exhibits have been examined by the Chemical Analyser, three copies of a tabulated statement consisting of the following information:-

(i) Original serial numbers of the articles sent for examination to the Chemical Analyser.

(ii) Corresponding serial numbers of the articles in the list of property submitted to Court.

(iii) Corresponding serial numbers of the articles in the certificate of the Chemical Analyser.

(iv) Corresponding serial numbers of the articles in the *panchnamas* bearing on the point with dates of *panchnama*.

(v) Names and Serial numbers of the accused persons connected with the respective articles.

(vi) Names of deceased persons, if any, connected with the respective articles.

In cases where there are many accused and a mass of exhibits, such as dacoity cases, etc., the list of property submitted to the Court should be arranged according to the serial number of the accused connected with the article. In this connection, the Investigating Officer should come fully prepared to identify articles with the Chemical Analyser's report, should keep a copy of the said report in his case papers, and before he steps into the box to give evidence, should examine the exhibits of the case in the office of the Clerk of the Court and check them with the items in the Chemical Analyser, report. Where an inquest has been held a copy of the proceedings and depositions should always be attached to the case papers.

Note.-When forwarding papers to the Public Prosecutor in connection with cases committed to the sessions in which the accused are on bail. Officers concerned should invariably furnish the detailed address of the accused.

(3) In important cases the papers should be taken personally by the Inspector of the Station concerned to the Public Prosecutor, as soon as possible after committal. In cases committed to the Sessions within a month or before the opening of the Sessions, the papers should be forwarded at least two weeks before the opening of the Sessions, or within two weeks of the commitment, and in cases sub-

sequently committed, within seven days of committal. The Inspector of the Station concerned, the Police Prosecutor and the Counsel for the State should hold a conference before the case comes up for hearing. They will make their own arrangements regarding this and ensure that the work of the Police Prosecutor does not suffer.

(4) After a case has been committed to the Sessions the, name of one of the *panch* witnesses should be mentioned as an additional witness, if he has not already been served with a summons in the lower Court, so that he may be served with a higher Court summons as, if no *panch* witness is examined, the *panchnama* cannot be admitted.

(5) When statements made to the Police by witnesses conflict with subsequent statements made by them in the Coroner's Court or lower Court, a note should be made on the case papers, and the Inspector of the Station concerned, when instructing the Public Prosecutor, should bring this or any other discrepancy to his notice.

(6) Every Sessions case shall ordinarily be in charge of the Inspector in charge of the Police Station, but in case of necessity the Deputy Inspector or Selection Grade Sub-Inspector may be placed in charge with the express permission of the Divisional Superintendent. Officers in charge of sessions cases must be present in Court throughout the hearing of their cases and shall see that no witnesses leave the Court premises until officially discharged by the Registrar of the Court.

(7) (a) Police officers in charge of cases, should furnish to the Registrar of the Court, the addresses of witnesses and information regarding their whereabouts, but if a witness, though a resident in Bombay, has gone out on leave or for some other reasons, his present address should be first communicated to the Public Prosecutor, with the date of his return, or probable return so that he may decide whether the witness should be brought back or the case kept back.

(b) Police officers in charge of session cases should let the Registrar of the Court know a few days beforehand, what cases are likely to be ready at the commencement of the Sessions and what cases are not likely to be ready. On the opening day of the Sessions, every officer in charge of case, whether it is ready for trial or not, must be present in the Sessions Court by 10 a.m. and will report to the Police officer in charge Sessions which case he is responsible for, whether it is ready or not, and if not, the reason why. This will include cases in which witnesses have not been served with Higher Court Summonses. As soon as cases, which were not ready on the first day, are postponed, the officer's in charge should inform the officer in charge of sessions duty of the fact, who, in turn will inform the Registrar of the Court accordingly and also let him know when they would be ready for trial, The officer in charge

Sessions will also ascertain from the Registrar of the Court (after the Court rises for the day) what cases will be taken up the next day, and will communicate this information by telephone to the officer in charge of the said cases. This telephone Information should be confirmed by the officer in charge Sessions by inserting a P. N. para. the same evening, giving the Sessions Case number and the name of the Police Station concerned. The same procedure should be followed on subsequent days.

(8) The Police officer in charge of a case will ascertain from the Police Surgeon what day and hour will suit him best to give evidence in Court and will then arrange with the Clerk of the Court for his evidence to be taken on that day and at that time. Other medical witnesses should be informed of the date of the hearing of the case, but should be instructed that a telephone message will be sent to them giving them information of the actual time when they will be required in, Court, and the same procedure will be adopted for recording their evidence as is done in the case of the Police Surgeon.

(9) All weapons or clothing, stained with blood, and which are to be used as exhibits in cases likely to be committed to the Sessions should be sent to the Chemical Analyser for examination.

Note.-1. After rising of the Court, the officer in charge Sessions will, every day, obtain from the Registrar of the Court a statement showing the result of all cases disposed of during the day and will forward the same with the prisoners to the Jail.

2. When communicating the information mentioned in (7) above, the officer in charge Sessions will, if the accused is a juvenile, remind the Police Station concerned of the provisions contained in para-14 of the Standing Order No. 22 of the Commissioner of Police, Bombay.

(10) The officer in charge Sessions will notify in P. N. the clouser of the Sessions on the day on which the last of the cases is disposed of, and if the Sessions is closed or adjourned on account of holidays etc., this should also be notified in the same manner.

(11) As soon as a Sessions Judge intimates his intention (or then Jury's) of visiting the scene of an offence, the officer in charge Sessions should obtain information as to the time when the visit is to take place, and should inform the Police Station concerned when such arrangements as may be necessary can be made. If necessary, the officer in charge Sessions may apply for the visit to be postponed until such time as he knows that suitable Police arrangements can be made.

(12) When sentence of death is passed on any prisoner, the officer in charge Sessions will telephone to the M. T. Section and requisition for a van in which to send the man to Thana. The Superintendent M. T. Section will send a suitable van and the officer in charge Sessions will detail for an escort such a guard as he may deem necessary from the men on Court duty.

(13) On the accused being convicted and sentenced, the officers in charge of cases should obtain the necessary forms from the office of the Clerk of the Court and return them duly filled in with the requisite particulars, viz., Police Station case number, age, caste etc. of the prisoner concerned, from the Police papers in their possession, for preparing the warrant of commitment sent to prison authorities.

(14) Adjourment of inquest pending disposal of criminal proceedings.- When there is likelihood of the inquest proceedings being unduly protracted due to the voluminous or complicated nature of evidence to be led, or when it would not be desirable to take the accused or the witness to the Coroner's Court for several hearings, or when for some other cogent reasons it would be expedient to avoid delay in instituting criminal proceedings against the accused, the Inspector in charge of the case should, with the permission of the Deputy Commissioner of Police concerned obtain an adjourment from the Coroner of the inquest under Section 21-A of the Coroner's Act, put up a charge against the accused and inform the Coroner accordingly. (C. P.'s S. O. No. 21.)

251. Habitual Criminals.- (1) The following persons will be liable to be classified as '*habitual criminals*':-

(i) Any person, convicted of an offence, whose previous conviction or convictions under Chapters XII, XVI, XVII or XVIII of the Indian Penal Code, taken by themselves or with the facts of the present case, show that he habitually commits an offence or offences punishable under any or all of those Chapters.

(ii) Any person committed to or detained in prison under Section 123 read with Section 109 or 110, Criminal Procedure Code.

(iii) Any person convicted of any of the offences specified in clause (i) above, when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a member of a gang of dacoits or of thieves, or a dealer in slaves or in stolen property.

Explanation. - For the purposes of this definition, the word "conviction" shall include an order made under Section 118 read with Section 110 of the Criminal Procedure Code.

(G. L., H. D., No. 680-D, dated 8th February 1923.)

(2) A Court convicting a person should at the time of passing sentence classify the convicted person, if covered by Sub-Rule (1) as a habitual and enter the classification in the committal warrant but if the convicting Court omits to do so, such classification may be made by the District Magistrate or Sessions Judge as the case may be, or, in the absence of an order by the convicting Court or Districts Magistrate or Sessions Judge as the case may be and pending the

result of a reference to the District Magistrate or Sessions Judge as the case may be, by the officer-in-charge of the jail where such convicted person is confined.

Provided that any person classed as a habitual criminal may apply for a revision of the order.

(3) The convicting Court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under Section 123 read with Section 109 or Section 110, Criminal Procedure Code, shall not be classed as a habitual criminal and may revise such direction.

(4) Convicting Court or, District Magistrates, as the case may be, may revise their own classification, and the District Magistrate may alter any classification of a prisoner made by a convicting Court or any other authority, provided that the alteration is made on the basis of facts which were not before such Court or authority.

(5) The expression "District Magistrates" in Sub-Rules (2) to (4) above means the District Magistrate of the district in which the criminal was convicted, committed or detained and also includes a Presidency Magistrate.

(G. R., H. D., No. 680, dated 28th October 1922.)

(6) The Magistrates issuing summaries of final orders should enter the letter 'H' in column 7 of the summary. Any other officer authorized by the above Sub-Rules to classify habituals should, at the time of making such classification, send a copy of his order at once to the Superintendent of Police.

(G. R., J. D., No. 6373, dated 23rd September 1898.)

(7) Officers conducting, or responsible for the conduct of, prosecutions in Magistrates' Courts' should satisfy themselves in each case where the prisoner has been proved to be an habitual that the letter 'H' has been entered in the Magistrate's or Court's summary of final order. If the letter, has been omitted through oversight, the order should be returned at once for amendment.

(I. G.'s No. 9167, dated 7th October 1898.)

252. Appeal and Revision.- (1) Whenever a case ends in discharge or acquittal by a Magistrate, the officer-in-charge of the Police Station concerned should get a copy of the judgment immediately and submit it with a detailed report to the Superintendent of Police through the Police Prosecutor and the Sub-Divisional Police Officer in the mofussil and to the D. C. P., C. B., in Greater Bombay with reasons for such discharge of, acquittal, within ten days from the date of discharge or acquittal, in order to see:-

(i) whether the case was properly investigated by the investigating officer;

- (ii) whether the case was properly put up in Court by the prosecutor; and
- (iii) why the Magistrate did not appreciate the evidence produced by the Prosecutor and on what grounds he discharged or acquitted the accused.

If the disposal of the case by the Magistrate is found to be wrong in any way, the fact should be brought to the notice of the District Magistrate, and revision or appeal suggested, if it is a fit case for such a course.

(I. G.'s No. 23, dated 15th. June 1948.)

(2) Under Rule 50 of the Law Officers' Rules, proposals for filing appeals against acquittals and revision applications for enhancement of sentences are to be made to Government within a period of six, weeks from the date of the Judgment. However, proposals are some-times made, not only after the period prescribed in that Rule, but also after the period of limitation. The proposals are, moreover, in many cases not accompanied with certified copies of the judgment and extracts from relevant evidence, and much time is wasted in calling for those papers, resulting in delay and consequent failure of the case in the high Court on account of delay.

(G. c.. L. D., No. 1710, dated 14th February 1949.)

(3) With a view to eliminating delays and to. enabling Government to take proper steps within the time prescribed in the Law Officers' Rules, the following 'procedure should be followed by the Police Prosecutors, Public Prosecutors and the District Magistrates and all other officers of Government who may desire to move Government in matters of appeals against acquittals and of revision applications:-

(a) As soon as a judgment is pronounced by the Magistrate acquitting the accused, the Police Prosecutor or the officer conducting, the case should apply for a certified copy of the judgment. Immediately after a copy is received, he should forward the copy with three uncertified copies, together with his report with reasons fo preferring appeal or revision application to the Public Prosecutor. He should send along with this report extracts from the evidence. If they are in regional language, he should send its English translation done by his office. At the time of sending this record, the Police Prosecutor concerned should see that correct addresses and names of the accused are mentioned in the copies of judgments or charge-sheets. The certified copies should not be underlined or marked -as such copies are not accepted by the High Court. Every page of the judgment must bear Court seal. Police Prosecutors should see that it is so. A Pursi's showing the names of the accused and their present. addresses should accompany the proposal. If they are in jail, the Jail In which they are sent. The original record of the Court should not be forwarded along with the proposals.

(1. G.'s C. M. No. 721, dated 16th July 1957.)

(b) Proposals for appeals etc., should be sent promptly where co-accused are sentenced to death. This will enable the High Court to hear confirmation and appeals together.

(G. C., L. D., No. 12682/ A, dated 10th June 1953.)

(c) The Police Prosecutor-or the officer conducting the case should send his proposals to the Public Prosecutor of the District. In the case of Central and Southern Railways, Western Railway and Central and South Eastern Railways and Greater Bombay, the proposals should be sent direct to the Public Prosecutor, Bombay.

(d) The Police Prosecutor should send a copy of his proposal to the District Superintendent of Police concerned. The District Superintendent of Police may communicate his opinion on the proposal to the District Magistrate.

(e) The District Superintendent of Police will also send a copy of his opinion to the Inspector-General of Police, and the Deputy Inspector-General of Police of the Range. On receipt of a copy of report the Inspector-General of Police or the Deputy Inspector-General of Police may, if necessary, communicate their views on the proposals direct to the Legal Department.

(f) All the proposals for appeals must reach the Legal Department within six weeks and hence it is essential that the proposals duly complied should be sent immediately on receipt of certified copy. The appeal period is only three months and Legal-Department must have sufficient time to take necessary steps.

(I) The District Magistrate or Collector or Additional District Magistrate on receipt of the report of the Public Prosecutor should examine the case and within 15 days of receipt of the papers submit the proposal to Government in the Legal Department. He should also endorse a copy of his report to the Inspector-General of Police; State of Bombay, or the Range Deputy Inspector General of Police concerned.

(-G. L., R. L. A., No. 5679, dated 26th April 1950.)

(h) It is primarily the duty of the Police Prosecutor or officer conducting the case to submit proposals for appeals or revisions in deserving and fit cases. It is for the District Superintendents of Police to see that such proposals are made in appropriate cases without any delay. The District Superintendents of Police may submit their proposals to District Magistrates in deserving cases.

(i) The Public Prosecutor of the District will make proposals for appeals or revisions in cases which are conducted by him. Similarly, they shall take necessary further steps when they receive proposals from the Police Prosecutors or officers conducting the cases in lower Courts.

(j) If there are proposals for appeals or revisions from the orders of Sessions Courts, certified copies of judgments of Sessions and lower Court must be sent along with the proposals.

(k) The procedure prescribed above for appeals shall also apply to proposals for revision applications for enhancement of sentences.

(l) Relevant extracts from the evidence should always be forwarded along with the judgment and the report. If any relevant exhibits are in the regional language, they should be got translated into English by the Police Prosecutor or the Public Prosecutor concerned, with the help of his own establishment.

(m) A Public Prosecutor or a Police Prosecutor applying for a certified copy of a judgment for the purpose of an appeal or an application in revision should be supplied with it free of cost.

(G. L., H. D., No. CFA 1555/67971-B, dated 31st October 1956 and I. G.'s No.2046, dated 26th November 1956.)

253. Copies of Courts' Proceedings.- (1) It often happens that a Court cannot spare proceedings which another office or department may require for perusal. In this case every Court will allow the Government Pleader or any respectable person deputed by him or by the Collector or Magistrate to take unauthenticated copies of any of its proceedings needed for official purposes, and such copies can thus be obtained more economically than by employment of section writers.

(2) In the event of a Superintendent of Police or other Gazetted Government officer desiring to inspect any of the records of a Magisterial Court, his proper course is to apply to the Sessions Judge, who should call for the records and proceedings from the lower Court and, after inspecting them, decide in the exercise of his discretion, whether they should be forwarded to the officer desiring to peruse them or whether his request should be refused and he be required to obtain copies of such documents as he wants in the usual manner.

(G. R., J. D., No. 130, dated 7th January 1901.)

(3) Whenever a Government official is judicially convicted of any offence, a copy of the decision should be sent free of charge to the Head of the Department in which he is employed, in order that such action in the case as may be deemed proper may be taken at once. Copies of judgments of acquittal and orders of discharge shall also be supplied free of charge, on the application of the Head of the Department in which the officer is employed. English translations of judgments in the regional language in such cases shall also be supplied free of charge.

(G. R., J. D., No. 6769, dated 29th September 1899 and G. R., J. D., No. 2441, dated 6th April 1900.)

(4) Public Prosecutors and officers responsible for prosecutions should not apply, nor move the trying Court to apply, for the supply

in original of judicial records or documents filed in cases, where the purpose would be equally well served by copies.

(G. C., J. D., No. 5213, dated 22nd July 1915.)

254. Prosecution of Government Employees. - (1) Whenever any employees of the Government of India or of the Government of Bombay are prosecuted in Courts of Law for criminal offences at the instance of the Police, the result of the prosecution should be communicated to the administrative authorities under whom the employees concerned are working with the least possible delay after the decision whether of the first or the Appellate Court is known.

(2) So far as appeals or revision applications filed by Government servants to higher Courts (namely the Sessions or the High Court) are concerned, the District Magistrate, who gets the notice of the Sessions Court or the High Court as the case may be, should communicate the information to the District Superintendent of Police concerned and also the respective Departmental authority of the Government employee. On receipt of the information from the District Magistrate the Department concerned will be in touch with the Police authorities concerned and ascertain from them the result of the appeals.

255. Procedure for the expunction of structures made in Judgments.- (1) Requests are sometimes made to Government for moving the High Court to expunge remarks made in judgments of lower Courts against Police officers or other Government servants, which are considered unjust. The proper time to move the High Court in such cases is when the judgments, in which the remarks objected to are made, are before the High Court either in appeal or in revision. The officers concerned should bring such remarks to the notice of Government through their superiors and the respective District Magistrates in good time, so that the Government Pleader, High Court, can in proper cases be instructed to move the High Court to expunge the remarks when the judgment comes before it either in appeal or in revision. Such action is possible only when the judgments of the lower Courts come before the High Court either in appeal or in revision and not otherwise.

(G. C., H. D., No. 3654/4, dated 11th July 1941.)

SECTION III - EXECUTION AND REMISSION OF SENTENCE

256. Remission of Sentences.- (1) Rules relating to the appointment of Advisory Boards to revise the sentences of long term prisoners, the constitution and the working of such committees and the principles to be followed by them in making recommendations for the premature release of such prisoners will be found in Appendix XXIII.

(2) For rules regarding the submission to Government of cases of life convicts or premature release and the principles followed by Government in ordering such release, reference should be made to Appendix XXIV.

(3) The Inspector-General, of Prisons cannot release any prisoner unless Government has issued orders under Section 401, Criminal Procedure Code, 1898, remitting his sentence.

(G. Ls., H. D., No. 3418/5-C, dated 27th April 1953 and 13th May 1953.)

(4) No remission should be granted to habitual prisoners except for conservancy work. Habitual Prisoners are taken out of the purview of Advisory Boards.

(G. L., H. D., No. RTP 1554/87573-C. dated 11th February 1955.)

CHAPTER VIII

DUTIES OF THE POLICE UNDER CERTAIN SPECIAL OR LOCAL ACTS AND IN AID TO OTHER DEPARTMENTS.

(*Note.*- All Police Stations and higher Police offices are ordinarily supplied with copies of all important special and local Acts which impose any duties or confer any powers on the Police (vide Rule 49 in Volume II). Officers are expected to study them or refer to them, whenever any necessity arises, for finding out what their power and duties under the Acts are. Rules in this Chapter contain mainly the executive orders or instructions issued by Government or the Inspector-General for the guidance of Police officers under their control.)

SECTION I.- INDIA ACTS

The Indian Arms Act, XI of 1878

257. Powers and. Duties of the Police.- (1) Every District Superintendent of Police, Assistant Superintendent of Police or Deputy Superintendent of Police shall visit and inspect the shop, stock and accounts of every licenced manufacturer or vendor within their respective charges at least once a year and report the result to the District Magistrate. The date of every inspection shall be noted in the account books of licenced manufacturer or vendor and authenticated with the signature of the officer making the inspections. In the mofussil Inspectors of Police shall visit and inspect such shops within their charges at least once every six months and communicate the results of such inspections at once to the District Magistrate through the Superintendent of Police. For the duties and powers to the Police under the Indian Arms Act, XI of 1878, reference should be made to the Bombay Arms Act Manual, 1937.

(G. C., H. D., No. 2990/5, dated 8th November 1951.)

(2) (a) A Committee should be appointed in each District for fixing the prices of confiscated and forfeited fire arms. This Committee should consist of the District Magistrate (and *NOT* the Additional District Magistrate) as Chairman, and the District Superintendent of Police, the Sub-Divisional Police Officer or Reserve Inspector Sub-Inspector of Police in charge of the Police Armoury at the Headquarters, the Vice-Chairman of the District Development Board and a reliable local arms dealer selected by the District Magistrate as members:.

(b) The prices fixed by the Committee should be charged while selling weapons from the confiscated and forfeited stocks at the Police Headquarters with the approval of the District Magistrate and in accordance with the priorities fixed in Sub-Rule (3) below.

(c) In Greater Bombay The Committee should consist of the Commissioner of Police or the Deputy Commissioner of Police, as Chairman, and two other Police officers having technical knowledge of arms and ammunition and a reliable local arms dealer selected by the Commissioner of Police as members.

(Para. 67 (5) of the Bombay Arms Act Manual.),

(3) Confiscated or forfeited guns should first be offered at fair prices to gun clubs, crop protection societies and Sarvodaya centres before they are made available to licensed dealers and other persons entitled to possess them, preference being given, among licensed dealers to those who are agriculturists and are in need of guns for crop protection.

(G. C. L., H. D., No. 4452/5-F, dated 14th September 1950.)

(4) (a) Arms and ammunition deposited with the Police for safe custody should not be removed from the Headquarters stores of armouries by any person either for inspection or for personal use under any circumstances without the previous permission of the District Superintendent of Police.

(b) The register of arms, etc., deposited with the Police must in-variably be checked by Inspectors or Sub-Inspectors of the Head-Quarters or Police Stations, as the case may be, once a month, and by inspecting officers, with the actual stores carefully, at the time of their periodical inspections of the Head-Quarters or Police Stations. Any irregularities or discrepancies must immediately be reported by the District Superintendent of Police to the Inspector-General of Police, the Deputy Inspector-General of Police, Criminal Investigation Department and the Range Deputy Inspector-General of Police.

(c) The District Superintendent of Police should send to the District Magistrate a monthly statement showing the particulars of confiscated and forfeited firearms available for disposal at the beginning of the month, the prices fixed for them by the committee appointed for the purpose, the firearms disposed of during the month, the prices realised therefor and the balance of firearms remaining un-disposed of at the end of the month.

(G. C. L., H. D., No. 2583/7-F, dated 3rd February 1953.)

258. Registration etc. of Private Firearms of Police Officers.- (1) In the case of an officer of the Indian Police or of the Indian Police Service who is authorised to keep two revolvers or pistols, or in the case of a Deputy Superintendent of Police who is authorised to keep one regulation pattern revolver, particulars of the weapons shall be registered by the officer with the Commissioner of Police, Bombay, or the District Magistrate of the district, as the case may be, in whose jurisdiction he is posted on appointment or transfer, within 15 days from the date of his assuming charge of his office in the area concerned.

(2) Police officers other than those mentioned in Sub-Rule (1) above, who are permitted to keep privately owned revolvers or pistols as part of their equipment without licence fee, shall register them with the Commissioner of Police, Bombay, or the District Magistrate as the case may be, in whose jurisdiction they are posted (on appointment or transfer) within the aforesaid time limit of 15 days.

Note.- (1) Police officers, who are in possession of privately owned prohibited bore weapons, forming part of their equipment, should continue to hold them as their personal property during the tenure of their offices. On their resigning office, the officers should not be considered to have any claim as such to possess the weapons under licences. The licensing authorities will consider the question, of granting licences to them in the light of the general principles governing the grant of licences for prohibited bore weapons to

private persons.

(G. R., H. D., No. 3483/5, dated 3rd April 1950.)

(2) If a Police officer is already in possession of a privately owned service bore weapon, he should use it for official purposes and Government need not issue him another one of service bore. It, however, a service bore weapon has been supplied to him by Government the second weapon that he may be permitted to acquire should be only of a non-service pattern.

(G. L., H. D., No. 3483/5-F, dated 10th May 1951.)

(3) Every such officer shall produce the weapon or weapons to be so registered before the registering authority for inspection and verification, if required by the said authority, either at the time of registration or whenever called upon to do so during the period the weapon is registered with him. .

(4) Every such officer shall, on the loss or theft of any such weapon or weapons, forthwith report the occurrence at the nearest Police Station as well as to the last registering authority.

(5) Every such officer, immediately on retirement from service or while in service, wishing to dispose of his weapons, shall observe the following procedure:-

(i) If the arms are of prohibited bores, he shall return them to the Government arsenal or deposit them with the nearest Police Station for being returned to the arsenal.

(ii) If the arms are not of prohibited bores and were imported without payment of customs duty, he shall present them first to the customs authorities at the nearest Customs House for reclassification and payment of the customs duty. He may thereafter apply to the proper licensing authority for license or permission to retain the weapon or weapons as a private individual or to dispose of the same to an authorised person, after reporting to the registering authority the full name and address of the purchaser and the authority under which he is entitled to possess the same. In case it can be proved to the satisfaction of the licensing authority that the customs duty had already been paid on the weapon,

there is no necessity for such officer to redeclare the weapon to the customs authorities, but he should deposit the weapon at the nearest Police Station immediately on retirement and then apply to the proper licensing authority for a licence for its retention or for permission to dispose of the same to an authorised person.

The Indian Aircraft Act, XXII of 1934

259. Details to be noted and Reported in Connection with Aircraft. - (1) The Police should pay special attention to the general safety conditions prescribed in the extract from the Indian Air Craft Rules, 1920, in Appendix XXV. Whenever any low or dangerous flying is witnessed, the registration marks painted on the machine should be recorded, to enable the owner and probably the pilot of ' the machine to be traced. Advice in connection with such infringements of the rules should, if required, be sought from the Director of Civil Aviation.

Note.-The unauthorised flights of foreign aircrafts should be reported by wireless message to the Inspector-General of Police who will pass on the information to Director of Coordination Police Wireless. New Delhi, for necessary actions.

(I. G.'s No. (C)/8029, dated 19th August 1958.)

(2) Whenever circumstances arise which make it necessary for the Police to take action in connection with aircraft and a report to the Director of Civil Aviation or the Aerodrome Officer of the area concerned appears to be called for, the following information should be given, whenever possible:-

(a) Registration marks of the aircraft. If not observed with certainty, additional particulars to be given as to type of aircraft.

(b) Name of pilot and number of other occupants of the air craft.

(c) Nature of flight on which aircraft was employed. In a case where an aircraft is observed in the air only, the direction from which it came and the direction in which it was flying together with an estimate of height should be given.

(d) Place of observation or occurrence reported upon. This must be given precisely as true bearing and distance from nearest railway station or with reference to a place name which appears on a small scale general map, such as the one million map, and may be further amplified as necessary.

(e) Time and date of observation.or occurrence reported upon.

(f) Brief particulars of the rule, which appears to have been broken, or of the occurrence reported upon. In the case of an air-craft accident, its nature, the extent of damage to the aircraft and whether death or personal injury was caused and if so, to whom, should be stated.

(3) Information of this nature, particularly (a), (c), (d) and (e) may be of vital importance in the case of an aeroplane reported missing.

The Ancient Monuments Preservation Act, VII of 1904

260. Archaeological Remains.-Police officers should protect architectural and archaeological remains from wanton destruction and mischief, whenever possible. They should see that no nuisance is committed there or near other public buildings. It is an offence under Section 16 of the Act to do an act which will imperil the monument and under Section 15 the right of access to the Government Monument is restricted by rules framed in the matter. Action for contravention of the Rules can be taken under Section 15 of the Act. For rules refer to Appendix XXVI.

(I. G.'s C. M. No. G /34, dated 6th February 1959.)

The Administration of Evacuee Property Act XXXI of 1950

261. Duties and Powers.- All offences under this Act are cognizable. This act provides penalty for failure to surrender possession of evacuee property and for wrongfully paying or receiving rents and for concealing evacuee property and for causing damage to evacuee property and for false declaration etc. No prosecution for any offence under this Act shall be instituted except with the previous sanction of the State Government, or of any officer authorised in this behalf, by general or special order by the State Government.

The Cattle Tress-pass Act, I of 1871

262. Duties and Powers. - (I) (a) Under Section 10, all Police officers shall, when required, aid in preventing (i) resistance to legal seizures and (ii) rescues from persons making such seizures.

(b) Under Section 11, the Police may seize or cause to be seized any cattle doing damage to public roads, canals, plantations, grounds, drainage works and the embankments and the sides of slopes thereof or found straying thereon.

Note.- The District Magistrates are authorised to dispose of weak and feable impounded cattle which cannot be disposed of by public auction, by entrusting them to institutions like *panjarpole* free of charge and to write-off the losses on account of recovery of fine in respect of such animals. Expendituro incurred on conveying the animals to the *panjarpole*. etc., if any, and feeding and watering such animals if claimed, shall be paid and debited to Government account. Such expenditure should not exceed Rs. 10 per head of cattle or Rs. 100 per annum, in each district.

(G. C., H. D., No. CPD-4058/27365-XIII, dated 24th November 1958.)

The Child Marriage Restraint Act XIX 011929

263. Issue of Injunction under the Act.- Under Section 8 of the Act, only Presidency Magistrate or First Class Magistrate shall take cognizance of or try any offence under this Act, under Section 9'. No cognizance shall be taken after the expiry of one year from the date on which the offence is alleged to have been committed. Under Section. 12, Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in the Act, e.g., Parties to marriage, Guardians, Priests, etc., prohibiting such marriage.

The Dangerous Drugs Act, II 01 1930

264. Reports on seizures of Drop Smuggled into or out of India.- (1) (a) The Government of Bombay have to submit to the Government of India reports containing full particulars in respect of all seizures of drugs attempted to be smuggled into or out of India from or to countries outside India, effected by the Excise or Police authorities and also full information in regard to the proceedings and movements of persons engaged in carrying on illicit international traffic in drugs.

(b) Immediate action is necessary in the following two cases:-

(i) When information (e. g., as to the movements or proceedings of traffickers) might be useful for the purpose of stopping some contraband transaction which is in the course of being carried out.

(ii) When a seizure is made and there is anything to show that a person or a firm in a foreign country is implicated, but it is not considered possible to stop the transaction by passing the information on to the other country. In cases falling under the first category, Excise and Police officers, who are stationed in or near a Chief Port, should communicate at once full particulars to the nearest Collector of Customs of a Chief Port (Bombay, Calcutta and Madras). A copy of such communication should at the same time be forwarded to the Government of Bombay, Revenue Department, for transmission to the Government of India. If no time can be saved by such reference to a Collector of customs, the particulars should be addressed to Government as in other case.

In cases falling under the second category, full particulars should at once be reported direct to Government who will pass on the

particulars to the Government of India, copies of the reports being sent to the Inspector-General of Police in each case.

(c) Routine cases, i.e., cases of ordinary seizures of import of drugs, which are purely of local interest and which do not reveal any useful information regarding movements and methods of traffickers, need not be reported. These cases, however, are required to be included in the return furnished to the Secretary, All India Narcotics, Board, Sirola, for transmission to the United Nations Organization each year.

(2) The reports should be as full as possible and should include a mention of the quantities seized, a description of the packages, and the marks on the packages, the names and addresses of the consignor and consignee, the names and addresses of any agents through whom the goods have passed, the place from which the goods were despatched, the date on which they were despatched, the name of the ship by which they were despatched, the port from which the ship started its voyage and its ports of call, and any other information throwing light on the manner of conducting illicit traffic. Whenever possible, three specimens of the labels or of the containers themselves or any particulars of evidence as to the origin of the seizures made should be forwarded with all the reports. If, however, it is not possible to send specimens of labels or containers or even copies of the labels, the reason why they could not be sent should be stated in the report. When reporting cases of seizures of drugs suspected to Japanese origin, unopened and intact containers of drugs, available, may also be supplied along with the reports.

(3) When reporting seizures of cocaine or of other drugs believed to originate from a particular country, the reasons for believing the drugs to be of that particular origin should be stated, if possible.

(4) The instructions in Sub-Rules (1) to (3) above do not relate to cases which, there is good reason to believe, represent interstate smuggling only (as between Bombay and Madras).

(5) The reports should be submitted in the form given below and seven copies of these should be furnished in each case :-

- 1 Date of seizure.
2. Place of seizure, and department making seizure.
3. How the traffic was detected.
4. No. and description of packages, tins, wrappers, labels etc. seized, including the marks, if any thereon.
5. Nature of contents, and quantity.

6. Name of manufacturer and place of origin. .
7. Description of the route through, which the drug was imported or attempted to be despatched.
8. From whom, how, where, and at what price the drugs were obtained by the accused, If any.
9. Personal particulars of accused; if any (name, nationality, occupation and other details).
10. Name and address of consignor.
11. Destination (country and place), and consignee.
12. Date of despatch from the country of origin, if known.
13. No. of labels (or copies of labels), wrappers and tins or other containers sent with the report. If none is sent, reasons for not sending should be given.
14. Any other particulars throwing light on the method ployed in the illicit traffic in drugs.
15. Judicial decision regarding the seizure.

Authority making this report:-

Director of Excise and Prohibition or other Officer of the State Government.

(6) Under Sections 23 and 24 of the Act, Police officers not below the rank of Head Constable are empowered to enter and search a private place and seize the incriminating articles under this Act. They can search, seize and arrest any person committing offences under the Act and are required to assist the officers of other Departments acting under it.

The Drugs Act, XXIII. of 1940

265. Duties and Powers of Police.- (1) Offences under this Act are cognizable. Whenever a Police officer wants to take action under the Act by carrying out a raid in which drugs are to be seized or attached, he should as far as possible inform the Drugs Inspector having jurisdiction in the area concerned, to accompany him and take samples as required by Section 23 of the Act. In cases where such prior contact with the Drugs Inspector should be contacted as soon as possible either the same day or later but in such cases the Police officer in charge of the raid should take four samples of the drugs in sufficient quantity in the presence of the accused and the panchas and all such samples of drugs should be duly sealed

and signed by the Accused (if he consents) and the *panch*,as. The fair price of the drugs must be paid. If stock is seized, a receipt should be tendered. All other instructions in the Act regarding taking samples should be strictly followed. One sample should then be handed over to the accused and his signature obtained for having received the sample. The Drugs Inspector may also later pick up samples at the Police Station in the presence of the same *panchas* in whose presence the Police officer had seized or attached the drugs and in the presence of the accused unless he wilfully absents himself.

(I. G., C. M. No. 5693, dated 11th May 1957.)

(2) A Police officer should when the samples of spirituous medical preparations are picked up by them send those for test and analysis to the Government Analyst (Haffkine Institute, Parel, Bombay-12) and on completion of investigation of the whole case pass it on to the Divisional Senior Drugs Inspector for further action under the Act as a complaint under Section 32 of the Act will have to be filed only by a Drugs Inspector duly appointed under Section 21 of the Act.

(L. G.'s No. 8693. dated 2nd August 1955.)

(3) As it is desirable that persons engaged in illicit traffic should not be authorized to engage in legitimate trade, all necessary steps should be taken to prevent the grant of import or export certificates in which the names of notorious drugs traffickers appear; and as certain persons engaged in illicit traffic are able to move freely from country to country in carrying out their operations, passports and visas should be refused to persons known to be so engaged, and steps should be taken, as far as possible, to cancel passports already issued to them.

(4) The internal air services do not come within the purview of customs examination. The searching of passengers luggage, freight etc., at the air ports for the purposes of State excise restrictions is the function of the State Excise authorities and the State Police. The Police staff on duty at air ports must, therefore, be vigilant in checking cases of illicit traffic in opium and other dangerous drugs by the internal air services.

266. The Drugs and Magic Remedies (Objectionable Advertisements) Act XXI of 1954.-(1) This act provides for prohibition of taking part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for procurement of miscarriage or prevention of conception, in women or the maintenance or improvement of the capacity of human beings for sexual pleasure or correction of menstrual disorders in women, or the diagnosis, cure mitigation, treatment or prevention of any venereal disease or any other disease or

condition which may be specified under the rules made under the Act. It also prohibits taking part in publication of any misleading advertisement relating to drugs or advertisement of magic remedies for treatment of abovementioned diseases and also prohibits import and export of documents containing such advertisements.

(2) Under Section 8, all Police officers not below the rank of a Sub-Inspector are empowered to seize and detain any document, article or thing which he has reason to believe contains any advertisement which contravenes any of the provisions of this Act.

(G. R., L. S. G. & P. H. D., No. ACT/IO54, dated 4th June 1955.)

(3) While examining from a legal point of view, the cases where breach of provisions of this Act is suspected the services of the District Government Pleader and the Public Prosecutors in the mofussil of the Chief Police Prosecutor in Greater Bombay should be utilized.

The Dramatic Performances Act, XIX of 1876

267. Duties of the Police under the Act. - Under Section 8 of the Act, if any Magistrate has reason to believe that any house, room or place is used or is about to be used for any performance prohibited under this Act, he may, by his warrant, authorize any Police officer to enter with such assistance as may be required, by night or by day and by force, if necessary; any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

The Indian Explosives Act IV of 1884

268. Powers of Search and Seizure of Explosives.- (1) Any officer specified in the first column of the sub-joined table may within the areas specified in the corresponding entry in the second column of that table-

(a) enter, inspect and examine any place, carriage or vessel, in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence granted under the Indian Explosives Rules, or in which he has reason to believe that an explosive has been or is in contravention of the Act or the Rules thereunder; .

(b) search for explosive therein;

(c) take samples of any explosive found therein, on payment of the value thereof, if such payment is demanded at the time the samples are taken; and

(d) seize, detain or remove any explosive found therein, in respect of which he has reason to believe that any of the provisions of the Act or the rules thereunder have been contravened:-

Table

Officers	Areas
The Chief Inspector and Inspectors of Explosive	India
All District Magistrates.	Their respective districts.
All stipendiary Magistrates sub-ordinate to the District Magistrate.	Their respective jurisdiction
All Commissioners of Police and all Police officers of rank not below that of an Inspector.	The Presidency town (including suburbs) over which their authority extends.
All Police officers of rank not below that of Sub-Inspector.	The respective areas over which their authority extends.

(2) Whenever any officer other than the Chief Inspector seizes, detains or removes any explosives under Sub-Rule (1), he shall forth-with report the fact by telegram to the Chief Inspector, and whenever any officer not being the District Authority seizes, detains or removes any explosive under that Sub-Rule, he shall forthwith report the fact by telegram to the District Authority concerned.

(3) Any gas contained in any cylinder in a compressed or liquified state has been declared under Section 17 of the Indian Explosives Act by the Government of India to be an explosive within the meaning of the said Act. The powers of removal under clause (d) of Sub-Rule (1) shall not be exercised in respect of such gas by any Magistrate or Police officer except under and in accordance with the instructions of the Chief Inspector, Deputy Chief Inspector or an Inspector or Assistant Inspector of Explosives.

(P. & S. D. No. 2670/34, dated 14th May 1940 and Part IV-C of B. G. G. of 23rd May 1940.)

(4) Any Police officer may apprehend without a warrant any person whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place, where an explosive is manufactured or stored, or any railway or port, or any carriage, ship or boat.

269. Inspection of Explosives etc.: Stocks, Explosives in shops, mines, etc., should be inspected once every three months by Sub-Inspectors, once every six months by Police Inspectors and Sub-Divisional Officers, and from time to time by District Superintendents, of Police who should regard this duty as important. Stocks of temporary licence holders should be inspected by Sub-Inspectors before and after Divali.

By "explosive shops" should be understood the premises of licensees in forms I, J, K, Land M (vide Schedule IV to Explosives Rules, 1940).

270. Instructions in the Matter of Dealing with Dangerous Explosives.- (1) The explosive most likely to be met with is the illegal mixture of a chlorate and arsenic sulphide, or of a chlorate and sulphur, or of a chlorate and phosphorus or, again, of chlorates and aluminium. Explosives of this type can be so sensitive that the dropping of the receptacle containing them, friction such as can be caused by dragging a box over a stone floor, a blow or a spark, or even undue pressure on a firework of the class consisting of the explosive and a few stones wrapper in paper and string can cause the most disastrous explosion. Mixtures of this sort are also unsafe in simple storage and, without being disturbed or handled, may at any time spontaneously explode.

(2) When the presence of an illegal or unsafe explosive is suspected, the local Police officer should not touch anything, but should at once arrange for the proper guarding of the premises or place containing any substance or object suspected of being explosive, and all unnecessary persons, whether Police or not, should be sent away and no one allowed to enter the premises.

(3) The local Police officer should communicate at once, by telegram, if necessary, with the District Superintendent of Police, who should himself proceed or depute some responsible officer to proceed, to the suspected place. Following are the instructions to be borne in mind by the officer visiting the place:-

(i) If you have any reason, however slight, to suspect that the substance or object with which you are dealing is dangerous, then regard it as being highly explosive until such time as it is proved to be otherwise.

(ii) Allow no smoking, lights, fire or matches in or near the premise.

(iii) If the suspected substance is in any quantity, or the floor is dusty, or if any of the substance appears to have been spilt, remove your boots or shoes before entering the premises.

(iv) Handle everything with the greatest care, slowly and deliberately.

(v) Do not drag or roll any cases or articles about, but care-fully lift and deposit them. Do not drop or t.hrow anything down.

(vi) If, after inspection, you suspect the substance or article to be dangerous and, if the quantity is small, place it in water, Cover the vessel and send it by messenaer to the nearest Chemical Analyser to Government.

(vii) If, however, the quantity exceed! a pound or so in weight, send an express telegram to an Inspector of. Explosives asking for his assistance.

(4) The presence of any of the following substance should be regarded with the gravest suspicion:

(i) Chlorates of soda or potash.-May be found in clear crystals or as a white powder.

(ii) Sulphide of arsenic - Generally found as a yell9w or orange powder or in lumps.

(iii) Phosphorus.

(iv) Fireworks being made from a yellowish or orange powder.

(v) Mixtures of sulphur with a white powder not being salpetre.

(vi) Mixture of aluminium powder with a white powder.

(vii) "Phatakas" of all sorts and throwdowns etc. are vary generally manufactured from illegal chlorate mixtures and should be treated accordingly, until the officer is satisfied that they do not contain chlorates.

(G. R., P. & S.' D., No. 1395/34, dated 2nd November 1938.)

(5) (a) Country crackers or bombs, which are generally found on cloth or jute covered oval or circular objects, should be soaked well with preferably distilled water in a suitable vessel and the contents sent by messenger properly packed and if possible sealed taking care that the aqueous contents are not lost during transit.

(b) No glass container should be used, small enamel vessels or clean earthen pots with cotton wads in side are preferred.

(c) Under no circwnstances, should these objects be sent in dry condition.

(d) Ordinarily not more ilian two representative samples only should be sent for Chemical examination. If large quantity is seized me assistance of Inspector of Explosives should be sought for its disposal.

(e) Country made bombs, military grenades, shells etc. should not be sent to Inspector of Explosives by messenger. Instead an intimation should be sent by Teleeram to the. Inspector of Explosives.

requesting his assistance for their disposal. While doing so the full description of the object marking, if any, observed on their exterior, size, shape, etc., should also be communicated.

(f) The preliminary examination, if any, should be done at the site without any disturbance to the objects concerned, if possible a photograph of the object should also be taken.

(g) If the object is of service origin, a request should be made through proper channel to the Brigadier, Army Ordnance Corps, Southern Command, Poona, under advice to the office of the Inspector of Explosives to dispose them off.

(6) For detailed instructions reference should be made to the booklet entitled: "*Summary of Lectures on Explosives and Bomb.*" by Shri K. Shankaran, Inspector of Explosives. West Circle, Bombay.

(7) The address of the Inspector of Explosives to be telegraphed is:- The Inspector of Explosives. West Circle, Industrial Assurance Building, Opposite Church Gate Station, Fort, Bombay.

Telegraphic address:-

"INSWEST" Bombay.

271. The Issue of Licences.- (1) Licences for the manufacture possession and sale of explosives coming under the Explosives as well as the Arms Act should as far as possible, be granted under the Explosives Act, and licences under the Arms Act limited to what does not come within the definitions of the former Act, it being understood that directly the Explosives Act applies, the control is transferred.

(2) Two separate licences under both the Explosives Act and the Arms Act are not required for the manufacture, sale and possession of the same explosive. The position is that where a licence under the Explosives Act is necessary, the Arms Act drops into a secondary place and the necessary control is exercised under the Explosives Act, the registration required for the purposes of the Arms Act being obtained simply by having the licence under the Explosives Act endorsed by the proper authority under the Arms Act. ,

(G. R., J. D., No. 1109, dated 12th February 1900.)

(3) When arms and ammunition are simultaneously imported a licence under the Arms Act is necessary for the import of the arms and another under the Explosives Act for the import of the ammunition, irrespective of the question whether a licence under the Arms Act has been obtained or not.

(4) To prevent the occurrence of accidents, authorities empowered to grant explosives licences should exercise great care in the issue

of the licences. No licence should be granted unless, after a personal inspection by a responsible officer of Gazetted rank, the licensing authority is satisfied that the premises comply fully with the conditions of the licence. Fireworks cannot be possessed in any quantity for purposes of sale without a licence under the Indian Explosive Rules. In all cases where the District Authority is in any doubt about the interpretation of the Explosives Rules, a reference should be made to the Chief Inspector of Explosives.

(G. R., J. D., No. 5893, dated 7th September 1901.)

(5) It is also important that licensed premises should be inspected periodically by officers authorised under Rule 106 of the Explosives Rules in order to ensure that the licensee is complying with the conditions of his licence. Inspections are particularly desirable during the, festival seasons.

(G. E. P. & S. D., No. 2225/34-B dated 14th February 1938.)

(6) To prevent the occurrence of accidents and wrong use of explosives such as Potassium Chlorate, Sulphur, Country Gun Powder and Blasting Explosives, authorities empowered to grant explosive licences should exercise great care and stricter control in the issue of licences, so as to put down illicit possession and illegal use of chemicals and explosives.

(G L, H. D., No. 2990/5-VIII-F, dated 6th March 1950.)

272. Prohibited Use of Fulminates.- Fulminates (Class V) are not allowed to be used in the manufacture of fire-works and as chlorates (such as chlorate of potash) in admixture with sulphur or a sulphuret (such as sulphide of arsenic) are fulminates as defined in the rules, this prohibition applies to the use of such chlorates.

(G. C., G. D., No. 3041, dated 20th May 1911.)

(2) Import, manufacture, possession and sale of Putaputia also known as *tortary*, *Martimics*, *chitpals*, *chidchedia*, Butterflies, is prohibited and are not included in the list of authorised explosives issued under the Explosive Rules, 1940. It should be seized wherever found, and party concerned proceeded against under the provision of Indian Explosives Act, 1884.

(Government of India, Ministry of Works, Housing and Supply No. M 102
(21)/52, dated 22nd December 1952 and G. L., H. D., No. 3099/7-F, dated
22na October 1953.)

273. Restriction on Place of Sale of Explosives.- Licences in Forms I, K and M require that explosives including fire-works shall not be sold anywhere except upon the premises specified in licence and further that the sale of fire-works of any sort at fairs is illegal, unless a special licence is issued.

(G. R., G. D., No. 3040, dated 20th May 1911.)

The Explosives Substances Act, VI of 1908

274. Restriction of Trial of Offences.- Under the provisions of Section 7 of the Act, no Court shall proceed to the trial of any person for an offence against the Act except with the consent of the Central Government.

The Central Excise and Salt Act, No.1 of 1944.

275. Duties and Powers of the Police. - (1) When a Police officer on the strength of a search warrant seizes excisable goods he has to prepare and deliver under Section 103 of Criminal Procedure Code, a list of all the things seized in the course of the search and to hand over a copy of the list to the occupant.. If the goods are non-duty paid, the police officer should be requested to deliver a copy of the list of the seized goods to the nearest Central Excise Officer, who upon receipt of the list shall inform the Police officer that duty on the goods seized by him was not paid and that an intimation should, therefore, be sent to him, in due course, when the goods are intended to be disposed of.

(I. G.'s No. 4824, dated 26th March 1959.)

(2) Under Section 15 of the Act, all Police officers and all village officers are empowered and required to assist the central Excise Officers in the execution of this Act.

(3) Under Section 20 of the Act, when any person arrested under this Act is forwarded to the Police Station Officer, he shall either admit him to bail to appear before Magistrate having jurisdiction or in default of bail forward him in custody to such Magistrate.

The Indian Emigration Act, VII of 1922

276. Powers to Prosecute.- No prosecution shall be instituted for any offence under this Act except with the sanction of a Protector of Emigrants or a person appointed or the District Magistrate where there is no Protector or person appointed.

The Indian Electricity Act, IX of 1910

277. Powers to Prosecute.- No prosecution shall be instituted against any person for any offence against this Act or any rule, licence or order thereunder, except at the instance of the Government or an Electric Inspector or of a person aggrieved by the same.

The Foreigners Act, XXXI of 1946

278. Police to Enforce Orders of Internment or Externment of Foreigners.- (1) Sub-Section (1) of Section 3 of the Foreigners Act

empowers the Central Government by order to prohibit, regulate or restrict the entry of foreigners into India or the departure therefrom or their presence therein. That Government have delegated to the State Government their powers under classes (d), (e) and (f) of Sub-Section (2) of that Section to order a foreigner to remove himself to, and remain in, a certain specified area in India or to intern him in a particular place or to demand from him a bond with or without sureties for the due observance of conditions or restrictions imposed upon him.

(2) A Superintendent of Police should, whenever he finds action under the above provisions necessary against a foreigner, report the facts to the District Magistrate, who will move Government for the issue of appropriate orders in that behalf.

(3) Under Sub-Sections (2) and (3) of Section 11 of the Act, any Police Officer may take steps, including the use of force, when reasonably necessary, for securing compliance with any order or direction given under or in pursuance of the provisions of the Act or for preventing or rectifying any breach of any such order or direction. This power of the Police includes a right of access to any land or other property, when necessary in the exercise of that power.

(4) The Deputy Commissioner of Police, Criminal Investigation Department, Special Branch, Bombay and District Superintendents of Police in their respective jurisdictions are appointed as Registration Officers for the purposes of registration of Foreigners Rules.

(5) All offences under the Act provide punishment for five years imprisonment.

The Forward Contracts (Regulations) Act LXXIV of 1952

279. Penalty for Contravention of Certain Provisions of this Act.- (I) Any person who-

(a) without reasonable excuse (the burden of proving which shall be on him) fails to comply with any requisition made under Sub-Section (3) of Section 8; or

(b) Organises, or assists in organising or is a member of any association in contravention of the provisions contained in the proviso to Sub-Section (1) of Section 18; or

(c) enters into any forward contract or any option in goods in contravention of any of the provisions contained in Sub-section (1) of Section 17 or Section 19.

commits offence under Section 20 (1) of the Act and any person who-

(a) owns or keeps a place other than that of a recognised association, which is used for the purpose of entering into or making or performing whether wholly or in part, any forward contracts

in contravention of any of the provisions of this Act and knowingly permits such place to be used for such purposes, or

(b) without the permission of the Central Government, organises or assists in organising, or becomes a member of any association, other than a recognised association for the purpose of assisting in entering into or making or performing whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(c) manages, controls or assists in keeping any place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act or at which such forward contracts are recorded or adjusted, or rights or liabilities arising out of such forward contracts are adjusted, regulated or enforced in any manner whatsoever, or

(d) not being a member of a recognised association, wilfully represents to, or induces, any person to believe that he is a member of a recognised association- or that forward contracts can be entered into or made or performed, whether wholly or in part, under this Act through him, or

(e) not being a member of a recognised association or his agent authorised as such under the rules or bye-laws of such association; canvasses, advertises or touts in any manner either for himself or on behalf of any other person, for any business connected with forward contracts in contravention of any of the provisions of this Act, or

(f) joins, gathers, or assists in gathering at any place, other than the place of business specified in the bye-laws or a recognised association, any person or persons for making bids offers or for entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(g) makes, publishes, or circulates any statement or information which is false and which he either knows or believes to be false affecting or tending to affect the course of business in forward contracts in respect of goods to which the provisions of Section 15 of the Act have been made applicable.

commits offences under Section 21 of the Act.

(2) All these offences are made cognizable under Section 23 of the Act.

The Indian Fisheries Act, 1897, (VI of 1897)

280. Duties and Powers of the Police.- Any Police officer may arrest without warrant any person committing in his view any offence

of catching or destroying fish by use of dynamite, poison, lime or noxious material in the water and also under the rules made under Section 6 of the Act, if the name and address of that person are unknown and he declines to give name and address or gives, name and address which are doubtful, and that person will be detained till his name and address are correctly ascertained.

The Indian Forest Act, XVI of 1927

281. Assistant to the Forest Department. - (1) It is the duty of the Police to render assistance to the Forest Department in the detection or suppression of crime, when called upon to do so.

(2) No Revenue or Police officer shall call a Forest Guard off his beat nor shall a Forest Guard leave his beat, in order to report himself to such officer, except with the previous permission of the Ranger.

(G. L., H. D., No. 7178/3-D, dated 28th July 1936.)

(3) Any Police officer may seize any forest produce, together with all tools, boats, vehicles or cattle used in commission of any forest offence. Every Police officer seizing such property shall place on such property a mark indicating that the same has been so seized, and shall, as soon as possible, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made. When the seized property is of Government and the offender is unknown the officer should make a report of the circumstances to his official superior.

(4) Any Police officer may without order from Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest offence punishable with imprisonment for one month or upwards, except offences under Chapter IV unless such act has been prohibited under clause (c) of Section 30 of the Act.

(5) Every Police officer is required to prevent and to interfere for the purpose of preventing the commission of any forest offence.

The Factories Act, LXIII of 1948

282. Taking Cognizance of the Offence. - No Court shall take cognizance of any offence under this Act except on complaint by or with the previous sanction in writing of a Factory Inspector and unless complaint thereof is made within three months of the date on which the alleged commission of the offence came to the knowledge of the Inspector.

The Glanders and Farcy Act, XIII of 1899

283. Powers of the Police in regard to Diseased Horses. - (1) The Glanders and Farcy Act has been made applicable to the whole of

the State of Bombay. Superintendents, Assistant Superintendents and Deputy Superintendents of Police in their respective charges have been declared under Section 4 to be Inspectors for the purposes of the Act.

(G. N., R. D., No. 5542, dated 3rd August 1901 and G. No, R. D., No. 10426, dated 6th October 1919.)

(2) The following instructions should be observed by the Police when dealing with cases of horses suspected to be "diseased" under the Glanders and Farcy Act:-

The Veterinary Inspector or the Veterinary Assistant, on suspecting a horse to be diseased will direct the owner of the horse to confine it to a particular place and will immediately inform the Police Station Officer of the nearest Police Station of the fact. The Police Station Officer, on receipt of the intimation, will immediately depute a Constable to see that the horse is confined to the place fixed by the Veterinary Inspector or Assistant, and not put to work. If the diagnosis is not confirmed, the Veterinary Inspector or Assistant will inform the Police Station Officer accordingly who will then withdraw the Constable. If however, the diagnosis is confirmed and the horse has to be destroyed, the Veterinary Inspector or Assistant will inform the Police Station Officer, who will depute an armed Constable to shoot the horse under the supervision of the Veterinary Inspector or Assistant and to dispose of the carcass either by burning or burial, as may be ordered by the Veterinary Inspector or Assistant.

(3) All expenses in connection with the disposal of such horses will be borne by the Veterinary Department.

(I. G.'s No. 1556/ A, dated 9th February 1920.)

The Industrial Disputes Act. XIV of 1947

284. Taking cognizance of offence.- No Court shall take cognizance of any offence under this Act except on complaint made by or under the authority of the appropriate Government. Sections 22, 23 and 24 define legal and illegal Strikes and Lockouts.

The Identification of Prisoners Act, XXXIII of 1920

285. Finger Impressions and Photographs of Criminals.- Instructions as to the powers and duties of the Police in the matter of taking of finger impressions and photographs of criminal and their custody and disposal etc.. will be found in the rules framed under Section 8 of the Act, which have been reproduced in Appendix XXVII.

The Indian Income-tax Act, XI of 1922

286. Supply of Information and Submission of Annual Return of Payments.- (1) Superintendents of Police should furnish confidentially to the Income-tax Department, on request, information regarding-

- (i) Names and addresses of the contractors employed; and
- (ii) amount paid to each during the previous years.

(G. R., F. D., No. 5304, dated 2nd April 1927.)

(2) With a view to assist the Income-tax Department in their assessment work, all disbursing officers will furnish to the Assistant Director of Inspection (Income-tax) Central Board of Revenue, Collation Branch, Locksley Hall, Poonamallee, High Road, Madras, either monthly or quarterly, the details of every payment (above Rs. 250) made by them to contractors and other non-officials on behalf of Government local bodies, in Form No. 15 in Appendix I. Disbursing officers are those officers who pass bills presented by the contractors etc. and endorse them for payment at the treasury.

(G. R., F. D., No. 5304, dated 2nd April 1927; 251/33, dated 29th September 1944 and 21st September 1945.)

(3) It is the duty of all disbursing officers under Section 21 of the Indian Income-tax Act, 1922, to submit to the Income-tax officer concerned an annual return showing payments made to persons under their control of amounts assessable for income-tax under the head "Salaries" and the amount of tax deducted by them, within 30 days from the 31st day of March each year. Care should be taken to submit the return without fail within the above limit.

(G. R., F. D., 251/33, dated 4th December 1939.)

(4) Whenever any official authorised under the Taxation on Income (Investigation Commission) Act, XXX of 1947, wants law-fully to enter any building or place for the purpose of an inspection of books, documents and other papers etc, all Police officers should render, on demand, all possible assistance to the official, when exercising his powers under Section 6 (9) of the Act.

The Police (Incitement to Disaffection) Act, X.XII of 1922

287. Penalty.- (1) Section 3 of this Act provides penalty for causing or attempting to cause or doing an act which one knows is likely to cause disaffection towards the Government established by law in India, amongst the members of the Police Force, or induces or attempts to induce or does any act, which one knows is likely to induce, any member of a Police Force to withhold his services or to commit a breach of discipline. Under Section 5, no court shall

proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint of the District Magistrate, or in case of a Presidency Town, of the Commissioner of Police.

The Lepers Act, III of 1898

288. Arrest of Lepers.- (1) In any area to which the Act has been applied by the State Government, any Police officer may arrest without warrant any person who appears to him a pauper leper and forthwith take or send the person to the nearest convenient Police Station, whereupon, such person shall without unnecessary delay be taken before an Inspector of Lepers for further disposal. Any Police officer may also arrest any person who, having been lawfully sent to a leper asylum under an order of a Magistrate, escapes from or leaves the asylum without the written permission of the Superintendent thereof. Such person, upon arrest, shall be forthwith taken back to the asylum. Leprosy patients (even infectious ones) should be prosecuted under the Lepers Act and not under Section 269 Indian Penal Code.

(Sections 6, 7 and 8 of the Leper Act, G. R., H. D" No. ~751/3, dated 26th September 1935 and I. G.'s No. 5019, dated 15th July 1955.)

(2) Any Police officer may arrest without warrant any person who appears to him to be a leper and who is found to be within the limits of the notified area in contravention of the order issued under Section 14A of the Act. Person so arrested shall forthwith be taken or sent to the nearest convenient segregation camp. Lepers escaping from such segregation camps may also be rearrested.

(Bombay Act XXVIII of 1955.)

(3) Lepers should, as far as possible, be picked up in the mornings, so that the necessary formalities may be gone through without detaining them in the station all night. *Bhatta* money should never be given to a leper, but if he has to be detained, arrangements may be made to feed him, and expenses paid out of *bhatta* money. Occasionally the Police may come across a leper who requires immediate medical treatment, but with regard to whom, on account of holidays etc., it is impossible to carry out the usual formalities. These may be sent to the Asylum as exceptional cases, without any formalities, but it is necessary that they are examined by the Medical officers at the earliest possible moment, and then placed before a Magistrate.

(Bombay Act, XXVIII of 1955.)

The Indian Lunacy Act, IV of 1912

289. Duties of the Police in Connection with Lunatics.- (1) It is the duty of the Police, under the orders of Magistrates, to take lunatics to Civil Hospitals.

(G. O., I. D., No. 2865, dated 4th April 1919)

(2) A Police guard is not to be provided to watch lunatics under observation in Civil Hospitals or to remove the Mental Hospitals except in the following cases:-

(a) Police Constables are to be employed to watch only dangerous lunatics under observation in Civil Hospitals.

(G. R., J. D., No. 2288, dated 14th June 1918, G. O., F. D., No. 2865, dated 4th April 1919 and G. R., G. D., No. 2257, dated 5th May 1925.)

(b) A lunatic to be removed from a Civil Hospital to a Mental Hospital by two attendants to be deputed from the latter. But when owing to pressure of work a second attendant is not available, the services of a Police Constable should be lent.

(c) With regard to the question of custody, the system of escort outlined above should be adopted in the case of lunatics to be transferred to another State. When there is a Police escort provided by this State, it should be changed at the most convenient spot on or near the frontier.

(G. C., H. D., No. 8480, dated 3rd December 1918.)

(3) (a) Under Section 3 of the Act, every officer in charge of a Police Station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(b) Every Officer in charge of Police Station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him shall immediately report the fact to the Magistrate.

(Indian Lunacy Act, IV of 1912.)

(4) In all cases in which alleged lunatics are placed before a Magistrate, charged with trivial offence, and the Magistrate orders them to be sent to the Police Surgeon in Bombay City or Civil Hospital in Mofussil for examination as to their state of mind, they should be sent back to the Police Station with the Officer or Constable who produced them in Court. The Medical History Sheets will then be prepared by the Police Station Officer, in triplicate and the accused sent to the Hospital. The papers in connection with the accused must be seen with him and not afterwards, and an officer or constable acquainted with the facts should form part of the escort. The following Memo should also be sent by the Police Station Officer :-

Memo, - The accused

is charged with a trivial offence and is being forwarded for observation has been sent on the authority of the Court of.

If the accused certified as a lunatic he should not

be forwarded to the Court of the _____ but should be detained at the Hospital, and if he is not certified as a lunatic he should be returned direct to the Court

Inspector S. I. of Police,
Police Station.

Note:-When alleged lunatics are charged with serious offences, DO such memo. should be sent.

(Indian Lunacy Act, IV of 1912 and C. P.'s S. O. No. 23.)

(5) There are three classes of lunatics that are dealt with by the Police: -(a) those who are homeless and wandering at large; (b) those who are believed to be dangerous on account of their lunacy and (c) those who are not under proper care and control.

As regards class (a) the alleged lunatic will probably have no property other than that on his person. Such property should be taken charge of by the Police and an inventory thereof prepared in quadruplicate.

As regards classes (b) and (c) the property, if any, found on the person of the alleged lunatic should be taken charge of as in the case of (a). Should there be any other moveable property belonging to him, such other property should be taken charge of only if there are no relatives etc., residing with him who could look after it. In either case, a complete inventory of the moveable property taken charge of by the Police should be prepared in quadruplicate. If the property includes Household furniture which is bulky and conveniently be sent with the lunatic to a mental hospital, the property should be left in the lunatic's residence, locked up and Sealed and guarded by a Constable until orders are received from the Commissioner of Police or the District Magistrate, as the case may be.

(C. P. 's S. O. No. 23.)

The Indian Medical Degrees Act, VII of 1916

290. Taking Cognizance of offence. - No Court shall take cognizance of any offence under the Act except on complaint by order of State Government or by a Council of Medical Registration with the previous sanction of State Government.

The Mines Act, XXXV of 1952

291. Prosecution.- (1) No Prosecutivn against the owner, agent or manager for any offence under this Act shall be launched except at the instance of the Chief Inspector or of the District Magistrate or an Inspector authorised by Chief Inspector in this behalf.

(2) It is fiecesSary that Police Prosecutors should obtain certified copies of judgments in the cases entrusted to them by the Chief Inspector of Mines as expeditiously as possible and forward it to the concerned officers of the Mines Department in proper time to enable the Chief Inspector of Mines to take further action in the matter. The cost of such certified copies will be payable by the said Department.

(L. G.'s C. M. No. G/34, dated 19th June 1958).

The Motor Vehicles Act, IV of 1939

292. Police Action under the Motor Vehicles Act.- (1) For instructions for the guidance of Police officers regarding the control of motor vehicles traffic, reference should be made to the pamphlet entitled "Instructions for the guidance of Police officers regarding the control of Motor Vehicles Traffic" supplied to all Police officers.

(I. G.'s No.6, dated 21st February 1941.)

(2) On the occurrence of an accident involving death or bodily injury, the officer-in-charge of the Police Station should complete Form A-I prescribed by Government Letter, Home Department No. 2040/5/19471-E, dated 9th April 1949, and despatch it to the Regional Transport Officer concerned. He should also simultaneously send a copy thereof to the Deputy Superintendent of Police, State Traffic' Branch, Bombay State (C. I. D. Building, Sangam Bridge, Poona-5), to enable him to maintain his graphs, charts and maps up-to-date. Information regarding (a) the place of accident, (b) the name of the road, and (c) the mile number should also be given, in the report.

[I. G.'s No. 564-III, dated 14th December 1940, 564-IV, dated 16th June 1942 and 14, dated 28th May 1959 and I. G.'. No. 19 (6564), dated 21st July 1950 and 31 (6564), dated 4th September 1950.]

(3) Any Police officer in uniform is empowered to stop any motor vehicle and satisfy himself that the tax due has been paid. All Police officers should, therefore, report to the Superintendent of Police the registration numbers of all motor vehicles on which current tax tokens are not displayed, for communication to the Regional Transport Officer concerned.

(4) Drivers and owners of goods vehicles involved in the smuggling of food stuffs in contravention of food control orders should be reported to the Regional Transport Officer concerned for departmental action under Section 15(1) (B) and Section 60 (1) (B) of the Motor Vehicles Act respectively for using the vehicle in the commission of a cognizable offence and using the vehicle in a manner not authorised by the permit, after taking the necessary action in respect of the breach of the control orders.

(I. G.'s No. 553~, dated 19th September 1947.)

(5) (a) All cases of breaches of the Motor Vehicles Act and the Bombay Motor Vehicles Rules, 1954, detected by the Police should be promptly reported to the Regional Transport Officer concerned to enable him to take departmental action, like suspension of permits, pending the result of the cases which are sub judice. The results of cases in which prosecution has been undertaken should also be reported to the Regional Transport Officer concerned to enable him to take similar action in addition to judicial punishments, which are often very light.

(I. G.'s No. 5538-II, dated 7th May 1948.)

(b) All Police officers should offer full and active co-operation to the Motor Vehicles staff in all possible ways, as for example, checking fitness certificates of motor vehicles, evasion of tax and breaches of conditions of licence and checking and detecting traffic offences. Inspectors of the Motor Vehicles Department who, when on tour, contact the local Police officers, should be given all possible assistance. For the expeditious disposal of cases, resort should be had to departmental action against the defaulters, as far as possible, rather than to prosecuting them in Courts of Law, which involves delay and inconvenience to all. The Regional Transport Officers will take prompt and suitable action against the offenders, as soon as the cases are reported to them.

[I. G.'s No. 32/(5538-II), dated 3rd September 1949.]

(c) With a view to minimising inconvenience to all concerned, the following procedure, which has been approved by Government, should be adopted in future in the case of prosecutions launched by Police officers against owners and drivers of motor vehicles for breaches of the provisions of the Motor Vehicles Act and Rules, which arise out of driving the vehicles without documents such as certificates of fitness, permits, driving licences, etc.

(2) Before launching prosecutions in such cases, Police officers should ascertain from the Regional Transport Officer concerned or to the Director of Transport, Bombay, as the case may be, whether the documents in question are deposited with them in connection with any other issue pending before them.

(3) As it is essential that prosecutions whenever found to be necessary, should be launched as early as possible, the State Transport Officer has been asked by Government to issue instructions to all Regional Transport Officers to treat communications from Police officers on this subject as very urgent, and to see that no avoidable delays occur in disposing of them.

(6) Under the eighth schedule to the Motor Vehicles Act the maximum speed which can be legally attained by a public passenger bus is 3 miles per hour and that by a goods vehicle is 35 miles per hour. Police officers who notice any such vehicles contravening these speed limits, should report them to the Regional Transport Officer

for departmental action. District Superintendents of Police should maintain a record of such action taken by themselves and their officers in order that the Inspector-General may call for it when required. If any specific instances of contravention of these limits are detected, action should also be taken under Section 115 of the Motor Vehicles Act.

(I. G.'s No. 5403/V, dated 13th March 1948 and 35, dated 30th October 1948.)

(7) Drivers and Conductors of the Nationalised Transport Under-takings can be straightaway prosecuted for offences under the provisions of the Motor Vehicles Act, 1939, except those falling under Chapter VI of the Act in which case the matter should be referred to Government in the Home Department direct by the District Superintendent of Police or the Commissioner of Police, as the case may be, for sanction to prosecute. Simultaneously the Police officers should endorse copies of the communications to the General Manager of the concerned Nationalised Transport Undertaking and also to the Divisional Controller if he be different from the General Manager [*vide* Rule 238 (7)].

(G. L., H. D., No.. MV A 4358/93115-XII, dated 14th March 1959 I. G. P.'s No. K/6583-1.)

(8) Drivers often place big stones as brakes for the wheels of their vehicles to prevent their sliding down when halting on slopy roads, and leave the stones on the road after they have done with them. with a view to put a stop to this dangerous practice, action should be taken against the drivers concerned under Section 102 of the Bombay Police Act. Prosecution can also be launched against such drivers for offences punishable under Sections 283 and 290 or under Section 426 of the Indian Penal Code. The act of leaving such stones on the public road may, under certain circumstances, also amount to using criminal force to persons using the road, punishable under Section 352, Indian Penal Code.

(9) A Police officer should not resort to impounding of driving licences in petty cases. Whenever he does so impound the driving licence of a motor driver, he must furnish the driver with an official receipt or temporary authorisation in accordance with Rule 15 of the Motor Vehicles Rules and Section 129 (3) of the Motor Vehicles Act, clearly mentioning particulars of the motor driving licence together with its office of issue and the details of the case in which he licence is impounded. The licensing authorities concerned should also be informed about the steps so taken.

(I. G.'s No. 43(5538-11), dated 26th October 1949.)

(10) Motorists offending against minor requirements, such as a broken side-mirror or absence of a bulk horn when there is an electric horn etc., should ordinarily be dealt with by giving them a warning for the first offence and an opportunity to make good the

deficiency. The Police and especially the traffic Police should concentrate their attention more on important cases, such as overspeeding, over-loading, plying without permit or without payment of tax or without insurance, etc. The traffic Police should pay particular attention to motor vehicles with raucous horns, and report them to the Regional Transport Officer for action and also take action against drivers under Rule 149 (2) of the Bombay Motor Vehicles Rules for indiscriminate use of horns.

[I. G.'s No. 2664-V, dated 4th February 1950 and 1 (6707), dated, 1st February 1950.]

(11) Whenever a motor vehicle is checked by the Police but no *panchnama* is made, a memorandum should be made out by the checking officer, showing the defects or breaches of the Motor Vehicles Act or the Rules thereunder, discovered in the course of the check, and a copy of the memorandum should be served on the driver and his signature taken on the original in token of his having received the copy. If necessary, the contents of the memorandum should be explained to the driver in his own language or in Hindi and the fact endorsed in the memorandum. If this procedure is followed, the driver will have no grounds later to deny the offences reported against him.

(12) (a) The Police are expected to enforce the provisions of the Motor Vehicles Act and Rules, where they have been specifically empowered to do so, e.g., under Sections 73, 75, 76 and 77 of the Act, District Superintendents of Police are empowered to act. Similarly under the Rule 127 (3), any Police officer in uniform is entitled "to stop" a bus and to make reasonable examination of the number of passengers and other contents of the vehicles so as to satisfy himself that the provisions of the Act and Rules and the provisions and conditions of the permit in respect of the vehicles are being complied with.

(I. G.'s C. M. No. 5403/V, dated 6th September 1951.)

(b) Vehicles seized by the Police for clandestine operations may be garaged in the State Transport Depot or Workshop premises by the Divisional Controllers on request from the Police. The vehicles so garaged will be deemed to be in Police custody and responsibility of State Transport will be to see that the vehicles are not tampered with in any way while they are in their premises.

(I. G.'s No. K/5538, dated 10th February 1958).

(13) (a) The offence of clandestine transport of passengers in private Motor Vehicles is made punishable under Section 123 of the Act. All Police officers should concentrate on the detection of such cases and also to press for deterrent 'punishments and wherever possible should make use of the provisions of Section 129 (a) of the Act.

(I. G.'s No. 5538-IV, dated 18th September 1953.)

(b) When investigating cases under Section 42 (1) of the Act, the officers should as far as possible see that evidence is collected to support the inference that the driver had the express or implied permission of the owner of using the vehicle in contravention of Section 42 (1) of the Act.

(I. G.'s No, 5538-V, dated 4th December, 1953).

(c) Police officers in charge of Police Stations and other Police officers not below the rank of a Head Constable are authorised by the State Government under Section 129-A of the Act and hence they are empowered to seize and detain vehicles used without certificate of registration or permit in contravention of Sections 22 (1) and 42 (1) of the Act and can take proper steps for the safe custody of the vehicle.

G. N., H. D., No. MVA 6657-XII, dated 13th July 1959, G. N., H. D., No. 4838/VII, dated 27th November 1953, and I. G. No. 5403-VII, dated 31st December 1953)

(14) The Commissioner of Police, Bombay and the Superintendents of Police should instruct their prosecuting staff to bring to their notice all cases of rash driving involving accidents in which the driving licences are cancelled by the courts as and when the cases are decided, to enable them to see whether action under this Act is taken against the driver concerned for each and every rash driving involving an accident.

(I. G.'s No. 2664-VI-A, dated 23rd November 1955)..

(15) All Superintendents of Police should send the following monthly returns to the Deputy Superintendent of Police, State Traffic Branch, Bombay State, Poona, in the prescribed form.

(i) Return of motor accidents occurring in the District to be submitted by the 15th of every month as per Inspector-General of Police's Circular Memorandum No. 6565, dated 11th September 1953.

(ii) Return of cases under the Motor Vehicle Act and Rules put up by the officers and men in the District to be submitted by the 20th of every month as per Inspector-General of Police's Circular Memorandum No. 2664-VI, dated 18th/20th April 1955.

(I. G.'s C. M. No. 32-M.V., dated 29th July 1957.)

(16) Police officers should avail, as far as possible, of the assistance and co-operation that may be extended by the executive staff of the nationalised State Transport undertakings in the matter of detection and checking of overloading of goods vehicles of private operators and even otherwise in respect of the enforcement of the motor vehicles law.

(I. G.'s C. M. No. K/5538-VII, dated 17th June 1958.)

(17) In cases of overloading goods trucks, whenever it reveals that the owners have forced the drivers to overload the truck, the statements of the trucks drivers should be recorded and sent to the

Regional Transport Officers concerned to take departmental action under Section 60 of the Motor Vehicles Act, against the owners by suspending the vehicle for a period up to 4 months in cases which have ended in conviction. In such cases suspension will definitely prove a deterrent punishment. In cases where the driver of an over-loaded vehicle is himself the owner of the same truck, the court may be requested to suspend the vehicle in addition to whatever fine the court may impose. This procedure should invariably be followed in dealing with overloaded goods trucks.

(I. G.'s C. M. No. K/32-M.V., dated 20th August, 1958.)

(18) To avoid the pendency of a large number of cases under this Act on the dormant files of the court Police officers should conduct occasional drives to serve process in respect of cases on dormant files, and invoke the frequent use of provisions of Sections 128 and C 129 of the Act in appropriate cases to secure the presence of accused persons in courts.

(I. G.'s C. M. No. K/32-M.V., dated 12th February 1959.)

(19) Police officers not below the rank of a Head Constable are authorised-

- (a) under Section 73, to have the vehicle weighed;
- (b) under Section 86 (2), to ask the owner or driver of the vehicle to produce the certificate of registration and the certificate of fitness;
- (c) under Section 88, to ask for information from the owner of a vehicle, about his driver who is an accused of any offence under the Act; -
- (d) under Section 90, to inspect vehicle involved in accident;
- (e) under Section 106 (1), to ask a driver of a vehicle to produce certificate of insurance;
- (f) under Section 106 (3), to require the owner of vehicle to give information for the purpose of determining whether the vehicle was or was not being driven in contravention of Section 94;
- (g) under Section 129, to impound documents carried in a vehicle or produced by the driver which are suspected to be false and a driving licence of a driver charged with any offence under the Act, who is likely to abscond, or avoid service of summons and to issue a temporary acknowledgment (L. T. M.) for the impounded driving licence.
- (h) under Section 129-A, to detain vehicles used without certificate of registration or permit.

(G. N., H. D., No. MV A 6657-XII, dated 13th July 1959.)

(20) For common traffic offences and limits of speed for motor vehicles, refer to Appendix XXVIII.

The Indian Official Secrets Act, XIX of 1923

293. Powers under the Act.- (1) Opinions expressed by the Remembrancer of Legal Affairs on cases are confidential and hence copies of opinions tendered by the Remembrancer of Legal Affairs on current or lately recorded cases should not be supplied or allowed to be obtained or divulged to non-officials under any circumstances. Similarly copies of Government Resolutions, etc. containing such opinions of Remembrancer of Legal Affairs should be refused to them. Any breach of these instructions should be regarded as divulgence of official secrets and dealt with as such. These instructions do not apply to opinions that have been directed to be communicated or general information.

(2) If any person for any purpose prejudicial to the safety or interests of the State (a) approaches, inspects, passes over, or is in the vicinity of, or enters any prohibited place, or (b) makes any sketch, plan, model or note which is calculated to be or might be or is intended to be directly or indirectly, useful to an enemy, or (c) Obtains, collects, records or publishes or communicates to any other person any secret official code or any pass word, or any sketch plan, model, article or note or other documents or information which is calculated to be or might be or intended to be, directly or indirectly, useful to an enemy commits offence under Section 3 and its attempts and abetments are punishable under Section 9, and they are cognizable and non-bailable under Section 12 of the Act.

The Poisons Act, XII of 1919

294. Inspection of Poison Shops.- (1) Rules framed under Section 2 of the Poisons Act for regulating the possession for sale and the sale of poisons within the whole of the State of Bombay have been published in Government Notification, Home Department No. 705 of 11th November 1922, No. 4521 of 14th June 1926, No. 7922/3 of 21st September 1938 and 17th November 1942 and No. 2107/5 of 17th April 1947.

(2) Licensed poison shops should be inspected once in three months by Inspectors or Sub-Inspectors and once a year by a Gazetted Police officer of higher rank than Inspector.

(3) Under Section 7 of the Act the District Magistrate, the Sub-Divisional Magistrate or the Commissioner of Police may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of the Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

The Indian Pasuport Act, XXXIV of 1920

295. Powers to Arrest.- Any Police officer not below the rank of a Sub-Inspector, may arrest without warrant any person who has contravened any rule made under Section 3 of the Act,

The Petroleum Act, XXX of 1934

296. Power to Search etc.- (1) All Police officers of and above the rank of Inspector have been authorised (a) under Section 13 (1) of the Act, to enter any place in their respective jurisdiction where petroleum is being imported, stored, produced, refined or blended, or is under transport, and to 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 the Act and the rules made under the Act, and (b) under Section 14 (1) of the Act; to enter and inspect any such place and to take samples for testing any petroleum found therein.

(2) Similarly all Police officers not lower in rank than a Sub-Inspector have been authorised under Section 26 (1) of the Act to enter and search any place in their respective jurisdictions, in which there is reason to believe that any petroleum is being illegally imported, transported, Stored, produced, refined or blended, and to seize, detain or remove any or all the petroleum in respect of which in their opinion, an offence under the Act has been committed.

(G. R., P. & R. D., No. 1566/34, dated 24th April 1937.)

(3) The provisions of the Petroleum Act are applicable to the import, storage etc. of petroleum by Government in the same way as in the case of private individuals.

(G. R., P. & R. D., No. 1362/34, dated 9th November 1937.)

The Prevention of Food Adulteration Act, XXXVII of 1954

297. Police Action in Case of Adulteration.- (1) Provisions exists in the Prevention of Food Adulteration Act, 1954, and the Rules made. thereunder for prevention of Food Adulteration and to take necessary action against those engaging in such Acts and for inflicting necessary punishment on such persons.

(G. C., L. S. G. and P. H. D., No. V. O. P. 1054-D, dated 27th October 1958.)

(2) In cases, where the adulteration of articles of food or drink create noxious effect which would be injurious to the health of human beings, action may be taken against the person or persons concerned under provisions contained under Section 272 and 273 of the Indian Penal Code.

(3) In cases where the adulteration of the articles of food or drink are not likely to cause any noxious effects, action may be taken against the persons engaged in such activities of adulteration under Section 420 of the Indian Penal Code.

(4) The Police officers should take coinizance of such offences whenever they come or are brought to tneir notice and take action against the offenders in accordance with law. The members of the general public can also apprise the Police Authorities of such mal-practices for taking suitable action,

The Preventive Detention Act, IV of 1950

298. Treatment, of Security Prisoners.- A security prisoner detained in a Police lock-up shall be treated as an undertrial prisoner and shall be given diet prescribed for undertrial prisoners in Police Lock ups. However, he may be allowed to supplement his diet at his own expense. When the supplementary diet for him comes from his friend or relative in kind, it shall be subject to search by the Police officer, as may be authorised in this behalf by the Superintendent of Police or Commissioner of Police and the cost of such diet shall not be deducted from the allowance to which a security prisoner is entitled. Each security prisoner shall be given of tea daily. Security-prisoner shall be searched immediately after admission to lock-up.

(Bombay Rules and Orders under Central Acts,)

The Prevention of Corruption Act

299 Powers of the Police.- (1) In regard to offences of criminal breach of trust by public servants, it would be open to the Police either to have resort to Section 409 Indian Penal Code and to institute prosecutions in the Courts of Magistrates or to have resort to Section 5 (1) (c) of the Prevention of Corruption Act, 1947, and institute prosecutions in the Court of the Special Judge after complying with the provisions of the Prevention of Corruption Act, in regard to investigation and sanction. It would be preferable, however, to resort to Section 5 (1) (c) of the Prevention of Corruption Act, 1947 and proceed in the Courts of Special Judges as this procedure is speedier and more effective.

(I. G.'s No. 489/G, dated 31st May 1954.)

(2) Police officers below the rank of Deputy Superintendent of Police shall not investigate any offence under Sections 161, 165 and 165-A, Indian Penal Code without the orders of the Judicial Magistrate of the First Class.

(G. L., H. D., No. SJE 2854/12231-B, dated 13th March 1954.)

The Railway Stores (unlawful Possession) Act, LI of 1955

300. Power; s to Prosecute.- If any person is found, or is proved to have been in possession of any article of railway stores reasonably suspected or being stolen or unlawfully obtained, and cannot account satisfactorily how he came by the same, he should be prosecuted under Section 3 of this Act which provides for imprisonment for a term which may extend to five years.

The Suppression of Immoral Traffic in Women and Girls Act, 104 of 1956

301. Duties and Powers of the Police. - (1) (a) The present Act has 25 Sections and it is practically similar to the Bombay Prevention of Prostitution Act. There are, however, some more special provisions in this Act. The words "Prostitute" and "Prostitution" have

been defined in this Act. The Act has provided for starting Protective Homes by Government or if they are started by private persons, they can do so under licences issued by State Governments. Persons have been prohibited from establishing or maintaining protective homes without a licence from the Government. A breach of this provision is made punishable under Section 21 of the Act.

(b) Section 10 of the Act provides that where a person (Woman or a girl) is convicted under Sections 7 and 8 of the Act, the woman or the girl may be detained in protective home instead of under going sentence.

(I. G.'s No. G/1728. dated 23rd May 1958.)

(c) Section 19 provides that any woman or girl may make an application to a Magistrate requesting that she may be kept in a protective home. The Magistrate can make an order to keep her in protective home after making necessary enquiries in the matter.

(d) Section 11 of the Act provides that persons who are previously convicted for offences punishable under Sections 363, 365, 366, 366-A, 366-B, 367, 368, 370, 371, 372 and 373, Indian Penal Code are again convicted within a period of five years after their release for offences of the same nature, they can be directed to notify their residence. Similarly, Section 12 provides that, when convicting a person, the court finds that he is in the habit of committing or attempting to commit offences under this Act, the Court may direct him to execute a bond for good behaviour. Similarly, the Court also is empowered to start proceedings for security for good behaviour if a complaint is lodged with the Court that the person within his jurisdiction habitually commits or attempts or abets the commission of any offence under this Act. These provisions will enable the Police to enforce the provisions under the Act, as security can be taken from, the persons who are habitually committing offences under this Act. Similarly, provisions under Section 11 will be useful to know the whereabouts of the persons who are habitually committing offences in respect of woman and girls.

(e) Section 13 of the Act provides for the appointment of Special Police Officers and the State Government can also appoint an advisory body separately for every sub-division and consisting of works of that particular area to advise the Special Police Officer on questions of general importance regarding the working of this Act. Special Police Officers so appointed, are empowered under Section 15 to search without warrant, a place where the Police reasonably believe that an offence in respect of women or girls is likely to be committed. The Special Police Officers are also empowered to rescue girls from those places if they are under the age of 21. All offences under this Act are made cognizable by Section 14 of the Act. A proviso has, however, been added that if the arrest is to be effected by an Officer other than a Special Police Officer the Special Police Officer should

give a written authority. The officer arresting the person must show the authority to the person to be arrested and explain its substance.

(f) Sections 16 and 17 provide for rescue of girls under the age of 21 years if they are carrying on prostitution, etc. if information is lodged with a Magistrate in respect of such girls, the Magistrate can direct the Special Police Officer to enter the brothel and remove the girl concerned from the brothel. Pending a decision about her, the Magistrate can retain her in a protective home or he can make suitable arrangements for her custody. When the Magistrate acts under Sections 16 and 17 he can take assistance of five respectable persons, who are social welfare workers, particularly in this Branch. The Section also provides that out of the five, three shall be women.

(2) The Superintendent of Police, Crime Branch, Greater Bombay for the Greater Bombay and the Deputy or Assistant Superintendent of Police, in-charge of a Sub-Division of a District or any Police officer not below the rank of the Deputy Superintendent of Police, temporarily holding the additional charge of the Deputy or Assistant Superintendent of police of a Sub-division of a district for his sub-division, constituted for the purposes of the Criminal Procedure Code, 1898, have been appointed as Special Police officers for the purposes of this Act. The Special Officers so appointed shall be assisted by all their subordinates Police officers including women Police.

(I. G.'s, No. G/1728. dated 25th June 1959 and G. N., H. D., No.PPA 157/84187 IX, dated 22nd August 1958.)

(3) The Deputy Director of Social Welfare (Correctional Administration) has been appointed to be the Chief Inspector for all the protection homes in this State.

(L. and S. D, No, SMH-1058/37999-I, dated 15th December 1958, and I. G,'s No, G/1728, dated 14th January 1959.)

(4) In arranging traps to detect offences under this Act, the Police officer should invariably instruct the bogus customer not to go to the length of actually having sexual intercourse with the girl or woman supplied to him, but only to be found in a compromising position with her.

(5) Government has sanctioned Rs. 20 per month for Greater Bombay and Rs. 18 per month for mofussil, as the rates of maintenance charges per female prisoner detained in approved homes. The expenditure involved should be debited to the Budget Head "29 Jails-A-6-Grants-in-aid, Contribution and Donations-Grants to Societies and other Institutions.

(G. R., H. D" No. 6579/4-II-IV, dated 8th June 1959.)'

The Sea Customs Act, VII of 1878

302. Duties of the Police.- (1) Section 180 of the Act requires that when anythings liable to confiscation under this Act are seized

by any Police officer on suspicion that they have been stolen, he may carry them to any Police Station or Court at which a complaint connected with the stealing or receiving of such things has been made, or an enquiry connected with such stealing or receiving is in progress, and there detain such things until the dismissal of such enquiry or of any trial thence resulting. In every such case, the Police officer seizing the things shall send written notice of their seizure and detention to the nearest Custom House; and immediately after the dismissal of the complaint or the conclusion of the enquiry or trial he shall cause such things to be conveyed to, and deposited at, the nearest Custom House, to be proceeded against according to Law. The provisions of this section are mandatory and the Police Prosecutors should bring the provisions of this section to the notice of the trying Magistrate, before any orders are passed by them regarding the disposal of the property, whenever such cases occur.

(2) Much better work can be done in the direction of preventing the activities of the smugglers if concerted efforts are made by the Customs, Excise and the Police Departments. Periodical meetings of the officers of these three Departments should be held at selected places, with a view to devising ways and means for checking the activities of the smugglers. So far as the Police Department is concerned, the District Superintendents of Police of the districts bordering on the coastal areas and one representative of the Criminal Investigation Department of this State would participate in the meetings,

(G. L., H. D., No, 2019/7-D, dated 10th February 1953.)

*The Spirituous Preparations (Inter-State Trade and Commerce)
Control Act, XXXIX of 1955*

303. Seizure of Spirituous Preparations.- (1) Under Section 7, all offences under this Act and Rules made thereunder are cognizable Under Section 8, any Police officer authorised in this behalf by the State Government, who has reason to believe from personal knowledge or from information given by any person and taken down in writing that any spirituous preparation in respect of which in offence punishable under Section 5 of the Act has been committed is kept or concealed in any house, building or enclosed space, or is being transported in any vehicle, vessel or air-craft to any place, or is in transit may enter such place, seize such preparation and documents or other articles and detain and search any person whom he has reason to believe to be guilty and if any spirituous preparation is found to arrest him, When an officer takes down any information in writing as above, he shall forthwith send a copy thereof to his immediate official superior.

(2) The work of enforcement of this Act and Rules made there-under will be dealt with by the Police Department.

(1. G,'s No. G/5429, dated 20th December 1958.)

The Supply of Prices of Goods Act, LXX of 1950

304. Powers of the Police.- Police officers not below the rank of Inspectors. authorised by Central Government are empowered to enter, search and seizer under this Act. Offences under this Act are to be inquired into by officers not below the rank of Inspectors. No prosecution should be launched without previous sanction of Central Government or officers not below the rank of District Magistrate em-powered by Central Government.

Tolls on Roads and Bridges Act, 1875 (III of 1875)

305. Powers of the Police.- All Police officers shall be bound to assist the toll collectors when required in the execution of this Act, and for that purpose shall have the same powers which they have in the exercise of their ordinary Police duties.

The Telegraph Wires (Unlawful Possession) Act, LXXIV of 1950

306. Duties and Powers of the Police.- (1) Sections 5 and 6 of this Act lay down that even a possession of an inch of telegraph wire having guages commonly used in Telegraph lines. viz. one hundred and fifty pounds per mile, two hundred pounds per mile or three hundred pounds per mile; is an offence punishable with 5 years or with fine or with both. According to Section 7 of the said Act it is obligatory that sanction from the Central Government or by an officer specially empowered in that behalf by that Government is necessary before lodging the prosecution to enable the courts to take cognizance.

(2) The Central Government has empowered all the District Superintendents of Police and the Sub-Divisional Officers of the Telegraph and the Telephone Department to give their formal complaints in the Courts so that there would be no necessity to obtain the sanction from the Central, Governmant. The Sub-Divisional Officers of the Telegraph and the Telephone Department can be examined in the Courts with advantage as Experts to prove ownership of such wires.

(D. I. G., C. I. D.'s No. CIB/46-Tel., dated 25th August 1953.)

(3) A special report of this type of crime with its developments and action taken should be made to the Deputy Inspector-General of Police, Criminal Investigation Department on 10th of each month.

(4) This Act is enacted with a view to assist the prosecuting authorItIes to book the offenders, arrested for copper wire thefts envisaging heavy punishments to have deterrent effect on the culprits. This act is a powerful weapon in the hand3 of the Police and it should be enforced rigidly especially against the receivers.

(I. G.'s No. G/4746, dated 13th May 1958.)

(5) The Superintendents of Police should submit to the I. G. P. a monthly report in Form No. 16, Appendix I, regarding the incidents of thefts of the telephone wires that may occur in their jurisdiction and the action taken by the Police in each case.

(I. G.'s C. M. No. 4746-11, dated 5th September 1953.)

(6) The Police must report to the nearest telegraph office all accidents to the telegraph and telephone lines, which come to their notice, as it is of the utmost importance that communication, when interrupted, should be rapidly restored.

Telegraph Wireless Act

307. Duties of the Police.- All Police officers should invariably consult the Superintendent of Police, Wireless, State, of Bombay, Poona, in cases of possession of unauthorised wireless equipment.

(L G.'s Cir. No. 6113, A-IV, dated 1st October 1951.)

The Untouchability (Offences) Act, XXII of 1955

308. Duties of the Police.- (1) All offences under the Act are made cognizable vide Section 15 of the Act. The acts of enforcing religious or social disability or refusing to admit, in the hospitals, dispensaries, educational institution and hostels or to sell goods or render services or any other act arising out of "Untouchability" are punishable under this act. This act enjoins on the part of the court to presume that the act complained of is committed on the ground of "Untouchability". It is the duty of every Police Officer in-charge of Police Station to act and proceed according to the provisions contained in Chapter XIV of Criminal Procedure Code, on receiving information of the commission of an offence under the Act.

(I. G.'s No. 2800-11, dated 5th March 1959.)

(2) Investigations of cases in which Harijans or other backward classes are involved should be unbiassed and should, as far as possible, be instituted by some higher Police officials.

(I. G.'s. No. 7579, dated 31st July 1953.)

(3) Police officers who go on tour and have occasion to spend their time at a place where there is a Harijan locality should, as far as possible, visit such locality and enquire into the grievances of the people there.

(I. G.'s Cir. No. 6113, A-IV, dated 1st October 1956.)

SECTION II - BOMBAY ACTS

The Bombay Anatomy Act, XI of 1949

309. Assistance to Hospital Authorities to Procure Bodies for Dissection.- (1) When a patient dies at a hospital under Government control and the body is not claimed by the near relatives, the Officer

authorised in that behalf must deliver the body to an approved medical or teaching institution for anatomical examination and dissection. All Police officers and Village Officers are bound to take all reasonable measures to assist any authority or an officer authorised under the Bombay Anatomy Act, to obtain possession of an unclaimed body.

(2) A Police officer not below the rank of a Police Inspector or the Local Coroner, where such appointment exists, are authorised to act under Section 5 of the Act, to deliver the dead body to an approved medical or teaching institution for anatomical examination.

(G. No. L. S. G. and P. H. D. No. 5337/33-III, dated 13th June 1950.)

The Bombay Animal Preservation Act, LXXII of 1954

310. Slaughter of animal when Legal.- (1) Under the Bombay Animal Preservation Act, Section 5, the slaughtering of bulls, bullocks, cows, buffalows and calves is an offence, except when the animal slaughtered is above the age of 15 years and is slaughtered for bona fide religious purposes. In order to legalise the slaughter of any animal, a certificate is necessary from the competent authority appointed for the area to the effect that the animal is fit for slaughter, i.e., it is not useful or likely to become useful:-,

- (a) for the purpose of draught or any agricultural operation, or .
- (b) for the purpose of breeding, if male, or giving milk or bearing off-spring, if female.

(The Bombay Animal Preservation Act, 1954-published in Bombay Code, Vol. III, Part III.)

(2) Under Section 10 of the Act, the abetment of any offence under this Act or attempts to commit any such offence is made punishable.

(3) Under Section 9 of the Act, all the offences under the Act are made cognizable.

(4) Illegal Slaughter of a Cow.-In place where the Bombay Animal Preservation Act, 1954 is not applicable, the action under Government orders; Agriculture and Rural Development Department No. 29B-D, dated the 23rd August 1948, should be taken.

(I. G.'s C. M. No. 6209, dated 7th January 1953.)

The Prevention of Cruelty to Animals Act, XI of 1890

311. Duties and Powers: of the Police.- (1) Under section 7-A any Police officer not below the rank of a Sub-Inspector is empowered to enter any premises if he has reason to believe that a goat is being, or is about to be or has been killed with unnecessary cruelty and search and seize articles used or intended to be used in the commission of such offence. Similarly he can enter any place, where offence is *phooka or doom dev* has

or is being committed on any animal, and seize such animal and produce it for examination by the veterinary officer-in-charge of the area in which the animal is seized.

(2) Under section 8 of the Act, if the District Superintendent of Police, or Commissioner of Police, or the Sub-Divisional Magistrate or the First Class Magistrate upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against this Act is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorise any Police officer not below the rank of Sub-Inspector to enter and search the place.

(3) Under section 10(1) of the Act, when any Magistrate, Commissioner of Police or the District Superintendent of Police has reason to believe that an offence against this Act has been committed in respect of any animal, he may direct the immediate destruction of the animal if in his opinion its sufferings are such as to render such a direction proper.

(4) Under Section 10 (2) of the Act, any Police officer above the rank of a Constable, who finds any animal so diseased or so severely injured etc., may summon the Veterinary Surgeon, obtain certificate and after obtaining order from a Magistrate destroy the animal or cause it to be destroyed, provided that the Magistrate or the Veterinary Officer may at any time before the animal is released direct that it shall be sent to a panjrapole or be destroyed.

(5) Under Section 14 of the Act, any Police officer above the rank of a Constable, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as directed in the rules. Such Police officer while seizing the animal may require the person in charge thereof to accompany it to the place of examination.-

The Bombay Animal Contagious Diseases (Control) Act, LIX of 1948

312. Power to require animals, etc., to be brought to infected Areas.- (1) Under Section 15 of the Act, where any infected animal, alive or dead, or any part of an animal or any food, bedding or other thing used in connection with an animal is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under Section 4 of the Act, any Police officer may require the owner or person in charge of such animal or thing to take it back to such area or place provided that it shall not affect the powers of Inspector under Section 8 to deal with infective animals.

(2) All Village Officers shall be bound--

- (a) to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a schedule disease among animals in the area;
- (b) to take all necessary measures to prevent the spread of disease, and
- (c) to assist the Veterinary Surgeon and Inspector to carry out the provisions of this Act

The Bombay Aerial Ropeways Act, 1956 (III of 1956)

313. Powers to arrest.- Any Police officer who is called for aid by any servant of the promoter of aerial ropeways may arrest without a warrant or other written authority, any person unlawfully interfering with aerial ropeways or maliciously doing, abetting or attempting to do acts endangering safety of persons travelling or being upon aerial ropeways.

The Bombay Borstal Schools Act, XVIII of 1920

314. Treatment of offenders released on discharge or licence from a Borstal School.- (1) As regards the treatment to be given to offenders discharged from a Borstal School, reference should be made to Rule 57.

(2) Whenever a Borstal School licensee is arrested for a fresh breach of law, the police officer should invariably inform the stipendiary Probation Officer concerned immediately, though the person may be detained pending trial in such manner as may be deemed fit. In the case of licensees not under the supervision of stipendiary Probation Officers of the various District Associations, information regarding arrest of those licensees may be sent direct to the Secretary, Bombay State Probation and After-care Association, Poona, to avoid delay. This course is necessary in order to avoid such a licensee being sent to a prison to suffer imprisonment, as a result of which he gets too hardened to be amenable to any reform under the care of a Probation Officer.

(I. G.'s No.6, dated 24th March 1947.)

(3) Under Section 8, any offender who in contravention of the provisions of this Act, has escaped from a Borstal School or from Civil Hospital or from supervision of any authority, institution, society or person under whose supervision, he has been directed to remain or has been permitted to live by licence, has committed breach thereof may be arrested by any Police officer without warrant and without order from Magistrate and sent back to the concerned authority.

The Bombay Beggars Act, XXI/1 of 1945

315. Powers and duties of the Police in regard to beggars.- (1) The object underlying the Beggars Act is to make provision for the prevention of begging, for the detention and employment etc., of beggars in certified institutions and for the punishment etc. of beggar offenders in the State of Bombay. The Act is operative at those places to which it is made applicable by Government.

(2) Begging after detention as a beggar, employment of other persons for begging and disobedience of orders of externment are cognizable offences punishable respectively under Sections 6, 9 and 23 of the Act. Every Police officer is empowered to arrest without warrant any person found begging in public places, including railway trains, and to produce him before a Magistrate. He is likewise empowered so to arrest any person who unauthorizedly leaves a receiving centre or a certified institution, and to send him back to the place concerned.

(3) Rules made by the State Government under the Act have been published as an accompaniment to Government Resolution, Home Department, No. 7701/4-1, dated the 14th November 1946.

(4) The procedure laid down in Rule 334 in regard to the provision of escorts and relief in the case of prisoners will also apply to beggars to be transferred from the Clearing House at Worli in Bombay to certified institutions in the State.

(5) While enforcing the provisions of the Act properly, the arrests of beggars only should be made and not of pseudo-beggars and previous convicts.

(6) (i) Under Section 28 of the Act every person ordered, to be detained in a Certified Institution under this Act shall at any time allow his finger prints to be taken by the Commissioner of Police, or any officer empowered by him in this behalf in Greater Bombay and by the District Magistrate or any officer empowered by him in this behalf elsewhere.

(ii) Whoever refuses to allow his finger prints to be taken under sub-section (1) of Section 28 shall on conviction be liable to have his period of detention in a Certified Institution not exceeding three months converted to a term of imprisonment extending to a like period.

(G. C., H. D., No. 21-2/7/I-K, dated 19th March 1953.)

(7) (i) Under Section 28-A of the Act any Police officer or other person effecting under sub-section (1) of Section 4 the arrest of a person who was found begging may seize any animal the sore, wound, injury, deformity or disease of which was exposed or exhibited by such person with the object of obtaining or extorting alms.

(ii) The Police officer or other person effecting the arrest may remove such animal to any infirmary appointed under Section 6.B of the Prevention of Cruelty to Animals Act, 1890. for detention herein pending its production before a Court.

(8) Action under Section 10 of the Bombay Children's Act, 1924, which is more severe, should be taken against any person, who, for his own profit, causes any child to beg, of, having the actual charge for control over a child, allows that child to be in any place for the purpose of begging or receiving alms or of inducing the giving of alms.

(9) Offences under Sections 6 and 9 of the Act are cognizable and non-bailable.

(The Bombay Beggars Act, XXIII of 1945 and Section 10 of Bombay I Children's Act.)

The Bombay Children Act, LXXI of 1948

316. Duties and powers of the Police.- (1) This Act provides for the protection of neglected children under sixteen years of age in order to prevent such children from developing delinquent ways and also secures means for the right treatment of young offenders, belonging to the same age group, with a view to preventing them from growing up into adult Criminals.

(2) (a) Under Section 40, any Police officer can bring before a Juvenile Court or a court empowered under Section 8 or any court where special courts are not established any person who in his opinion is a child and who has no home, or he is or is found wandering without any settled place of abode and without visible means of subsistence or is found begging or is found doing for a consideration any act under circumstances contrary to the well being of the child or is destitute, or is illegitimate without means of subsistence or has no parent or guardian or has unfit parent or guardian, or is known to associate or live with any prostitute or person or persons of criminal or drunken habit or is lodging or residing in or frequently going to places used for prostitution, or is likely to fall into bad association or to be exposed to mortal danger, or to enter upon a life of crime.

(1. G.'s S. O. Cir. No. 42, dated 25th June 1952.)

(b) Under Section 42, Police officers shall report to the competent court if the child requiring care and protection on any of the aooove-said grounds, has a parent or guardian, who has actual charge of, or control over the child.

(c) Sections 48 to 62 provide for the punishments for-cruelty to children, employing children for begging, being drunk while in charge of a child, giving intoxicating liquor or dangerous drug to child, permitting child to enter places where liquor or dangerous drug is sold, inciting child to let borrow, taking on pledge or purchasing articles from child, allowing or permitting child to be in

brothel, causing or encouraging seduction etc., exposing young girls to risk of seduction etc., exploiting of child employees, abetting escape of child or youthful offender, and using voluntary homes in contravention of Section 35 of the Act. Section 63 makes all these offences cognizable.

(d) Sections 66 and 88 requires the Police officer effecting arrest of a child to inform a Probation Officer and Officer in charge of a Remand Home, immediately after such arrest.

(e) Under Section 93 any Police officer may arrest without a warrant of arrest a child who has escaped from a certified School or a fit person institution or from the supervision of a society or a person under whose supervision he was directed to remain and shall send the child back to the concerned authority without registering any offence or prosecuting the child.

(3) Investigating officers should invariably get proof of the offender's age like birth certificate etc. or else a certificate from the local Government Medical Officer to whom the offender should be sent for examination. Unless offenders are patently very young or over age, no charge-sheet should be sent against Juvenile offenders without first obtaining proof of their age, and while their age is ascertained they should be detained as far as possible in a separate cell.

(I. G.'s No. 5132, dated 27th March 1952.)

(4) A Juvenile Court or a court empowered under Section 8 of the Act, to exercise the powers of a Juvenile Court or the Chief Inspector of Certified Schools may direct any Police officer not below the rank of a Sub-Inspector to provide escort to the child in respect of whom an order of committal, transfer or repatriation or an order granting leave is made under the Act or these rules, as the case may be.

(G. N., E. D., No. JDE-1151, dated 28th April 1954.)

(5) Under the existing rules, cinema managements are required to refuse admission to juveniles i.e., those who have not yet completed 18 years of age, when films meant for adults only are exhibited. The object in view can be achieved by a strict enforcement of the existing rule on the point. All licensing authorities should impress on the managements of cinema houses, within their jurisdiction, the necessity of enforcing strictly the rule in question. Surprise checks should be undertaken by the licensing authorities to see that the rule is, in fact, strictly enforced.

(G. c., H. D., No. BCR 5359/C-1359-XVI, dated 30th May 1959.)

The Bombay Devdasis Protection Act, X of 1934

317. Procedure to be followed in cases under the Devdasis Protection Act. - By Section 3 of the Act, the performance of any ceremony intended to dedicate or having the effect of dedicating, a

woman as a *devdasi* has been declared unlawful, and under Section 5 of the Act, any person who performs, permits, takes part in or abets the performance of such a ceremony is punishable with imprisonment for a term which may extend to one year or with fine or with both. The said offence is cognizable under Section 5A of the Act.

(G. Cs., H. D., No. 2416/3-III, dated 22nd July 1935 and 21st May 1958.)

The Bombay Drugs (Control) Act, XXIX of 1952

118. Police Aid to the drugs controllers.- (1) All Sub-Inspector's of Police in charge of Police Stations within their respective jurisdiction will be Inspectors for the purposes of the Act.

(2) Police should give necessary help to the staff working under Drugs Controller whenever asked for, with a view to see that offences under the Act are efficiently dealt with.

(G. N., L. S. G. and P. H. D. No. BDC 1053. dated 3rd November 1953 and 13th November 1954.)

The Bombay (District) Tobacco Act, II of 1933

319. Officers Bound to assist.- (1) Under Section 13 of the Act, all Village Officers and all officers of Police Department shall be bound-

(a) to give immediate information ,to a Tobacco Officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent it the commission of any such offence which they may know or have reason to believe is about to be committed; and

(c) to assist any Tobacco Officer in carrying out the provisions of this Act.

The Bombay Essential Commodities and Cattle (Control) Act.LXII of 1958

320. Taking cognizance of offence.- Under Section 13 no court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 21 of the Indian Penal Code.

The Bombay Entertainments Duty Act, I of 1923

321. Powers to enter place of entertainment. - (1) Under Section 8 of the Act, the Commissioner of Police in Greater Bombay, or the

District Magistrate elsewhere, or any officer other than a Police officer below the rank of Head Constable duly authorised by them in this behalf, may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment, at any reasonable time, with a view to seeing whether the provisions of this Act or the rules made thereunder are being complied with.

(2) The proprietor of every entertainment and the owner or person in charge of any place which is ordinarily used as a place of entertainment shall give every reasonable assistance to the inspecting officer in the performance of his duties under Sub-Rule (1) above.

(3) If any person prevents or obstructs the entry of the inspecting officer, he shall, in addition to any other punishment to which he is liable under the law for the time being in force, be punished with fine which may extend to five hundred rupees.

The Bombay Ferries and Inland Vessels Act, II of 1868

322. Concessions, powers and duties of the Police.- (1) Under Section 3 of the Act, no tolls shall be levied from any Police officer in uniform on duty and any person in the custody of the Police.

(2) Under Section 14D of the Act, any Police officer not below the rank of Sub-Inspector may board and inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of the licence issued in respect of such vessel are duly observed. If such officer is of opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that its plying may cause danger to human life or safety, he may suspend the licence issued in respect of such vessel and such vessel shall not thereafter be plied until the order suspending the licence has been cancelled or a fresh licence has been issued in respect of such vessel. Under Section 14E such Officer in order to avert accident or danger to human life or safety may by order prohibit the plying of any vessel, or class of vessels generally on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel within the limits of his jurisdiction, during such period as may be specified in the order.

The Bombay Foreign Liquor Rules, 1953

323.. Procedure to be followed. - (I) In exercise of the powers conferred by Section 143 of the Bombay Prohibition Act, 1949, and all other powers enabling it in this behalf, the Government of Bombay has made the Rules called "The Bombay Foreign Liquor Rules 1953".

(2) Under Rule 45 the Collector with the previous sanction of the Director of Prohibition and Excise may grant a licence to any

manager of a hotel [desiring to sell at the hotel imported foreign liquors (potable) and Indian made Foreign liquors (Potable) on which excise duty has been paid at special rates] by retail to permit holders residing or boarding at his hotel.

(3) The licensee shall write daily in a bound book, paged and sealed with the Collector's seal, the name of every person who comes to reside at the hotel with the dates of his arrival and departure. Such books shall always be open to inspection by any officer duly empowered under Section 122 of the Act. If any person who comes to reside at the hotel refuses to give his name, information of the fact shall be given in Greater Bombay to the Commissioner of Police, Bombay and elsewhere to the District Superintendent of Police.

[Condition 6 (b) in Form F. L. III.]

The Bombay Prevention of Gambling Act, IV of 1887

324. Keeping common gaming house.- (1) Whoever (a) opens keeps or uses any house, room or place, for the purpose of a common gaming house; (b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to lie opened, occupied, kept or used by any other person for the purpose aforesaid; (c) has the care or management of, or In any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid, and (d) advances or furnishes money for the purpose of gaming with persons frequenting ny such house, room or place, is liable for punishment under Section 4 of the Act and whoever is found in any common gaming house gaming or for the purpose of gaming is liable for punishment under Sectjon 5 of the Act.

(2) (a) Under the provisions of Section 12 of the Act, a Police officer may apprehend and search without warrant:-

(i) any person found gaming or reasonably suspected to be gaming in any public street, or thoroughfare or in any place to which the public have or are permitted to have access, or in any race-course;

(ii) any person setting any birds or animals to fight in any public street, or thoroughfare, or in any place to which the public have or are permitted to have access;

(iii) any person there present aiding and abetting such public fighting of birds or animals.

(b) Under the provisions of Section 12A of the Act, a Police officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, news sheets or other document or any news or information with the intention of aiding or facilitating gaming and may enter and search any

place for the purpose of seizing and may seize all things reasonably suspected to be used or to be intended to be used for the purpose of committing an offence under this section.

(3) Under Section 6 of the Act, It shall be lawful for a Police officer, not below the rank of a Sub-Inspector and empowered by general order in writing, issued by the Commissioner of Police in Greater Bombay and by District Magistrate in the area notified by the Government or authorised in each case by special warrant by the Commissioner of Police in Greater Bombay and by District Magistrate or a District Superintendent of Police or Assistant or Deputy Superintendent of Police specially empowered by the State Government in this behalf.

(4) (a) To enter with the assistance of such persons as may be found necessary by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house;

(b) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find, therein whether such persons are then actually gaming or not.

(c) to take into custody and bring before a Magistrate all such persons.

(d) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein.

(5) Procedure in Greater Bombay.- (a) Gaming warrants must be executed within a month of issue. They should be executed as soon as possible after the date of issue but if not executed within a month must be returned, giving reasons for non-execution.

(b) A report containing the following information should be submitted to the D. C. P., Crime Branch, by the officer making a raid, immediately on its conclusion. These reports should be submitted irrespective whether the raid was carried out under a warrant or under the special powers:

- | | |
|-------------------|---|
| 1. Serial No. | 2. Police Station. |
| 2. Beat No. | 4. Name of officer. |
| 5. Serving at. | 6. Exact locality where action was taken. |
| 7. Time and date. | 8. Property attached. |
| 9. Game played. | 10. Names, addresses and professions of accused. |
| 11. Remarks. | 12. Sections under which each accused is charged. |

(c) When a raid is carried out, Panch witnesses, should, whenever possible, be taken with the raiding party before actually entering the place to be raided. If possible, officers should arrange for the evidence of *Panch* witnesses to be taken in Court on the date the charge sheet is first submitted.

(d) In all cases in which persons convicted under Section 4 or Section 12 (where the offence consists of wagering or betting) or 12-A of the Gaming Act, are awarded less than the minimum sentence laid down in Section 4, the officer-in-charge of the case should submit a special report through the Superintendent giving detailed facts of the case, and stating, with reasons, if he recommends going to High Court in appeal or not. It should be clearly stated in such reports, as to whether the enhanced punishments were brought to the notice of the Court.

Note.- In the case of persons alleged to be working with notorious bookies, the Court should be asked to give heavy sentence, and Superintendents will please see that a note of this is made on the case papers, and that the attention of the Police Prosecutor is drawn to the same.

(e) After a case is disposed of, a further report should be submitted to the Dy. Commissioner of Police, Crime Branch, giving the following information : -

- (i) Date of warrant.
- (ii) Date of raid.
- (iii) Place of execution.
- (iv) Names of accused.
- (v) Result of case. (Give details of reasons for acquittal of any accused, and also mention dates of sentences).
- (vi) In the case of persons convicted under 4-4-87 mention : -
 - (1) Whether the conviction slips have been sent to the F. P. B. for record.
 - (2) The details of any Constables under that section if he has any.
- (vii) Police Station Case Number. The date on which the case was challenged or sent up should be mentioned here.
- (viii) Court case number.
- (ix) Amount attached in the case.

(f) In cases under Sections 4 and 5 ending in conviction, the Court should invariably be moved to pass orders for the payment of rewards to informants under Section 11 of the Act. No informants should be sent to Head Office for payment unless specially directed. Rewards will be sent to such men, provided they are not policemen, through the Superintendents concerned, who will arrange to hand over the

same personally and forward a receipt to Head Office on the form given below. If the informant was a Policeman the reward should be returned to Head Office with a rem'ark to that effect.

Form of receipts

"Certified that the amount of Rs. _____ (in words) sent in by the Presidency
Magistrate _____ Court, with his letter No. _____ dated _____
on account of one-fourth of the fine recovered in Gaming Case No. _____ State v.
_____ and received by the Commissioner .of Police, with his No. _____
dated _____ has this day been paid by me to the informant concerned.

Superintendent of Police,
.....Division.II

Note.- (1) Whenever informants are recommended for rewards from Government grants, the Divisional Superintendents of Police should not mention names but merely write "Informer" on the recommendation reports. If there are more than one informer, they can be shown as "Informer 1", "Informer 2" etc. When these rewards are paid to the informers the Superintendents con-cerned should send to the D. C. P., Head-quarters in a sealed cover marked "Confidential" separate receipts duly signed by the: informers concerned, in the following form, and not in the re:- ceipt form mentioned in sub-rule (f) above:-

Received from the Commissioner of Police, Greater Bombay, a sum of Rs.....
(Rupees.....) on account of reward on..... Police
Station Case No dated..... under Sectionof
..... Before me.

Signature

Superintendent of Police,
.....Division.

date

(2) Superintendents will also send a certificate on separate paper, as follows :-

Certified that the reward amount, Rshas been disbursed
to the party /partles concerned.

Superintendent of. Police,
..... Division

(g) If, during the course of a gambling raid, it is found that a telephone was used for the purpose of gaming, an immediate report should be submitted to the D. C. P., Crime Branch, giving details of the evidence to show that the telephone was so used, so that steps may be taken to have the telephone connection discontinued.

(h) All gaming cases (Special powers, warrants or roadside) should be entered in the Index Book maintained for the purpose.

(i) Immediately the accused is arrested, *Panch* witnesses should be called on the spot, and if possible search should be taken there. In case the *Panchnama* is to be drawn in a Police Station, *Panch* witnesses should see that nothing is planted on the accused on the way.

(c. P.'s S. o. No.8.)

The Bombay Hindu Places of Public Worship (Entry Authorisation) Act, XXXI of 1956

325. Offences cognizable. - Under Section 3 of the Act, it is an offence to prevent any person belonging to any class or section of, Hindus from entering, worshipping or offering prayers or performing any religious service in any Hindu temple which is used as a place of public worship or whoever molests, injures, annoys, obstructs, or causes or attempts to cause obstruction to or by the threat of molestation, injury, annoyance or obstruction, overawes or discourages any such person doing or performing any of the aforesaid acts, commits an offence. and under Section 5 abetment of such offences is also punishable in the same manner. Section 7 of the Act takes all offences under this Act cognizable and compoundable with the permission of the Court.

The Bombay Habitual Offenders Act and Rules thereunder, 1959

326; Duties of the Police under the Act.- (1) Under Rule 4 of the Bombay Habitual Offenders Rules, 1959, in Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police shall cause a register to be maintained in Form C of all restricted persons residing within their respective jurisdictions and make additions and alterations therein, from time to time on the authority of the orders passed under Sections 11, 12 or 15 of the Act. .

(2) Under Rule 7, any Police officer not below the rank of a Sub-Inspector may at any time hold a special roll call of all restricted persons residing within his jurisdiction and it shall be the duty of each such person to attend and answer to his name when the roll call held,

(3) Under Rule 13 (2), the officer-in-charge of a Police Station within whose jurisdiction such person resides may on due course being shown grant to such person leave of absence not exceeding 15 days and issue the pass.

(4) Under Rule 13 (3), in Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police concerned may grant to such person leave of absence for any period exceeding 15 days and issue the pass.

(5) Under Rule 13 (4), any pass granted shall be drawn up in triplicate and each pass shall be signed by the officer granting the leave. One pass shall be retained by such officer, the second shall be given to the person to whom leave has been granted and the third shall be sent to the officer-in-charge of the Police Station within the limits of which the destination of the holder of the pass lies. .

(6) Under Rule 18, in Greater Bombay, the Commissioner of Police and elsewhere the District Superintendent of Police concerned may issue to any person in respect of whom an order of restriction of movement has been made a permanent pass in Form G, specifying the days and the hours during which such person may visit the nearest bazar or market place outside the area to which his movements have been restricted, for making purchases or sales.

(7) Under Rule 39, the Superintendent or any member of the settlement staff authorised in this behalf by the Superintendent or any Police officer may bring under arrest any person ordered to be placed in a settlement or who being an inmate of a settlement is released from custody or imprisonment and may arrest any such person who escapes or attempts to escape from the limits of the settlement specified under Rule 28.

(8) All District Magistrates and the Commissioner of Police, Bombay, should submit quarterly reports showing the action taken by them under Section 15 (2) of the Act, together with the grounds on which the action is based.

(G. R., H. D., No. P 491, dated 8th June 1953.)

The Bombay Highways Act, LV of 1955

327. Powers and duties.- (1) Under Section 37 of the Act, if the Highways Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, he shall apply in Greater Bombay to the Commissioner of Police and elsewhere to the District Superintendent of Police or such Police officer as the State Government may empower in this behalf, and these officers shall enforce the surrender, removal or execution as the case may be

(2) Under Section 61 of the Act, every Police officer shall forth-with furnish information to the nearest Highway Authority or his subordinate officer of any offence coming to his knowledge which has been committed against this Act or any Rule made under this Act and shall be bound to assist the Highway Authority and his subordinates in the exercise of their lawful authority. All village officers shall forthwith inform the Police Station and Highway Authority whenever they become aware that any survey mark or any boundary mark of highway or any mark showing the building or control line determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway has been made.

The Bombay Judicial Proceedings (Regulation of Reports Act, XVIII of 1955

328. Publication of reports.- (1) Section 3 restricts the publication of reports of certain judicial proceedings.

(2) Under Section 6, no court shall take, cognizance of an offence under this Act, except with previous sanction of the State Government.

(3) Under Section 5, no court inferior to that of Presidency Magistrate or a Magistrate of the First Class shall try any offence under this Act.

The Bombay Money-lenders Act, XXXI of 1947

329. Certain offences to be cognizable.- (1) The offences under Sections 5 and 33 of the Act are cognizable under Section 35A of the Act.

(2) No money-lender shall carry on the business of money-lending except in the area for which he has been granted a licence and except in accordance with the terms and conditions of such licence.

(3) Under Section 33 of the Act, whoever molests or abets the molestation, of a debtor for the recovery of a debt by him to a creditor shall, on conviction, be punishable with imprisonment of either description which may extend to three months or with fine which may extend to Rs. 500 or with both. For the purposes of Sub-Rule (3) above a person who, with intent to cause another person to abstain from doing any act which he has a right to do or to do any act which he has a right to abstain from doing --

(a) obstructs or uses violence to or intimidates such other person, or

(b) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in the use thereof, or

(c) loiters near a house or other place where such other person resides or works, or carries on business, or happens to be, or does any act calculated to annoy or intimidate such other person, shall be deemed to be molested, provided that a person who goes to such house or place in order merely to obtain or communicate information shall not be deemed to molest.

(4) For the purpose of verifying whether the business of money-lending is carried on in accordance with the provisions of this Act any Registrar, Assistant Registrar or any other officer authorised by the State Government in this behalf may require any money-lender or any person in respect of whom the Registrar, Assistant Registrar or the officer so authorised has reason to believe that he is carrying on the business of money-lending in the State, to produce any record or documents in his possession which in his opinion is relevant for the purpose and thereupon such money-lender, or person, shall produce such record or document. The Registrar, Assistant Registrar or officer so authorised may after reasonable notice at any reasonable time enter any premises where he believes such record or document to be and may ask any question necessary for interpreting or verifying such record.

(The Bombay Money-Lenders Act, 1947.)

330. Antecedents of money-lenders.- Police Station Officer should, if possible, furnish to the Registrar or Assistant Registrar of Money-lenders of their area available information, when required, in respect of money-lenders who might have knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of money-lending or been found guilty of an offence under Chapter XVII or Sections 465, 477 or 477A of Chapter XVIII of the Indian Penal Code.

The Bombay Motor Vehicles Rules, 1959

331. Authority to suspend certificate of registration and examination of vehicles.- (1) Under Rule 58 of the Bombay Motor Vehicles Rules, 1959, any Police officer not below the rank of an Inspector or Police, may suspend the certificate or registration of a motor vehicle under Section 33 of the Motor Vehicles Act.

(2) The Regional Transport Authority may by general or special resolution recorded in its proceedings and subject to the restriction, limitations and conditions delegate to a Police officer not lower in rank than the Superintendent of Police in Greater Bombay and Deputy Superintendent of Police elsewhere, the power under Section 16 of the Motor Vehicles Act, to disqualify a person for holding or obtaining a licence to drive a transport vehicle.

(3) (i) The overall height of a motor vehicle other than a double-decked motor vehicle measured from the surface on which the motor vehicle rests shall not exceed eleven feet.

(ii) The overall height of a double-decked motor vehicle shall not exceed fifteen feet and six inches.

(iii) This rule shall not apply to fire-escapes tower-wagons and other special purpose vehicles exempted by the general or special order of the registration authority.

(4) Under Rule 127 (1), any Police officer in uniform not below the rank of Sub-Inspector within his respective jurisdiction, may at any time when a goods vehicle is in a public place call upon the driver of such vehicle to stop such vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the contents of the vehicle, however, he shall not be entitled to examine the contents of any goods vehicle unless-

(i) the permit in respect of the vehicle contains a provision or condition in respect of the goods which may or which may not be carried on the vehicle;

(ii) the Police officer has reason to suppose that the vehicle is being used in contravention of the provisions of the Act or the rules.

(5) Under Rule 128, any Police officer not below the rank of a Sub-Inspector specially authorised in this behalf by the State Government may at any time when a transport vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the Police officer to inspect the brakes of the vehicle so as to satisfy himself that the provisions regarding the brakes as mentioned in Rule 147 are complied with.

(6) Under Rule 130, any Police officer in uniform, not below the rank of a Sub-Inspector, if he has reason to believe that a motor cab fitted with a taxi-meter has been or is being plied with a meter which is defective or has been tampered with, stop such motor cab in order to test such taxi-meter, direct the driver or the person in charge of such motor cab to proceed to an approved institution, under Rule 227 and take or cause to be taken such steps as he may consider proper for the purpose.

(7) Under Rule 131 (10), an agent of a transport vehicle shall, on demand by any Police officer in uniform not below the rank of a Sub-Inspector, produce his agent's licence for inspection.

(8) Under Rule 121, the owner of any transport vehicle is required to maintain records in respect of the vehicle and he is bound to produce the same for inspection on demand by any Police officer not below the rank of Sub-Inspector.

(9) Under Rille 103, the holder of the permit is bound to keep always in his possession Part A of the permit and shall be produced on demand made at any reasonable time by any Police Officer not below the rank of a Sub-Inspector.

(10) Under Rule 25 (27), the owner of a motor cab shall maintain and on demand by a Police officer not below the rank of a Sub-Inspector of Police, produce for inspection a current register showing the dates on which the motor cab was disinfected from time to time, and shall also satisfy him that a mechanical spray which shall be used for the purpose of such disinfection is in working order.

(11) Under Rule 25 (28), a driver of a motor cab shall, on demand by any Police officer in uniform, produce his driving licence for inspection.

(12) Under Rule 15, a Police officer of and above the rank of Head Constable may give to a holder of a driving licence a temporary acknowledgment under Sub-Section (3) of Section 129 for the driving licence, which is not suspended or cancelled and has been taken in temporary possession for any purpose. The temporary authorization in the prescribed form may be valid for the period mentioned thereon.

(13) Under Rule 127 (3), any Police officer in uniform within his respective jurisdiction may at anytime when a public service vehicle is in a public place, call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provision of the Motor Vehicles Act and the Rules made thereunder and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(14) Under Rule 112 (2), no passenger or person using or intending to use a stage carrier shall on demand being made by any Police officer when reasonably suspected of contravening any of the provisions of the Bombay Motor Vehicles Rules, refuse to give his correct name and address to such Police officer.

(15) Under Rule 112, if at any time, a passenger or person using or intending to use a stage carriage-

- (i) obstructs any authorised employee of the permit holder in the execution of his duties, or
- (ii) has bulky luggage of a form or description which obstructs, annoys, or inconveniences another passenger or is likely to do so, or
- (iii) carries any animal, bird, flesh, or fish (other than tinned food in its original packings), any instrument, implement, sub-

stance or any other article which annoys inconveniences or is offensive to any other passenger or is likely to do, or be, so, or

- (iv) without lawful excuse occupies any seat exclusively reserved for female passengers, or
- (v) sings or plays upon any musical instrument, or
- (vi) rings without lawful excuse, or otherwise interferes with, any signal of the stage carriage,
or
- (vii) is reasonably suspected to be suffering from any contagious or infectious disease, or
- (viii) knowingly or intentionally enters a stage carriage which is carrying the maximum number of passengers according to the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried in excess of the seating capacity of the vehicle, or
- (ix) has dress or clothing, which is likely to soil or damage the seats or the dress or clothing of another passenger or which for any other reason is offensive to other passengers, or
- (x) commits or abets any breach of the provisions of the Act or Rules made thereunder,

will be required to alight from the vehicle. If any person refuses to comply with, may be forcibly removed by the conductor or driver or any Police officer on being requested by the driver or conductor or any passenger in that behalf, such person shall not be entitled to a refund of any fare which he may have paid.

(16) Under Rule 103, any Police officer in uniform may mount on any transport vehicle for the purpose of inspecting Part-B of the permit. (17) Under Rule 25 (29), the driver of a motor cab shall at the conclusion of every journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found and shall as soon as may be convenient hand over the same to the officer-in-charge of the nearest Police Station.

(18) Severe action should be taken against nuisance caused by the noisy silencers and smoky exhausts of motor vehicles under Rule 150 of the Bombay Motor Vehicles Rules, 1959.

(1. Go's No. K/32-M. V., dated 8th March 1959.)

(19) Under Rule 213, every goods vehicle shall be fitted with-

- (a) two rear red reflectors having a diameter of not less than three inches, each across reflectors on both the sides of the body, and
- (b) one green reflector having a diameter of not less than three inches on the front side of the load body at the extreme right and facing to the front, at a height between four to five feet from the ground level.

(20) In exercise of the powers conferred under Sub-Rule 3 (c) of Rule 118 of the Bombay Motor Vehicles Rules, 1959, the carriage of policemen in goods vehicles belonging to private parties and hired to the Police Department is permissible subject to the following conditions:-

- (i) The Policemen are carried in goods vehicles only in an emergency.
- (ii) They are carried in such manner:-
 - (a) that there is no danger of their falling from the vehicles, and
 - (b) that when they are in a sitting position in the vehicles, any part of their body should be at a height not exceeding ten feet from the surface upon which the vehicles rest.
- (iii) The total number of policemen carried in any single vehicle should not exceed the number obtained by dividing the area in square feet of the floor space of the vehicle by 4.
- (iv) Permission of the Regional Transport Officer of the region concerned is obtained before the policemen are carried in goods; vehicles.

(G. O., H. D., No. MVR 1659/79898-XII, dated 21st December 1959.)

The Bombay Motor Vehicles Tax Act, LXV of 1958

332. Power of Police and the Motor Vehicles Department Officers. - (1) Under Section 15 of the Act, any Police officer, or officer of the Motor Vehicles Department, in uniform, not below such rank as may be prescribed by the State Government in this behalf may-

- (a) enter, at any time between sunrise and sunset, any premises where he has reason to believe that a motor vehicle is kept, or
- (b) require the driver of any motor vehicle in any public place to stop such vehicle and cause it to remain stationary so long-as may reasonably be necessary, for the purpose of satisfying himself that the amount of the tax due in accordance with the provisions of this Act in respect of such vehicle, has been paid.

(2) Any person failing to stop a motor vehicle when required to do so by any such officer under the provisions of Sub-Rule (1) above, shall on conviction, be punished with fine which may extend to one hundred rupees and in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

[Secs. 8 (2) and 12 of the Act.]

The Bombay Motor Vehicles (Taxation of Passengers) Act, LXVII of 1958

333. Powers of entry and inspection.- (I) Under the provisions of Section 14 of the Act, any officer authorised by the State Government in this behalf may at all reasonable times enter into, inspect and search any stage carriage and any place ordinarily used by the operator for garaging such vehicle or keeping accounts of his business, for the purpose of seeing or verifying whether the provisions of this Act or any rules made thereunder are being complied with.

(2) All searches under Sub-Rule (1) above shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

The Bombay Molasses (Control) Act, XXXVIII of 1956

334. Offences cognizable.- (I) Under Section 9, no court shall be cognizable of any offence punishable under this Act except with the previous sanction of the Director of Prohibition and Excise. Under Section 11 any Police officer not below the rank of officer-in charge of Police Station shall within his jurisdiction have power to investigate any offence punishable under the Act and under Section 12; shall also have powers regarding entry, search, seizure, detention and arrest for offences under the Act. Under Section 14 a report regarding such seizure of molasses should be immediately sent to the Magistrate concerned and obtain necessary orders for its custody.

(2) Under Section 9 (c) of the Act, all offences under the Act shall be cognizable and bailable.

(The Bombay Government Gazette)

The Bombay Medical Act of 1938

335. Surgical operations by unqualified persons. - All Police officers should keep proper watch on such malpractices as the treatment of eyes by a person who is not a registered medical practitioner or the couching of cataracts by quacks, and whenever any such cases come to their notice, they should immediately be reported to Government through the proper channel or to the Civil Surgeons or the District Health Officers, who have been empowered by the Government of Bombay to lodge complaints in this behalf in Court of Law under Section 38 of the Bombay Medical Practitioners Act, 1938.

(L. s. G. and P. H. D. No. 1878/33-9420.;D, dated 30th March 1950 and I. G.'s No. 6837, dated 5th May 1950)

336. Duties of Police under various Municipal Acts.-- (1) Under the Bombay Municipal Corporation Act, (a) all Police officers are bound to aid the Fire Brigade in the execution of their duties. They may close any street in or near which, a fire is burning and remove any persons who interfere by their presence with the operations of Fire Brigade.

(b) Any Police officer, may arrest any person who commits in his view any offence against the Act or against any regulation or by law made under the Act, if the name and address of such person be unknown to him and if; such person on demand, declines to give his name and address or gives a name and addresses which such officer has reason to, believe to be false.

(c) All.. Police officers should give co-operation to the staff of the Municipality.

(d) Similar provisions are also made in the Bombay Provincial Municipal Corporations Act, the Bombay District Municipal Act and the Bombay Municipal Boroughs Act.

The Bombay Lotteries (Control and Tax) and Prize Competitions, (Tax) Act, 1958

337. Powers and duties of the Police.- (1) All lotteries and all prize competitions are unlawful subject to the provisions of this Act.

(2) Under Section 11 of the Act, the Collector may suspend or cancel a licence granted under this Act.

(3) Under Section 16A of the Act, where any newspaper or publication, wherever printed, or published, contains an unlawful lottery or prize competition the Collector may, by notification in the official Gazette, declare every copy of the issue of the newspaper or every copy of such publication containing such lottery or prize competition to be forfeited to the State government.

(4) Under Section 18 of the Act, it shall be lawful for a Police officer-

(i) in Greater Bombay not below the rank of a Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, Bombay, and

(ii) elsewhere not below the rank of a Sub-Inspector of Police authorised by a special warrant issued in each case by a Magistrate of the First Class or a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by the State Government in this behalf.

(a) to enter, with the assistance, of such persons as may be found necessary by night or by day, and by force, if necessary, and house, room or place which he has reason to suspect is used for purposes connected with the promotion of conduct of any lottery or prize competition.

(b) to search all parts of the house, room, or place which he shall have so entered, the persons whom he shall find therein and also such persons as may be specified by name in the warrant;

(c) to take into custody and bring before a Magistrate all such persons;

(d) to seize all things which are reasonably suspected to have been used or intended to be used in connection with a lottery or prize competition and which are found therein.

Provided that no officer shall be authorised by special warrant unless Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are reasonable grounds, to suspect the said house, room or place to be used for purposes connected with the promotion or conduct of an unlawful lottery or prize competition.

(5) Under Section 20 of the Act, a Police officer may apprehend without warrant any person found or reasonably suspected of, committing an offence under clauses (a), (c), or (d) of Sub-Rule (4) in any public street, or thoroughfare or in any place in which the public have or are permitted to have access.

(i) Under Section 21 of the Act, every Officer not below the rank of Sub-Inspector of Police shall have power to investigate all offences punishable under this Act.

(ii) Every such officer shall, in the conduct of such investigation, exercise the powers (except the power to arrest without warrant otherwise than under Sub-Rule (5) above) conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a Police Station for the investigation of a cognizable offence.

(7) All offences punishable under this Act shall be bailable.

(8) No licences should be granted for any kind of entertainment lotteries except those which are in the form of 'lucky number programmes'. These lucky number programmes are subjected to the undermentioned conditions and the licensing authorities have to satisfy themselves that all the conditions are fulfilled before they grant a licence for promoting these entertainment lotteries in the form of 'lucky number programmes'.

(a) The whole proceeds of the entertainment as well as the lottery are devoted to a purpose other than private gain.

(b) None of the prizes in the lottery shall be money prizes.

(c) Tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the programme of the entertainment.

(d) The facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(e) The programmes are not priced higher than Rs. 2 each, and

(f) None of the prizes, which are required to be non-money prizes is of a higher value than Rs. 500 (Rupees five hundred only).

It will be seen from the foregoing conditions that Government has been allowing only a very few lotteries, and those too only such as are purely incidental to an entertainment, and for charity purposes when they are not the main attraction.

The Bombay Opium Smoking Act, XX of 1936

338. Duties of the Police under the Opium Smoking Act.- (1) Under Section 18 of the Act the Director, Prohibition and Excise, Collector and any officer duly empowered in this behalf shall, within the area for which they are appointed, have power to investigate all offences punishable under this Act.

(2) Any officer empowered under Sub-Rule (1) above shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a Police Station for the investigation of cognizable offences.

(3) Any officer to whom such officer is subordinate may, during the course of the investigation, take over the investigation himself or direct any other officer duly empowered to conduct the same. The officer in conducting the investigation shall have the same powers under Sub-Rules (1) and (2) above as if he were the officer appointed for the area or for the purpose of investigating the said offence.

(4) If the officer conducting the investigation is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties to appear, if and when so required, before a Magistrate empowered

to take cognizance of the offence and shall make a full report of the case, to his official superior and be guided by the order which he shall receive on such report.

(5) The powers of an officer empowered under Section 18 of the Act shall be subject to such other modifications or restrictions as the State Government may deem fit. -

(6) Under Section 21 of the Act, Police officers are bound to give immediate information regarding commission of an offence under this Act and to take all measures to prevent commission of such offence and to assist in carrying out provisions of the Act.:

(7) The Government of Bombay, by notification No. 4414/24, Revenue Department, dated the 31st May 1938, empowered all Police officers of and above the rank of Sub-Inspector under Sections 13, 14 and 17 (1) of the Bombay Opium Smoking Act, XX of 1936. Every person arrested for thing seized by the Police under the Act must be forwarded for further investigation to the nearest Excise Officer.

(i) *Sections 13, 13A and 13B.*- They may enter, search, arrest and seize articles connected with offences under Chapter III.

(ii) *Section 14.*-They are vested with powers to arrest, without an order from a Magistrate and without a warrant, any person obstructing Officers in the execution of their duties under this Act, or escaping or attempting to escape from custody.

(iii) *Section 17 (1).*- Empowers them to arrest a person who has committed or has been accused of committing an offence under this Act, and who refuses to give his correct name and address or gives one believed to be false.

(8) In accordance with the provisions of Section 18 (1) of the Act, power of investigating offences under this Act is vested in the Commissioner, the Collector and officers of the Excise Department. It should be noted, therefore, that every person arrested or thing seized by the Police must be forwarded for further investigation to the nearest Excise Officer.

(9) It should further be noted that the Commissioner of Excise and the Collector of Bombay have been authorised by Government to grant suitable rewards to recoup officers for expenses incurred in paying informants or in other ways.

(10) Offences under Section 8 of the Act, i.e., penalty for opening keeping or having charge of place of assembly for the purpose of opium smoking are not-bailable and other offences under the Act are bailable.

The Bombay Police Act, XXII of 1951.

339 Duties of the Police under the Act.- (I) In cases of the hotel-keepers, who run the hotels persistently without obtaining

the necessary licences, the District Magistrate concerned should be moved to take action under Section 131A of the Act, In no case the Police should attach properties of hotel-keepers, such as cups saucers, furniture etc.

(G. L., H. D., No. HI.G 2255/8852-D, dated 8th July 1955.)

(2) Spitting and throwing rubbish in streets to the annoyance of passers by is an offence under Section 115 (c) of the Act. The Police officers should use their discretion and take action only in those cases where it is felt necessary to do so instead of launching prosecution in each and every case. Section 133AA of the Act makes the keepers of places of public entertainment responsible for the acts of their servants. Prosecution under this Section should be launched only when it is considered quite necessary to do so. In cases where the offences are not of a serious nature departmental action should be taken under Section 162 (2) read with Explanation.

(1. G.'s No. 6518, dated 3rd February 1956 and G. C" H. D., No. BPA/1554/39645-D, dated 19th Jp.nuary 1956.)

(3) Under Section 59 (1) of this Act prosecution has no authority to cross examine defence witnesses produced by the person against whom externment proceedings are instituted. It is, however, open to the authority or officer himself to put such questions as he likes to the witnesses and he may, for this purpose, avail himself of the assistance of any member of the Police, if he thinks it necessary to do so.

[G. C., H. D., (Spl.) No. S. B. II/Ext. 4059/2276, dated 13th April 1959.]

(4) District Magistrate or the District Superintendent of Police should consult the Police Advisory Sub-Committee of the District Development Board concerned, before submitting through the Inspector-General of Police, proposals for imposing the Punitive Police Force under. Section 50 of this Act, to Government in Home Department.

(G. R" p, & S. D., No, DDB-5158-R, dated 22nd January 1958.)

(5) The Commissioner of Police and the District Superintendents, of Police should detail at least one plain clothes Police Constable at, each of the prominent Cinema Theatres to keep a check on pick pocketing and other malpractices, the management of the theatres not paying for this service.

(G. C., H. D., No. MSC 1054/75073-D, dated 8th Novembar 1954.)

(6) All Police officers should make strenuous efforts to control anti-social elements and factions in their limits by taking most srringent action under Chapter and ExtQrnment Proceedings.

(Y. G.'s C. M. No. 7355, dated 12th May 1955.)

(7) The District Superintendents of Police specially ernpowerer under Section 63AA of the Bombay Police Act may take action against the members of a gang or body or persons etc., under Sections 55, 56 and 57, Bombay Police Act,

(8) The District Superintendent of Police and the Police Force of a district shall be under the control of the District Magistrate and shall be subject, to the lawful orders of the Revenue Commissioners.

(9) Under Section 79, any Police officer may without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under Section 117 or Section 125 or Section 130 or sub-clauses (i) (iv) or (v) of Section 131, or clause (i) of Section 135 in respect of contravention of any order made under Section 39 or 40. Similarly Sections 70, 71, 72, 73, 80, 81 and 143-B provide for powers of arrest by Police officers. Provisions of Sections 68 and 69 should also be properly used in appropriate cases. Under Section 65 Police have got powers to enter places of public resort without warrant and to search suspected persons in streets and places of public resort.

(10) An exhibition of poultry is for the purpose of dissemination of knowledge and not for entertaining the public. Such an exhibition is not a place of public amusement within the meaning of Section 2 (9) of the Bombay Police Act, 1951, and the premises where it is held are not premises within the meaning of Rule 2 of the Rules for licensing and controlling Theatres and other places of Public Amusement.

(G. L., H. D., No. 3344/7-POLL, dated 21st April 1953.)

(11) It is necessary for persons keeping hotels in Cantonment Areas to obtain licences under the Bombay Police Act also.

(G. L., H. D., No. 3100/7-D, dated 5th August 1953.)

(12) The expenditure incurred by the District Magistrates in respect of the advertisement charges for publishing notifications, under the Bombay Police Act, 1951, and under Section 144 of the Code of Criminal Procedure should be debited to the Head "27- Administration of Justice" and payment arranged by the District Judges as they are the estimating officers under that head..

(G. L., H. D., No. BUD 1353/78915, dated 23rd March 1954.)

The Bombay Prohibition Act, XXV of 1949

340. Duties of the Police under the Prohibition Act. - (1) Detection and prevention of prohibition offences is as much a part of the duty of the Police as any other duty in regard to crime. All Police officers and Men must put forth their best efforts for the proper discharge of this duty and t'like suitable measures to suppress excise crime, if it exists in any part of their charge. They must be fully conversant with the various orders and notifications issued by Government from time to time under the Prohibition Act and also allied enactments. They must work in full co-operation with the Excise Department and the Local Prohibition Committees. If it is

found that any Police officer does not take sufficient interest in this important branch of his duties, it will be noted as a factor to his discredit and disciplinary action taken.

(1. G.'s No. 15414-F, dated 10th January 1949.)

(2) The following instructions should be followed by the Police in carrying out their duties in regard to prohibition:-

(i) Persons giving information about offences under the excise laws and prohibition orders should be treated as informants and *not* complainants. Care should similarly be taken to see that strictest possible secrecy about their names is maintained. Immediate action should be taken on information received from members of the District Prohibition Committee who produce badges in token of their identity.

(ii) The scenes of offences under the prohibition laws should be visited forthwith by the Sub-Inspectors of Police or Police Station Officers, and information regarding them duly verified and acted upon instantaneously.

(iii) The meetings of the District Prohibition- Committee should be attended for the purpose of refuting any allegations made against the subordinate staff or of supplying any useful information to the members.

(iv) Railway stations, motor stands, brothels, gambling dens etc., should form the rendezvous of the Police Watchers to elicit information secretly.

(v) The co-operation of selected Home Guards who demonstrate a flair for detection work under Section 4 of the Home Guards Act and of informants of the Forest Department should be similarly sought.

(vi) The Portuguese borders (where they exist) should also be vigilantly and strictly watched.

(1. G.'s No. 5414-F, dated 14th July 1949 and 17th February 1950.)

(vii) The village Police Patels are expected to be in the know of illicit distillation going on in their villages and it is their duty to inform the Police of commissions of such offences promptly to enable the latter to take necessary action. Government desires that the Police Patels should be dealt with severely, if they are found to be conniving at prohibition offences in their jurisdiction. The Police Station Officers should, therefore, bring to the notice of the Superintendent of Police, any such omission on the part of the village Police Patels.

(1. G.'s No. G/7463, dated 21st May 1958.)

(3) What is more important than detection is the prevention of excise crime by seizing or destroying illicit liquor, wash, implements etc., by organizing mobile parties including Policemen and

if possible, Home Guards and Social Workers, the objects to be aimed at being-

- (a) to trace to their source the illicit liquor etc., coming into cities or other markets for sale,
- (b) to pursue and prosecute the traffickers in such intoxicants, and
- (c) to put, by every possible means, such difficulties in the way of the traffic that the retail prices of illicit intoxicants would rise to a height beyond the reach of the average consumer.

(I. G.'s No. 5414-F, dated 14th July 1949 and 17th February 1950.)

(4) It is necessary to take precautions while launching prosecutions for the possession or trade of illicit liquor against persons who hold permits. In such cases, it will be desirable not to undertake prosecutions unless sufficient and reliable evidence is available to prove that the permit is used as a cloak for illicit brewing or trade.

(I. G.'s C. M. No. 5414-F, dated 21st July 1952.)

(5) In prohibition cases, when the quantity of liquor is small, it should be sent to the Chemical Analyser. In other cases Police officers specially trained in testing liquor should be asked to carry out "the Sykes Hydrometer test" and give their opinion and also the grounds on which their opinion is based. The results of the test should be kept in readiness and may be produced in the court if required. Court should be informed that the test can be carried out in the presence of the court.

(I. G.'s C. Ms. Nos. 6807, dated 7th November 1952 and 6807-11, dated 20th May 1953.)

(6) If a person arrested in a prohibition case and released on bail resorts to the same activities and is rearrested for the breach of the provisions of the Prohibition Act, his bail application should be opposed. Police Prosecutor should bring such cases to the notice of the trying Magistrate and press to refuse the bail. In suitable cases, the Court may be moved for the cancellation of the bail.

(I. G.'s No. 3218, dated 28th April 1953.)

(7) French Polish or Varnish which does not contain essential solids in requisite quantities should for the purposes of this Act be considered to be "liquor" and all the corresponding restrictions and prohibition under this Act should be applied to it.

(I. G.'s No. 5,129, dated 17th January 1952.)

(8) A separate Known Criminal Register and Surveillance Register for prohibition offenders committing offences of distilling, selling and smuggling should be maintained. In order to focus attention on the known bootleggers and distillers, a list of such persons should be maintained at the Police Station. Similarly a case made out against a known bootlegger or a prohibition case involving

"*Corpus Delict*" worth over Rs. 500 should be registered in red ink in the Prohibition Crime Register, as a special report case to enable the inspecting officer to find out at once the real detection. work of the Police Station.

(I. G.'s No. 4199, dated 2nd January 1954 and No. 7439-A-II, dated 9th January 1954.)

(9) As regards jurisdiction of the Police regarding the offences committed on Customs Frontiers, the following instructions should be noted:-

(a) Jurisdiction of the Police officers should commence after the persons pass out of the Customs Frontier;

(b) If intoxicants are in the stage of import by specified routes, , the Police officers cannot take action while they are under such import;

(c) If intoxicants are brought otherwise than by specified routes, Police officers can take action under this Act, and;

(d) After Central Excise officers have finished their checking, there is no objection to further checking by Police officers.

(I. G.'s No. 5414-G, dated 16th January 1954.)

(10) The procedure laid down in Inspector-General of Police's Circular Memorandum No. 7776, dated 16th December 1954 should be followed for the seizure of State Transport Vehicles and arrest of drivers and Conductors of such vehicles involved in offences under this Act.

(I. G.'s C. M. No. 7776, dated 16th December 1954.)

(11) Whenever an investigating officer wants to record statements of Excise Officers and examine or seize any records from the Excise office in connection with any offence under investigation outside the State of Bombay, he should as far as possible usually obtain prior permission of the head of the Excise Department concerned. If, however, the loss of time involved in doing so is likely in the opinion of the investigating officer, to hamper or do harm to the investigation, the Officer concerned should proceed to do the needful in the matter of recording statements of witnesses, examining or seizing the relevant records etc., and in due course inform of the same to the head of Excise Department.

(I. G.'s C. M. No. 5429, dated 13th November 1956.)

(12) Whenever loss of muddemal property by leakage etc., is apprehended in prohibition cases the court Bhould be requested, at the time of production of property or submission of charge sheet, to take suitable action under Section 516-A, Criminal Procedure Code, for its preservation. Police officel'6! should submit a separate report in this connection and should be make this note on the charge-sheet.

(I. G.'s C. M. No. G/6740,.dated 2ith August 1959.)

(13) With a view to obviating all possibilities of confiscated articles such as stills, implements, utensils which are useful in the manufacture of liquor, being used again for the same purpose, all the Police officers concerned should see that such articles are broken up or otherwise rendered useless and the instructions issued in regulations 12 (2) of the Bombay Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 1953 are scrupulously observed before such articles are put on auction. Inspector-General of Police's Circular Mehlorthandum No. 7281, dated 9th January 1952 should also be referred.

(I. G.'s C. M. No. G/6847, dated 2nd April 1959.)

(14) When prohibition cases are put up in the courts, the Investigating Officers should see that they bear the prosecution story fully supported by evidence to avoid any doubt for the accused e.g., conscious possession of contraband articles by the accused or benefit of doubt.

(I. G.'s No. G/5429, dated 7th October 1958.)

(15) It is desirable that the Police officer-in-charge of raids should give evidence in court, when persons are arrested for Prohibition offences, which are discovered while on general rounds.

(I. G.'s No; 7439-A, dated 13th December 1954:.)

(16) Whenever cases (i) involving important public personalities (ii) substantial haul of illicit liquor or rounding up of gangs of smugglers and (iii) such other important information, for breaches of the following Acts detected, the Superintendents of Police should immediately submit reports regarding the seizure or arrests of persons to the Secretary to the Government of Bombay; Revenue Department. The details of cases should please be given in Form No. 17 in Appendix I.

- (i) The Bombay Prohibition Act, 1949.
- (ii) The Bombay Opium Smoking Act, 1936.
- (iii) The Bombay Drugs (Control) Act, 1952.
- (iv) Dangerous Drugs Act, 1930.

Copies of such reports should also be sent to the Inspector-General of Police, the Director of Excise and Prohibition and Excise Commissioner, Bombay and the Director, Anti-Corruption and Prohibition Intelligence, Bombay.

(I. G.'s No. 3693, dated 5th April 1959.),

(17) The District Superintendents of Police should furnish the following information by the 10th of every month to the *Director, Anti-Corruption and Prohibition Intelligence*, regarding the action taken during the preceding month in the matter.

(I. G.'s C, M. No. 7439, dated 28th February 1955.)

- (i) Names of notorious distillers concentrated upon and made to stop their illegal activities. .
- (ii) Names of notorious bootleggers followed up and made to stop their illegal activities.
- (iii) Areas where concerted efforts were made to stop the anti-prohibition activities and those that have been cleared up.

The above information should be furnished separately for each Police Station in the Form No. 20, Appendix I.

(18) Persons convicted of an offence under the Bombay Prohibition Act and Bombay Opium Smoking Act can be held ineligible for being given contracts or licences which are entirely at the discretion of Government and the grant or issue of which is not regulated by any Act.

(I. G.'s No. 5414-G, dated 3rd February 1950.)

19. (a) As soon as blood is taken from the body of the person it should be treated with Citrate of Oxalate Mixture thoroughly stressed to arrest the deterioration and bottles containing blood should be properly sealed to prevent natural process of evaporation. Arrangements should be made to send blood quickly to Chemical Analyser. Police officers should follow the rules framed for collecting and forwarding blood.

(b) In cases wherein public servants are suspected of consuming liquor or in any other important cases of drunkenness, where the Police consider it expedient, the samples of blood of the suspect should be taken in the presence of the Police officers investigating the cases. The Police officers may also be in the vicinity when a sample of urine is taken. The containers of the samples should bear the seals of both the Medical Officers and the Police officers concerned.

(G. L., H. D., No. 1858/C-3447-VIII, dated 18th December 1958.)

(20) When it is alleged that the accused person consumed liquor and it is proved that the concentration of alcohol in the blood of the accused person is not less than 0.05 per cent, then the burden of proving that the liquor consumed was a medicinal or toilet preparation, or an antiseptic preparation or solution, or a flavouring extract essence or syrup, containing alcohol, the consumption of which is not in contravention of the Act, or any-rules, regulations or orders made under the Act shall be upon the accused person, and the Court shall in the absence of such proof presume the contrary.

[The Bombay Police (Ext. Amndt.) Act, 1959.]

(21) Where any Police officer, has reasonable ground for believing that a person has consumed an intoxicant and that for the purpose of establishing that he has consumed an intoxicant or for the

procuring of evidence thereof, it is necessary that his body be medically examined, or that his blood be collected for being tested for determining the percentage of alcohol therein, such officer may produce such person before a Registered Medical Practitioner (authorised by State Government) for such medical examination or collection of blood, and request such medical practitioner to furnish a certificate on his findings. The Medical Practitioner before whom such person has been produced shall examine such person and collect and forward in the manner prescribed the blood of such person to the Chemical Examiner, and issue a certificate in prescribed form containing result of his examination. The Chemical Examiner shall certify the result of the test of the blood forwarded to him, in the prescribed form, stating percentage of alcohol and other necessary particulars. If any person offers resistance to his production before such Practitioner to the examination of his body or to the collection of his blood, it shall be lawful to use all means reasonably necessary to secure the same.

[The Bombay Police (Ext. & Amndt.) Act, 1959.]

(22) Prohibition and Excise officers should not be called to give evidence as experts in the courts.

(I. G.'s No. 6807, dated 19th May 1952 and 8th February 1957.)

(23) Motor cars are often used for carrying illicit trade in liquor. When such motor cars are seized, they are liable to be confiscated. In order to avoid confiscation, the owners of such cars lodge complaints of theft. It is likely that in some cases, the cars may have been actually stolen and used for illicit trade in liquor. All cases where motor cars involved in the carrying of liquor are reported to have been stolen by the owners of the cars, should be investigated promptly and with due diligence. The investigating officers should try to find out whether the motor cars were really stolen or whether the complaints were lodged only with a view to avoiding confiscation. Investigation in such case should not be delayed by waiting for the disposal of the prohibition cases. The disposal of the prohibition case may be taken as one of the criteria for determining whether the theft case was genuine or false. The comments or remarks of the Court will also be found useful in deciding one way or other.

(I. G.'s No. G/5429, dated 2nd March 1959.)

(24) Under clauses (b), (c) and (m) of Section 139 of the Act, the members of the Armed Forces may consume or use foreign liquor purchased by them at military messes or canteens subject to the following conditions, namely :-

(i) the foreign liquor so purchased shall be consumed or used at a military mess or canteen or at the residence of the member and at no other place;

(ii) the foreign liquor shall be purchased in such quantity as does not exceed that which may be fixed by the Officer appointed by the Area Commander or the Appropriate Naval or Air Force Authority in whose charge the mess or canteen is;

(iii) no permit shall be necessary for the transport of such foreign liquor from the mess or canteen at which it was purchased to the residence of the member.

(G. O., R. D., No. 9987/49, dated 18th September 1951.)

(25) Military personnel are not exempted from search under the Bombay Prohibition Act, 1949, however, all possible care should, be taken to avoid any inconvenience to the Military personnel where search is considered necessary.

(G. L., R. D., No. 9987/49, 38732-C, dated 2nd April 1955.)

(26) The conveyance of liquor by the Military personnel while passing thro. lgh Bombay State to destinations elsewhere is governed by the Bombay Through Transport Rules, 1949. 'According to these Rules, in the case of service personnel the pass granted by the Officer Commanding of the Old Regiment or Unit may be deemed to be a valid pass for purpose of the Rules.

(G. R., R. D., No. 9987/ 49-38732-C, dated 2nd April 1955.)

The Bombay Public Conveyance Act, VII of 1920

341. Model notifications and rules under the Public Conveyances Act.- (1) In submitting recommendations for the extension to any place or town in the State of Bombay of the provisions of the Public Conveyances Act, the Superintendents of Police concerned should make use, so far as may be possible, of the model provisional notifications in Appendix XXVIII. The model subsidiary rules in that Appendix are intended only as a guide, and such alterations may be made in them as local circumstances render desirable.

(2) The notification has to be published at least 30 days before the date fixed for its coming into effect. It does not require previous publication for inviting objections or suggestions from the public. If, therefore, the notification is published in the Bombay Government Gazette thirty days ,before the date fixed for its coming into effect, it will be deemed to be duly made under Sub-Section (3) of Section 36 of the Act.

(The Bombay Public Conveyances Act" VII of 1920.)

(3) Any Police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

(4) All officers should thoroughly verify the character and antecedents of the public conveyance drivers before granting them or renewing their licences *vide* Section 12of the Act.

342. Inspection of public conveyance accounts.- It is the duty of Superintendents of Police to arrange that public conveyance accounts are properly inspected and examined. They should make their own arrangements for this purpose. It is not necessary to depute Police Accountants to examine the accounts in situ at the actual Police Stations where they are kept. The accounts should be examined periodically by the establishments of the District Superintendents of Police and Sub-Divisional Officers in the course of their ordinary inspection and this, combined with the check at head quarters as prescribed by Rule 7 of the Rules -under Section 36 (4) of the Public Conveyances Act (vide Government Resolution, Home Department, No. 196/2 of 4th January 1941) for the maintenance of accounts would be sufficient.

(G. R., H. D., No. 1646, dated 6th October 1925 and I. G.'s No. 62, dated 6th September 1927 and G. R., H. D., No. 96/2, dated 4th January 1941.)

The Bombay Prevention of Excommunication Act, XLII of 1949

343. Offences when cognizable.- (1) Any person who does any act which amounts to or is in furtherance of the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member, shall be an offence under Section 4 of the Act. ,

(2) When any person alleged to have committed an offence under Section 4 of the Act, is a body or an association of individuals whether incorporated or not, if the offence is alleged to have been committed at a meeting of such body or association, any individual who has voted in favour of the decision regarding the excommunication shall be deemed to have committed the offence.

(3) No Court shall take cognizance of an offence punishable under Section 4 of the Act-
(a) after the expiry of one year from the date on which the offence is alleged to have been committed, and

(b) without the previous sanction of the State Government or any officer authorised by the State Government not below the rank of the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere.

(Section 6 of the Act.)

The Bombay Probation of Offenders Act, XIX of 1938

344. Duties of the Police.- (1) All Police Station Officers should give immediate intimation to the District Probation Officer, whenever a probationer is rearrested, charge-sheeted or convicted as the case may be.

(I. G.'s No. 85, B-6956-11, dated 27th September 1957.)

The Bombay Rents, Hotel and Lodging House Rates Control Act, LVII of 1947

345. Certain Offences to be cognizable.- According to Section 47 of the Act, the following offences are cognizable :-

Section 16	Recovery of possession for repairs, possession and reentry.
Section 17	Recovery of possession for occupation etc., and reentry.
Section 17 A	Recovery of possession for demolishing building.
Section 17 C	Landlord to intimate to tenant date of completion and tenant's right to occupy tenement in new building.
Section 18	Unlawful charges by landlord.
Section 19	Unlawful charges of tenant.
Section 24 (4)	Landlord not to cut off or withhold essential supply or service.
Section 25	Conversion of residential into non-residential premises prohibited.
Section 40 (1) and (2)	Receiving of fine, premium, deposit etc., other than the fair rate by the Manager, owner etc., of the house.

The Bombay Regulation Act, XII of 1827

346. Levy of fines in case of robbery committed within the bounds of a village.- (1) First when robbery has been committed within the boundary of a village, or the perpetrators of a robbery, have been satisfactorily traced thereto, and neglect or connivance be i charged against the inhabitants or the Police establishment, with regard to prevention, detection or apprehension, it shall be competent to the District or Sub-Divisional Magistrate to investigate the matter as a criminal offence, and, if the fact be well substantiated to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according to the degree of caution and activity wJlich he evinced on the occasion may deserve.

(2) If the fine be awarded against the inhabitants at large, it shall be realised by the Collector in the same manner as revenue demands and paid to the order of the Magistrate, if against individuals of Police establishment, it shall be levied as directed for fines in general.

The Bombay Refugees Act, 'XXII of 1948

347. Registration of refugees.- Under Section 13 of the Act, all offences under the Act except offences under Section 10 (1) i.e., whoever refuses or without lawful excuse neglects to comply with the requirements under Section 4 of the Act, are cognizable. Registration of refugees within a prescribed period and Section 6 intimation of change of address is prescribed.

The Bombay Salt Act, 11 of 1890

348. Powers of the Police under the Act.- Under Sub-Section (1) of Section 10 of the Bombay Salt Act, all Police officers above the rank of Constable in the State of Bombay have been invested with , all the powers of a Salt-Revenue Officer under Section 39 of the Act. It should, however, be noted that these powers are exercised by Police officers in their capacity as "Salt Revenue officers". In addition, Section 45 of the Act empowers the officer-in-charge of a Police Station, on receipt of any complaint or information, to exercise all the powers of investigation under the Criminal Procedure Code in respect of offences under the Act.

[G. of I. F. D., (Central Revenue), Notn., No.3, dated 15th March 1930 and G. E., H. D., (Spl.) S. R. 495, dated 14th March 1930.]

The Bombay Sales Tax Act, III of 1953

349. Cognizance of offences.- (1) Under Section 37 of the Act, no Court shall take cognizance of any offence punishable under Section 36 of the Act or under any rules made thereunder except with -the previous sanction of the Collector and no Court inferior to that of a Magistrate of the Second Class shall try any such offence.

(Section 37 of the Act.)

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Ac. or rules made 4 thereunder shall be cognizable and bailable.

(3) Under Section 38 of the Act, subject to such conditions as may be prescribed, the Collector may authorise any persons appointed under Section 3 of the Act, to assist him to investigate all offences punishable under this act.

(4) Every person so authorised shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a Police Station for the investigation of a cognizable offence.

The Bombay Sales of Motor Spirit Taxation Act, LXVI of 1958

350. Production and inspection of accounts and documents and search of premises.- (1) Under Rule 18 made under the Act, every

Police officer not below the rank of a Sub-Inspector of Police, shall have the powers to:-

(a) require any person, to whom Section 9 of the Act applies; to produce before him accounts, registers or other documents or to furnish any other information, or

(b) inspect the accounts, registers and other documents and the stocks of any motor spirit manufactured, stored or kept in any shop, warehouse or place of business of any such person, or

(c) enter and search any building, vessel, or place in which he has reason to believe that any motor spirit is stored or kept for the purpose of sale or manufacture.

(2) If the Collector has reason to suspect that any person is attempting to commit an offence punishable under this Act, he may for reasons to be recorded in writing seize such accounts, registers, or other documents of such person as may be necessary and shall grant a receipt for the same and retain the same only for so long as may be necessary for examination thereof, or for a prosecution.

(3) Any Police officer of the rank of Sub-Inspector is empowered to investigate all offences punishable under this Act,

The Bombay Village Panchayats Act, III of 1959

351. Offences cognizable by Nyaya panchayat.- (1) Under Section 75 of the act, a *Nyaya Panchayat* shall take cognizance of and try all or any of the following offences (including the abetment thereof, or attempt to commit any such offences) subject to the provisions of Sub-Section (5) of Section 64:-

<i>(a) Under the Indian Penal Code.</i>	<i>Section.</i>
Negligently doing any act known to be likely to spread the infection of any disease dangerous to life.	269
Fouling the water of a public spring or reservoir	277
Causing danger, obstruction or injury to any person in any public way.	283
Voluntarily causing hurt	323
Assault or use of criminal force on grave and sudden provocation.	358
Assault or use of criminal force on grave and sudden provocation.	358
Theft, where the value of the property stolen does not exceed Rs. 20.	379
Mischief when the loss of damage caused does not exceed Rs. 20 in value.	426

<i>Under the Indian Penal Code-contd.</i>	<i>Section.</i>
Criminal trespass	447
House trespass	448
Dishonestly breaking open or unfastening any closed receptable, containing or supposed to closed receptable, containing or supposed to contain property.	461
Intentional insult with intent to provoke a breach to the peace.	504
Criminal intimidation	506
	(First Part)
Misconduct in public by a drunken person	510
 (b) <i>Under the Prevention of Cruelty to Animals. Act, 1890</i> , in its application to (i) the pre-reorganisation State of Bombay excluding the transferred territories, (ii) the Vidarbha region of the State of Bombay and (iii) the Saurashtra and Kutch areas of the State of Bombay.	
	<i>Section</i>
Practising phooka	4
Killing animals with cruelty	5
Being in possession of the skin of a goat killed with cruelty.	5A
Employing animals unfit for labour	6
Baiting or inciting animals to fight	6C
Permitting diseased animals to go at large or to die in public places.	7
 (c) (1) <i>Under the Bombay District Vaccination Act, 1892</i> , and that Act in its application to the Saurashtra and Kutch areas of the State of Bombay.	
	<i>Section</i>
Inoculation, entering a vaccination area after inoculation, and bringing person inoculated into such area.	22
Disobedience of order of the Magistrate for the vaccination of any unprotected child under 14 years.	23
Not producing child for being vaccinated	24
Neglecting to take child to be vaccinated	25

(2) Under the Vaccination Act, 1890, in its application to the Vidarbha region of the State of Bombay.

	<i>Section.</i>
Inoculating and entering a vaccination area after inoculation.	6
Disobedience of order of Magistrate for vaccination without just cause or excuse.	18
 (d) (1) <i>Under the Bombay Primary Education Act, 1947.</i>	
Failure to cause a child to attend approved school	35
Employing child liable for compulsory education.	36
 (2) <i>Under the Saurashtra Primary' Education Act, 1956.</i>	
Failure to cause a child to attend approved school	29
Employing child liable for compulsory education	30
 (e) <i>Under this Act.</i>	
(i) erecting or reerecting etc., any building without permission.	52
(ii) obstructions and encroachments upon public streets, grazing lands and open sites.	53
(iii) destruction or defacement of any number or sub-number of premises or part thereof.	54
(iv) contravention of a rule	176
(v) contravention of a bye-law .	177
 (f) Such compoundable offences under any law for the time being in force as the State Government may specify in this behalf by a notification published in the Official Gazette. Provided that no offence of theft shall be cognizable by any <i>Nyaya Panchayat</i> unless an accused person has been either apprehended or recognized and named.	

(2) Under Section 76 of the Act no *Nyaya Panchayat* shall take cognizance of any offence of theft punishable under Section 379 of the Indian Penal Code in which the accused-

(a) has been previously convicted of an offence punishable under Chapter XIV or Chapter XVII of the Indian Penal Code, with imprisonment of either description for a term of three years or upwards;

(b) has been previously fined for theft by any *Nyaya Panchayat*;

(c) has been bound over to be of good behaviour in proceedings instituted under Section 109, or Section 110 of the Code of Criminal Procedure, 1898.

(3) Under Section 77 no *Nyaya Panchayat* shall take cognizance of any offence specified in Section 75 in which either the complainant or the accused is a member of the *Nyaya Panchayat* or a public servant serving in the district in which the village for which the *Nyaya Panchayat* is established is situated;

Provided, however, that a *Nyaya Panchayat* shall not be debarred from taking cognizance of an offence punishable under Section 35 or 36 of the Bombay Primary Education Act, 1947, or Section 29, or 30 of the Saurashtra Primary Education Act, 1956, or under Sections 52, 53 or 54 of this Act or for a contravention of a rule under Sub-Section (3) of Section 176 or of a by-law under Sub-Section (3) of Section 177 thereof notwithstanding that the complainant in the case is a public servant.

(4) Under Section 82 of the Act, instead of passing any sentence, a *nyaya panchayat* may, after due admonition, discharge a youthful offender who, in the opinion of such *nyaya panchayat* is at the time of conviction of the offence, under the age of sixteen years.

(5) (a) Under Section 99 of the Act, no pleader or *Vakil* or *Mukhtar*, and no advocate or attorney of a High Court shall be permitted to appear on behalf of any party to any suit or case before a *nyaya panchayat*.

Provided that any party to any such suit or case may be permitted, on reasonable cause being shown to the satisfaction of the *nyaya panchayat* to employ any relation, servant or dependant who is not, and who has not previously been, a pleader or *Vakil*, or an advocate or attorney of a High Court, to appear either conjointly with, or in lieu of such party.

(b) When a relation, servant or dependent appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.

(6) Under Section 161 of the Act, in any local area which is declared to be a village under Section 4 of this Act, or deemed to be a village under Sub-Section (1) of Section 186 the provisions of the Cattle Trespass Act, 1871, or any law corresponding to that Act in force in any part of the State shall cease to apply in relation to such local area.

(7) Every pound-keeper appointed under this Act shall in the performance of his duties be subject to the direction and control of the *panchayat*.

(8) (i) Under Section 164 of the Act, it shall be the duty of every Police officer and a Watch and Ward appointed by the *panchayat* and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the limits of the village.

(ii) Whoever forcibly opposes the seizure of cattle liable to be seized under the Cattle Trespass Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees, or with both.

(9) Under Section 166 (2) of the Act, no Police officer, or officer, member or servant of the Panchayat including the pound keeper shall, directly or indirectly purchase any cattle at a sale.

(10) It is the duty of all Police officers of and below the grade of Sub-Divisional Officer, when visiting villages in the course of their various duties, to maintain close contact with representatives of village *panchayat*.

The Bombay Vaccination Act, 1877

352. Offence cognizable.- (1) Under Section 26, all offences under this Act shall be cognizable by a Magistrate or Police subject to the provisions of any such offences shall be entertained unless the prosecution be instituted by order of or under authority from (the standing committee appointed under the provisions of the City of Bombay Municipal Act) or the Superintendent of Vaccination.

The Bombay Wild Animals and Wild Birds Protection Act, XXIV of 1951

353. Duties of the Police.- (1) It is the duty of the Police to co-operate with the Forest Department to see that wild birds and animals are not shot during the close season. In his connection, Police officers should look out for birds shot and offered for sale in markets outside forest areas. If any such case be detected intimation should be sent to the local Forest Officer if there be evidence or suspicion that the birds were caught in a forest area. In the case of offences committed outside forest area, the Police themselves should deal with them.

(2) (i) According to Section 44 of the Act, any Police officer can detect the offences and according to Section 46 (1) the Court can take cognizance of any offence against the Act on complaint or report of any Police Officer. The offences committed under the Act are Non-cognizable, and according to Section 40 (2) the burden of proof of lawful possession of Trophies lies on the accused.

(I. G.'s No. 5050, dated 11th November 1953 and No. 5050, dated 13th July 1954.)

(ii) Police officers and men should always co-operate with the Non-official Game Wardens in the matter of detection of offences under the Act.

(I. G.'s No. 5050-B, dated 8th February 1954.)

(iii) The Sub-Inspectors of Police may be appointed as Assistant Game Wardens in respect of the game listed in Schedules III and IV to this Act.

(G. R., R. D., No. 8319, dated 9th April 1953.)

The Bombay Weights and Measures Act, XV of 1932

354. Duties of Police with regard to weights and measures.- (1) Any officer in charge of a Police Station may, without a warrant enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights measures or instruments for weighing which are false.

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

(3) No prosecution under this Act shall be instituted except by or with the previous sanction of an officer authorized under Sub-Section

(2) of Section 19 and specially empowered by Government in this behalf.

(4) The Police Prosecutors should press the trying Court for awarding deterrent punishment for offences under the Bombay Weights and Measures Act.

(I. G.'s No. 2464, dated 5th May 1953.)

SECTION III.-POLICE DUTIES IN AID OF OTHER DEPARTMENTS

355. Troops on the march.- (1) (i) On receipt of information that troops are to march through the district under his jurisdiction, the Collector will detail a Police officer or other official to accompany them and to 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 detailed will report himself to the Officer Commanding the troops the day before the troops enter the limits of his jurisdiction, and will 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 by the Collector with written instructions 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, the official detailed 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) Rationing arrangements for all troops and animals on march and supply of necessary carriage are arranged for by the military authorities in consultation with and with the assistance of civil authorities in so far as this may be necessary. For details in this connection, see the memorandum of instructions for Collectors with regard to troops marching through districts under their jurisdiction, printed as an accompaniment to Government Resolution, Revenue Department, No. 2721, dated 21st May 1929 as modified by Government Resolution, Revenue Department, No.- 2721/17760, dated 16th July 1929 and Government Resolution, Revenue Department, No. 2721, dated 11th September, 1935.

(3) It is ordinarily no part of the duty of the police to assist in the impressment of carts, but they may be required by the District Magistrate or by the Mamlatdar of the taluka, under his general or special orders; in aid of the military, so to assist.

(G. R., H. D., No. 8331/2, dated 2nd December 1930.)

356. State Transport officers and stores.- At places where there are large sums of money in the possession of local State Transport Officers, or large quantities of spare parts in store belonging to the State Transport, it is the duty of the local police to exercise proper vigilance for the protection of such places. The police should also give prompt assistance to the local subordinates of the State Transport, whenever a request for such assistance is made to them.

(I. G.'s No. 6535, dated 2nd August 1949.)

357. Applications of prisoners for release on parole or fur-lough.- (1) It is desirable that applications of prisoners for release on parole on the grounds of serious illness or death of a near relative should be disposed of very expeditiously with a view to avoiding the frustration of the purpose, for which the parole is asked for. With a view to minimising the delay, all parole applications should be forwarded by the Superintendent of Prison to the District Superintendent of Police concerned or the Commissioner of Police, Bombay, as the case may be, direct with a request to verify the contents of the applications and submit a report to Government

within four days. Copies of the parole applications should at the same time be endorsed by Superintendent of Prison to Government and the Inspector-General of Prisons. On receipt of such applications by the District Superintendents of Police, they should immediately make inquiries in the matter and submit their reports to Government through the respective District Magistrates (Additional District Magistrates in the case of districts in the Hyderabad area) and at the same time submit an advance copy of their report to Government, which is the sanctioning authority. The Commissioner of Police, Bombay, should, however, submit his report direct to Government. While submitting a report on the illness of members of the prisoner's family, the District Superintendents of Police and the Commissioner of Police, Bombay, should, in their reports, make it clear whether the person concerned is really seriously ill and, if so, what is the nature of the illness and whether the illness is so serious as to necessitate the prisoner's release on parole on that account and, if so, for what period. In the case of marriages of the relatives of prisoners the date fixed for the marriage should invariably be stated. It should also be made clear whether breach, of peace is apprehended if the prisoners are released on parole.

(G. C., H. D., No. PAR 2659/18471-IV, dated 2nd May 1959.)

(2) (i) The following are the authorities competent to sanction release of convicted prisoners on parole under Rule 18 of the Prisoners (Bombay Furlough and Parole) Rules, 1959:-

- (a) Prisoners convicted by Courts situated outside the State of Bombay;
- (b) Prisoners convicted of political offences;
- (c) any other case or class of cases wherein the State Government has directed that the case or specified class of cases be referred to it for orders.

(ii) The Divisional Commissioner or the Assistant Commissioner, when the former is out of the headquarters, of the Division in which the prisoner is lodged, in other cases.

(3) (a) The Inspector-General of Prisons or the Deputy Inspector-General of Prisons (Head-quarters), when the former is out of Head-quarters shall subject to the Prisoners (Bombay Furlough and Parole) Rules, 1959, be competent to grant furlough to convicted persons.

(b) On receipt of the application from the prisoner for grant of furlough, the Superintendent of Prison, shall unless the prisoner is *prima facie* not entitled to release on furlough, forward it expeditiously to the District Magistrate concerned through the District Superintendent of Police of that district or to the Commissioner of Police, Bombay, as the case may be, with such remarks as he deems fit.

(c) The District Magistrate or the Commissioner of Police, Bombay, as the case may be, should be requested to furnish along with his opinion, the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough-

- (i) Their relationship with the prisoner concerned.
- (ii) Whether such relatives are willing to keep the prisoner while on furlough.
- (iii) Whether they (viz., relatives) are willing to enter into surety bond.

(d) The District Magistrate or the Commissioner of Police, Bombay, as the case may be, shall thereafter forward the application to the Inspector-General of Prisons, together with his recommendations.

(e) The District Superintendent of Police shall, before forwarding the application to the District Magistrate concerned and the Commissioner of Police, Bombay, shall before forwarding the application to the Inspector-General of Prisons, cause inquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendation accordingly.

(f) If furlough is not recommended, adequate reasons, therefore, shall be given.

(g) Concession of furlough directed to be denied not only to habitual but also to all prisoners who show tendency to crime, to be granted to such prisoners as have relatives to go to.

[G. L., H. D., No. MIS 5157/74036 (XXIV)-IV, dated 20th May 1959.]

358. Unauthorised use of the Names of the President, Prime Minister or of other High Dignitaries of State.- Whenever a case comes to the notice of any officer, in which it appears *prima facie* that unauthorised use has been made of the names of high dignitaries, the fact should be immediately reported by him to Government in the Home Department through proper channel. Government will then report it to the office concerned with a copy to the Government of India, (Ministry of Home Affairs). In the case of the President and the Prime Minister the appropriate officers are the President's Secretariat and the Prime Minister's Secretariat. The office concerned will then, if necessary, issue a press note refuting the fact and inform the State Government of the correct facts of the case.

(G. C., P. and S. D., No. VNU-1054/27304-B6 dated 14th May 1954.)

CHAPTER IX

GUARDS, ESCORTS AND ORDERLIES

SECTION I-INTRODUCTORY

359. Scope of Rules.- (1) The Rules in this Chapter are for general information and guidance in normal conditions. When temporary or local necessity demands some departure from them the officer or officern concerned must exercise their own judgment to cope with the situation and if it be necessary to provide a stronger guard or escort for some special occasion, it should be provided

(2) A translation of these Rules shall be kept with each guard and in the Police Station House for the information and guidance of all men concerned.

(I. G.'s C. M., No. M/4719-IV, dated 30th January 1959.)

361. Guard to be relieved daily.- Wherever practicable, the guard shall be relieved daily and the proportion of three men per sentry shall be maintained; but when the guard cannot be relieved daily, four men per sentry may be given.

363. Ammunition to be carried by guards.- Each man forming part of the guard shall carry in his pouch one packet containing 10 rounds ball ammunition lixcept the sentry on duty who should carry 10 rounds buckshot cartridges loose in the pouch, which he shall wear open and in front to facilitate quick loading. These 10 loose buckshot cartridges shall be handed over to the relieving sentry, who

shall exchange for them his closed packet of 10 rounds ball ammunition. When the guard is relieved, all the ammunition shall be handed over to the relieving guard. The guard commander shall be responsible for the ammunition being correct.

(G. R., J. D., No. 7500, dated 21st November 1901 and I. G.'s No. 100, 0- dated 26th July 1926 and No. 131, dated 16th September 1926.)

364. Guard to use lantern at night.- At night, the guard shall use a lantern and not an uncovered and unprotected lamp.

365. Use of firearms by guards.- In case a prisoner attempts to escape or resists the efforts of the guard to prevent the escape, the guard would be fully justified in using firearms to overcome the prisoner's resistance. The extreme course of shooting down the prisoner should be resorted to only in cases where the prisoner is charged of an offence punishable with death or imprisonment for life.

Should the prisoner cause or attempt to cause bodily injury while effecting escape, firearms can be used subject to the right of private defence as given by Section 100, Indian Penal Code, i: e. when death or grievous hurt is caused or apprehended.

366. Duties and responsibilities of the officer detailing a guard or escort.- (1) All guards and escort parties shall be carefully inspected, before they go on duty, by the officer who sends them on duty. He will be held responsible that they are efficiently and properly equipped.

(2) No officer or Constable shall be employed on guard duty over any prisoner in the lock-up between whom and the prisoner relationship or friendship exists. The officer detailing the guard shall acquaint himself on this point and shall arrange, so far as possible, not to depute any such officer or Constable on guard duty, so long as such prisoner or prisoners are in the lock-up.

367. Responsibilities of the guard commander or officer-in-charge of escort.- (1) The guard commander or officer-in-charge of escort is responsible for the regularity and good conduct of the guard or the escort party, for the correct performance of their duties and for seeing that the men are at all times properly dressed and sober. He is also required to acquaint himself thoroughly with the orders for the guard or the escort party.

(2) The guard commander shall see that all standing orders regarding the duties of the guard are duly observed, and shall satisfy himself, as soon as the guard is mounted, that all such orders are known to the men and understood by them.

(3) In the event of the guard commander or any constable on guard duty becoming incapacitated by sickness for remaining at his post, the fact shall be immediately reported to the Sub-Inspector or such

senior officer as may be near at hand, who shall forthwith take measures to relieve the incapacitated officer or constable.

(4) The guard commander shall be careful to see that the Constables, on guard duty have not in their possession any opium, liquor, Ganja or other stupefying or intoxicating substances. Should any such substance be found with any of them, the guard commander shall confiscate the same and report the matter to his superior officer without delay.

368. Guard commander or sentry etc. not to leave the guard.- (1) The guard commander shall on no account quit his guard except to obey a call of nature, and before quitting the guard he shall place the next senior officer in charge. He shall also prevent any constable from quitting the guard without leave, which shall be granted sparingly, only for special purposes and for the shortest possible period.

(2) Constables on guard duty who may be unable to arrange to have their food brought to them shall be allowed two hours leave for the purpose of taking their meals between the hours of 8 a.m. and 2 p.m. This privilege shall not be granted to more than one-third of the men on guard at the same time.

369. Relief of guards and sentries.- (1) The relieved and relieving guard commanders shall both together carefully examine the charge of the guard and satisfy themselves that all property or prisoners in charge of the guard are correct and that all locks and seals are intact.

(2) A sentry shall always be relieved, in the presence of the guard commander; every two hours.

(3) At each relief of entries, the guard commander shall satisfy himself and the relieving sentry that the latter understands his charge correctly. The guard commander and the relieved and the relieving sentry shall together examine and satisfy themselves that all articles or prisoners in charge of the guard are correct and that all locks and seals, etc. are intact.

370. Guard not to be take off clothing or accoutrements.- No officer or Constable on guard duty shall on any account take off his clothing or accoutrements. This rule does not apply to occasions when an officer or Constable is taking his meals nor does it prohibit him from taking off his fatigue cap or belt when lying do to rest during the day or night..

371. Sentry not to quit his post.- A sentry shall, on no account, quit his post without being regularly relieved. Should he find himself incapacitated by illness or other cause for the performance of his duty he shall call the guard commander who shall, if necessary relieve him.

372. Challenges and use of firearms.- Sentries on treasuries and magazines must observe the following instructions in regard to challenges and use of firearms between the hours of sunset and sunrise :

(a) Sentries are entitled and are required to use their firearms when such a course is necessary to protect the property committed, to their charge. The guard commander should explain this to the men.

(b) Sentries must not tire save in the last resort. Ordinarily when a challenge is disregarded, they should in the first instance callout the guard and should not fire without the orders of the guard commander. A sentry should, however, open fire after giving due warning, if he has good reason to apprehend an immediately attack and cannot otherwise be confident of driving of the intruders.

(c) If there are special reasons for apprehending attacks on treasuries, armouries or magazines, the Superintendent should on such occasions issue such special instructions to the guard commanders as the circumstances seem to require.

(J. D. Letter No. 8767, dated 15th October 1919 and I. G.'s No. 13082-B, dated 10th November 1919.)

373. Compliments to be paid by guards.- (1) District Magistrates, Superintendents of Police and civil officers of higher rank, and Field Officers in uniform will be saluted by sentries with presented arms. Other Magistrates and civil officers of corresponding rank and other military officers in uniform will be saluted by sentries standing to their front with sloped arms.

(2) Police guards will turn out and present arms to the Governor, a Minister, a Judge of the High Court, a General Officer in uniform, the Inspector-General of Police, a Deputy Inspector-General of Police, the District Magistrate and the District Superintendent of Police: In the case of other officers entitled to a salute under the proceeding Sub-Rule, the guard will come to attention. For the District Magistrate and the Superintendent of Police, the guard shall only be turned out once in a day, i.e. when first passed or visited by them.

(3) Police guards will fall in and present arms to any body of troops or Police passing the guard.

(G. R., H. D., No. 7865, dated 2nd June 1926.)

(4) In addition to the compliments provided for in Sub-Rules (1) to (3) above, the prison or jail guard shall present arms to the Inspector-General of Prisons, the Superintendent of the Prison, the Sessions or Additional Sessions Judge, the Assistant Sessions Judge, the Magistrate in charge of the Sub-Division the medical officer of the prison and such other officers as may be entitled to that compliment when visiting the prison.

(5) The Police guard stationed at any place in a former Indian State which has merged with the State of Bombay should present arms to the ex-Ruler of that Indian State.

(G. L., P. and S. D., No. 3082/46907-F, dated 18th November 1948.)

(6) (a) Police Guards shall not present Arms after sunset and Guards should not turn out to pay compliments after "Retreat" and before "Reveille" except to "Visiting Rounds" or an "Armed Party."

(I. G.'s No. 6196, dated 16th January 1956.)

(b) The Guard Commander should not give the order for dismissal until the officer visiting the Police Guard gives the order.

(I. G.'s No. 4809-11, dated 21st May 1955.)

SECTION III- TREASURY AND LOCK-UP GUARD

374. Application of general rules.- Rules 359 to 373 in this Chapter with respect to guards generally apply.. so far as may be, to treasury and lock-up guards also.

375, Strength of taluka treasury and lock-up guards.- The strength of the taluka treasury and lock-up guard (when the treasury and lock-up are immediately adjoining) shall ordinarily consist of one Head Constable and three Constables.

(G. R" J. D" No. 3756, dated 14th May 1919.)

376. Strength of district treasury guard.- The district treasury guard shall ordinarily consist of one Head Constable and six Constables.

(G. R., J. D., No. 753~, dated 7th November 1900.)

377. Number of sentries for lock-up and Treasury.- If the lock-up and treasury room be adjacent in the same building, one sentry will suffice for both; but if they are some distance apart in different buildings, two sentries will be required.

378. Use of chain to prevent rush of prisoners.- (1) When a lock-up where more than one prisoner are confined is opened, a chain should first be passed round the two halves of the door and secured, so that the door can only be opened sufficiently to allow of the passage of one person at a time. This is a precaution against a rush by prisoners.

(I. G.'s No. 4719, dated 11th February 1933.)

(2) The following procedure regarding chains should be followed:

(a) The chain should have two large rings at each end, and should, when not in use, be hung up with the keys of the ped-locks of the cells.

(b) When a door is opened, the chain should be passed round the first or second bar of the door on each side; the ped-lock should then be unlocked, taken off and passed through the end rings of the chain and locked.

(c) When the chain is so attached and locked, the bolt of the door can be drawn back and the door opened.

(d) The reverse process should be followed after admitting the prisoners into the cell.

(I. G.'s No. 35, dated 28th December 1939.)

379. Duties of the Commander of treasury and Lock-up guard in regard to the guard.- No one shall be allowed to leave the guard after sunset and before sunrise. If within the period any Constable should require to go outside for a necessary purpose, he shall first obtain the permission of the guard commander, who, unless he is satisfied that the request preferred is a mere excuse, shall unlock the door, let the Constable out, and immediately re-lock the door. On his return, the guard commander shall search the Constable and satisfy himself that the Constable has brought in no liquor or other intoxicant.

380. Duties of the commander of treasury and lock-up guard in connection with relief of guard or sentry.- (1) All furniture, stores, or property in charge of the guard shall be handed over from one guard commander to another. The commander of the relieving guard shall be held responsible for their correctness and shall certify in his report to the state of each article when taken over. He shall also satisfy himself of the correctness of the number of any prisoners there may be in the lock-up, and of their condition.

(2) At each relief of sentries, the guard commander shall satisfy himself and the relieving sentry that the lock and seal of the treasury door are intact and they shall carefully examine every article in charge of the guard and count any prisoners there may be so as to satisfy themselves that the number is correct. If any mistake is discovered, the guard commander shall at once bring to the notice of the superior officer of Police on the spot, who shall immediately take such steps as the circumstances may require.

381. Duties of commander of treasury and lock-up guard in regard to treasury.- (1) When the treasury door is opened by the order of the Mamlatdar or Head Karkun for the purpose of depositing or withdrawing money out of the chest, the guard commander shall attend and see that the treasury door is re-locked, and shall draw the immediate attention of the shroff to any omission in this respect. The guard commander shall satisfy himself, before leaving the treasury room, that there is no one left in it and see that the door of the treasury is properly locked and sealed in his presence before the Mamlatdar or, in his absence, the Head Karkun leaves the office.

(2) Except the Mamlatdar or the Head Karkun, no person shall be permitted to go into the treasury room except under a written authority, general or special, from the Mamlatdar, authorising the person to enter the treasury room.

(3) Money or valuables sent by the courts of law or the Police shall be received into safe custody by the guard; but the guard commander shall refuse to receive it, unless it is properly packed. If possible, in a box, fastened up and sealed. Such money or valuables, when received during the day before the closing of the treasury, shall be placed within it. When received too late for deposit, such money or valuables shall be handed over in due form to each relieving guard, the commander of which shall carefully examine the boxes, fastenings and seals and they shall be placed in the treasury as soon as it is opened, and kept there till required by the court of law or the Police Officer depositing them.

(4) The following procedure should be followed at sub-treasuries for the receipt of remittances after closing hours:-

- (a) The package in which village officers send their remittances should be sealed by them.
- (b) A box should be kept outside the strong room at the sub-treasury for deposit of late village remittances in charge of the Police or other treasury guard.
- (c) The guard commander shall put an additional seal on the package in the presence of the village servants who bring the cash.
- (d) The box shall then be properly packed, fastened and sealed by the guard commander in the presence of the village servants who bring the cash.
- (e) One of the carriers shall remain present till the sub-treasury reopens.

(G. C. M., F. D., No. 2624/33, dated 15th July 1941.)

The additional seal referred to in clauses (c) and (d) above should be understood to be that of the Mamlatdar/Mahalkari as against the Police guard.

(G. C. M., F. D. No. 2624/33, dated 27th October 1942.)

(5) Officers depositing cash boxes in a treasury or a sub-treasury for safe custody should finish their cash transactions and send their cash boxes to the treasury before the closing hours of the treasury or sub-treasury. If in exceptional circumstances, any cash box is sent to a treasury or a sub-treasury after closing hours, it should be delivered to the senior officer of the Police Guard, who should receive it, if it is properly secured in a sealed receptacle, and should be responsible for its safe custody.

(G. Rs., R. D., No. 3146/45, dated 24th December 1947 and 10th July 1948.)

(6) When the office is closed in the evening, the guard commander shall go round and satisfy himself with the aid of a lantern when necessary, that every one, with the exception of those whose duty it is to remain, has gone, and that no one has concealed himself in the

building. He shall then fasten, lock and chain all doors and gates communicating with the outside, and keep the keys with him. He shall also see that the lamps provided to enable the sentry to inspect the locks at night are kept burning brightly. Should any superior officer come during the night on rounds or duty, the guard commander after satisfying himself by speaking with him, shall unlock the door, and after admitting him shall immediately relock it. On the visiting officer leaving, the guard commander shall shut and refasten the door as before.

(G,'s No:, 3, dated 20th January 1940 and No, 9, dated 1st April 1941,)

383. Duties of sentry of treasury and lock-up guard.- (I) In the case of a district treasury, the guard shall supply one sentry during the day to patrol up and down in front of the treasury building, At night, from the time the treasury is closed until the morning, two sentries at a time will be posted, one to patrol in front and the other ill the rear of the building.

(2) On sentries being relieved, the relieving and relieved sentries shall both carefully examine and satisfy themselves that the lock and seal of the treasury room door as well as all other locks, sea1s railings, windows and fastenings and every article pointed out and handed over are intact. They shall also count over any prisoners

there may be in the lock-up and satisfy themselves that the number is correct. At night time, this examination shall be performed with the aid of a lamp. The sentry shall not be required to examine the locks of chests inside the treasury-room.

(3) The sentry holding his musket in the manner taught him shall always be on the alert and shall march up and down in front of the lock-up and treasury-room, keeping a watch on the actions of any prisoner there may be in the lock-up.

(4) The sentry shall hold no communication with any prisoners in the lock-up, shall prevent every outsider from doing so, and shall not, without good reason, allow people to come to or assemble round the lock-up. He shall call the attention of the guard commander to any irregularity he may notice and shall apprise him in case of any prisoner making a signal from the lock-up.

(5) Should the sentry observe any prisoner attempting to escape, he shall at once raise the alarm and acquaint the guard commander. He shall at the same time take all necessary steps to prevent his escape.

SECTION IV - PRISON OR JAIL GUARD

384. Application of General Rules.- Rules 359 to 373 in this Chapter with respect to guards generally apply so far as may be, to prison or jail guards also.

387. Subsidiary Rules for guidance of prison or Jail guard. - (1) The Superintendent of each prison or jail shall, in consultation with the Superintendent of Police, draw up subsidiary rules for the guidance of the guard to meet local requirements.

- (a) indicating the sanctioned strength of the jailor prison guard;
- (b) regulating its distribution, the number and position of the sentries and their beats.
- (c) defining the position to be taken up by the guard, its distribution and duties on the alarm sounding by day, and the position to be taken up by the guard and its distribution and duties on the alarm sounding by night; and
- (d) determining some alarm signal.

The rules so drawn up will be subject to the approval of the Inspector-General of Prisons and the Inspector-General of Police. They shall, when so approved, be translated into the regional language signed by the Superintendent of the Prison or Jail and the Superintendent of Police, and be hung up alongside the general rules for prison or jail guards in the guard-room of the particular prison or jail to which they apply.

(G. R. J. D., No. 4914, dated 30th July 1901.) 1'

(2) In determining the number and position of sentries under Sub-Rule (1), the Superintendent of Prison or Jail will consult the District Superintendent of Police, and care shall be taken to see that

except when absolutely necessary for special and urgent reasons an armed, sentry is not cut off from the support of his guard by doors etc.

388. Duties of a prison or jail guard In the event of a break-out or disturbance. - In the event of any attempt to break out of the jailor prison or any other disturbance occurring, the guard shall immediately fall in, load and act in accordance with the special rules, if any, framed under Rule 387 and the guard commander shall at once do his best to communicate with the jailor and his own superior officer. If, however, the prisoners should assault the prison officers, or attempt to break out of any particular ward or yard and if the guard commander should consider that it would be dangerous to delay until the arrival of the superior prison officials, he shall rescue the prison officers and prevent the prisoners from breaking out. The guard commander shall give notice to the prisoners in a loud tone of voice that if they do not immediately surrender, they will be fired upon. This warning shall (if circumstances admit of delay) be repeated twice, and if there appears no other means of quelling the disturbance, the guard commander shall direct his men to open fire upon the refractory prisoners, but he shall be careful to cease firing as soon as the prisoners fly or surrender. On the arrival of the Superintendent of the Prison or a superior officer of Police, the guard shall act under his orders.

(G. R., J. D., No. 4914, dated 30th July 1901.)

389. Duties of the commander of a prison or jail guard.- (1) The guard commander shall make his reports to and receive instructions from the Superintendent of the Prison or Jail.

(2) The guard commander shall make a round of the sentries twice during the night, and send a junior officer to visit each sentry between reliefs. He shall send an officer twice, also at separate intervals, during the night round the posts.

390. Duties of a sentry of a prison or jail guard. - (1) If detailed to guard undertrial prisoners, the sentry shall day and night march up and down in front of the cells and watch such prisoners confined therein.

(2) The sentry shall hold no communication whatever with any prisoner, but shall apprise any member of the prison establishment present in the event of any prisoner making a signal that he requires to see a member of the establishment.

(3) Should any prisoner attempt to escape the sentry shall at once raise the alarm, and acquaint the guard commander. He shall at the same time take all necessary steps to prevent the prisoner's escape.

(4) Sentries shall enforce firmly the order given to them without any distinction of persons.

(5) It is the duty of the sentry to protect, as far as may be in his power, the stores and property belonging to Government, although not actually delivered to his charge.

SECTION V- QUARTER GUARD

391. Application of general rules.- Rules 359 to 373 in this Chapter with respect to guards generally apply, so far as may be to quarter guards also.

393. Guard to supply one sentry. - The guard shall supply one sentry.

394. Sentry's beat. - The beat of the sentry shall be in front of his quarter guard and store room, and he will day and night march up and down on his beat and keep a watch on the store room, magazine and other property committed to his charge.

396. Duties of commander of quarter guard. - (1) The guard commander shall report at 8 a.m. and 6 p.m. daily to the Reserve Inspector or Sub-Inspector that all fastenings and seals are secure and not tampered with.

(2) He shall at once report to the Reserve Inspector or Sub-Inspector any irregularity or defect he may notice.

(3) He shall not allow anyone to unlock the store-room without the permission of the Reserve Inspector or Sub-Inspector.

(4) He shall at once report to the Inspector or Sub-Inspector the delivery and receipt of the treasury chest to and from the office.

SECTION VI - MISCELLANEOUS GUARDS

397. Guard of Honours. - (1) (a) If a Police guard is required for the President and the Prime Minister of India or a Governor, it

should be furnished and should consist ordinarily of a hundred rank-and- file armed Police (including a suitable proportion of Head Constables) or as many as are available up to that number, comraanded, as a rule, by the Reserve Inspector or Sub-Inspector, as the case may be. If for any reason the Reserve Inspector or Sub-Inspector is not available, another competent Inspector or Sub-Inspector should be chosen instead.

(b) A band should, if possible, be supplied with the guard.

(c) Until such time as new bugle calls corresponding to the National and the General salute are evolved and prescribed by the Central Government, the old bugle cali known as the 'Royal Salute' may be played for the President of India and visiting Heads of States and Governors all of whom are entitled to the National Salute on the band. The old Governor's salute or the General Salute should not be played for these dignitories.

(I. G.'s No. C/4809, dated 15th March 1958.)

(2) (a) Complimentary guards should be provided oat the arrival and departure of a Minister or a Deputy Minister of the Government of India, the Chief Justice of the High Court of Bombay, a Minister of the Government of Bombay, a Judge of the High Court of Bombay, the Chief Secretary to the Government of Bombay, and the Inspector-General of Police, when visiting the head-quarters of a district on tour, provided the arrival and departu,re take place between sunrise and sunset, irrespective of 'whether it is a Sunday any other day of the week.

(G. Rs., H. D., No. 7866, dated 11th February 1937 and P. & S. D. No. 6541/34, dated 28th June 1943 and I. G.'s No. 2350-1V, dated . 30th May 1946.)

(b) The guard will ordinarily consjst of 20 rank-and-file armed Police under the command of an armed Police Jemadar or Brevet Jemadar. If this strength is not available from the Head-Quarters force, as many men as are available shall be detailed for this duty.

(c) Timely intimation should invariably be given to the Superintendent of Police concerned regarding the time and the place at which the guard is required.

(d) The Railway Police will provide a guard of honour, if and when required.

(e) No complimentary guards are to be provided to the Commissioners of Divisions on their arrival and departure when visiting the Head-Quarters of a district on tour.

(G. L., H. D., No. GRD. 1058/70733-VI, dated, 8th December 1958.)

(3) For the layout of the guard of honor, colours, salute and inspection please see Chapter XV of the Manual of Police Drill.

(4) Except as provided in Sub-Rules (1) and (2), no guard of honour shall be given for any (me, nor shall the band be sent with guard of honour, unless authorised by Government or permitted by the Inspector-General of Police.

(5) *Provision of guards at the residence of District Magistrates.*- Normally, provision of any guards at the residences of the District Magistrates is not necessary. If, however, there are any special circumstances in which breach of peace is feared and need of a guard is justifiable, the District Superintendent of Police concerned, should comply with the requirements of the District Magistrate from within the sanctioned strength of the District. When there is difference of opinion as to whether necessity for a guard exists or not the case should be referred to the Commissioner of Division concerned for a decision.

399. Guards for the Official Residences of Rulers of Former Indian states. - A guard of reasonable strength should be provided at the expense of Government at the official residences of the Rulers of the Indian States that lk"ave merged in this State. The strength of the gllard should ordinarily be from eight to twelve.

(G. E., S/20/1551-D& dated 9th February 1949 and I. G.'s Endst. (I. G.'~ NO. 2~38-B, dated 25th February 1919.)

403. Courtesies to be own and Police arrangements to be made when the Ministers of the Government of India pay Official Visits to the State of Bombay.- (1) *Visits to places other than Greater Bmbay* : - (i) When the Minister or the Deputy Minister of the Government of India visits the head-quarters of a District, he sholud be met on arrival and at departure by the Collector and the District Superintendent of Police, if they are at head-quarters or very near; but it, is not incumbent on them to return from tour specialy to do so. In such cases the Minister or the Deputy Minister should be met by a senior officer deputed by the Collector or the District Superintendent of Police, as the case may be.

At places other than District Head-quarters the Minister or the. Deputy Minister should be met on arrival and at departure by the Collector or by a gazetted officer deputed by the Collector.

If any other officer is required to be present for some particular purpose connected with the visit of the Minister or Deputy Minister the necessary intimation will be given by the Minister or Deputy Minister to the Collector concerned.

(G. .R., P. and S. ~., No. 6541/34, dated 28th October 1949.)

(ii) It should be the duty of the Collector or of the Gazetted Officer deputed by him t8 see that suitable accommodation is provided

at the places to be visited by the Minister, and that suitable arrangements are made for supplies, transport and other reasonable requirements if the Minister intimates that such facilities are required.

(G. R., P. and S. D., No. 6541/34, dated 24th June 1949.)

(iii) Gazetted Officers of the State Government present in the place visited by the Minister are not required to call on him or attend any function held during his stay at that place, unless they are specially concerned with the object of his visit or the purpose of the function.

(iv) As regards Police arrangements in the Districts, Police escorts should be provided to the Ministers of the Government of India according to the prescribed scale. The District Superintendents of Police are, however, authorized to take protective arrangements according to the circumstances prevailing at the places of visits. The arrangements are to be observed in the case of journeys performed by the Ministers by rail or road as well as by air.

(G. C., P. and S. D., No. 6541/34, dated 27th July 1951.)

(V) The District Superintendents of Police are responsible for the security arrangements in connection with visits of the Ministers of the Government of India. If for any unavoidable reason they are away at the time of the visits of the Ministers, the senior Deputy Superintendent of Police should make all arrangements.

(G. R., P. and S. D., No. 6541/34, dated 24th June 1949.)

(2) *Visits to Greater Bombay.*- (i) When the Minister or the Deputy Minister of the Government of India visits Greater Bombay, he should be met on arrival and seen off at departure by one of the officers of the Secretariat or by the Commissioner of Police (or a senior Police Officer deputed by him), as the Chief Secretary may direct.

(G. R., P. and S. D., No. 6541/34, dated 28th October 1949.)

(ii) Gazetted officers of the State Government present in Greater Bombay at the time of the visit of the Minister are not required to call on him or attend any function held during his stay in City, unless they are specially concerned with the object of the visit or the purpose of the function.

(G. R., P. and S. D., No. 6541/34, dated 24th June 1949.)

(iii) The Railway Police will provide a guard of honour (if required) and arrange for protection of the Minister on his arrival at, and at the time of his departure from, the Railway Station (V. T. or Bombay Central). They will also arrange to afford the necessary protection if the Minister decides to stay in his saloon on the railway premises. If, for any special reason additional protection is necessary for the Minister when staying in Or passing through Bombay, the Commissioner of Police should make necessary arrangements

for providing such protection in the shape of plain clothes officers and men on a scale to be determined by the circumstances prevailing at the time.

As the Ministers travel frequently by air, the Commissioner of Police should see that necessary Police protection is provided to them at the airfield at the time of their arrival and departure. A guard of honour will also be provided (if required).

(iv) Two uniform unarmed constables should be placed on guard at the Minister's residence (when outside the railway premises) unless the Minister intimates that such guard is not required.

Note.-(1) These orders should also be made applicable to the Ministers of State of the Government of India during their official visits to the State of Bombay. "]

(G. R., P. and S. D., No. 6541/34, dated 14th December 1950.)

(2) Arrangements for the Deputy Ministers need not be so elaborate as in the case of Ministers of cabinet rank and Ministers of State.

For instance, while the District Officer should receive the Deputy Minister on arrival and also see him off, if he (the District Officer) is at Head-quarters or very near, he need not return from tour specially to do so.

(G. E., P. and S. D., No. 6541/34/43038-E, dated 1st November 1951.)

(3) Except in the case of the Prime Minister of India and the Governors it is not necessary for the officers of other departments to receive and see off the other Ministers if they happen to arrive and depart during night time by air service. However, the Police officers concerned should remain present during the arrivals and departures of the Ministers at all times so that the Ministers will not experience any difficulties.

(G. R., P. and S. D., No. 6541/34, dated 27th December 1950 and 30th June 1952.)

(4) On the occasion of official visits to states, the speaker of the House of the People should be accorded the same courtesies as are shown to a Minister of the Central Government and the Deputy Speaker of the House of People/Deputy Chairman of the Council of States be accorded the courtesies prescribed for a Deputy Minister.

(G. E., P. and S. D., No. 6541/34-E-4735, dated 8th December 1952.)

(5) Guards of Honour may be provided for the Vice President as in the case of the Prime Minister.

(G. E., P. and S. D. No. TRS. 1253/56024-E, dated 9th August 1954.)

(6) The security arrangements should be made even when the visits of the Union Ministers are personal or private; and irrespective of whether Police Guards are specially asked for or not.

(G. L., P. and S. D., No. 654/34/C/7828-E, dated 4th February 1957.)

406. Tours of Parliamentary Secretaries.- (1) A Parliamentary Secretary ordinarily tours officially as representing the Minister-in-charge and is, therefore, entitled to all reasonable facilities and assistance in carrying out his work, from District officers. A Parliamentary Secretary has been given authority to invite to meet him such officers of the district as are connected with his Department and are required for personal discussion relating to matters falling within the department in which he is working and in connection with which he is on tour. No orders have been given to officers to call on a Parliamentary Secretary as a matter of course or to accompany him on his tour, unless invited to do so; and this should not be expected.

(2) It follows that Parliamentary Secretaries should not invite the Collector or the District Head of his Department to arrange a general programme in consultation with the local public workers. More definite instructions in regard to his tour are ordinarily desirable and the District Officers should not be called upon to attend or assist such part of the tour as is not official duty.

411. Handcuffing of Prisoners.- (1) Whenever a prisoner has to be taken in custody from a Court to a jailor *vice versa*, the Judge Magistrate, or the jail officer should give a direction in writing to the commander of the escort as to whether the prisoner should or should not be handcuffed or bounri, and the escort commander shall obey that direction, provided that if the direction is not to handcuff or / and bind the prisoner and at any time thereafter the escort commander has reason to consider it necessary to handcuff or bind the prisoner he should do so notwithstanding such direction.

(G. C., H. D., No. 1710/4, dated 12th April 1959.)

(2) Police officers must, without fail, ask for and obtain orders in writing from the Judge, Magistrate or the jail officer in regard to the handcuffing of the prisoners committed to their charge, before taking over prisoners from the Court or jail. Any neglect of these instructions must be dealt with most severely.

(G. c., H. D., No. IC-80, dated 12th November 1947.)

(3) In dealing with juvenile offenders, Police officers escorting them to and from Courts should appear in mufti without any arms. But in the event of a juvenile offender being troublesome and likely to abscond, the fact should be reported to the Court, so that sanction to secure the offender with a rope round his body may be obtained. Whenever big boys appear to be of the absconder type, leather wrist straps may be used but nothing else.

(I. G.'s S. O. No. 42 (5132), dated 25th June 1952.)

(4) No prisoner convicted or undertrial, shall be handcuffed to his bed under any circumstances, while under treatment in a civil hospital.

(5) Handcuffs shall not be imposed on any prisoner, convicted or undertrial, while under treatment in a Civil hospital, except where the prisoner is known to be refractory, violent or dangerous. In such cases, the handcuffs shall be frequently removed to give relief to the arms.

(6) Sick prisoners under treatment in a civil hospital or dispensary shall never be fettered, unless absolutely necessary for their safe custody and with the occurrence of the medical officer-in-charge.

(7) (a) Sub-Rules (5) and (6) do not apply to female prisoners who may under no circumstances be handcuffed or fettered.

Note.- All female security prisoners shall be allowed to retain their glass bangles. If any female prisoner requests to be supplied with bangles at Government cost, unbreakable bangles of suitable size, not exceeding two for each hand shall be supplied to her and she shall be allowed to retain these bangles at the time of her release. Glass bangles should not be supplied or replaced at Government cost.

(G. O., H. D., No. SD-I042 (N)-II, dated 31st May 1952.)

(b) In no case fetters shall be imposed upon female prisoners, juvenile prisoners or civil prisoners, nor shall fetters be imposed on any convict when appearing before a Court under the Prisoners Attendance in Courts Act, 1955. If in any exceptional case a prisoner is so dangerous that it would be unsafe to produce him in Court without fetters the Police should make an application to the Court requesting permission to produce the prisoner in fetters. The fetters shall not be imposed on any prisoner in Hospital except with the approval of the Medical Officer. In no case should prisoners, who are aged and bed-ridden in Hospital be handcuffed or fettered. The Police should be more vigilant in guarding prisoners in Hospitals.

(G. c., H. D., No. COP. 2858/53236-IV, dated 27th June 1959.)

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(8) In cases not covered by the above Sub-Rules, the hand-cuffing of prisoners is a matter which shall be left to the discretion of the senior responsible Police officer concerned, as much depends on the character, disposition and behaviour of the prisoner or prisoners. In some cases; such as of feeble old men, women or children and the persons of status arrested for minor offences handcuffs may be dispensed with in others they are necessary; and in cases of desparate caharacter, even greater precautions, such as tying the prisoner or prisoners with a rope in addition to handcuffing, may be necessary toptevent escape.. The responsible officer in all cases shall use his discretion, taking every necessary precaution to prevent escape with- out inflicting unnecessary harshness or indignity on the prisoner.

(9) (a) II. exercising the discretion vested in him, the Police Station Officer should issue clear instructions for the guidance of the escort party in every case, definItely stating whether the prisoner rtJncPTnf\li in that case should be handcuffed or not. Such instructions should make it clear thqt the escort commander is nevertheless expected to use his own discretion and to take additional precaution, should the conduct of the prisoners or of ersons sympathising with them render such .precautions advisable. When the Head Constable in Command of an escort takes such additional precautions, he should invariably report the fact that he has done so to the Police Station Officer, stating his reasons for so doing.

(1. G.'s No. 10, dated 13th April 1931.)

(b) (i) A security prisoner shall be handcuffed or bound while being escorted to or from the place of detention or Police lock-up if the Commissioner or the Supt:rintendent so directs in writing as laid down in clause 29-B of the Bombay Conditions of Detention Order, 1951.

(ii) Notwithstanding anything contained in sub-clause (i) above, a security prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that the security prisoner will use violence or attE;mpt to escape or that an attempt will be made to rescue him.

(G. O., H. D., (Poll.), No. SD-II/PDA-6653, dated 10th October 1953.)

(10) (a) In order that it may be known whether handcuffs are being properly used as required by rules, all Police Station Officers and all officers-in-charge Of Police Head-Quarters will submit a return, by the 10th of each month, to the Superintendents of Police in Form No. 21 in Appendix I. Even when a prisoner is handcuffed while being taken from jailor sub-jail to a Court or *vice versa*, his case should be shown in the monthly return, as the prisoner is in the custody of the Police during that period.

(G. L., H. D. No.LC. 80-D dated 19th November 1947.)

(b) Superintendents of Police should carefully check the returns and take disciplinary action against any Police officer using handcuffs improperly. .

(I. G.'s No.2, dated 15th February 1947.)

412. Method of using handcuffs and ropes for securing prisoners. - In securing a prisoner under escort, the primary issue is that the Policemen in charge should remain alert. If there be negligence in this respect no amount or method of typing or handcuffing will prevent a prisoner's escape. For securing prisoners, the following methods should ordinarily be adopted:-

(a) If it be necessary to use handcuffs, the key holes of the handcuffs should be kept uppermost, as in this position it is not , easy to open them by striking on some hard substance. Care should also be taken that the handcuffs are not too large; otherwise, the prisoner can slip his hand through them.

Note.-Handcuffs frequently become defective by reason of the spring weakening. If handcuffs, are kept lock when not in use the spring may weaken. They should, therefore, invariably be kept open. The keys of each pair of cuffs not in use, should be tied to the cuffs. Keys are not inter-changeable and as such the use of the wrong key tends to weaken the spring.

(C. p .'s S. o. No. 63.)

(b) (i) When there is only one prisoner, there is the simple device of attaching the handcuff to the prisoner's right hand and to a Constable's left. Both the prisoner and the Constable can walk in comfort but the prisoner cannot escape.

(ii) It is sometimes advisable to handcuff a prisoner with his arms behind his back. The prisoner can walk quite comfortably but cannot run fast; at the same time he cannot strike the hand-cuffs on some hard substance to break them open. When travelling by train, a prisoner who is handcuffed behind cannot easily escape, as he finds it difficult to fall out and then pick himself up again.

(c) When there are two or more prisoners it is advisable to handcuff them by couples. While thus secured, they can walk in comfort, but if they attempt to escape, they are handicapped and cannot run fast.

(d) If the above precautions be taken regarding handcuffs, the use of a rope can often, but not always be avoided. If, however, it is necessary to rope a prisoner, the ends of the rope should be tied securely (but not too tightly) to each upper arm. In the middle of the rope there should be a loop through which the Constable can pass his hand, and hold tied rope. In the case of two prisoners, one end of the rope should be tied to the left upper arm of one prisoner and the other end to, the right upper arm of the second prisoner. If the rope is used in addition to handcuffs

it should be tied to the outer or free arm of each prisoner; in this way, with one hand handcuffed, it would be difficult a prisoner to untie the rope.

(e) If the prisoner be particularly dangerous or troublesome, it will rest with the officer arranging for the prisoner's escort to give specific orders to the Head Constable of the party as to the additional precautions necessary. It is the duty of the Police Station Officer to see that prisoners are properly secured.

(1. G.'s No.3, dated 20th January 1940 and No.8, dated 12th March 1940.)

413. Provision of conveyance for prisoners under escort.- (1) If a prisoner, convicted or undertrial, as the case may be, whether in Police or in jail custody, is to be taken from the place of arrest to the Police Station or to such places as may be necessary for the purpose of investigation of an offence, or from a Court to a jailor *vice versa*, the following instruction in regard to the provision a conveyance should be observed :-

(i) If the prisoner is willing to supply or pay for a conveyance for himself and his escort, this should ordinarily be permitted.

(ii) In the following cases prisoners should ordinarily be conveyed at Government expense:-

(a) If the prisoners are women, juveniles or sick or infirm persons.

(b) In order to avoid an undesirable demonstration.

(c) If the distance is in excess of three miles in the mofussil or one mile in Greater Bombay.,

(d) In other cases, if the police or jail authorities for special reasons direct, e.g., when the Journey is through crowded streets or when it is necessary to save time for the escort party.

(iii) Where Police buses exist and they are not otherwise required for more urgent Police work, arrangements should be made to make them available generally for the conveyance of prisoners between jails or Police Stations and the Courts, if the distance exceeds one mile in the mofussil and irrespective of distance In Greater Bombay, when the number of prisoners to be conveyed is large. Prisoners to be taken to and from all Courts should be collected at one place.

(iv) If the prisoner is conveyed at Government expense in the mofussil, the shortest routes and the cheapest form of conveyance should generally be provided, except that bullock-carts being very slow, should be excluded. They may, however, be used for women or juvenile, sick or infirm prisoners. if no other conveyance is available.

(G. R., H. D., No. 4012/4, dated 11th September 1941.)

(v) The charges incurred in the transfer of prisoners and their escort by road when a special conveyance has to be hired for the purpose should be debited to the head "28 - Jails and Convicts Settlements."

(G. R., H. D., No. 9205/2, dated 7th November 1944.)

(vi) Police escorts should invariably be warned, when escorting convicts with leg-irons on by road, that a conveyance should be employed for conveying the prisoners, should the leg-irons show any tendency to fall the prisoners.

(1. G.'s No. 9974/-C, dated 13th July 1912.)

(2) Where Police buses exist, the Police Department should provide transport to the Jail Department for carrying sick prisoners from Jails to Hospitals and back. Likewise, transport should be provided to the Jail Department for carrying leprosy-affected prisoners between Jails or Police Stations and Courts. No charges on account of cost of petrol, oil, lubricant, etc. incurred for such transport within the same District should be recovered from the Jail Department. Necessary provision for the expenditure should be made under "29-Police". Charges according to Government orders should, however, be recovered from the Jail Department when leper or other prisoners are transported from one District to another, as in the case of any other Department.

414. Duties of Police escorts in connection with prisoners required to attend Courts.- (1) While escorting prisoners to and from Courts or while waiting outside the Courts, no one should be allowed to speak to or to approach any prisoner.

(2) When a convict is removed to give evidence in a Court situated at a place other than that where is undergoing his sentence he should be delivered for custody. until such time as his attendance in Court is required, to a prison (in the absence of a prison) to a lock-up at the place where the Court is situated. When his attendance is no longer required, he should be taken to the nearest district or central prison.

(1. G.'s No. 4309, dated 10th October 1931.)

(3) Superintendents of Police should see that escorts sent with prisoners are not unnecessarily detained at the camps of Magistrates.

415. Use of firearms by escort of prisoners.- In case a prisoner attempts to escape or resists the efforts of the escort to prevent the escape, the escort would be fully justified in using firearms to overcome the prisoner's resistance. The extreme course of shooting down the prisoner should be resorted to only in cases where the prisoner is charged of an offence punishable with death or Imprisonment for life.

Should the prisoners cause or attempt to cause bodily injury while effecting escape, firearms can be used subject to the right of private defence as given by Section 100, Indian Penal Code, i. e., when death or grievous hurt is caused or apprehended.

416. Examination of Prisoners' bodies. - When a prisoner is sent to the district jailor to the hospital, the escort commander, on delivering over charge of him to the jailor or the Sub-Assistant Surgeon, may require that the prisoner's body be examined to ascertain whether there are any marks of violence thereon.

417. Prisoners escorted to and from Burma or Pakistan. - In view of the separation of Burma from India it is not legally possible for the Police escort from India to Escort prisoners to Burma or *vice versa*. In the circumstances the prisoners from and to Burma must be handed over to the local Police at the port of disembarkation. Similarly in view of the separation of Pakistan from India, prisoners from and to Pakistan must be handed over to the local police at a convenient place in accordance with arrangements which should be decided upon previously in each case.

(G. L., H. D., No. 2689/5-D, dated 10th February 1948.)

SECTION IX - ESCORT OF TREASURE

418. Strength of escort of treasure by road. - Under ordinary circumstances, the following shall be the proportion and strength, whenever possible, of escorts of treasure, when it is taken by road whether on foot or by bus or any other type of vehicle:

Up to Rs. 5,000	....	2 Constables.
From Rs. 5,001 to Rs. 15,000	1 Head Constable	2 Constables.
From Rs. 15,001 to Rs. 40,000	1 Head Constable	3 Constable
From Rs. 40,001 to Rs. 1,00,000	1 Head Constable	5 Constable
From Rs. 1,00,001 to Rs. 2,00,000	1 I or II Grade Head Constable and, 1 III Grade Head Constable.	8 Constable
From Rs. 2,00,001 to Rs. 8,00,000	1 I or II Grade, Grade Head constable and 1 III Grade Head Constable.	3 Constable

Special circumstances may, however render a stronger escort advisable. Under such circumstances, the chief Police officer shall use his own discretion as to the extra number of men it may be advisable to supply a report to that effect being made at once to the Superintendent of Police.

(G. R., H. D. No. 1946, I, dated 13th October 1922 and G. L., H. D., No. 8265/4-D, dated 20th January 1945.)

420. Duties of escort of treasure by road. - (1) An officer-in-charge of the escort on receiving charge of treasure shall carefully examine the condition of the boxes, chests, etc. containing it, and also the seals, locks, hinges and other fastenings, and after doing so shall grant a receipt for the number of boxes entrusted to his care, and upon delivery he shall require a similar receipt from the person into whose charge he delivers it, for transmission to the remitting officer.

(2) On the escort being relieved, the commanders of the relieving and the relieved escorts shall jointly examine the condition of the boxes, chests, etc. and the state of the locks, hinges, seals, etc. with a view to discover whether they bear marks of damage or present the slightest indication of having been tampered with. After the examination, the commander of the relieving escort shall give a receipt specifying the actual condition in which he found everything committed to his charge.

(3) Halts for the night, shall, if possible, be in the vicinity of a Police post and spots shall be selected clear of thick jungle or old buildings, where a surprise by a gang of robbers might be attempted.

(4) Double sentries shall be placed on treasure, while halting on the march.

(5) On sentries being relieved, the relieving and relieved sentries shall both, in the presence of the escort commander, examine, as far as possible, the boxes or chests containing the treasure and satisfy themselves that the boxes, seals, locks, fastenings etc. have not been tampered with and are correct in number.

421. Strength of escort of treasure by rail. - (1) When treasure is to be escorted by rail only and not by road the escort shall be on the following scale : -

-----	By Day		By Night	
	Head Constable	Constable	Head Constable	Constable
1 to 10 boxes of treasures	--	2	1	3
11 to 20 boxes of treasures	--	2	1	3
21 to 30 boxes of treasures	--	3	1	4
31 to 40 boxes of treasures	1	3	1	5
41 to 50 boxes of treasures	1	4	1	6
For 1 locked van containing treasures	--	2	1	3
For every additional van	--	1	--	2

(G. R., H. D., No. 1946, dated 13th October 1922.)

(2) It is necessary to reserve a compartment for the carriage of Government treasure and its escort.

(J. D., Letter, No. 5796, dated 18th October 1907.)

(3) The minimum escort.. of each wagon loaded with treasure shall never be less than two Constable and a Head Constable. The escort may be increased proportionately to the value of the consignments by the number of men allowed free by the railway companies.

422. Duties of escort of treasure by rail.- (1) The Police officer who is to travel in charge of a remittance by rail, shall jointly with the remitting treasury or bank officer or the substitute deputed by that officer, superintend personally the loading of the vans, and shall receive a memorandum of instructions (in Form T. R. 67) and as many blank receipts, in the form set out in Sub-Rule (8) below, as there will be reliefs, which will be handed over to him by the treasury or bank officer. He will also receive from the remitting officer a memorandum in Form No. Try 221-e. in duplicate, stating the number of boxes delivered to his charge, the amount each box purports to contain and the officer to whom the boxes are to be finally delivered. The Police officer shall sign a receipt for these documents in the register maintained for the purpose by the remitting officer.

(2) The Police officer taking charge of an escort of treasure travelling by rail will not see the treasure packed at the treasury; but he will see the boxes weighed and satisfy himself that each box is properly secured before it is transferred to the van and that it is properly placed therein.

(3) The escort of treasure should be accommodated in a brake-van attached to the treasure-van or in the end compartment of the carriage next adjoining the treasure van, and the doors of the compartment occupied by the escort should never be locked.

(4) The escort officer will wire to the receiving officer the number of the train (passenger or goods) conveying the remittance and its hour of departure and will also wire again en route if any change in the train has been made or anything has occurred to delay its arrival.

(5) An officer relieving such an escort will see that the numbers of the wagons agree with those given in the blank receipt tendered for his signature that the locks are secure, that the seals are unbroken and bear no sign of having been tampered with, and that the locked doors of the van cannot be opened.

(6) The officer-in-charge of the escort and every officer-in-charge of relieving escort should be provided by the officer furnishing the escort or relief with a lantern which will burn all night, and should cause a sentry to alight at every alternate stopping place and ascertain that the locks have not been tampered with. During any long stoppage, a sentry must remain on duty by the door of the treasure wagon. If there be several such wagons, it will suffice to tell off two men, who may stand, one at each end of the wagons.

(7) In case of a break-down separating a convoy, the officer-in-charge should separate his party, attaching himself to the disabled portion.

(8) On delivering the boxes at the treasury to which they are addressed, he will obtain a receipt for “bags said to contain coin to the value of Rs. _____” or for “_____ boxes with marks and weights detailed in the invoice said to contain coin or notes to the value of Rs. _____”
If any box be of short weight or show signs of having been tampered with, it should be opened in the presence of the escort officer; otherwise, he should be allowed to return at once.

(7) The form of receipt to be used by a relieving escort should run thus :-

“Received charge from railway wagon No.	Police officer of said to contain	District of boxes
--	--------------------------------------	----------------------

aggregating Rs. (and so on). The wagons were duly locked and sealed and one key for each made over blank receipts to be given by other relieving escorts and the memorandum in Form No. Try. 221-e. in duplicate are also acknowledged."

The number and contents of each wagon should be detailed in case of a break-down. The receipts should be in English, if the Police officer is acquainted with that language, otherwise in the language ordinarily used by the officer. The officer to whom a receipt is passed will on completion of his duty produce the same before his departmental superior.

(10) If the seals on a wagon are broken or bear signs of being tampered with or if the wagon has not been sealed, it is the duty of the relieving escort officer to insist on the wagon being opened and the number of boxes counted before he gives a receipt to the relieved officer. In such cases the fact of the wagon having been opened and the number of boxes counted should be endorsed on the receipt.

(11) The escort officer will present the command certificate for examination to the remitting treasury or bank officer before the remittance is handed over to him. He should also present it for examination to the treasury or Bank officer taking charge of the treasure. The latter will satisfy himself that he is taking over the treasure from the officer named in the command certificate and will at the same time check the strength of the escort with that stated in the command certificate, noting any difference that he may find. When all is correct, he will merely sign the command certificate, and one of the duplicates of memorandum in Form No. Try. 221-e. in token of his having correctly received the treasure, and deliver the documents to the officer-in-charge of the escort, who will produce them before his departmental superior. The treasury or bank officer will send the other copy of the memorandum by post to the remitting treasury or Bank officer.

(12) Whenever any breach of these rules occurs, the officer-in-charge of the escort must insist on the treasure van being detached from the train and should immediately telegraph the facts to the remitting officer, to his own departmental superior and to the Traffic Manager of the railway.

(13) When a Potdar accompanies a remittance, he is responsible during the whole course of the journey for the contents of the boxes, and the Police act as an escort. The Potdar will not interfere in any way in the performance by the escort of his legitimate duties; but he must be permitted to satisfy himself that all necessary precautions are being taken. In the event of damage occurring to a box it is the duty of the Potdar to take over any coin that may fall out and to verify the contents and repack the box, if repacking becomes

necessary. The escort officer must not permit the Potdar to be interfered with in the execution of his duties.

423. Use of fireanns by escort of treasure.- Persons attacking and attempting to loot treasure may be fired upon, when the use of arms is necessary for the protection of the esoot or to overcome the violence of the persons making th attempt the order to fire in such an emergency being given by the escort commander. This course shall be resorted to only when the escort is convinced of the futility of all other means to defeat the attack and attempt to loot the treasure. The escort should always keep its firearms ready for immediate use in an emergency.

(1. G.'s No. 1256, dated 19th October 1945.)

SECTION X - RELIEF OF ESCORTS AND PAYMENT OF FARES

424. Relief of escorts of prisoners or treasure. - (1) Reliefs of escorts, when proceeding through and beyond the limits of the State of Bombay, will take place in accordance with the following table :-

Name of the starting station of the escort party requiring relief.	Station where the escort should be relieved	Designation and head-quarters station of the officer to whom notice is to be given.	How long notice is to be given before relief is required.	Remarks
1	2	3	4	5
Poona	Bombay (Dadar)	Superintendent, Armed Police Head-quarters, Naigaum, Bombay.	3 Clear days	...
Bombay Central	Ahmedabad	Reserve Inspector of Police, Ahmedabad.	Do.	...
Poona	Ahmednagar	Reserve Inspector of Police, Ahmednagar.	3 Clear days	....
Ahmednagar	Manmad	Reserve Sub-Inspector of Police, Nasik	Do.	....
Manmad	Bhusawal	Sub-Inspector of District Police, Bhusawal Town, Bhusawal.	Do.	....
Bombay (Victoria Terminus) Nasik.	Nasik Road	Reserve Sub-Inspector of Police, Naik.	Do.	....
	Bhusawal	Sub-Inspector of District Police, Bhusawal Town, Bhusawal	Do.	..
Poona	Sholapur	Reserve Sub-Inspector of Police, Sholapur	Do.	...
Sholapur	Wadi	Head Constable, Railway Police, Wadi Junction.	Do.	...For prisoners only..

(2) Except during the 10 days of the Mohurrum and the Ganpati festivals, escort proceeding from the North-East lines of the Central Railway to Gujarat and beyond and *vice versa* will be relieved by the Bombay City Police. Similarly except during the 10 days of the above mentioned festivals and the monsoon, escorts proceeding from the two lines to the coast districts of Kolaba and Ratnagiri and *vice versa* will be relieved by the Bombay City Police.

(3) During the monsoon (between 1st June and 15th October) when prisoners and treasure for the coast districts cannot be sent by sea, there being no regular service, and during the two festivals referred to above, prisoners and treasure to be sent to the coast districts should be despatched, by rail and road under District Police escorts.

(I. G.'s Nos. T-987, dated 3rd December 1901 and T-376, dated 9th February 1902 and G. Rs., J. D., No. 4594, dated 1st September 1904 and No. 7552, dated 25th November 1908.)

(4) In the case of all escorts parties accompanying prisoners or treasure, whether travelling within the State or proceeding from one State to another, the original despatching officer, *i.e.*, the Police officer who furnishes the escort at the first starting station, should give three clear days notice, by letter or by wire, to the Police officer-in-charge of the first relieving station, either in the same State or in another State, as the case may be, of the date and hour on which an escort for prisoners or treasure requiring relief will arrive. He should at the same time intimate the strength of the escort to be relieved and give a warning when the prisoners are dangerous. It will be the duty of the Police officer-in-charge of the first and subsequent relieving stations, either *in* the same or in other States, to arrange for the relief of such escort on arrival, and to give to the officer-in-charge of the next relieving station, till reaching the final destination, a similar three clear days notice and intimation regarding the strength of the escort to be relieved and warning when the prisoners are dangerous. Save in the most exceptional circumstance no requisitions for supply of a relief for inter-State escort should be refused.

(G. L., H. D., No. 6578/3-D, dated 27th May 1936.)

(5) Police escorts taking prisoners to Bombay for appearance in the Court of a Presidency Magistrate should, on arrival in Bombay, look out for a Bombay City Policeman who is expected to be present for guiding them to the Court in accordance with previous telephonic intimation to be sent by the Police officer despatching the prisoners to the Inspector, Esplanade Police Station, Bombay if by any mishap the City Policeman is not present at the time, the escort commander should go to the nearest Railway Police Station at Bombay Central or Victoria Terminus and telephone from there to the Esplanade Police Station asking for a guide, whose arrival should be awaited.

(I. G.'s No. 6, dated 25th February 1939)

(6) Escorts proceeding outside the State of Bombay will travel by the routes, and will be relieved at the stations outside the State, in accordance with the following table:-

Name of station of the escort party requiring relief.	Place of Destination	Route	Name of the first Station in each State where relief is given by the escort	Designation and headquarters station of the Officer to whom notice is required relief is to be given.	Remark
1.	2.	3.	4.	5.	6.
Bombay	Delhi and onwards	Via Godhra Rutiam, Nagda.	1. Mathura (in U.P.) 2. Delhi	Superintendent of Police Mathura. Senior Superintendent of Police, Delhi.	
Do.	Delhi and onwards	Via Ahmadabad and Marwar	1. Ajmer 2. Delhi	Reserve Inspector, District Police, Ajmer. Superintendent of Police, Ajmer.	
Do.	Delhi and onwards	Via Bhusawal Itarsi and Bhopal.	1. Khandwa (in M.P.) 2. Jhansi in (U.P.) 3. Delhi	Reserve Khandwa Superintendent of Police Jhansi. Senior Superintendent of Police, Delhi	
Do.	Allahabad and onwards	Via Bhusawal and Jodhpur (Central Rly.)	1. Khandwa (in M.P.) 2. Allahabad in (U.P.)	Reserve Inspector Khandwa Superintendent of Police, Allahabad.	
Do.	Calcutta	Nagpur (Central Rly.)	1. Nagpur in (Bombay) 2. Howrah in (West Bengal)	Reserve Inspector Nagpur. Superintendent of Police, Howrah.	
Do.	Calcutta	Jubbulpore (Central Rly.)	1. Khandwa (in M.P.) 2. Allahabad in (U.P.) 3. Gaya in (Bihar) 4. Buruwan in (West Bengal)	Reserve Inspector Khandwa. Superintendent of Police, Allahabad. Superintendent of Police, Gaya. Superintendent of Police, Burdwan.	

Name of station of the escort party requiring relief.	Place of Destination	Route	Name of the first Station in each State where relief is given by the escort	Designation and headquarters station of the Officer to whom notice is required relief is to be given.	Remark
1.	2.	3.	4.	5.	6.
Bombay	Patna	Central Rly.	1. Khandwa In (M.P.) 2. Allahabad in (U.P.)	Reserve Inspector in Khandwa Superintendent of Police Allahabad	
			1. Nagpur in (Bombay) 2. Howrah in (West Bengal)	Reserve Inspector in Nagpur Superintendent of Police 24-Pargans, Head-Quarters, Alipore.	
Do.	Madras	Central Rly	1. Wadi, Andhra Pradesh	(in Head Constable, Railway Police, Wadi Junction	For treasure only
Do.	Do.	Central Rly	Bezwada, Andhra Pradesh	(in District Superintendent of Police Kistna Head-quarters, Masulipatam.)	For treasure only
Dharwa	Do.	Southern Rly.	Bellary, A.P.	(in District Superintendent of Police, Bellary)	....
Do.	Bangalore	Southern Rly	Harihar, Mysore	(in Sub-Inspector Rly. Police, Asikeri )	....
Bombay	Shillong	Via Jubbulpur and Assam Valley.	1. Khandwa in (M.P.) 2. Allahabad in (U.P.) 3. Gaya in (Bihar) 4. Siliguri in (West Bengal) 5. Fakiragram in (Assam)	Reserve Inspector, Khandwa Superintendent of Police, Allahabad. Superintendent of Police, Gaya. Superintendent of Police, Darjeeling. Superintendent of Police, Goalpara, P.O. Dhubri (Assam)	....

(7) Escort parties with treasure going to and coming from the State of Madras will be relieved as under:-

(a) On the journey to Madras by the Central Railway via Manmad, by the Nasik Police at Nasik Road and the Madras Police at Bezwada,

(b) On the journey from Madras by the Central Railway, by the Nasik Police at Manmad.

(c) By the Central Railway via Sholapur and Wadi, by the Sholapur Police at Sholapur, and the Madras Police at Bezwada and vice versa.

(d) By Southern Railway via Sholapur and Wadi, by the Sholapur Police at Sholapur and the Madras Police at Guntakal and vice versa.

(J. D. Letter, No. 4497, dated 4th September 1905 and G. R., H. D., No. 1577/3, dated 11th April 1933.)

(8) In the case of escorts proceeding from this State to the Uttar Pradesh via Jhansi information should also be furnished to the relieving station as to the route' (Kanpur, Agra or Delhi, etc.) by which the destination in that State will be reached

425. Payment of fares of Police escorts.-(1) Subject to the modifications provided in Sub-Rule (3) below, the procedure for the payment of fares of an escort will be as follows:-

(a) Railway warrants for Police parties escorting either prisoners or treasure should be issued by the Superintendent of Police of the dispatching district up to the destination of the charge, whether it is within or without the State of Bombay. The tickets issued to the original escort should be handed over to each relieving escort at the relieving station and this arrangement has been permitted by the railway authorities.

(b) The railway warrants for the return journey of each escort should be issued before starting by the district to which the escort belongs, the charge being treated as one incurred in that district.

(2) The conveyance and other incidental charges involved in sending under trial prisoners from the State of Bombay to West Bengal, Uttar Pradesh, Madhya Pradesh, Assam, Madras or Delhi and Vice versa will be borne by the State sending them.

(G. M., H. D., No. 9203/2-C, dated 23rd November 1931, 10th January 1931, 4th March 1932, 25th February 1932, 18th August 1932, No. 9203/2, dated 7th January 1936, 9303/2-C, dated 6th May 1939 and 9207/2-D, dated 21st October 1943.)

426. Escorts supplied to other Departments.-(1) Officers of the Public Works Department should exercise their discretion in not re-questioning escorts except when they are clearly necessary. It is not necessary to have a Police escort for consignments of less than Rs. 1,000, save in exceptional circumstances.

(G. R., J. D., No. ~23, dated 6th December 1910.)

(2) Remittance of Forest revenue to treasuries and of advances to disbursers are ordinarily to be made through the Post Office. When however, that course is neither convenient nor advantageous and the

amount of remittance exceeds Rs. 1,000 one armed Constable may on requisition, be supplied to accompany Forest subordinates.

(G. R., J. D., No. 8114/ dated 21st November 1895 and G. B., J. D. No. 4593, dated 21st June 1912.)

(3) (a) Police escorts will be supplied to all Post Offices in the State of Bombay, whenever cash remittances of and above Rs. 10,000 have to be exchanged with a treasury or sub-treasury, or between post offices inter se provided that timely intimation is given by the Postal authorities concerned to the relevant Police authorities. ,

(b) When the escort for cash in transit is supplied for 24 hours or more, full cost thereof should be recovered from the Department of Posts and Telegraphs, because Police on duty continuously for 24 hours are required to be given one day off.

(c) When the escort is provided continuously during a month, the recovery should be on the monthly basis, irrespective of the non-working days, cost being calculated on the daily average basis only for occasions when the escort is supplied on different days or for broken periods during a month.

(G. R., H. D., No. 699/4, dated 2nd June 1953.)

Half the cost of Police escorts so furnished is to be recovered from the Department of Posts and telegraphs.

(4) The cost of Police Guards should be recovered from the Milk Department, Civil Supplies Department, and commercial undertakings. The cost of guards supplied to Bailiffs of the Judicial Department should not be recovered.

(G. R., H. D., No. 3977/7-H, dated 30th October 1956.)

427. Personal escorts.- (1) No Police escort shall be furnished unless specifically authorised, or as an exception in cases when an officer is in danger.

(2) As regards personal escort for the President of India and Governors, no definite rule can be laid down. The Superintendent of Police concerned is responsible for the safety and convenience of such personages and should take all measures to that end which he considers necessary.

(3) (a) When on tour the Ministers of the Government of India, the Chief Justice of the High Court of Bombay, Ministers of the Government of Bombay, Judges of the High Court of Bombay, the Chief Secretary to the Government of Bombay and the Inspector-General of Police should be severally entitled to an armed Police escort of one Head Constable and six Constables.

(b) The Director of Excise and Prohibition, Bombay, should be provided with an unarmed Police escort,

(C) The escort under this Sub-Rule should be supplied by the district in which an official is touring.

(G. R's. H. D., No. 7866, dated 11th February 1937 and P. and S. D., No. 6541/34, dated 18th -June 1943.) .

(4) No escort should be provided for the families of Rulers of former Indian States which have merged in the State of Bombay.

(G. E., H. D., No. S-20/9551-D, dated 9th February 1949 and I. G.'s No. 6331, dated 19th February 1949.)

SECTION XI-GUARDS AND ESCORTS FOR SICK OR INSANE PRISONERS AND PATIENTS

428. Sick or insane prisoners.-(1) When a prisoner in a sub-jail is suffering from an ailment which is such as to necessitate his being detained in the Civil Hospital for treatment, he shall, under the orders of the Civil Surgeon, be kept there or in some other duly appointed place, and a Police guard shall be applied for by the, Superintendent of the Jail. The patient's food shall be supplied by the hospital authorities, unless he JS an under trial prisoner and his relatives arrange to feed him.

(2) When any under trial prisoners are suffering from trifling ailments, they will be sent in charge of a Police escort to the Civil Hospital, daily or otherwise, as the Civil Surgeon may direct, for treatment.

(3) (a) In case of any under trial prisoners on admission complaining of being hurt or of having been beaten by the Police before admission into Jail, such prisoner shall be sent in charge of a jail escort without delay before the Civil Surgeon for examination.

(b) With a view to avoid the ,waste of manpower, the District Superintendents of Police, should approach their Civil Surgeons for providing a separate Ward as far as possible for all the prisoners undergoing indoor treatment in the Government Hospitals concerned. This Ward should then be provided with iron-barred doors and windows so that only one sentry would be able to guard them effectively.

(I. G.'s C. M., No. 5428, dated 9th July 1953.)

(c) The Police Guard in charge of detunes at Public Hospitals should see that any person seeking an interview with a detune undergoing treatment as in-patient in ~e Hospital is referred to the Superintendent of the Jail from which the detune has been removed to the Hospital, that no person is allowed to interview the detune without the previous written permission of the Superintendent of that Jail and that the interview held is in accordance with the conditions prescribed by the jail Superintendent.

(I. G.'s Conti. Cir. Memo. No. 5428, dated 25th A~ust 1956.)

(4) For instructions as to the handcuffing of sick prisoners, reference should be made to Sub-Rule (4) to (6) of Rule 4.11.

(5) Police escorts should be provided for the children of the Remand Homes when they are sent to Hospitals for treatment and brought back to Remand Homes whenever requisitions are made by the Remand Home authorities. They should also be guarded by the Police if they are admitted as indoor patients.

(I. G., C. M., No. 7517, dated 7th May 1954.)

429. Guards and escorts for insane patients.-For the guarding of insane patients in hospitals and escorting them to or from hospitals, reference should be made to Rule 289.

SECTION XII- POLICE ORDERLIES

430. Court orderlies.-(1) All Magistrates trying accused persons not in charge of the Police should have a Police orderly present in Court, when the trial is proceeding. Local arrangements should be made to supply orderlies for the time they are needed to such stipendiary Magistrates as have no permanent orderlies allotted to them. A Policeman as Court orderly must be invariably supplied to the Courts of Special Magistrates.

(G. R., J. D., No. 7475, cited 28th November 1902.)

(2) Orderlies for Magistrates should be selected from the armed branch. They should be men, who understand the regional language of the district, and if possible, such as can read and write. They should be changed once a month.

(3) Their ordinary duties in the Court should be as under:

(i) To be present in Court while the Court sits.

(ii) To keep the public from overcrowding or creating any disturbance and to maintain order in Court.

(iii) To arrest under the orders of the Magistrate any person found committing an offence in the presence of the Magistrate.

(iv) Under the orders of the Magistrate, to arrest and hand-cuff any person convicted and to take charge of him till the arrival of an escort.

(I. G.'s Mo. 1457-C, dated 29th January 1912 and 24th December 1925.)

(4) One Police Constable Orderly should be provided to each of the Commissioners of Divisions, irrespective of whether they are on tour or not.

(G. L., H. D., No. GRD. 1058/70733-V1, dated 8th December 1958.)

431. Personal orderlies for Police Officers.-(1) The allotment of orderlies for personal attendance on officers of the Police Department shall be as follows:- .

		Armed Head Constables	Armed Constables	Unarmed Constables
The Inspector-General of Police	...	1	3	..
1 The Commissioner of Police Bombay	...	1	3	...
The Deputy Inspector-General of Police. .	...	1	2	...
The Superintendent of police Districts, (Railways, Motor Transport and Wireless and the Deputy Commissioner of Police.	...	..	3	...
Assistant Inspectors-General of Police	...	..	3	...
Superintendents of Police, C. I. D.	..	...	3	...
Assistant Superintendent of Police or the Deputy Superintendent of Police in charge of District Sub-division.	..	...	2	...
Assistant Superintendent of Police or the Deputy Superintendent of Police, Railways.	..	..	2	...
Assistant Superintendent of Police or the Deputy Superintendent of ...Police, City Sub-Division.		...	2	...
Reserve Inspector			1	...
Inspector of Police				1
Reserve Sub-Inspector.			1	...
Sub-Inspector of Police in the mofussil.				

*Home Inspector is allotted a Pattawala in place of a Constable orderly. No armed constable (instead of Pattawala) should be used as Telephone orderly, at his residence.

2) The armed orderlies should not carry firearms or ammunition when merely employed on orderly duty.

(G. R., H. D., No. 1513/3-111, dated 27th June 1933 and G. L., H. D., No. 1513/3-111, dated 22nd December 1933.)

(3) No Police officers may use orderlies not authorised by Sub-Rule (1) above. No Police Motor Drivers shall be included among

orderlies except with the previous permission of the Inspector-General obtained on each occasion nor must a Police officer extract private work from Police orderlies. These orders must be observed very rigidly and failure to do so will entail severe action. All officers who have employed constable Orderlies as drivers should give the allowance to the driver;; at the following rates:

Inspector-General of. Police	..	..	Rs. 1.5 p. m.
Dy. Inspectors-General of Police	...	...	Rs. 15 p. m.
Superintendents of Police, Deputy Commissioners of Police and other officers of this Grade	...	...	Rs. 10 p. m.
Assistant/Deputy Superintendents of Police and Inspector of Police	...	...	Rs. 5 p. m.

(I. G.'s No. 4665, dated 8th October 1947 and 16th June 1948, and No. 4464-I/A, dated 20th September 1949 and 26th September 1957.)

CHAPTER X

SPECIAL ORGANISATIONS

SECTION I-CRIMINAL INVESTIGATION DEPARTMENT

432. Control over, and selection of, personnel of the Criminal Investigation Department.-(1) Subject to the general control of the Inspector-General of Police, the control of the activities and personnel of the Criminal Investigation Department of the State of Bombay rests with the Deputy Inspector-General of Police, Criminal Investigation Department.

(2) Officers required to constitute the personnel are selected, in \ the case of those of and above the rank of Deputy Superintendent by the State Government, and in the case of Inspectors and Sub-Inspectors by the Inspector-General of Police, and are posted to the Criminal Investigation Department by transfer from the districts.

(3) (a) Head Constables are seconded from Districts and Railways for duty in the Criminal Investigation Department normally for about five years, their selection being made by the Deputy Inspector-General of Police, Criminal Investigation Department.

(I. G.'s No. 55, dated 2nd November 1935,)

(b) During the period of his service in the Criminal Investigation Department, a Head Constable will retain his position in his own district on 'the next below' rule. This means that if anybody junior to him in the Hand Register is due to be promoted to a higher rank, the Head Constable seconded must be promoted and not superseded in his Home district.

(G. R., H D., No. CID-1354/57537-V, dated 30th September 1957.)

433. Designation and Transfers.-(1) Officers and men while serving in the Criminal Investigation Department will have the word 'Detective' prefixed to their ranks (e. g. Detective Inspector) In order to facilitate their specialization in different branches of the Criminal Investigation Department, frequent transfers of such officers and men will be avoided.

[I. G.'s No. 30 (6910), dated 2nd September 1950.] ..

(2) Officers employed in the Criminal Investigation Department can be employed in any district or place in the State to which the Inspector-General of Police or the Deputy Inspector-General of Police, Criminal Investigation Department directs them to proceed, in the exercise of his powers under Section.5 of the Bombay Police Act.

(3) Officers and men of the State Criminal Investigation Department Branches, Greater Bombay Criminal Investigation Department Branches, Local Crime Branches, Local Intelligence Branches and Anti-Corruption and Prohibition Intelligence will perform their duties and appear in Courts in plain clothes.

(G. L., J. D., No. 7534, dated 22nd November 1901.)

434. Functions of the Criminal Investigation Department.-The Functions of the Criminal Investigation Departments are:-

(a) the collection and collation of information regarding political, communal and other similar development in the State;

(b) the control of specialized or professional crime throughout the State; and

(c) the investigation of specialized crime, when of sufficient importance, and of specially important cases.

The staff has been divided into various branches to perform these functions.

Intelligence Branch

435. Function of the Intelligence Branch.-The main function of this branch is to collect information regarding political, communal, industrial and other similar movements in the State and to keep Government informed of the same.

437. Working of the Crime Branch in Greater Bombay.-The Crime Branch in Greater Bombay is divided into various branches, and each branch into convenient sections to deal with the different types of crime and other work as mentioned below:-

I. *Detection of Crime Branch (Violence Section):-*

The following are the duties of this Section:-

1. Visits to Police Stations and scenes in cases of :-

- (i) Murder and attempted murder.
- (ii) Dacoity and serious robbery.
- (iii) Arms Act cases and possession of arms by bad characters.
- (iv) Explosions and serious fires.
- (v) Sabotage and violent political crime.

2. Investigation of C. I. D. cases of the above mentioned types, where accused have been arrested by the 'Detection of Crime' branch and cases entrusted by the Deputy Commissioner of Police (Crime), and the Commissioner of Police.

3. Preparation of the POLICE NEWS and the Annual Administrative Report of Crime Branch.

4. Maintenance of the DISGUISE DEPARTMENT.

5. Co-operation to the District Police and other counter-parts in the Indian Union.

II. *Detection of Crime Branch (House break 'and theft section):-*

The duties of this Section will be :-

1. Visits to Police Stations and scenes in cases of :-

(i) Housebreaking and theft when the Modus Operandi is bar-bending, pipe-climbing, roof-breaking, safe-breaking, wall-breaking or boring a hole through a wall.

(ii) Housebreaking and theft and theft without housebreaking in which the value of the property involved exceeds Rs. 5,000.

(iii) Kidnapping children for the purpose of theft.

(iv) Uttering or counterfeiting foreign currency.

(v) Theft of motor cars.

(vi) Forgery of currency notes and counterfeiting of coins.

2. Investigation of C. I. D. cases of the above mentioned types.

3. Preparation of Crime Statistics.

III. *General Branch:-*

Investigation of C. I. D. cases and Magisterial enquiries concerning the following types of offences:-

(1) Criminal breach of trusts and cheating when the cases are important or complicated, particularly those involving banks, , registered companies and big business concerns.

(2) Forgery.

(3) Bogus or suspicious firms.

(4) Counterfeiting and improper use of trade marks and labels and adulteration of goods.

(5) Unlicensed lotteries and prize competitions.

IV. *Prevention of Crime Branch:-*

Deals with:-

(1) Externment work.

(2) Deportation.

(3) Action under the Preventive Detention Act, 1950.

(4) Up-country criminals.

(5) Matters concerning t-he Bombay Habitual Offenders Act, 1959.

(6) Applications from prisoners in jails.

- (7) Applications from externees desiring to visit Bombay.
- (8) Matters concerning criminals against whom orders have been passed under Section 565, Criminal Procedure Code.
- (9) Arrest of returned externees.
- (10) Correspondence and surveillance work in connection with up-country habitual offenders and history sheeters who transfer residence to Bombay.
- (11) Surveillance over the activities of local criminals for the purpose of taking preventive action.
- (12) Investigation of cases involving criminal gangs.
- (13) Preventive action against known Mawalis, known gamblers, known bootleggers and other anti-social elements.
- (14) Monthly preventive action review.

V. Vigilance Branch: -Deals with:-

Detection and investigation of the following types of cases:-

- (i) Offences connected with obscene objects and literature.
- (ii) Offences under Suppression of Immoral Traffic in Women and Girls Act, 1956.
- (iii) Intricate cases of kidnapping and/or rape.
- (iv) Maintenance of histories of juvenile offenders.
- (v) Disposal of correspondence from Police Stations on the subject of missing minors.
- (vi) Maintenance of an index of prostitutes, pimps managers known brothels etc.
- (vii) Arrangements for escorting women and juvenile prisoners.
- (viii) Supervision of the women Police Constabulary.
- (ix) Work and correspondence in connection with the 'Juvenile Aid Police Unit'.

VI. Juvenile Aid Police Unit:-

This Unit functions as a sub-branch of the Vigilance Branch, with the following staff: -.

- 1 Lady Sub-Inspector,
- 1 Male Head Constable,
- 1 Female Head Constable,
- 4 Male Constables and
- 5 Female Constables.

and deals with all cases of juveniles taken charge of by the Unit and the Police Stations.

VII. *Pathan Branch:-*

This branch undertakes:-

- (1) General supervision over the activities of Pathans in Bombay
- (2) Deportation to native places of Pathans.
- (3) Verification of character and antecedents of Pathans employed in Government and semi-Government.. institutions.
- (4) Assistants to the Sectional Police in cases in which Pathans are concerned including interrogation of parties concerned.
- (5) Maintenance of a register of Pathans sent by Police Stations.
- (6) Attention to labour disputes and investigation of suitable cases in which the parties concerned are Pathans.
- (7) Registration of Tribal Pathans under the Registration of Foreigners' Rules 1939, restriction of their movements and general control of Tribal Pathans within the scope of the Registration of Foreigners' Act and Rules.

VIII. *Crime Record Branch:-*

Dealing with:-

- (1) Maintenances and indexing of all files and papers of crime subjects.
- (2) Dispatch and distribution of all Crime Branch (I) correspondence.
- (3) Destruction of old records in accordance with the rules laid down.

IX. *Modus Operandi Bureau :-*

- (1) Registration of criminals and maintenance of their records etc., as specified in Appendix XXX, Part II.
- (2) The photographic section of Modus Operandi Bureau will work in accordance with the provisions mentioned in Appendix XXX, Part III.

X. *Finger Print Bureau:-*

- (1) Maintenance of Finger Print records of criminals and searches to trace antecedents of arrested persons etc., in accordance with the rules laid down in the Finger Print Manual.
- (2) The experts attached to this Bureau will also visit scenes of crime etc., when called upon by Police Stations and branches in

accordance with the orders on the subject issued from time to time.

XI. Anti-Gambling Squad:-

Anti-gambling work.

(C. P.'s S. as. Nos. 99, 10 and 139).

438. Reporting of losses etc. of Arms and Ammunitions.-(1) The following instructions regarding the reporting of losses and thefts of Government and private firearms and ammunition capable of being used for military purposes, and their smuggling into India should be carefully followed:-

(a) Under military regulations, Officers Commanding detachments report the loss or recovery of arms, important components or ammunition to the Superintendent of Police. The Superintendent of police is then responsible for all further actions for tracing the recovery of the lost or stolen articles.

(b) Reports should be made by the Superintendent of Police to the Criminal Investigation Department of the loss, theft or recovery of arms, important components and ammunition coming under the following categories, of which they may receive information from any source, whether military, civil or private:-

- (i) Machine guns, light automatics, grenades and articles of Indian Air Force armaments.
- (ii) Rifles, revolvers and pistols, Government or private.
- (iii) Barrels and bolts of .303 bore.
- (iv) Ammunition for cannon, machine guns and high velocity rifles.
- (v) High explosives, whether in bulk or in made-up charges, including fuses and detonators.

(c) (i) Reports concerning items of the above categories should be made by telegram, wherever there is prima facie evidence or reasonable suspicion of a recent theft. In other cases, reports should be made by letter. In all cases every effort must be made to include, either in the initial report or in a very early continuation report, the fullest possible details both for the identification of the missing arms, components or ammunition and as regards the methods of identity of the thieves.

(ii) The Criminal Investigation Department, on receipt of reports according to the above instructions, will be responsible for the direction of suitable action for detection and recovery.

(d) A return of all identifiable arms etc. lost, stolen or recovered should be maintained by the Criminal Investigation Department and should be sent in annually to the Director, Intelligence Bureau,

(e) All reports of losses, thefts and recoveries of arms etc. should be published by the Criminal Investigation Department in its reports must invariably include all details necessary to establish the identity of any particular weapon or component part.

(f) 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 viz.: -

(i) When the theft appears to be the work of Ut Khels or other professional rifle thieves;

(ii) 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 Criminal Investigation Department, and copies of all subsequent reports submitted by the Superintendent of Police should also be sent to him.

(g) 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 Criminal Investigation Department. The reports regarding recoveries should include 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.

(h) No report need be made under this Rule in the case of the loss or theft of smooth bore weapons, ammunition for such weapons, swords, bayonets or accoutrements. Converted Martini-Henries and Sniders are classed as smooth-bore weapons.

(i) Deliberate attempts to smuggle arms and ammunition 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.

(j) In all instances, full particulars of the articles seized, such as the maker's name, place of manufacture, number, bore and other distinguishing marks in the case of firearms, and maker's name bore and distinguishing marks in the case of cartridges should be communicated at the time the report is made or as soon afterwards, as possible. Information, if available, obtained from the smuggler, or otherwise, as to where, when and from whom the weapon etc. were obtained should also be given. Whenever a prosecution is initiated with respect to a reported case of smuggling of, or attempt to smuggle, arms and ammunition the result should also be communicated to the Director, Intelligence Bureau,

(2) These instructions do not affect the quarterly returns of arms and ammunition seized by the Customs, which should continue to be submitted by the Criminal Investigation Department of maritime States and the States having air-ports in their jurisdictions. .

(3) Reports required by clause (b) of Sub-Rule (1) should, so far as Greater Bombay is concerned, be made by the Commissioner of Police, Bombay.

(4) The reports required under clause (i) of Sub-Rule (1) regarding attempts to smuggle arms and ammunition at the port of Bombay should be made to the Director, Intelligence Bureau, by the Collector of Customs through the Commissioner of Police, Bombay, Reports of similar attempts at the minor ports in the State of Bombay should be made by the Collector of Salt Revenue through the Deputy Ins-) Inspector-General of Police, Criminal Investigation Department, State of Bombay. Smuggling at the land frontiers and the discovery of smuggled firearms should be reported, in Greater Bombay by the Commissioner of Police, Bombay, and elsewhere in the State, by the Superintendent of Police concerned through the Deputy Inspector-General of Police, Criminal Investigation Department. Copies of all such reports should be submitted to Government in the Home Department (Political). The officers concerned should see that these instructions are strictly carried out.

(G. of I. I. B., M. H. A. Circular No. 17A and A/48, dated 25th May 1949 and I. G.'s File No. 2368.)

(5) Procedure in Greater Bombay.--(a) All cases of losses, thefts or recoveries of arms of ammunition in Greater Bombay should be reported to the Deputy Commissioner of Police, arms Department Crime Branch and Special Branch by the officer-in-charge of the Section, as the close co-ordination of these three departments is necessary for the investigation of such cases. All such reports should be accompanied by statements in either Form No. 22 (A) or Form No. 22 (B), Appendix I, whichever is applicable. (b) Should any seafaring man be arrested by the Police in connection with unauthorized possession or smuggling of arms/ammunition, he should be sent to the Crime Branch, C. I. D" together with a report including the name of his ship, shipping certificate number and names of ports visited by his ship, in addition to the particulars to be furnished under Sub-Rule (a) above.

(C. P.'s S. O. No. 85.)

439. The Administration of the Habitual Offenders Act LXI of 1959.--(1) The Criminal intelligence Branch is charged with the co-ordination of the working of the Bombay Habitual Offenders Act, LXI of 1959 and the rules there under in all the districts of the State, so far as it relates to restricted persons outside settlements.

(2) Its chief functions in this respect will be :-

(i) to watch variations in crime in the districts in their relation to the activities of habitual criminals and to advise and guide the

District Police as to the measures to be taken under the Habitual Offenders Act;

(ii) to disseminate intelligence in connection with restricted persons by publication in the Bombay Police Gazette;

(iii) to co-operate and co-ordinate measures with the Reclamation Officer, the Bombay City Police and other States;

(iv) to examine all proposals emanating from the Deputy Commissioner of Police, Crime Branch, Bombay, or the District Superintendents of Police for the internment of restricted persons in settlements; and

(v) to advise the District Police on all questions relating to the administration and interpretation of the Habitual Offenders Act and the rules made there under.

(3) All proposals for the internment of restricted persons in settlements, addressed by the Deputy Commissioner of Police, Crime Branch, Bombay, to the Commissioner of Police, or by a District Superintendent of Police to the District Magistrate should be submitted through the Deputy Inspector-General, Criminal Investigation Department and the Reclamation Officer.

Criminal Investigation Branch

441. The Criminal Investigation Department to be kept in touch with important and organized Crime.-(1) It is essential that the Deputy Inspector-General of Police, Criminal Investigation Department, should be kept informed of the state of important and organized crime, especially when committed by professional criminals, throughout the State, so that he may be able promptly to furnish assistance or information in connection therewith.

(2) (i) Assistant or Deputy Superintendents In charge of Sub-Divisions will therefore, prepare and submit to the Deputy Inspector-General of Police, Criminal Investigation Department, along with copies of their weekly diaries, week by week, a crime statement, giving details of all offences falling under the following heads which have been reported to them during the week:-

(a) Offences against coinage' and currency notes

(b) Administering of poison or drug for gain.

(c) Thefts involving loss of property worth Rs. 2,000 or more.

(d) Robberies other than those included under Rule 134 (1) involving loss of property worth Rs. 500 or more.

(e) Criminal breach of trust involving loss of property worth Rs. ,2,000 or more.

(f) House-breakings with thefts involving loss of property worth Rs. 1,000 or more.

(ii) A Superintendent in charge of an undivided Districts or Rail-way charge or in charge of a sub-division in a pot fully sub-divided District or Railway charge will submit a similar weekly statement direct to the Deputy Inspector-General of Police, Criminal Investigation Department, and to the Range Deputy Inspector-General of Police.

(iii) The cases entered in the statement will be numbered serially from the beginning of the calendar year and their disposal by the Police and Courts will be entered in the statement as soon as known.

(I. G.'s No. 152-IV, dated 30th June 1947.)

(3) Whenever statements or confessions made to the local Police, disclose the existence of an organization for the commission of crime falling within any of the categories mentioned in Sub-Rule (2) and extending over more than one district, copies of such records should be forwarded to the Deputy Inspector-General, Criminal Investigation Department.

(4) Superintendents of Police will report at once to the Deputy Inspector-General, Criminal Investigation Department, the arrest within their jurisdiction of any gang of persons suspected to be professional criminals.

(I. G.'s No. 51, dated 1st May 1926 and No. 73, dated 18th June 1926.)

(5) Any sudden and serious outbreak of offences other those enumerated in Sub-Rule (2), which presents any unaccountable peculiarity, excites public interest or alarm or is likely to assume importance from a political or social point of view, should be reported forthwith to the Deputy Inspector-General, Criminal Investigation Department.

(I. G.'s No. 18, dated 13th March 1925)

- (6) The details of all temple thefts and burglaries and other the in which property worth ore than Rs. 5,000 is involved should be reported to the Deputy Inspector-General of Police, Criminal Investigation Department at once to enable him to co-ordinate all cases of thefts and burglaries in which property worth more than Rs. 5,000 is involved.

442. Applications for Assistance of the Criminal Investigation Department.-(1) When a District Magistrate or a Superintendent of Police requires the assistance of the Criminal Investigation Department in any matter in which he considers the Criminal Investigation Department are socially Qualified to make enquiries he should communicate the facts to the Deputy Inspector-General, Criminal Investigation Department, who will comply with the request to the best of his ability, having regard to other calls on his staff.

(2) In all cases in which a request for the assistance of the Criminal Investigation Department is refused, the Deputy Inspector-General should inform the Inspector-General of Police.

443. Power of Deputy Inspector-General, Criminal Investigation Department, to take up Enquiry.-Whenever the Deputy Inspector-General, Criminal Investigation Department, considers that special, enquiry is called for in any case although no request for the services of the Department has been received from the local authorities, he may institute enquiries after informing the District Magistrate of the district concerned of his intention to do so.

444. Intimation to Local Officers.- When an officer of the Criminal Investigation Department visits a district in the course of an investigation, intimation should always be ,given to the Superintendent of Police concerned either by the officer himself on arrival in the district or by letter direct from the office of the Deputy Inspector-General of Police~ Compliance with these orders is specially necessary, if any member or members of the Criminal Investigation staff find that they have to carry their investigation into districts beyond the jurisdiction of this State.

(G. R., J. D., No. 2818, dated 30th April 1902.)

445. Assistance to the Criminal Investigation Branch.-(1) In all investigation undertaken by the Criminal Investigation Branch, the local Police will render assistance as required by the Deputy Inspector-General, Criminal Investigation Department in respect of cases or matters under investigation by the Deputy Inspector-General Criminal Investigation Department.

(2) The Commissioner of Police. Bombay will assist officers deputed by the Deputy Inspector-General, Criminal Investigation Department is respect of cases or matters under investigation by the Criminal Investigation Branch.

(G. R., J. D., No. 5950, dated 15th November 1905.)

446. Control of enquiries undertaken by the Criminal Investigation Department.-(1) In cases taken up by the Criminal Investigation Department, of which the ramifications extend to two or more districts, the Deputy Inspector-General, Criminal Investigation Department, is the controlling officer, subject to the general control of the Inspector-General.

(2) In such cases as concern a single district, the Deputy Inspector-General, Criminal Investigation Department, has authority to exercise, through the Superintendent of Police concerned, a general control over the investigation, and the Superintendent of Police shall not, except in an emergency or when, in his opinion, no other logical course can be followed, radically alter the normal course of the investigation without that officer's concurrence.

(3) In any case which has been taken up by the Criminal Investigation Department, should a Superintendent of Police consider that proceedings instituted in connection therewith before a Magistrate should be withdrawn, he should submit his recommendations to his District Magistrate through the Deputy Inspector-General, Criminal Investigation Department.

(G. R. H. D., No.. 3859, dated 25th June 1924.)

447. Finger Print Bureau.-(1) The working of the Finger Print Bureau forms part of the activities of the Criminal Investigation Branch. Detailed orders regarding, the working of the Bureau are published in the Finger Print Bureau Manual.

(2) The co-operation of the Bureau with Criminal Intelligence Branch will be governed by instructions issued by the Deputy Inspector-General, Criminal Investigation Department.

448. State examiners of Questioned Documents.-State Examiners of Questioned Documents attached to the Criminal Investigation Department undertake :-

(a) the examination of disputed documents, whether hand-written or type-written (vide Rules 165 and 166);

(b) the examination of articles under the ultra-violet lamp (vide Rule 163).

449. Photographic Bureau.-(1) The State Examiners of Questioned Documents conduct the Photographic Bureau of the Criminal Investigation Department which, besides taking photographs on the important ceremonial occasions and supplying photographs required for identity cards of Police officers, supplied readable photo-graphic copies of important documents very speedily by micro-filming process, in which the original documents can be returned immediately after taking exposures, and also supplies same size photographic copies of documents without the aid of a camera by, reflex copying process with the help of a Rectophot machine,

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(2) When in any district it is considered necessary to photograph prisoners or criminals, the photographs should be obtained locally after obtaining the previous sanction of the Deputy Inspector-General of Police, Criminal Investigation Department, the cost being met from the contract contingencies under that officer's control.

SECTION II-BOMBAY STATE POLICE MOTOR TRANSPORT

451. Object of the Police Motor Transport.-(i) In order to facilitate quick movements of the Police Force in the State and to make the force self-sufficient in the matter of transport required for the performance of duties, especially in times of emergencies such as riots, communal or other disturbances, strikes. etc. a certain number of motor road vehicles and water-crafts of different types have been provided for all districts (including the Railways) and State Reserve

Police Force Groups, the distribution being based on the varying needs of each district or unit. The vehicles are ordinarily kept at district Head-quarters, but are also in some cases allotted to important Police Stations in the districts. The water crafts are posted at important points on the coast and in the interior.

(ii) *Main types of Vehicles used*-Mostly petrol vehicles of the following types are used: -

Class		Type
*3 to 3.5 ton (4 x 2)	...	Personnel Carrier, Prison Van. Goods Truck.
1 ton to 15 Cwt. (4 x 2, 4 x 4)	...	Light Vans, Personnel Carrier, Prison Van. Ambulance
0.5 Ton. 4x2, 4x4	...	Station Wagon.
0.25 Ton, 4 x 4	...	Jeep or Land Rover.
5.00 CC or 3.50 CC	...	Motor Cycle and Sedan Cars.

* 3 to 3,5 Ton Diesel Vehicles are used in cases where they are found to be economical e.g., where a vehicle has to do regular runs of 2,500 miles or more per month.

(iii) *Special types of Vehicles*.-These include:--

- (a) Mobile Canteen;
- (b) Mobile Workshop Van,
- (c) Workshop Wreckor or recovery Van
- (d) Road-cum-Rail Jeep or Light Van.
- (e) Petrol tanker,
- (f) Water tanker, .
- (g) Trailor,
- (h) Amphibian.

Scales of Vehicles are given in Appendix XXXI.

452. Organization of the Police Motor Transport.-(1) The Motor Transport Section consists of (i) District Motor Transport Section at the Head-quarters of each District and (ii) Motor Transport Work. shops at Poona, Aurangabad, Nagpur, Baroda and Rajkot. (2) The District Motor Transport Sections which consist of motor vehicles as well as water crafts in some districts are generally under the control of the Superintendent of Police of the District or the Commandant of the State Reserve Police Force Group, as the case may be. However, they are under the technical supervision of the Superintendent of Police, Motor Transport.

(3) The Motor Transport Workshops are directly under the control of the Superintendent of Police, Motor Transport. The Superintendent of Police, Motor Transport, is assisted by a Deputy Superintendent of Police at Head-quarters and by three Police Inspectors, Motor Transport; each one in charge of the Northern, Southern and "Eastern Zones respectively. At the District Head-quarters the Reserve Inspector/Sub-Inspector is generally responsible for looking after the Motor Transport Section, whereas at the Head-quarters of the State Reserve Police Force Groups, this responsibility lies with a Sub-Inspector, Motor Transport. These officers are assisted by qualified Head Constable Supervisors to super-vice the day-to-day work of the drivers, keep the stores and maintain M. T. records. In addition there is a staff of driver mechanics of the grade of Head Constable I to III or civilian fitters for looking after the maintenance and running repairs of Police Motors vehicles. The necessary number of Driver Constables for driving the vehicles are attached to the district or State Reserve Police Force groups concerned. They are trained from the strength of the District/Group and I receive a Driving Allowance according to the rules. In addition, Constables trained in driving and having driving licenses are appointed as Emergency Drivers and they get an allowance of Rs. 2 per month.

(4) The Police Motor Transport Workshops are in charge of a Police Inspectors, Motor Transport (Foreman), who are assisted by Sub-Inspectors, Motor Transport and other technicians, including drivers and tradesmen. The workshops are' equipped to carry out major repairs and reconditioning of motor vehicles.

(5) A Mobile Workshop Van fitted with equipment and manned by technicians is attached to each Range Workshop. This Mobile Workshop tours the various districts within the Range at frequent, regular intervals and repairs vehicles on the site; Second Line repairs are carried out by the Mobile Workshop. Similarly a Marine Mobile Repair Van and Crew are stationed at Poona which tours the whole State wherever Police Water Crafts are stationed. Repairs to water-crafts are carried out at site by this Mobile Van.

453. Driving License.-(1) Every driver constable must be in possession of a valid civil driving license. Emergency Police Drivers should be used as regular cleaners and garage assistants (i e. for cleaning, oiling, greasing, servicing etc.). The Police Inspector, Motor Transport, will test all such Drivers, as occasion permits.

(2) Government vehicle Drivers who are certified as such by the Superintendent of Police, are exempted from paying testing and, Driving License fee and renewal fee,

[I.G's No. 32-MV. dated 24th June 1947 and I.G's No.4.167-V,
dated 7th August 1947 and Bombay M. V.' Rules (1959) Section : ' 3 (a) and 24 (a) (i)

454. Duties of the Police Motor Transport Staff.-(1) The following are amongst others the main duties of the Superintendent of Police, Motor Transport, State of Bombay, Poona :-

(i) To advise the Inspector-General of Police on all matters regarding Motor Transport, especially in those cases where expert knowledge is called for.

(ii) To deal with such questions regarding Police Motor Transport I .as affect the whole State and to advise Superintendents of Police and Commandants of the State Reserve Police Force Groups on the technical side or the question of Motor Transport in their districts

or Groups.

(iii) To control and supervise Police Range Motor Transport Workshops and Stores.

(iv) To inspect Police Motor Transport Branches in the districts, Motor Vehicles, Launches, boats and amphibians in the State and to see that they are well maintained.

(v) To test persons for being appointed to the post of Technicians, Driver Mechanics, Fitters, Drivers, Tradesmen, etc., to arrange and conduct training of Motor Transport Staff and to hold upgrading tests.

(2) *Duties of the Deputy Superintendent of Police, Motor Transport, Head-quarters :-*

(i) He will supervise the work of all the branches in the office .of the Superintendent of Police, Motor Transport. State of Bombay.

(ii) He will carry out such duties as the Superintendent of Police, Motor Transport. State of Bombay, may from time to time assign to him, such as :-

(1) Inspection of Police Motor Transport Sections, Motor Vehicles, Launches, Dinghies, Amphibians, -etc.

(2) Interviews and tests of persons for appointment as Driver Mechanics, Fitters and other Tradesmen, etc.

(3) Inspection and supervision of the work of Police Inspectors, Motor Transport; Police Inspectors Foreman, Workshops; Police Inspector, Launch Maintenance Officer, etc.

(4) To conduct special inquiries in connection with-

(a) Serious accidents to Police vehicles,

(b) Unsatisfactory working of Motor Transport Section or any individual Motor Transport staff.

(c) In disciplinary conduct of Motor Transport Staff, departmental proceedings, etc.

(5) He will supervise and conduct if required, training courses for Drivers, Driver Mechanics, Dinghy Drivers, etc.

(iii) Normally, he will deal with all routine tapal save references from Government, Inspector-General of Police and other higher authorities. In case the Superintendent of Police, Motor Transport is out of Head-quarters, he will deal with all urgent references from Government or higher authorities, provided replies can be given within limits of decided policies.

(3) *Duties of the Police Inspector, Motor Transport (Zone).*-The Police Inspector, Motor Transport (Zone) will perform the following main duties amongst others:-

(i) Test candidates for appointment as Driver Constables; arrange and conduct training of Drivers.

(ii) Inspect thoroughly Police Motor Vehicles in the Districts under his charge and issue defect memos, where necessary.

(iii) See that the defects pointed out during inspection are remedied by those concerned.

(iv) Scrutinize estimates of repair work sent to him by the Superintendent of Police.

(v) Assist in the, procurement of Spare Parts, etc., from wholesale Dealers at concessional rates.

(vi) Carry out such duties as the Superintendent of Police, Motor Transport, State of Bombay may from time to time assign to him.

(vii) Supervise the work of Drivers, Mechanics, Motor Transport Supervisors, Syrangs, Fitters, etc. and guide them as and when necessary.

(viii) Maintain contact with the officer-in-charge of Motor Transport in each District or State Reserve Police Force Group in his Zone; advise him on all technical matters when necessary and also to assist in running and maintaining the Motor Transport in the district as efficiently -as possible.

(ix) Check the records in respect of Police Motor Vehicles, Stores, tools, and petrol consumption and to point out irregularities etc., if any.

(4) *Duties of POlice Inspectors (Technicians), Police Sub-Inspectors (Technician) and other Transport Officers in. District of State Reserve Police Force Groups,*

(i) The Motor Transport Officer is directly in charge of the Motor Transport Section of a District or State Reserve Police Force Group to which he is posted.

(ii) He is under the control of the District Superintendent of Police or Commandant concerned for administrative purposes and under the technical control of the Superintendent of Police, Motor Transport, State of Bombay, Poona.

(iii) He is responsible to inspect thoroughly all vehicles in his charge periodically and to maintain them in tip-top roadworthy condition always as far as possible.

(iv) He will control and supervise the work of all branches in the Motor Transport Section under his charge such as:-

- (1) Traffic.
- (2) Repairs and maintenance.
- (3) Transactions of Stores (P. Q. L. and Spares etc.).
- (4) Maintenance of various Motor Transport records.
- (5) Administrative.

(v) He will make necessary arrangements for inspection of the Motor Transport Section in his charge by superior officers and keep all the Stores, ledgers and other Motor Transport records up-to-date. He will also take necessary action and comply with instructions and inspection notes promptly.

(vi) He will ensure proper allocation of duties to his subordinate staff and maintain their efficiency and discipline.

(vii) He will bring to the notice of his controlling officer promptly all cases of irregularities, indiscipline, misuse of vehicles, accidents, etc.

(5) Duties of Police Inspector Foreman, Workshop :-

(i) He will be the officer directly responsible as Manager and immediate executive of the workshop in his charge and will work under the control of the Superintendent of Police, Motor Transport.

(ii) He will supervise and control the work of all the branches in the Workshop and maintain discipline and efficiency of the Police Central Motor Transport Workshop.

(iii) He will be responsible for Repair Estimates and final inspection of repaired Vehicles and will test them, before delivery, to complete satisfaction.

(iv) He will be responsible to maintain prescribed out-put of work of the Workshop. He will take necessary action to ensure that progress of work is not hindered due to delay in supply of stores or labour and other avoidable difficulties.

(v) He will carry out personally periodical checks of Spare parts, machines, stores, etc. and will ensure smooth and efficient working of store transactions and see that there are no irregularities.

(vi) He will promptly bring to the notice of the controlling officer cases of indiscipline, accidents, irregularities, etc. for necessary action.

(vii) He will see that all machinery, tools and other Workshop equipment in his charge are maintained in good condition.

(viii) In short: he will strive to maintain high efficiency in the Workshop in his charge.

(6) Duties of the Police Inspector, Launch Maintenance Officer, Poona :-

(i) He is In direct charge of the Marine Mobile Workshop which is organized for repairing the Police Water Craft in the districts in Bombay State.

(ii) He will periodically inspect all the Water Crafts stationed at different places in the State and will supervise the working of Launch Mobile Repair Crew as well as the personnel working on different Water Crafts.

(iii) He will work under the direct control of the Superintendent of Police, Motor Transport, State of Bombay, Poona and shall carry out any other special duties assigned by him from time to time.

(iv) He will also inspect the Stores and the records of Water Crafts in the various Districts and see that they are properly maintained.

(v) He will personally carry out periodical checks of all the stores and equipment in his charge and also Stores, equipment, tools, etc. supplied, to various Water Crafts and will advise the District Superintendents of Police, when required, regarding the same.

(vi) He will draw up the technical reports and condemnation proceedings in respect of condemned Water Craft and will be a member of the Condemnation Committee in place of Police Inspector, Motor Transport (Zone).

(vii) He will advise the District Officers regarding running and maintenance of the Water-Craft if called upon to do so. He will promptly bring to the notice of the controlling officer concerned as well as the Superintendent of Police, Motor Transport, State of Bombay, Poona, all cases of indiscipline, accident and irregularities, for necessary action.

(viii) He will assist the District Police Officers, if required, in procuring spare parts and such other material required by them for their Water Craft.

(ix) He will see that proper storage arrangements are made for the Water Craft during monsoon when they are not in commission. He will advise the concerned District Officers with a view to ensure that adequate sheltering arrangements are made in time in order to avoid any damage and deterioration of Water Craft.

(x) In short, he will strive to maintain high efficiency in the working of Marine Mobile Workshop as well as the various Water Craft stationed at different places in the State.

(xi) He will assist the Superintendent of Police, Motor Transport, State of Bombay, Poona, in recruiting, training and testing the various crew of the Water Craft.

(7) *Duties of the Police Sub-Inspector Assistant Launch Maintenance Officer, Poona.*-He will generally assist the Police Inspector Launch Maintenance Officer in various duties laid-down above for Police Inspector, Launch Maintenance Officer and act under his orders.

(8) Duties of Launch and Dinghy Crew :-

(i) On Launches:-

(1) *Driver-in-charge.*-To start and stop engine; manipulate gears as required by Syrang; he is responsible for the care and maintenance, servicing of the engine and all Mechanical appliances and auxiliaries and shall maintain the Log and other records. He shall also arrange to post the watch of one Head Constable and 1 Police Constable from the Crew on board at all times.

(2) *Syrang.*-To steer and pilot the craft, and look after the daily cleaning and maintenance and painting of the Craft and control the Khalasis. He shall be responsible for keeping all the accessories in good condition and storage. To anchor or tie up the Launch satisfactorily in a safe place and see that all safety precautions are taken for the upkeep of the Launch.

(3) *Second Driver.*-Shall assist the driver-in-charge and to officiate for him in his absence or relieve him whenever required.

(4) *Khalasi / Lascars.*-To carry out all the duties such as are lawfully assigned by the Syrang.

(ii) *On Dinghies:-*

(1) *Driver.*-Shall carry out the combined duties of Driver-in-charge and Syrang in maintenance running and storage, as specified for Launches above. .

(2) *Khalasi / Lascar.*-Shall carry out all duties as assigned by the Driver.

(9) *Duties of Head Constable Driver Supervisor (Motor Transport) :- .*

(i) The Supervisor is in charge of the Drivers. He is responsible to allot duties to the Drivers in the absence of an Motor Transport Officer (Technician). He will see that the Drivers carry out their duties satisfactorily, that they are well disciplined and attend parade at least twice a week and that they carry out the tasks laid down for them promptly and regularly.

(ii) He is in charge of the Motor Transport Stores. tools, account, books ledgers and Motor Transport records of his unit. He will see that these are properly and correctly maintained.

(iii) The Mechanics and Cleaners are not under him and as such he will cause the Motor Transport Officer to issue instructions or orders, if any, to them.

(iv) He will be responsible for the cleanliness and orderliness of the Motor Transport Unit in general and shall take care to maintain the same accordingly.

(v) He will be assisted by a Police Constable Writer, where provided, in his Stores and records maintenance work.

(vi) He will bring to the notice of his Motor Transport Officer immediately, any irregularities, cases of indiscipline, un authorized use of vehicles etc. and in general act in a manner so as to maintain a high standard of efficiency of his Motor Transport Unit.

(10) *Duties of Head Constable Driver Mechanic :-*

(i) He is a technical and is directly responsible for the proper mechanical condition of the Vehicles in his charge and as such will carry out regularly, promptly and expeditiously all servicing maintenance and first line repair tasks. He will also act as a convoy leader whenever required, specially in the case of State Reserve Police Force Groups (in charge of five vehicles or less) and be entirely responsible for the proper servicing and maintenance of the Vehicles, for the discipline of the Drivers and for the internal economy of the Vehicles in his charge.

(ii) He will be assisted in his work by cleaners, and the Driver of the Vehicle which is being attended to

(iii) He will carefully inspect the Vehicles and ensure that they are properly used and that they are kept clean and tidy at all times.

(iv) He will indent all his requirements viz.. Spare parts, materials, tools, etc. from the Unit Motor Transport Stores through the Motor Transport Officer and make necessary entries in Sections D and E respectively of the Log Book of the Vehicle attended to.

(v) He will be responsible to keep and maintain all tools and equipment given in his charge in proper condition at all times.

(vi) He will give instructions to Drivers and Trainees in driving, cleaning and maintenance duties whenever required so that Vehicles may be driven correctly and kept in tip-top condition.

(vii) He will write his daily work briefly in his diary which will be produced for inspection of Inspecting Officers.

(viii) He will carry out his duties promptly, at all times and see that every vehicle in his charge is in a roadworthy and running condition. When a vehicle is required to be attended by the Mobile Squad or by the Central workshop, he will report to his Motor Transport Officer for necessary action.

(11) *Duties of the District Head Constable Mechanic or Motor Vehicle Fitter.-* Every Head Constable Driver Mechanic or Motor

Vehicle Fitter is responsible for keeping all the Vehicles in his charge in sound mechanical condition and to carry out such duties as may from time to time be assigned to him by the standing orders of the Superintendent of Police, Motor Transport, State of Bombay, Poona.

(12) *Duties of Police Driver Constables:-*

(i) Whenever he takes charge of any vehicle, he will inspect it carefully and ensure that it is in good and roadworthy condition. He will not drive it out if found defective unless the defects likely to give trouble on the way or to cause delay or accident, are rectified by the Driver Mechanic or Motor Vehicle Fitter.

(ii) He must be properly dressed and must always carry with him his certificate of appointment and his valid driving license; the latter should be got renewed whenever due. through the District Superintendent of Police, or the Superintendent of Police, Motor Transport,

State of Bombay, Poona.

(iii) Under no circumstances will be driven rashly or at a speed faster than the following limits and speed restrictions laid down for Cities and Town limits. He will observe and act according to the Road Traffic Signs.

Vehicle	Through Crowded City Road		Through Broad Clear Road	
		M.P.H.		M.P.H.
Car	...	25		50
Jeep/Land Rover, 5 cwt	...	25		40
Station Wagon	...	20		40
Light Van / Truck upto 1 ton	...	20		30
Trucks and Personnel Carriers	...	15		25

(iv) He should avoid driving faster and applying brakes violently, again taking off in lower gears, which action is unsafe and results in not only waste of petrol but also causes quick wear of gears, clutch and tyres.

(v) He is responsible to present the Vehicle Log Book to the User of the Vehicle for making entries when the trip or journey is completed, and to see that it is properly filled in at Part (B) and signed by the User.

(vi) When he calls at the Petrol Pump for petrol and oils, he will make sure that he has received the correct quantity of petrol and oil and that, an entry has been made and signed in the Log Book in part (C) by the Issuer and himself.

(vii) On return from duty, he must give the "All's Well" to the local officer-in-charge of Motor Transport and report to him any untoward incident, accident, delay or defect in the vehicle that

might have occurred during his period of duty. In the latter case he shall make the necessary entry in the Driver's report book.

(vii) He is responsible for keeping his vehicle clean and in good mechanical condition and for this purpose he will take necessary action and make sure that-

(a) his vehicle is cleaned frequently and serviced whenever it is due; that his vehicle receives necessary attention on the Weekly Maintenance Day,

(b) Sparking Plugs and C. B. Points are cleaned, and their gaps adjusted to the manufacturer's specifications after every 500 miles run,

(c) Unnecessary idling of the engine is avoided and that the engine is switched off when the vehicle is not moving.

(d) Tappets are adjusted after every 1,000 miles run,

(e) all tyres are inspected, nails and stones removed and cleaned every day, inflated to correct pressure, their positions changed by rotation after every 2,500 miles run and the new positions and dates paint-marked on them on the outer side.

(f) all the four wheels are frequently jacked up and tested to ensure that they are not binding or fouling and are revolving freely, when gears are in neutral and all brakes released.

(g) while driving 4 x 4 Vehicles, front axles are normally disengaged and the front wheel drive control lever is in the rear position, i. e. in neutral.

(h) the petrol system is in order and that it is not choked or leaky at any point, especially at unions and bends; that the car-burette mixture is neither "rich" nor "lean",

(i) the engine is tuned up by the Mechanic or the Fitter at the time of monthly check up,

(j) that all other periodical tasks and repairs are carried out promptly.

(ix) He is responsible for the safe custody of the Vehicle Log Book during his period of duty and will transfer it to his reliever or to the Local Officer-in-charge of the Motor Transport, as the case may be. when his duty is finished.

455. District arrangements for supervision over Police Motor Transport.-The following procedure should be carefully attended to by every Superintendent of Police, in the administration of Police Motor Transport in his charge:-

(1) The Superintendent of Police should clearly lay down in a Standing Order the designation of the officer responsible for the control of Police Motor Vehicles in the District. This Officer (to be known as District Motor Transport Officer) will be responsible both for the allocation of Vehicles and for the supervision of the work

of all Driver Constables. Head Constables and the Head Constable Driver Mechanics and Fitters, Head Constable (Motor Transport). Supervisor, Police Constable Cleaners, etc. In most districts it would be advisable to place the responsibility on the Reserve Police Inspector/Sub-Inspector, subject to the general control of the Home Inspector. In the case of large Motor Transport Sections, a Police Inspector or Police Sub-Inspector (Technician) is appointed as Motor Transport Officer.

(2) The Motor Transport Officer appointed as per Sub-Rule (1) above will receive all requisitions for Vehicles and will comply with them in accordance with the general instructions of the Superintendent of Police, referring any extraordinary demands to the Home Inspector. He will see that the Driver Mechanic/Fitter carries out the work ordered by the Police Inspector, Motor Transport. at his inspection and will make sure that all Head Constables and Police Constable Drivers are allotted duties regularly and are kept in good discipline. He should remain present when the Superintendent of Police, Motor Transport or Police (Zone) inspects the Vehicles and should make notes of his directions and advice.

(3) Driver Constables and Head Constables should have adequate training in the use of Arms and in Police discipline and as such the officer-in-charge of Motor Transport should personally see that all Driver Constables and Head Constables attend the parade twice a week.

(4) There should be a Supervisor Head Constable to control all Drivers (except the Driver Mechanic or Motor Vehicle Fitter), to distribute duties to them to attend to daily routine under the supervision of the officer-in-charge of the Motor Transport and to carry out such orders as that officer may give. The Superintendent of Police, should if such a separate post is not provided, allocate a post of II Grade Head Constable from the sanctioned strength and promote one of the educated and qualified senior Drivers if possible to such post on efficiency basis. The person so selected should be sufficiently experienced and trained to carry out the duties mentioned in Sub-Rule (9) of Rule 454.

(5) The officer-in-charge of the Motor Transport in the District should submit compliance reports to the District Superintendents of Police or Commandants, within 15 days of the completion of the inspection by the Superintendent of Police, Motor Transport or by the Police Inspector, Motor Transport Zone, and should simultaneously submit a copy of the compliance report to the Superintendent of Police Inspector, Motor Transport, or to the Police Inspector, Motor Transport, Zone, respectively.

(I. G.'s No. 5831-IV. dated 17th October 1948.)

456. Purchase of Motor Vehicles for Police Purposes.- When Motor Vehicles are to be purchased for the Police Department, the Inspector-

General of Police will obtain the sanction of Government in the Home Department and make his own arrangements for the purchase of the vehicles from the dealers through the Director of Industries and Central Stores Purchasing Officer, Bombay, at the special contract fixed by the Director-General of Inspection and Supplies, Delhi. The Inspector-General of Police may directly place orders for building bodies of Police vehicles after inviting tenders.

(G. R., H. D., No. 2585/5, dated 23rd August 1948.)

457. Types of Police Vehicles and certain constructional requisites. 1) The bodies of the Police Motor Vehicles should be constructed of approved types as per specifications and designs as suggested by the Superintendent of Police, Motor Transport and be painted in Royal Blue Colour (I. S. S. No. 106) outside and light grey inside. Vehicles of the Criminal Investigation Department, State Traffic Branch and staff Cars should not be painted in the above Police colours.

(2) In all cases where canvas hoods of Police Vehicles become un-serviceable they should be replaced by iron sheeting of gauge 20. The Metal hood should reach down about 18" on either side so as to leave window opening 18" high, which must be covered by expanded metal.

Serviceable portions of canvas should be made into roll-down curtains for the windows, to be used in the rains, dust storms etc. Detachable 1 XPM frame guards should be provided for the front windscreen, rear portion and lamps of Vehicles for protection from stone throwing.

(3) Petrol tanks of Police Vehicles must be provided with lock type caps or locking arrangements. The tanks must normally be kept locked and the keys hung on Key Board (Sample given below) to be kept under the direct eye of the officer-in-charge of Motor Transport. Ignition keys must be hung in the respective places on the Key Board and taken out when a Driver is ordered on duty. The driver must return the key to its place on the Board as soon as he returns from duty. This will not apply in cases where a detachable ignition key is not provided.

SAMPLE KEY-BOARD

M. T. Key Board

Vehicle No.	1.	2.	3.	4.	5.	6.
-------------	------	----	----	----	----	----	----

Petrol Key

.....	1.	2.	3.	4.	5.	6.
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Ignition Key

(4) Military type tail lamps will be replaced by standard Red tail lamps which should be fixed on the rear right hand side of the

Vehicle, just above the number plate. The lamp must be clearly visible and not covered by drop-board, if any

(5) All Police Motor Vehicles should be given district Serial Numbers, which should be painted on the front bumper or other suitable place in the front and in the rear as prescribed by the Superintendent of Police, Motor Transport. No such signs and numbers should be painted on Criminal Investigation Department, State Traffic Branch Vehicles and Staff Cars.

(I. G.'s No. 6229, dated 1st March 1948.)

The Police numbers can be exhibited for administrative convenience, in lieu of the regular registration marks on motor vehicles provided that the usual registration marks are obtained at the time of registration so that when these vehicles cease to be the property of the Police Department they will revert to their normal registration numbers.

(G. L., H. D., No. 5780/5-E, dated 18th August 1948.)

458. Repairs and spare parts.-(1) The Superintendent of Police will provide, for the use of Motor Vehicles in his District as well as for his Motor Transport Section, the necessary "repair tools servicing kit and other equipment as recommended by the Superintendent of Police, Motor Transport.

(2) Districts which are served by the Range Police Central Motor Transport Workshop should normally get the necessary repairs carried out in that Workshop. When in any exceptional circumstances that is not possible, repair work of Police Vehicles may be entrusted to one of the selected approved repairers after calling for quotations from any such 3 repairers. The Vehicles so repaired should be got inspected by the Zonal Police Inspector, Motor Transport, who will certify if the repairs are carried out properly and satisfactorily.

(3) Repair estimates or quotations of Police Motor Vehicles received from outside repairers which exceed Rs. 500 should be forwarded by the District Superintendents of Police or Commandants, State Reserve Police Force groups to the Superintendent of Police, Motor Transport, through the Zonal Police Inspector, Motor Transport, for scrutiny and advise before acceptance.

(4) All spare parts and Motor Transport requirements should be normally indented from the Range Police Motor Transport Workshop. However, in case of any difficulty, the Superintendent of Police, Motor Transport, State of Bombay and Zonal Police Inspector, Motor Transport, will on request, arrange for the supply of Spare Parts, tyres, tools; etc. at the concessional rates from whole-sale dealers or from Principal Manufacturers or their Agents as far as possible at the contract rates fixed by the Director-General of Inspection and Supplies, Delhi or by the Director of Industries and Central Stores Purchasing Officer, Bombay. These articles should be purchased according to

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their advice. Very small and cheap items and other items in case of grave urgency, may be purchased locally. In order to avoid the difficulty of getting spare parts etc. from whole-sale dealers in time, all District Superintendents of Police and Commandants, State Reserve Police Force Groups should maintain an emergency stock of Spare Parts as suggested by the Zonal Police Inspector Motor Transport. Once a stock is decided upon, it must be kept up and replenished by fresh purchases as soon as spares are used. When District Vehicles are repaired in the Range Police Transport Workshop, the necessary spare parts and materials will be supplied by the Central Stores attached to the Workshop and the cost charged to the District concerned,

(I. G.'s C, M., No. 5831-IV, dated 27th October 1948.)

(5) (i) Petrol and Lubricants may be purchased direct from the Principal Oil, Companies at bulk rates if a Petrol Pump is erected at the, District Police Head-quarters.

Note.-Petrol Pumps are installed by the Petroleum Oil Companies at their cost under an agreement which is signed by the Superintendent of Police, Motor Transport, State of Bombay, Poona, on behalf of the Governor of Bombay.

(ii) The local Controlling Officer (viz. Superintendents of Police, Commandants etc.) of the Petrol Pumps at Police Head-quarters will be responsible for the running of the Pump, ordering the replenishment of supplies, maintaining the accounts, paying the bills for supplies to the Company promptly, obtaining the license for storing the petrol from the Inspector of Explosives renewing the license in time \ and for the safety of the installation,

(iii) A rental of Re. 1 per month will also be paid to the oil Company on demand.

(iv) Where there is no Police Petrol Pump, the fuel oil is to be purchased from the nearest gent's pump at the ruling rate.

(6) The Superintendents of Police and Commandants are empowered to write off losses of petrol on account of evaporation to the extent of Q..5 per cent of the total quantity of petrol dealt with in a year (i. e., the quantity of petrol in the tank at the beginning of the period plus the quantity of petrol purchased during the period which is also put in that tank) at all consumer pumps installed at the Police Head-quarters in Greater Bombay and the Districts.

(G. R., H. D., No. MTS. 2258/18944-VI, dated 5th January 1960.)

(7) Tyres, tubes and batteries are to be purchased direct from the various tyre and battery manufacturers at the special concessional rates.

(8) For average normal life expectancy of various spare parts required for Public Motor vehicles *see* Appendix XXXII.

(9) The following budget provision is ordinarily made for annual running and maintenance of the motor vehicles:-

	Rs.
(1) Motor vehicles (3 tons and I-ton vehicles):-	3,000.
Jeeps, Station Wagons, Land Rovers and Cars	2,500
Motor cycles	750
State Traffic Branch cars	4,000
State Traffic Branch Jeeps and Station Wagons.	2,500
(ii) Water Crafts :-	
Launches	5,000
Motorised Dinghy	2,000

(G. R., H. D., No. PEQ. 5055/75180-VI, dated 24th December 1959.)

459. Hiring of motor vehicles for Police purposes.-(a) Except in cases of emergency, Superintendents of Police should submit their proposals regarding hiring of Motor Vehicles to the Range Deputy Inspector-General of Police, who will see that the hiring of vehicles is really necessary, taking into account the number of Police vehicles available in the District. Even in cases of hiring of Motor vehicles in emergencies, the action of the Superintendent of Police will be subject to the approval of the Range Deputy Inspector-General of Police.

(1. G.'s Circular Memo. No. 5012-1II, dated 19th April 1947.)

(b) Whenever an officer finds it necessary to hire private Motor Vehicles for official use, he should not do so without previously arriving at an agreement regarding rates of hire to be charged for them in consultation with the State Transport Officer or the Regional Motor Transport Officer. When this is not possible, such an agreement should be arrived at immediately after the Vehicles are hired.

(G. C., H. D., No. 4595/4, dated 7th May 1947 and I. G.'s No. 5012-III .dated 3rd June 1947.)

(c) Superintendents of Police should submit their proposals for for payment of bills in respect of Motor hire through the Range Deputy Inspector-General of Police, who will scrutinize them before resubmitting them to the Inspector-General of Police.

(I. G.'s No. ~O12-III, dated 19th July 1947.)

460. Lending of Police motor vehicles.-(I) Whenever a Police Vehicle is loaned to another District for a period exceeding one month, relevant records (Registration Certificates, History Record Sheet, Log Book, Maintenance Service Log Sheet, M. T. 22 etc.) should always accompany the Vehicle and the District taking over the Vehicle should maintain these records for the period the Vehicle is used in that District.

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(2) Police Motor Vehicles may be lent to other Government Departments when they can be spared from Police work, at the following rates :-

S.No waiting hour	Types pf Vehicles	Running charges	Overhead	and
		per mile	charges	per
		Rs.	Rs.	
1	Big Cars (5 Seater over 12 H. P.)	00.37	2.00	
2	Ambulances, Station Wagons, Jeeps, Land Rovers, Light Vans, carrying upto 10 passengers.	00.43	2.00	
3	Medium trucks with normal seating capacity for over 10 persons and Military Type 15 Cwt. 4 x 4 Vehicles.	1.00	2.00	
4	Motorized Dinghies or Boats	1.00*	2.00	
5	Motor Launches-running charges per hour.	18.00t	6-00	

*or Rs. 8 per running hour plus Rs. 2 with a minimum charge of Rs. 10 for a journey.
with a minimum of Rs. 48 per: journey.

(G. R., H. D., No. 3006/5, dated 6th January 1954 and I. G.'s Circular No. 1256-A-III, dated 30th March 1954.)

- Note.-* (i) Charges will be levied for the entire period from the time a vehicle leaves Headquarters until it returns to Headquarters.
- (ii) The total charges will be running mileage charges plus waiting and overhead charges.
- (iii) Total time taken for the entire trip minus the actual time taken for the journey will be the period for which the waiting and overhead charges will be recovered.
- (iv) The minimum charge for any single journey will be Rs. 2 in the case of road vehicles.

No arrangements of a standing nature should, however, be entered into. The charges collected should be credited to "XXIII-Police".

(3) Police Vehicles may be lent to Government servants for private work. This concession should be given very sparingly. The charges should be recovered from the Government servants at the following rates and should be credited to "XXIII-Police".

<i>Type of Vehicle</i>	<i>Rate</i>
Station Wagon	... 44 Naye Paise per mile plus Rs. 2 per hour as detention chargei.
Big Cars of over 12 H. P.	... 37 Naye Paise per mile plus Rs. 2 per hour as detention charges.
Small cars of 12 H. P. and below.	22 Naye Paise per mile plus Rs. 1.75 per hour as detention charges.

(G. c., F. D., No. TRA. 1057/S-7, dated 9th January 1958.)

461. Use of Police motor vehicles.-(1.) Where possible a requisition (in Form No. 23 in Appendix I) for Police Motor Transport should be made 24 hours ahead to enable the officer-in-charge of the Motor Transport to regulate and amalgamate the runs.

(I. G.'s No. 5662-V, dated 3rd December 1947.)

(2) In districts to which Government Motor Vehicles have been i supplied, free transport should be provided for armed men detailed for regular duties for distances greater than 2 qlik!s from the Headquarters. .

[I. G.'s No. 6253, dated 5th September 1947 and No. 21 (6153-A), dated '31st July 1950;]

(3) Inspecting Police Officers may use Government vehicles for official purposes only, when they have to visit places which are in-accessible by ordinary car and also where there is no regular public bus service, subject to the conditions laid down in Bombay Civil Services Rule No. 590-A.

(I. G.'s No. K/7372-II, dated 7th August 1959 and G. L., H. D., ..., No. MTS 5559/47447-VI, dated 22nd July 1959.)

(4) Deputy Superintendents of Police and other Police officers of higher rank may, when performing journeys on an official tour or inspection, use, during the whole or part of the tour, a Police Motor Vehicle to convey their requisite tents, office staff and office records provided :-

- (i) the vehicle is not required for any recognized Police purpose,
- (ii) a public conveyance is not available,
- (iii) the specific sanction of the Superintendent of Police is obtained on each occasion,
- (iv) no expenditure is charged to Government for the conveyance .of the said tents or office records for any such journey in the said vehicle,
- (v) no mileage allowance is claimed by or paid to the office staff for any such journey performed by them in the said vehicle, and
- (vi) the said vehicle is used on good metalled roads.

(5) As specially permitted by Government, the Police Motor vehicles may be used by the District Superintendents of Police and Sub-Divisional Police Officers of Mehsana, Sabarkantha, Banaskantha and Amreli Districts for journeys for visiting scenes of serious offences, inspection of Police Stations and Outposts and for holding enquiries.

(I. G.'s No. 7372, dated 1st June 1954.)

(6) A Police Motor vehicle may be used by an officer when he is actually accompanied by an Armed party of more than three men in connection with any disturbance.

(I. G.'s No. 6153, dated 9th October 1947.)

(7) (i) Transport in Police Motor vehicles should be provided to District and Assistant Commandants of Home Guards for official duty e. g., when called to duty at short notice or in emergencies or for attending parades or tours of inspection of detached units, provided the vehicles are not required for Police duties and no other means of transport are available. The concession is not admissible to those Commandants to whom conveyance allowance has been sanctioned.

(G. R., H. J, No. 4074/5, dated May 1949:)

(ii) Police vehicles should ordinarily be made available to Home -Guards whenever they go on duty and are entitled to use them like Police officers.

(iii) The demands of the District Commandants for Police vehicles, should not be underestimated. If Police vehicles are not available vehicles should be hired with the District Magistrate's or Inspector General's sanction. :

(I. G.'s No. 6153/13, dated 12th June 1952 and No. 6153-II, dated 21st January, 1958.) ,

(8) Police vehicles may be used whenever required for Sports purposes, subject to the condition that the charges on account of petrol, oil, etc. are met from the Sports Fund and that local buses are not available for hiring for the purpose.

(I. G.'s No. 6153-II, dated 28th May 1953.) .

(9) Police vehicles should be provided to the Jail Department for carrying sick prisoners from Jails to Hospitals and back. Likewise transport should be provided to the Jail Department for carrying Leprosy affected prisoners between Jails or Police; Stations and Courts. No charges on account of cost of petrol, oil, lubricants etc. incurred for such transport within the same district should be recovered from the Jail Department. However, charges should be re-covered from the Jail Department when Leper or other prisoners are transported from one District to another as in the case of any other Department.

Note.-When lepers or other persons suffering from contagious diseases are carried in any Police

Vehicle, the said vehicle should be thoroughly washed, cleaned and disinfected promptly before it is parked or used for other duties.

(I. G.'s No. 1256-A-II, dated 26th November 1954.)

(10) Police vehicles may be used for the conveyance of Police Stores, wireless equipment etc., from Railway Stations to Headquarters and vice versa, whenever required. .

(I. G.'s No. 6153, dated 30th July 1949.)

(11) When a Government servant, who is permitted to use a Government vehicle on tour, takes with him his family and/or his private servant and/or his friend, he should be charged as under for the journey performed in public interest:-

(i) One-third of the full rate (excluding detention charges) as mentioned in Sub-Rule (3) of Rule 460 above, when one person ac-companies the Government servant.

(ii) Half of the full rate (excluding detention charges) when two, or more persons accompany the Government servant.

When no public interest is served, i.e. when the vehicle is used by the Government servant and/or his family' and/or his private servant and/or his friend, purely for private purpose, full rate (including detention charges) will be recovered. –When families and/or private servants and/or friends or two or more Government servants travel in the same vehicle, the controlling officer should decide how charges payable to the Government, as indicated in Sub-Rule () above should be apportioned.

The following certificate should be recorded by the Government servant on the Travelling Allowance bill preferred for the journey performed in a Government vehicle:-

(i) I travelled alone/with one person/with two or more persons
from to miles.

(ii) The charges payable under G. R., F. D., No. TRA-1059/S-7, dated 19th December 1959 have been deducted from the T. A. bill.

or

I have credited into the Treasury /Sub-treasury Rs.
for the use of the vehicle by members of my family/friend/private servant for miles.

(G. R., F. D., No. TRA 1059/5-7, dated 19th December 1959.)

(12) Whenever an officer has an occasion to use a Police Motor vehicle, he should make a note to that effect in his diary, explaining. why such use was necessary.

(I. G.'s No. 6153, dated 9th October 1947.)

(13) Police Motor vehicles kept wholly at Government expense, should, on no account. be used for private journeys including journeys between home and office except when such use is necessary in the interest of better performance of duties under exceptional circumstances, e. g., to get quick meals in times of emergency.

(G. R., F. D., No. 5819/33, dated June 1943, and G. L., H. D., No. 96/4/VI-D, dated 16th January 1947 and I. G.'s No. 6024 dated 23rd January 1947.) ,

However, use of Government vehicles for private work is permissible under Sub-Rule (3) of Rule 459.

(14) (i) Big Police vehicles should not be used for local Tapal duties. For such duties, a motor cycle should be used.

(ii) Police vehicle should not be made available for bringing canteen and ration articles.

(I. G.'s No. 7551-II, dated 1st June 1954.)

462. Responsibilities of the user of a Police motor vehicle.-(1) The driver is entirely responsible for the vehicles and will drive it when-ever required. The user of the Vehicle will not drive it unless specially authorized by the Superintendent. of Police, Motor Transport and will, if so authorized, be responsible for any accident or damage that may be caused to the Vehicle.

(2) Every time a trip is made, it will be entered in the Log Book correctly and signed by the user.

(3) In the case of vehicles allotted permanently to a Police Station or other Police officer, the entries in the Log Book will be checked and signed by the officer concerned at least weekly.

(4) Police Motor Drivers should not be used for teaching driving unless special permission is obtained in advance from the Superintendent of Police, Motor Transport.

(5) Every vehicle should receive thorough preventive attention and servicing once a week. Every officer to whom a vehicle is allotted for permanent duty will send it for servicing on the required day or date and ensure that it has been serviced and that an entry to that effect has been made in the vehicle Log Book, in Form 'D'.

(6) Whenever a -Police Motor vehicle is requisitioned for miscellaneous duties it should not be delayed nor detained beyond the period of requirement.

463. Log Books (Standard Form No. P. M. 189)-(1) All Police Motor vehicles maintained wholly at Government expenses should be provided with Log Books which should show details of the several trips made by the, vehicles in Form 'B'.

(2) The details of each trip should be entered in the Log Book and attested by the user (or by the user and the Gazetted Officer superior to him respectively if the user is a non-gazetted servant), after each trip or at the end of the day as may be convenient. A record of the total monthly mileage for each vehicle should be kept in the vehicle log book in Form 'C'. The Log Book should be stamped, paged and certified at the last page by a Gazetted Police Officer of the District Headquarters.

(3) Entries in the vehicle Log Book-Part 'B' must state the specific piece of duty for which the vehicle was used, e. g., "Conveyance

of Police Party of 25 men proceeding to Thana", and should not be worded vaguely e. g., "For Government or official duty", etc. the object of the Log Book being to provide a means for checking whether the Police Motor Vehicle is being used economically and for proper purpose.

(I. G.'s No. 5957, dated 18th March 1957.)

(4) Police vehicles must not be overloaded. However, if in an emergency it becomes necessary, to carry more than the number of men or load prescribed the fact should be noted in the Log Book giving reasons.

(5) Superintendents of Police should personally check the Driver's Log Book at least once a week to ensure that no unnecessary runs have been made. When a trip or journey has been made for confidential work, it should be verified from the weekly diary of the use

(I. G.'s No. 5662-V, dated 3rd December 1947.)

464. Monthly petrol returns-(1) In order to give a clear picture of the District Motor Transport working and proper idea of expenditure, disposition of vehicles, staff etc., a monthly statement in M.T. Form No. 3-A for Road Vehicles, and M. T. Form No. 3-B for Water Craft, should be forwarded by the District Superintendent of Police, and Commandants, State Reserve Police Force Groups to the Superintendent of Police, Motor Transport by the 10th of each month in respect of the preceding month and a copy of the same should be sent to the Zonal Police Inspector, Motor Transport. The form of the return requires that all road mileages performed by each vehicle should fall into one of the three classifications given below:-

Classification 'A'.-means regular duties such as trips from the Jail to the Court, or from Headquarters to places where guards have to be changed, and trips which are to be performed periodically and for which no special requisition from any officer is necessary

Classification 'B'.-includes sanctioned duties i.e. duties for which the Superintendent of Police in his standing orders has authorized the use of Motor Vehicles, e. g., investigation of crime, local intelligence branch work, anti-dacoity patrols, carriage of Muddemal, etc. These trips are to be made only on a written requisition made in advance in Form No. 23 (Appendix I) by an

officer empowered by the Superintendent of Police to use a vehicle for the purpose specified. A separate file must be maintained for all such requisitions under the Police Number of the vehicle sent and mileage runs must be entered in the requisitions as soon as the vehicle returns from that particular duty.

Classification 'C'.-means special duties i.e. trips made on Police Bandobast or on the special orders of the Superintendent of Police or an officer not lower in the rank than the Home Inspector authorized by the Superintendent of Police. As requisitions for such special duties will often be urgent, they need not be sanctioned in advance but the officer ordering the special duty should subsequently confirm his orders by initialing on Form No. 23, Appendix I, a statement of the special duty~ put up to him by the officer- " in-charge of the Motor Transport.

(I. G.'s No. 5831-IV, dated 27th October 1948.)

(2) Average standard Mileage per Gallon for different types of vehicles.-The standard average, number of miles per gallon expected from different types of vehicles is given below :-

Petrol Vehioles		Standard average per mile per gallon.
		Miles.
1.	3 Ton personnel carriers, Prison Vans and Goods Trucks.	9 to 10
2.	1 Ton Light Van	14
3.	3/4 Ton Light Van Civilian Type	15
4.	3/4 Ton Light Van Military Type	7.5 to 10
5.	Station Wagon Civilian Type	14
6.	Jeeps	18
7.	Land Rovers	18
8.	Estate Cars	18
9.	Sedan Dodge Cars	15
10.	Hindustan Ambassador Cars	20
11.	Motor Cycles 3.50 CC	85
12.	Motor Cycles 5.00 CC	75
13.	Diesel 3 Ton Trucks	15

The above figures are the minimum average to be expected. They make allowances for stops, slow movements, movement in gear, rough roads etc.

465. Emergency supply of petrol to vehicles of another districts.-In cases where one District supplies petrol to Police vehicles of another District experiencing unexpected shortage while passing through the former district, there should be no recovery of the cost of petrol. Such supplies made for delivering vehicles or for normal duties will however be charged or debited to the District concerned.

(I. G.'s No. 5662-V, dated 10th May 1948.)

466. Maintenance of Daily Log and Record Sheet.-In order to have a clear history of daily performance of each Vehicle and to

arrive its operating cost monthly, a record of each vehicle must be maintained in M. T. Form No. P. M. 214. These forms must be produced at the time of inspections held by the Superintendent of Police, Motor Transport, and the Zonal Police Inspector, Motor Transport, and must be maintained in accordance with their instructions.

(I. G.'s Circular No. 5831-IV, dated 27th October 1949.)

467. Vehicle history and repair record.-With a view to maintain complete operational and financial record of vehicles, District Superintendents of Police and Commandants, State Reserve Police Force Groups should maintain, in addition to the Log Book, a vehicle History and Repair Record in Form M. T. No.4, for each vehicle in their charge. This is intended to show relevant details regarding the history of vehicle, repairs record, annual performance etc. Entries there in should be attested by District Police Motor Transport Officer every month.

(I. G.'s No. 6052-11, dated 11th May 1946.)

468. Annual performance sheet.-With a view to see whether every vehicle has been used to the best advantage and to improve its condition if necessary, the annual performance-sheet in Form No. 24 (Appendix I) should be drawn up for every vehicle on charge in a District or State Reserve Police Force Group and submitted to the Superintendent of Police, Motor Transport State of Bombay, Poona, in the month of January.

469. Condemnation of Police motor vehicles.-(1) When a Police vehicle is in the opinion of the Superintendent of Police, fit for condemnation, he will arrange for it to be inspected by the Zonal Police Inspector, Motor Transport, who will carefully examine and test it and draw up a defect report, showing therein all the defects noted by him. The Police Inspector will also estimate the cost of repairing each defect, and enter the amount in the defect report against the various defects shown therein.

(2) A Committee will then be convened by the Superintendent of Police/Commandant, consisting of

- (i) The Superintendent of Police.
- (ii) The Home Inspector of Police.
- (iii) The Zonal Police Inspector, Motor Transport.
- (iv) The Reserve Police Inspector or Sub-Inspector.

(3) The Committee will inspect the vehicle and verify the defects enumerated in the defect report. Committee proceedings will then be drawn up in M. T. Form No. 24 and submitted in quadruplicate, together with the defect report in M. T. Form No.9, also in quadruplicate, to the Inspector-General of Police, through the Superintendent of Police, Motor Transport, for final orders.

Note.-The same procedure will be followed in the case of Police Water Craft but the Police Inspector Launch Maintenance Officer, Poona,) will substitute the Zonal Police Inspector, Motor Transport ill the C .Committee referred to in Clause (2) above.

(4) The powers to condemn Police Motor Vehicles and to sell them by public auction after fixing their upset prices, have been delegated to the Inspector-General of Police subject to the following conditions:

(i) No vehicle should be considered for condemnation and re-placement unless it has covered the mileage and used for the period mentioned below:- .

(a) Three ton vehicles. 1,00,000 miles or 8 years of light van, station service.
wagon and jeep.

(b) Motor Cycle ...30,000 miles and 5 years of service.

(ii) A vehicle, which is considered due for condemnation, should be placed before a Condemnation Committee. The Committee should examine the vehicle and decide whether it can be repaired and used economically. If it is beyond economical repairs, the Committee should record its opinion accordingly. It should also fix an up-set, price subject to which the vehicle should be sold by public auction and submit its proceedings to the Inspector-General of Police, State of Bombay, for his final orders.

(iii) While condemning the vehicles the Inspector-General of Police, should take into consideration the number of vehicles which would be purchased during the financial year in question;

(iv) The Inspector-General of Police, State of Bombay, should forward to Government, a statement (in duplicate) by the 15th April every year, containing the following information:-

- (1) Region and District in respect of vehicle,
- (2) Police Number of vehicle,
- (3) Make of vehicle,
- (4) Date of purchase of vehicle,
- (5) Price of vehicle,
- (6) Mileage covered by vehicle,
- (7) Expenditure incurred on its repairs,
- (8) Up-set price fixed for its sale,
- (9) Make of new vehicle purchased to replace the condemned one,
- (10) Date of purchase of new vehicle,
- (11) Price of new vehicle.

(5) On receipt of the final orders from the Inspector-General of Police the vehicle should be disposed of according to his orders.

(6) Condemned vehicles which have been replaced by new ones should under no circumstances be used unless such use is specifically authorized by Government in any, particular case and no heavy expenditure should be Incurred on its repairs.

(I.G's Circular No.K/7460/XIII, dated 16th July 1958 and G.R., H.D.No.MTS 5858-VI, dated 13th March 1959.)

470. Replacement of Condemned Police motor vehicles: Budget Provision.-(1) On the basis of replacing a Petrol Vehicle after a total mileage of 1,20,000 which in general occurs after 8 to 10 years, it is found necessary to make a provision to replace such vehicles on charge-every year.

(2) Purchases of all new vehicles are made through the Director of Industries and Central Stores Purchasing Officer, Bombay, at the special contract rates fixed by the Director General of Inspections and Supplies, Delhi.

471. Condemnation and disposal of unserviceable parts and materials.-(1) With a view to exercise proper check over the disposal of condemned spare parts etc. the following procedure should be adopted: -

(i) In the District or Railway Motor Transport Sections, a Committee consisting of Superintendent of Police, Reserve Police Inspector or Sub-Inspector as the case may be and the Zonal Police Inspector Motor Transport, should inspect the spare parts and the scrap and should fix their upset price according to the condition of the parts. The District Superintendent of Police should then arrange for their disposal by public auction subject to the upset price fixed by the Committee. The upset price should be treated as strictly confidential.

(ii) In the case of Motor Transport Section of the State Reserve Police Force Group, the Committee should consist of the Commandant of the Group the Commander, Head Quarters Wing, Police Inspector or the Sub-Inspector Motor Transport (if the post exists) and the Zonal Police Inspector Motor Transport. The other procedure will be the same as at S. N. (i) above.

(iii) In the case of Range Police Central Motor Transport Work-shop, the Committee should consist of the Superintendent of Police, Motor Transport, the Police Inspector Foreman of the Workshop and the Police Sub-Inspector Mobile. The procedure for the disposal will be the same as that at S. No. (i) above.

(2) The condemned articles in the District and State Reserve Police Force Groups should be disposed of once a year. So far as the Range Police Central Motor Transport Workshops are concerned, the Superintendent of Police, Motor Transport should dispose of the spare parts etc. according to his convenience.

(3) The Superintendents of Police, Commandants of State Reserve Police Force Groups and the Superintendent of Police, Motor Transport should send in the prescribed Form No. 25 (see Appendix I) a yearly report to the Inspector-General of Police before the 15th January every year, a certificate to the effect that all the formalities mentioned above have been observed for the disposal of the Spare

Parts. In case no spare parts are condemned and sold by auction during a year, a nil report should be sent.

(I. G.'s No. 7270-II, dated 27th May 1959.)

472. Accidents to Police motor vehicles.-(1) Police vehicles are not insured against accident, third party, fire or loss. Accidents if any should be reported to the Superintendent of Police, Motor Transport, on M. T. Form No. 27 and a copy endorsed to the District Superintendent of Police or the Commandant as the case may be, by the Motor Transport Officer in charge. Accidents should be classified as:-

- (a) Major, (Fatal) wherein loss of life has occurred,
- (b) Serious, in which physical injuries have been caused to the persons involved or damaged to the property or vehicle has occurred incurring a repair expenditure of Rs. 500 or more and
- (c) Minor in which no injuries have been suffered by any person and the damage to property or vehicle is minor, worth not more than Rs. 50.

Necessary action as may be called for in each case should be taken by the Superintendent of Police or the Commandant concerned. Advice of help may be obtained from the Superintendent of Police, Motor Transport, State of Bombay, Poona, if required.

471. Settlement of claims against damage to third party arising out of accidents in which Government owned vehicles are involved.-(1) The Collector of Bombay, so far as Greater Bombay is concerned and the District Magistrate in the case of other Districts, are directed by Government, subject to Sub-Rule (2) below, to try and settle claims out of court (irrespective of the amount claimed). If it is impossible to reach settlement out of court, the aggrieved party may be allowed to go to a Court of Law. The departmental head should keep a watch over the progress of the case and honour the decree of the Court.

The District Magistrates and the Collector of Bombay are authorized to compound such claims by offering payment up to Rs. 2,000 but no sum exceeding Rs. 2,000 (two thousand) should be offered to the aggrieved party in full and final settlement of the claim by any District Magistrate or Collector of Bombay, without obtaining previous sanction of Government. Departmental action should be taken against the Government servant involved or responsible for the accident etc. and expenditure for repairs met from the sanctioned grants. Should the repair cost be more than what can be met from the sanctioned grants, the matter should be referred to the Inspector-General of Police and his sanction obtained.

474. Functions and Tasks of:-

- (1) Range Police Central Motor Transport workshop:-
 - (a) All the tasks as are carried out in the first line and second line Police Workshops.
 - (b) Complete engine overhaul including reboring, resleeving, valve seating, machining, remetalling, grinding.
 - (c) Overhaul and repairs of chassis, springs, shock absorbers, transmission, differentials, axles etc.
 - (d) Alignment of wheels.
 - (e) All electrical work, rewiring, armature and field winding, repairs, to cut-outs, switches, gauges, ,vipers, horns, lights, focus-sing of head lamps.
 - (f) Battery repairs, reconditioning and charging.
 - (g) Vulcanizing tyre repairs.
 - (h) Major body repairs, renovating.
 - (i) Painting.
 - (j) Upholstery work.
 - (k) Reconditioning of old parts.
 - (l) Staff training-advanced and refresher; trade testing.
- (2) Mobile Service Van:-
 - (a) High pressure lubrication.
 - (b) Spraying, cleaning and servicing.
- (c) Engine turning up.
 - (d) Foundation. chassis and body inspection, tightening up of the bolts, nuts, etc.
 - (e) Electrical repairs, battery servicing.
 - (f) Minor body repairs, and painting.
 - (g) Clutch and brake testing and adjustment. I
 - (h) Decarbonizing, valve grinding, partial overhaul.
 - (i) Overhaul of steering assembly, axles, kind-pins, adjustment, wheel alignment.
 - (j) Minor radiator repairs.
- (3) District Police Motor Transport section: -(1) First line maintenance and repairs comprising :-
 - (a) General inspection and check up fuel system; lubrication; cooling system; chassis; body fixtures; bolts; shackles, springs; fittings and hood.
 - (b) Bleeding and adjustment of Brakes. –
 - (c) Washing and superficial cleaning of under carriage, springs wheels body (to be done by cleaners under the Supervision and

help of Drivers), External cleaning of engine (to be done by Drivers under supervision of District Mechanic or Motor Vehicle Fitter), oiling, greasing, lubrication by means of hand tools (to be done with the help of Drivers and Cleaners)

- (d) Routine servicing and engine turning-up.
- (e) Tyres:-interchanging and replacing, change Fan belt
- (f) Painting-minor and touching up.
- (g) Battery-terminals cleaning, washing, topping, terminal greasing, charging, connecting.
- (h) Minor electrical repairs.
- (i) Break-down Service.
- (j) Road-side repairs.

SECTION III-POLICE WIRELESS ORGANISATION

475. Organisation and staff.-The Bombay State Police Wireless Grid consists of various types of communication net-works. The State Police Communication net-works consist of the following:-

- (a) H. F. (High Frequency) or long distance communication net-Work: comprising of-
 - (1) Static or fixed stations.
 - (2) Mobile and or transportable stations.
 - (3) Broadcast Service Stations.
- (b) V. H. F. (Very High Frequency) or short distance communication net-work: consisting of-
 - (1) Static stations.
 - (2) Mobile stations.
 - (3) Broadcast Receiving Stations.

(2) Staff.-The organisation is under the control of a Superintendent of Police, designated as Superintendent of Police, Wireless, and is worked by two separate cadres of staff viz.

- (a) Engineering or maintenance staff of the ranks of Deputy Superintendent of Police, Police Inspector, Sub-Inspector, Head Constable, and
- (b) Operating or Traffic staff of the ranks of Sub-Inspector, and Head Constable.

I. High Frequency Net-work

(1) Static Stations.-Static stations are opened at the Head-quarters, of all Districts, S. R. P. F. Groups, a few other places of strategic importance and at Taluka Police Stations in certain districts in which normal telegraph and telephone facilities are very poor or do not exist,

(2) Mobiles-Mobile wireless stations are provided at certain District Head-quarters to facilitate quick communication between places of disturbances and district Head-quarters in times of emergency) The main use of the mobile stations is to provide means of quick transmission and reception of urgent messages connected with law and order from and to disturbed areas where normal ready means of communication do not exist. Ordinarily these mobiles should be used only during times of emergency.

(3) Broadcast Services Stations.-Messages meant for all or majority of stations are broadcast by Bombay at scheduled hours. These messages are received by stations using their standby receivers.

II. Very High Frequency Net-work

(1) This system of communication has a limited range covering I an area of a radius of about 20 miles depending upon the power and aerial system of a station. Such communication is immune to electric and other disturbances and therefore this system is best suited to big cities like Bombay, for the purpose of patrolling in the cities. At present the system is in vogue in the cities of Poona, Bombay, Nagpur, Sholapur, Akola, Ahmedabad and Rajkot.

(2) Static stations are used mainly as control stations and are installed in important police offices from where generally all Police activities in the cities are controlled. Such stations may also be installed at other places if required.

(3) Mobile stations are provided in vehicles or launches used for patrolling and are in constant touch with their control.

(4) Control stations broadcast at scheduled hours, important messages meant for all police stations and chowkies which are provided with receivers for this purpose.

IV. Emergency and Leave Reserve of Wireless Operators

An emergency and leave reserve force of 50 Wireless Operators is formed with the help of available Policemen trained in Wireless

Telegraphy at the Training Center till they are appointed as regular Wireless Operators. These Police Constables continue to be attached to their respective district or State Reserve Police' Force Groups, and are called out for duties in emergency or whenever required and during leave vacancies.

V. Central Stores

There is a Central Stores established at Poona, which is meant for procurement, storage and distribution of stores required for the entire organization.

VI. Central Workshop

There is Central workshop set up at Poona for carrying out major repairs, assembling and Installation Jobs Modifications, designing and other experimental work is also done in this workshop

VII. Divisional set up to the Organization

(1) The State Wireless Organisation is divided into the following :-

- (1) Northern Zone (Rajkot and Ahmedabad Range)
- (2) Southern Zone (Bombay and Poona Ranges).
- (3) Eastern Zone (Nagpur and Aurangabad Ranges).
- (4) Bombay City.
- (5) State Reserve Police Force Groups.

and each of the zones above is further divided into two divisions which correspond to the existing Police Ranges.

(2) A Police Wireless Inspector is in charge of a zone and is responsible for all the stations in his zone. The units in Bombay and at each or the State Reserve Police Force Groups are under the charge of a Police Wireless Inspector. The Unit in Bombay City is under the administrative control of the Commissioner of Police. and those at the State Reserve Police Force Groups under the Commandants. The Wireless staff of these units are responsible to the Superintendent of Police, Wireless, regarding their technical work.

(3) A Police Wireless Sub-Inspector is similarly in charge of a range and is responsible for all stations in the range. He works under the general supervision of the Police Wireless Inspector of the Zone. He is provided with a Workshop, Stores and necessary engineering staff to assist him.

(4) One Radio Mechanic is provided at each of the Head-quarters of the Districts in which taluka stations are opened. He is responsible for proper maintenance of stations in the District and stores held by him.

476. Control over personnel of Police Wireless Organization.-(1) The engineering as well as the operating staff are, in the performance of their technical duties, under the direct control and supervision of the Superintendent of Police, Wireless, who will exercise each control and supervision, subject to the general control of the Inspector-General of Police.

(2) Police Wireless Inspectors, Police Wireless Sub-Inspectors (Engineering and Traffic), Radio Mechanics and Electricians, who are not posted for duty for any particular district, will be under the administrative control of the Superintendent of Police, Wireless, who will maintain their service records and also deal with all questions regarding their pay, traveling allowance, leave, etc. In the case of Head Wireless Operators and operators, whether posted for duty to a District Wireless Station or to a Regional or Inter-State control, the District Superintendent of Police of the head-quarters of the station concerned will exercise control over them in all such matters. Applications for leave other than casual leave from Head Wireless Operators and Wireless Operators will, however, be submitted through the Superintendent of Police, Wireless, to enable him to arrange for substitute etc.

(I. G.'s No. 6103, dated 13th January 1948.)

(3) (i) Head Wireless Operators and Operators (ranked as Police Head Constables) posted to District Wireless Stations shall be under the disciplinary control of the local District Superintendent of Police and those posted to the State Reserve Police shall be under the control of the Commandant.

(ii) Head Wireless Operators, Wireless Operators, Radio Mechanics and Electricians (also ranked as Head Constables) posted to Inter-State and Regional Control Stations shall be under the disciplinary control of the District Superintendent of Police of the head-quarters of the station concerned, and those at the Training Center, Poona (Dapuri) and other Wireless Establishments at the head-quarters of the Wireless Grid, shall be under the disciplinary control of the Superintendent of Police, Wireless.

(iii) Police Wireless Inspectors and Sub-Inspectors (Engineering and Traffic) shall be under the disciplinary control of the Superintendent of Police, Wireless, and the Inspector-General of Police.

(iv) Normal default cases of Head Wireless Operators, Operators, Radio Mechanics and Electricians arising out of discipline should be inquired into, and dealt with the finality by the District Superintendent of Police concerned, the Commandant, State Reserve Police force or the Superintendent of Police, Wireless, as the case may be.

(v) Default cases of the personnel mentioned in clause (iv) above arising out of technical matters should be enquired into by the Superintendent of Police, Wireless, and the papers forwarded by him

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with his recommendations for final disposal to the District Superintendent of Police concerned or the Commandant, State Reserve Police force, as the case may be.

(vi) Default cases of Police Wireless Inspectors and Sub-Inspectors (Engineering and Traffic) whether arising out of discipline or technical matters should be enquired into by the Superintendent of Police, Wireless, and the papers forwarded by him with his recommendation to the Inspector-General of Police for final orders.

(I. G.'s No. 6103, dated 2nd November 1950.)

477. Office Equipment for Police Wireless Establishment.—Every District Superintendent of Police will be responsible for the supply of articles of stationery, forms and furnitures etc. to the wireless stations attached to his district, the stations being considered as an addition to the number of offices subordinate to him. However, the equipment and other articles of stationery, forms and furniture etc. required for the offices of the Police Wireless Inspectors and Police Wireless Sub-Inspectors will be supplied by the Superintendent of Police, Wireless.

(I. G.'s No. 6103. dated 13th January 1948.)

478. Duties of the Wireless Staff.—(1) The Superintendent of Police, Wireless, is responsible for the maintenance of the Police Wireless equipment and for wireless traffic carried over the Police Wireless Grid in the whole of the State. He is assisted by the engineering staff in the work of maintenance and by the operating staff, so far as the traffic side is concerned.

(2) Subject to such additions or modifications as may from time to, time be made by Superintendent of Police, Wireless, the following will be the main duties of the subordinate staff:-

(a) A Police Wireless Inspector will-

(i) be responsible for the installation and maintenance of wireless stations in the zone, from both engineering and traffic of view.

(ii) maintain separate history sheets for wireless equipment of different makes and types.

(iii) go round to all wireless stations and inspect them,

(iv) If required, impart necessary instructions to Head Wireless Operators regarding the proper maintenance of the station and check entries in the technical and traffic) books maintained at the stations,

(v) report to the Superintendent of Police, Wireless, all cases of irregularities in the working of the stations or of delay in the transmission of messages in his zone, lifter due investigation and

(vi) be responsible for maintaining the stores and the work-shop at zone head-quarters and, when stationed at Poona, the Central Workshop, Central Stores at Poona.

(b) A Police Wireless Sub-Inspector (Engineering) will-

(i) be responsible for inspecting and maintaining all the wireless stations in his division, from both engineering and traffic point of view,

(ii) maintain the regional workshop and look after testing equipment,

(iii) keep the ledgers for receipt and issue of wireless stores up-to-date,

(iv) maintain a special file for defect reports received from wireless stations in his charge and submit to his Police Wire-less Inspector at the end of every month, a consolidated statement of faulty equipment attended to,

(v) check daily diaries of Radio Mechanics and Head Wireless Operators. in his region and forward to his Police Wireless Inspector any information of special. interest, and

(vi) report to his Police Wireless Inspector all cases of irregularity in the working of stations or of delay in the transmission of messages in his region after due investigation.

(c) A radio Mechanic will-

(i) maintain a regular diary regarding the repairs and other work done and submit the same to his Police Wireless Sub-Inspector (Engineering),

(ii) maintain a history sheet of all wireless equipment, including a mention of repairs, done to different types and makes of equipment, and

(iii) attend to break-downs at any station in his charge as directed by his Police Wireless Sub-Inspector (Engineering).

(d) An Electrician will be responsible for-

(i) maintenance and repairs of all petrol engines and mains chargers and inspection of power wiring at all the wireless stations in his charge and for attending to any break-downs in these as directed by his Police Wireless Inspector or Sub-Inspector.

(ii) repairs to faulty batteries received for the purpose at tile stores, and any other work, as directed by his Police Wireless Inspector and/or Sub-Inspector,

(iii) maintaining a daily diary giving details of all work done, and submitting it every fortnight to his Police Wireless Inspector.

(e) A Police Wireless Sub-Inspector (Traffic) will-

(i) be responsible for seeing that all wireless traffic over the Police Wireless Grid is carried on smoothly and for checking transmissions occasionally,

(ii) check log books and other traffic records of wireless stations,

(iii) investigate causes of delay,

(iv) see that the standard wireless Police procedure is followed by every station

(v) check daily diaries of Head Wireless Operators,

(vi) visit any stations, if so required, and submit report on its working etc., to the Superintendent of Police, Wireless and

(vii) carry out such instructions as the Superintendent of Police, Wireless, may issue to him.

(f) A Head Wireless Operator will-

(i) maintain necessary records of the traffic and wireless equipment,

(ii) check log books,

(iii) report irregularities regarding traffic to his Police Wireless Sub-Inspector (Engineering),

(iv) maintain a daily diary,

(v) submit prescribed returns about inward and outward traffic to his Police Wireless Sub-Inspector (Traffic),

(vi) keep to himself all official matters communicated on the wireless system and not give out any such information to any body, not even to another person belonging to the Police Department,

(vii) see that the standby set is in working order and for that purpose use the set for working the station, preferably on Sun-days,

(viii) prepare duty charts for his wireless operators,

(ix) run the station personally during the period Wireless Operators are engaged in their Classification Examinations, and

(x) generally see that the efficiency and discipline of the wire-less station is maintained.

(g) A wireless Operator will-

(i) attend the wireless station according to the "duty chart",

(ii) be responsible for quick and correct transmission, reception and despatch of wireless messages, while on duty,

- (iii) carry out any technical duties, e.g. charging of batteries and noting supply voltages, allotted to him by his Head Wire-less Operator,
- (iv) adhere to the prescribed wireless procedure while operating,
- (v) maintain all registers in a neat and legible hand,
- (vi) report to his Head Wireless Operator immediately, when a fault in the equipment or any irregularity in the channel is noticed, and
- (vii) keep to himself all official matters communicated on the wireless system. .

(I. G.'s No. 6113-A, IV, dated 9th/10th February 1950.)

(3) The personnel of the Police Wireless Grid should, while on duty, always wear the uniform of the Police rank allotted to them. The Police Wireless Inspector, the Police Wireless Sub-Inspector (Engineering) and the Police Wireless Sub-Inspector (Traffic) should wear the wireless badge viz., "w" on a red background immediately below the shoulder, on both the sleeves. Other wireless staff should similarly wear the same badge, but only on the left sleeve.

(G. R., H. D., No. 148/5, dated 18th February 1948 and I. G.'s No. 6103, dated 27th February 1948 and 23rd January 1948).

(4) The personnel of the wireless grid should attend parades twice a week at their respective Police Head-Quarters.

(I. G.'s No. 6103, dated 27th February 1948).

479. Interference with wireless equipment.-(1) Batteries of Police motor vehicles may be charged at the wireless stations in cases of emergency only, without affecting the regular working of the wireless station, at places where there is no independent arrangement for the vehicles of the Police Motor transport. Wireless operators shall not charge private batteries at wireless stations or allow the wireless equipment to be used for private purposes even of any Police Officer.

(2) Wireless Operating staff will not unnecessarily take on themselves the responsibility of rectifying serious faults in the wireless equipment at their station. They should, whenever such faults are noticed, immediately intimate the break down to their Police Wireless Inspector by wireless and see his assistance. Till the arrival of the wireless engineering staff, the work in the station should be carried on by using the standby set. A Head Wireless Operator is expected to attend to very minor and superficial faults, e. g., changing of fuses or valves and tightening of loose wire connections

482. Supply of guards or escorts to private individuals or bodies.- (1) (a) If Police are needed by private persons to guard their property or keep the peace, they may be supplied by Commissioner of Police or the Superintendent of Police, as the case may be, on the terms prescribed by Section 22 of the Bombay Police Act.

(b) when private parties or companies apply for a Police party to escort treasure, the strength should be determined by the officer applied to on a consideration of the amount of treasure and the danger that is apprehended.

(c) Furnishing private individuals, when proceeding on a pilgrimage or any other journey, with a Police escort is objectionable.

(G.R., J. D., No. 3965, dated 11th July 1874).

(2) It is only in very exceptional cases that a permanent escort is required for the custody of Public Works Department treasure for payments to workmen. As a general rule, the Sub-Inspector of Police of the Police Station, through the limits of which the cashier passes, should be requested through the Mamlatdars to make the necessary arrangements for escort.

(G. R., P. W. D., No. 89-E-424, dated 12th March 1887).

(3) Police protection should be given to the Bailiffs carrying cash and other valuables attached in the execution proceedings when the value of the property attached is Rs. 500 or more and whenever they apprehend danger and ask for protection. The number of Policemen required on such occasions, which would not be large should be provided from the existing strength of the Police Stations concerned.

(I. G.'s C. M., No. 7436, dated 2nd June 1953).

(4) (a) As a general rule, Police supplied to municipalities, private companies and others should be changed at regular intervals, i. e., as far as possible every year. They should be trained men from the permanent force, and recruits should be entertained in the lowest grades to fill up the temporary vacancies caused by the transfers of such permanent men. As soon as regular vacancies occur, the men holding the temporary appointments should be transferred to the permanent vacancies. The employment of temporary Policemen as additional Police has the disadvantage that such men, if employed for a considerable period of years, serve for a long time without becoming eligible for pension.

(b) Where, however, as in the case of the guards supplied to the Security Printing Press, Nasik, and to the various branches of the , State Bank of India, the arrangement is a permanent one the vacan-

cies so caused should be filled up permanently by the enlistment of recruits.

(G. R., H. D., No. 9206, dated 9th January 1926.)

(c) When additional Police are required for employment by private companies etc., the Commissioner of Police or Superintendents, as the case may be, should select men who will obtain some substantial pecuniary advantage from the deputation, which is necessary as a " set off against the inconvenience and pecuniary- loss involved in maintaining two separate establishments. Thus a senior Constable should be detailed for a Head Constable's appointment in the additional Police and so on.

(5) The application for the supply of guards to private individuals or bodies should be in Form No. 27 in Appendix I.

483. Duties of and Control over additional Police.-(1) Whenever additional Police are deputed under the proceeding Rule, the District Superintendent of Police may lay down, in such manner as he thinks fit, the extent to which additional Police employed at the charge of a municipality shall be subject to the orders of the Police Station Officer or other Police authorities in whose jurisdiction they are working. In such cases the Policemen, if not directly under the control of their regular Police officers, tend to become so slack and untidy as to bring discredit on the regular force by their general appearance. They may also abuse their authority and indulge in petty exactions at the expense of the public, or other forms of illegality, for which the nature of their employment, without the regular control of their departmental superiors may sometimes give special opportunities.

(2) The Commissioner of Police or the District Superintendent of Police, as the case may be, is ultimately responsible for all such matters of discipline and control. He should, therefore, consider in every case, where additional Police are deputed by him, whether at the charge of a municipality' or otherwise, what steps are necessary or desirable, in the direction indicated in Sub-Rule (1) above, to enable him efficiently to discharge his responsibilities in regard to such additional Police. It will usually be necessary to lay down the nature of the duties to be performed by the additional Police, and, in the case of municipalities, to arrive at a clear understanding with

the municipal authorities as to the limitations to be imposed on them. .Such limitations should include forbidding them to take any more active part in removing encroachments or executing distress warrants than is entailed in accompanying municipal officers to see that they are not obstructed or that no breach of the peace occurs.

(I. G.'s No- 22, dated 29th May 1928).

(3) While it is the duty of the Police to regulate traffic and maintain order at local board and municipal elections, they should not be .

required to take charge of ballot boxes or to convey them from the polling stations to the Returning Officers. Accordingly, Police assistance for these purposes should not be given unless, in the case of municipal elections, which are conducted by the municipalities, the local body concerned agrees to pay for the services of the Police and, in the case of local board elections, the Collector, who is responsible for the elections, considers, that for any special reasons such assistance is necessary.

(G. R., H. D., No. 6364/3, dated 9th July 1936).

484. Cost of additional Police.-(1) The pay of Police Guards or escorts supplied to private companies or private individuals should be recovered in advance by Superintendents of Police and paid into the treasury. In addition to the pay, recoveries should be made:

(a) (i) if the establishment has been sanctioned from a date prior to 1st April, 1931, on account of leave and pension contribution at 25 per cent of the average cost of different establishments

(ii) if the establishment has been sanctioned from a date after 1st April, 1931, on account of pension contribution with effect from 1st May 1939 at the monthly rate of 9 per cent of the maximum monthly pay of all the sanctioned posts (Appendix VII-A of the Bombay Civil Services Rules) i. e., the maximum pay of the highest grade in cases where there are different grades and the maximum pay in the case of establishments on time-scales of pay and on account of leave contribution at the monthly rate of 12 per cent of the total sanctioned cost or in the case of time-scales of pay on the average cost of all the posts concerned;

(b) on account of supervision etc., at the rate of 6 per cent of the average total cost and not the actual cost.

Note.-The total cost should include pay, special pay, allowance which are termed as

special pay, Dearness Allowance, Compensatory Allowance, and House Rent Allowance, if admissible while calculating pension and leave contributions and Supervision charges under clauses (a) and (b) above

(G. R., H. D., No. 1345/7, dated 25th May 1953).

(c) on account of clothing at the rate of Rs. 15 per man per annum

(d) unless free quarters are provided by private companies or individuals concerned, on account of house-rent at the rate sanctioned for the locality);

(e) on account of deputation allowance at the rate of Rs 5 per mensem when this is allowed.

(This allowance should be treated as a compensatory allowance payable only when a change of station is involved and should

cover the entire period, however extended, for which a Police-man may be lent to a private person).

(G. R., H. D., No. 9348/2, dated 9th July 1931 and 3rd December 1931).

(f) on account of free passage concessions at 81 n P. per mensem per District Policeman and Re. 1.81 nP. per mensem per Railway Policeman.

(G.L., H.D., No. 6404/4, dated 23rd October .1942)

(2) The charges on account of the supply of police guards to private individuals should be recovered on daily basis..

(3) The pay of the additional Police supplied under Sub-Rule (1) should be drawn on the special form of pay bill prescribed for the purpose.

(4) District Superintendents of Police should intimate to the Accountant-General their sanction of supplies of Police guards or escorts to private persons and companies, whenever made, giving full details about the number of men lent, the rates of their pay and allowances and the .period for which lent, etc.

(I. G.'s No. 13, dated 26th April 1939)

(5) No charge should be made to public departments for supplied to them.

(6) Any case in which a Police guard is desired by a Government Department shall be specially submitted for the orders of Government by the officer desiring it.

(7) District Magistrates should not-save in urgent and exceptional circumstances which should be forthwith reported to Government-requisition guards which have not been authorized by Government. When additional guards are requisitioned by the District Magistrates, they should be furnished free of cost and the matter should be reported by the Superintendent of Police to the Inspector-General of Police.

(G. R., J. D., No. 6380, dated 29th November 1906 and I. G.'s No. 13, dated 4th January 1907).

(8) When guards are supplied by the Police Department to a railway at the latter's own request, for the performance of duties which might be arranged for by the railway authorities and are not part of the ordinary functions of -the Police, their cost shall be charged to the railway in same manner as laid down in Chapter V in Volume II.

(9) The cost of the Police escort supplied to the Bailiffs of the Judicial Department should not be recovered.

(G. R., H. D., No. 3977/7-H, dated 30th October 1956). .

(10) When the Police guards are supplied to the parties in dispute in civil suits who apprehend danger and seek Police help through

the Court, the cost of the guard should be recovered from the parties to whom Police guards are supplied.

(G. L., H. D., No. GRD-2957/ 102273-V1, dated 16th December 1957).

485. Additional Police for disturbed areas.-(1) Recommendations for employing additional Police under Section 50(1) of the Bombay Police Act should be submitted by the District Magistrate through the Range Deputy Inspector-General of Police and the Inspector-General of Police whose opinion, as that of the officer responsible for the general organization of the Police, must always be taken, to Government. The District Magistrate or the District Superintendent of Police concerned should consult the Police Advisory Sub-Committee of the District Development Board concerned before submitting through the Inspector-General of Police, such proposals to Government in the Home Department. Any proposals which the Superintendent of Police may have to make should be submitted in the first instance to the District Magistrate.

(G. R., J. D... No. 2502. dated 17th April 1895 and G. R.. P. & S. D., No. DDB-5158-R, dated 22nd January 1958).

(2) Whenever any proposal for the establishment of an additional Police post is submitted to Government for sanction, it should be accompanied by information showing the population of the village in which, and at the cost of which, it is proposed to establish the Police post and the average incidence of the taxation which the maintenance of the post will necessitate.

(G. R., J. D., No. 5157, dated 8th August 1901).

(3) (a) In all applications for additional Police etc., the Superintendent should report to the District Magistrate how many men are intended to be armed and how many unarmed and also the number and the kind of arms, accoutrements and articles of clothing required. They should be all carefully estimated after deducting the articles which can be issued from stores. .

(I. G.'s No. 120, dated 9th June 1897).

(b) District Magistrates should address the Inspector-General of Police as regards the arms accoutrements and clothing which may be required.

(4) Applications for the continued employment of additional Police previously sanctioned should be submitted at least two months before the expiry of the period sanctioned, to enable Government to issue the requisite orders under Section 50 of the Bombay Police Act before the period expires.

(G. R., J. D., No. 2783, dated 17th April 1896).

(5) It is not necessary to obtain Government orders to the cessation of a post of additional Police at the conclusion of the term for which it is sanctioned. Unless a continuation of the term is sanc-

tioned, the temporary employment necessarily terminates at the end of the term.

(G. R., J. D., No. 4225, dated 2nd June 1897),.

486. Duties and cost of additional Police in disturbed areas.-(1) Section 50 of the Bombay Police Act empowers Government to sanction the employment of additional Police in any local area which appears to them: to be in a disturbed or dangerous state, or , in which the conduct of the inhabitants or of any particular section of the inhabitants renders it necessary temporarily to increase the strength of the Police. Such additional Police must, therefore, be employed only for the maintenance of peace, *in the locality concerned.*

Whenever additional Police are sanctioned under Section 50, suitable instructions should invariably be issued by Superintendents of Police with a view to prevent the utilization of the additional Police in an unauthorised manner.

(G. L., H. D., No. LCE-1739-D. dated 8th May 19~2 and No. 23, dated 4th June 1952).

(2) The mode of assessment and collection of the cost of additional Police is laid down in Section 50 of the Bombay Police Act.

SECTION V-PLAGUE AND FAMINE POLICE

487. Application for and power to sanction the entertainment of plague and famine Police.-(1) All applications for sanction to the entertainment or retention of additional Police on account of plague should be submitted for orders by Superintendents of Police through the District Magistrates to the Deputy Inspector-General of Police of the Range concerned and by Railway Superintendents direct to the Range Deputy Inspector-General of Police concerned. In submitting

such applications,. Superintendents should state precisely the L special reasons necessitating the entertainment or retention of the r- plague Police, the social 'duties' for which they are required, their strength of the regular, Police at the place the number of vacancies in the district and the exact conditions calling for additional Police.

(I. G.'s No. A-1109,'dated 28th March 1907 and I. G.'s No. A-6492, dated 9th October 1907).

(2) Applications for sanction to the entertainment of temporary Police for famine purposes in Districts and Railways should be addressed to the Range Deputy Inspector-General of Police.

(3) When applying for famine or plague Police, the description and the number of articles of clothing and accoutrements required should be stated. These should be carefully estimated after deduct. in such articles as can be issued from store. In the case famine Police it showed also be stated how many men are to be armed and how many unarmed, giving at the same" time the number and description of arms required.

(4) The Deputy Inspectors-General of Police are empowered to sanction, within budget provision, the entertainment or retention of additional Police on account of plague.

(G. R., H. D., No. 2123, 13th May 1925).

A copy of the Deputy Inspector-General's order sanctioning the entertainment or retention of the additional Police should, each time sanction is accorded, be forwarded to the Accountant-General and the District Magistrate concerned.

(I. G.'s No. 5-18470, dated 18th December 1908).

(5) The Deputy Inspector-General of Police is empowered to sanction the entertainment of temporary Police for famine purposes, subject to confirmation by the Inspector-General of Police.

488. Uniform and housing of plague and famine Police.-(1) (i) In the case of temporary Police, the capitation grant is the same, i. e., (Rs. 1.25 nP. per man per mensem) as in the case of the regular police; but as a rule, it will not be necessary to supply Policemen, employed for a brief period in an emergency, with full uniform. This, however, is a matter that must be left to the discretion of the Superintendent of Police, who should settle it in accordance with the circumstances of each case.

(ii) The cost of capitation grant in the case of additional plague Police should be met from the grant at the disposal of the Range Deputy Inspector-General of Police.

(G. R., J. D., No. 3030, dated 1st May 1900, No. 3652. dated 8th June 1901,

G. R., 'H. D., No. 3072. dated 18th March 1924 and G. R., H. D., No. 4249/3, dated 30th July 1934).

(2) (i) For rules regulating the erection of huts for the accommodation of the Police in plague infected areas, reference should be made to Rule 260 in Volume I.

(ii) The Public Works Department will provide such accommodation as is necessary for Police guards on famine relief works.

(G. R., J. Do, No. 2512. dated 9th April 1900),

(3) For exemption from the operation of Rule 449 of the Bombay Civil Services Rules in the case of Policemen transferred on plague duty, reference should be made to Sub-Rule (2) of Rule 326 in Volume I.

489. Cost of plague and famine Police.-The cost on account of the entertainment of additional Police force for famine or plague duty should be debited to "29-Police~District Executive Force~Other Police-Additional Police Establishment".

(G. R., R. D., No. 11245, dated 9th December 1912).

CHAPTER XI

AUXILIARY ORGANISATIONS

SECTION I-VILLAGE POLICE

498. Appointment and Control over village Police.-(1) The village Police organization is constituted under the Bombay Village Police Act, VIII of 1867. The administration of the village Police in each district is vested in the District Magistrate, who may delegate any portion of it to an Assistant or Deputy Collector, being a Magistrate of the First Class.

(2) The power to appoint village officers cannot be delegated to the District Superintendent of Police. The only provisions authorising a transfer of authority are those in Section 4 of the Bombay Village Police Act and Section 46 of the Bombay Police Act, and in these provisions the authority capable of being delegated by the District Magistrate is limited to authority for "purposes of police" or "police purposes". The phrases must clearly be taken as meaning "for purposes of police work and functions", And the provisions as allowing delegation of control over the village Police. only in respect of the performance of their duties as such.

(G. R., H. D., No. 6804, dated 25th September 1895.)

(3) A Sub-Divisional Magistrate, before appointing a Police Patel for any village in which a vacancy has occurred or is expected shortly to occur, should notify the Police officer in charge of the sub-division of his intention and ask him to bring to his notice before a fixed date any facts concerning the persons eligible for the appointment which it is desirable from the Police point of view " that he should know. 10

(G. R., H. D., No. 6273-%, dated 20th September 1930.)

(4) District Magistrates will carefully protect and control the Patels. Charges of neglect of duty or other misconduct preferred against these officers should be investigated solely by them.

491. Training of village Police.-In addition to the annual courses of instruction required to be conducted by Prant Officers of the Revenue Department, Superintendents of Police and Sub-Divisional Officers should call in Police Patels at the time of their inspection of the nearest Police Stations or Outposts and give them general instructions about their duties ~d particularly about crime and allied matters.

(G. R., H. D., No. 1040/4. dated 4th April 1942 and I. G.'s No. 12, dated 20th May 1942.)

492. Powers of a Police Patel in the matter of arrest.-(1) It is unnecessary to define serious offences for which Police Patels may arrest under Section 12 of the Bombay Village Police Act. Offences which are not ordinarily serious may become so at certain time and in certain localities.

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(2) For the re-arrest by the District Police of a person sent under 81Test by the village Police, reference should be made to Rule 180.

493. Duties of Police Patel.-(1) The duties and responsibilities of Police Patels are laid down in a booklet entitled "Instructions for the Guidance of Police Patels -(1951)"

(2) (a) It is also the duty of the Police Patel to assist any traveller, whatever his race may be, who from sickness is unfit to continue his journey, and especially not to allow the sick traveller to suffer from want of shelter, of food, or of attendance.

(b) On hearing of any such person having arrived at the village or being on the road or in the fields in a helpless state of sickness, the Police Patel should at once ascertain all the circumstances of the case.

(c) The sick, helpless traveller should be taken to a dharmshala or sarai or to other available shelter, and the Police Patel should ensure that he is supplied with necessary food and water, and such other aid as his sickness may require and can be given. He should " protect the sick person's property from theft.

(d) The Police Patel should at once send a messenger to inform the friends of the sick man of his condition, if they are in the same taluka, or in any villages not more distant than if they were so. Otherwise he should, without delay, report all the circumstances of the case to the Sub-Inspector or Mamlatdar, who will acquaint the friends with the traveller's state or, if necessary, will arrange for his removal to hospital or to his home.

(e) If the sickness of the traveller is cholera, he should be accommodated outside the village in a vacant building, if there is one procurable. If there is no such building, he should be sheltered as well as possible with a pal, a tent or a booth under a tree, but not near a well or a tank. The Police Patel should arrange also that the sick person has an attendant and that all his wants are supplied.

(f) The Iota of a person ill with cholera must not be used in drawing water for him from the well or tank. The water he requires must be drawn otherwise, and then poured into his own Iota or cup.

(g) The surface earth of any floor on which a person 'sick with cholera has lain should be scrapped off and buried at a distance from water or houses, in a hole dug for the sick man's vomit or other discharges.

(h) In the absence of the Police Patel, the Revenue Patel should carry out these duties.

(i) The Patel should send to the Mamlatdar a memorandum of expenses incurred which, if found correct and reasonable, should be

paid in the event of there being no friends of the sick man able to defray the charges.

(3) The prompt relief of shipwrecked persons is considered to be part of the duty of Police Pate Is. They also have discretionary power to incur some small expenditure for the purpose, all the circumstances being at once reported to the nearest taluka officer.

(G. R., H. D., No. 2258, dated 2nd October 1922.)

(4) A Police Patel appointed under the Bombay Village Police Act, VIII of 1867, is a village Police officer in the State of Bombay for the purposes of Sub-Section (1) of Section 45, Criminal Procedure Code.

(G. R., H. D., No. 7209-11, dated 11th April 1927.)

(5) It is not the duty of village watchmen to watch the camp of any officer by night or to serve as an escort to officers of the, district Police when moving about. Such a withdrawal of the Villages, Police from their legitimate duties is prohibited, and the employment of men brought from other villages is an abuse, which should be put a stop to.)

(6) For the duties of different 'classes of inferior village servants, reference should be made to Appendix XXXIII.

(G. R., R. D., No. 7420/33, dated 13th September 1938.)

494. Emoluments of Village Police.-(1) When village watchmen are employed to watch the camp of any officer by night, except by the wish of the people themselves of a village where the custom of village responsibility is still kept up, they should be paid. Even in the latter case, more than a couple of men should rarely be necessary and any in excess of this number should be paid for.

(2) A diet allowance of 25 n P. per day should be paid to village \ Police Patels and inferior village servants, whenever they are deputed to guard railway lines on the occasion of the journey of the President of India the expenditure being debited to the grant for other charges under "Other items- " A" of Non-contract Contingencies District Executive Force.

(G. R., H. Do, No. 5152/4, dated 24th February 1942.)

(3) Village servants authorised by their Police Patels to travel by rail or passenger bus for the prompt communication of reports of murder, attempt 'at murder, culpable homicide, dacoity or any serious rioting to the Police Station should be reimbursed their actual expenses for onward and return journeys, the expenditure being debited to the Superintendent's non-contract contingencies.

(G. R. H. D., No. 5941/4-D, dated 29th May 1942.)

(4) The cash chest on village famine works should be guarded by village Police employed on the A class wage.

(G. R., H. D., No. 8514, dated 10th September 1912.)

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SECTION II-SPECIAL POLICE

495. Enrolment of special Police.-Authority for the enrolment of Special Police Officers is contained in Section 21 of the Bombay Police Act for the districts in the State of Bombay and in Sections 17-19 of the Police Act (V of 1861) for the Railways. Special Police Officers are to be enrolled only in emergencies. It is, therefore, necessary to give wide discretion as to their enrolment and employment to the officers authorized by law to appoint them and responsible for handling them in the manner best calculated to deal with the emergencies. But this discretion is to be exercised in accordance with the following instructions:-

(1) The Commissioner, the District Superintendent, or any Magistrate specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the age of 18 and 50, whom he considers fit to be a Special Police Officer to assist the Police force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property. The authorities concerned should prepare and maintain confidential lists of respectable persons throughout their districts who are likely to be both fit and willing to serve as Special Police Officers when called upon. The names of any individuals likely to prove of more use as informants should be excluded from these lists. Copies of the lists should be furnished to the Sub-Divisional Police Officers. The maintenance of these lists is designed to save time in emergencies, but is in no way to fetter the discretion of local officers, should it be desirable to call upon individuals, classes or communities who do not appear on them.

(2) Special Police Officers should be appointed by voluntary enrolment.

(3) Every person enrolled should receive a formal certificate of enrolment in the prescribed form and should be known as a Special Police Officer.

(G. Ro, H. D., No. 114. dated 3rd August 1922 and G. L., H. D., No. 6518-II, dated 13th February 1953.)

496. Equipment of special Police.-(1) Special Police Officers should be distinguished by a red brassard, four inches in width conspicuously marked with the letters S. P. O. This badge should be worn on the left arm.

(2) Special Police Officers should be armed with batons or lathis at the discretion of the Superintendent of Police; but responsible Special Police Officer~ may be provided with suitable firearms, when engaged on particularly responsible or dangerous duties.

(G. R., H. D., No. 114, dated 3rd August. 1922.)

497. Allowance admissible to special Police –Special Officers will ordinarily receive no remuneration for their services, but allowance may be made for expenses actually incurred, provided that the amount can be met from the grants at the disposal of the Superintendent of Police. Rewards for special services may be granted under the rules regulating the grant of rewards to regular Police officers.

(G. R., H. D., No. 114, dated 3rd August 1922.)

498. Duties of special Police.-(1) The function of Special Police Officers is to assist the regular Police.

(2) Ordinarily the duties to be assigned to Special Police Officer should be-

- (a) patrol and simple routine duties, and
- (b) the collection and communication of information.,

They should not, save in emergencies, be employed in direct contact with riotous mobs.

(3) Discipline must necessarily be strict in emergencies and should not be relaxed in the case of Special Police Officers; but care should be taken to employ them only on duties which they are capable of carrying out. Their employment on menial and other work calculated to offend their reasonable susceptibilities should be studiously avoided.

(4) They should attend lectures and parades only to the extent necessary to give them a proper understanding of their duties and the use of the weapons with which they are armed.

(G. R., H. D., No. 114, dated 3rd August 1922.)

(5) Every Special Police Officer so appointed shall on appointment 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.

(Section 21 (2) (b) of the Bombay Police Act, 1951.)

SECTION III-HOME GUARDS

499. Organization, appointment and training of Home Guards.-

(1) The Home Guards is a voluntary body organized under the Bombay Home Guards Act, III of 1947, and is intended to supplement the ordinary Police force in different parts of the State in relation to the protection of persons, security of property and public safety, and such other services to the public as they may be called upon to perform. It is essentially a civilian body, but is never the less bound by discipline of a standard equal to that of any military organization.

(2) The Home Guards consist of the Commandant General, the Commandant and several subordinate officers in command of divi-

sions, companies, platoons, sections, etc. The State Government shall appoint the Commandant General and a Commandant of each of the Home Guards, subject to the approval of the Commandant general, the Commandant may appoint as members of the Home Guards such number of persons who are fit and willing to serve as may from time to time be determined by the State Government" and may appoint any such member to any office of command in the Home Guards.

(3) Notwithstanding anything contained in Sub-Rule (2) above, the Commandant General may, subject to the approval of the State Government, appoint any such member to any 'post under his immediate control. (Section 3 of the Bombay Home Guard Act.)

(4) Home guards receive initial training in subjects like lathi training, weapon training and practice, control of traffic, law and first-aid, mob fighting, guard and escort drill etc.

500. Pledge of service and equipment of Home Guards.-(1) On enlistment, a Home Guard will be required to sign a pledge of service in Form No. 28 in Appendix I, which, after countersignature by the Commandant, will be filed by him in his records.

(2) On enrolment, a Home Guard will be issued an identification card, which he will carry whilst on training or on duty. The card is a confidential document and the loss of it must be reported immediately to the Command Head-Quarters through the Divisional Commander. A loss of the card through neglect on the part of a Home Guard will lead to disciplinary action.

(3) A Home Guard is supplied at Government cost with certain articles of uniform, which he must return on being discharged from the Home Guards Organization.

501. powers and duties of Home Guards.-(1) The functions of Home Guards ordinarily consist of-

(a) guarding public buildings,

(b) patrolling for the prevention of crime and the enforcement of such regulations and orders made under the Bombay Police Act or any other law for the time being in force in other areas, as it would be the duty of a police officer to enforce under the said Act or law,

(c) assisting the ordinary police force in its other duties.

(d) to make out ordinary types of prohibition cases, such as being drunk, having taken a drink, found carrying contraband, etc.

(I. G.'s C. M. No. 6123-G-V. dated 20th August 1954).

(e) Home Guards in uniform have been invested with the powers for the purpose of Sections 86 (1), 87 (1) and 128 (2) of the Motor Vehicles Act, 1939 and of watching movements of bad characters.

(G. C., H. D., No. HGS-5956/50203-H, dated 22nd August 1956).

(f) Member of the Home Guard not below the rank of a Company Commander in uniform is empowered under Section 129A of the Indian Motor Vehicles Act, 1939, to detain vehicles used without the certificate of registration or the permit

(G. N., H. D., No. MV A 6657-XII, dated 13th July 1959.)

(2) A member of the Home Guards constituted for any area shall be bound to serve in any part of such area provided that, as far as possible, each platoon shall be assigned duties near the locality in which the members comprising such platoon reside.

(3) Except in an emergency, no member of the Home Guards shall, without his consent, when called out, be required to be on duty, for more than four times a week or in the aggregate more than eight hours a week. Absence from duty without leave will render a Home Guard liable to be punished under the Home Guards Act.

(4) Under Section 4 of the Bombay Home Guards. (Amendment) Act, 1950 (Bom. XI of 1950), the power to callout Home Guards for training or duty has been delegated to the Commandants of the Home Guards and to the Commandant General in an emergency. The District Superintendent of Police has no power to callout Home Guards on duty on his own authority.

(G. L., H. D., No. S. 64/908-H, dated 8th March 1951.)

(5) The arrangements for escorting arms and ammunition belonging to the Home Guards from one place to another should be made by the Home Guards themselves. In exceptional cases, however, where the Commandants feel that it is necessary that Police should escort arms and ammunition at a particular place due to peculiar circumstances, the District Commandant should always obtain the services of Policemen to escort the arms and ammunition in consultation with the District Superintendent of Police.

(I. G.'s No. M/6123, dated 20th February 1959.)

502. Allowances admissible to Home Guards.-(1) (a) A duty allowance of Rs. 2 per day, when called out for Prohibition work and Rs. 2.50 nP. per day, when called out for other duty, will be paid to each member of the Home Guard. The time spent by Home Guards in attending Courts to give evidence as prosecution witnesses in Prohibition and other cases should be treated as period on duty and they should be paid Duty Allowance for that period.

(G. R., H. D., No. HGS 5958/51433-VI, dated 26th March 1958 and Commdt. Genl., H. G.'s No. 1308/COG, dated 3rd March 1955)

and G. R., H. D., No. 5090/5/67271, dated 19th January 1953)

(b) No cash rewards should be paid to the Members of the Home Guards Organization in recognition of some special work done by them.

(I. G.'s C. M. No. 8123, dated 18th January 1958.)

(c) The training to Home Guards as drivers etc., should be given on vehicles belonging to Government Departments or Semi-Government Departments, at places where necessary facilities are available.

(G. L., H. D., No. 8712/5-E, dated 20th June 1956.)

(d) No fees should be recovered from the Police Department or the Municipality for the issue or renewal of licences or learner's licence in respect of such Home Guards as may be trained as drivers and conductors on the vehicles belonging to the Police Department or the Municipality. This facility is not extended in respect of vehicles belonging to other agencies.

(G. L., H. D., No. 8712/5-E, dated 21st May 1956.)

(e) The Commandant General, Home Guards, Bombay State is the controlling authority for the purpose of allowances of himself and of the establishment under him.

(G. R., H. D., No. 7470/5, dated 11th July 1949.)

(f) Government servants who are Home Guards are eligible to draw the duty allowance paid to Home Guards when called on duty under Section 4 of the Bombay Home Guards Act, 1947.

(G. R., H. Do, No. HGS 3353/80038, dated 27th January 1954.)

(g) The allowances should be paid to the Home Guards as shown below:-

<i>Allowance</i>	<i>To whom payable</i>
(1) Conveyance Allowance upto Rs. 5 per mensem.	Home Guards in the Cities of Bombay Ahmedabad and Poona only.
(2) Conveyance Allowance of Rs. 2 per mensem.	Home Guards in all districts in the pre-reorganisation State of Bombay, except the cities of Bombay, Ahmedabad and Poona.
(3) Washing allowance of Re. 1 per mensem for washing of Uniforms, polishing of shoes etc.	Home Guards in all districts in the pre-reorganisation State of Bombay where the Commandant should make arrangements for the washing of Uniforms and issue polish tins at Government cost.

(G. 11., H. D., No. HGS-7557/2928-VI, dated 11th July 1957.)

(h) The allowance mentioned in Sub-Rule (f) above should be paid to every Home Guard: WAG is regular in his attendance both at the

parades and other work. Irregular Home Guards should not be paid any allowance. The District Commandants should have the discretion to decide this point. Any Home Guard is aggrieved by the decision of the District Commandant may approach the Commandant General, Home Guards, State of Bombay, whose decision in the matter should be final.

(i) The expenditure involved should be debited to the Head "29-Police-Home Guards-Greater Bombay" or "29-Police-H-Home Guards (Mofussil)" as the case may be, and should be met from the sanctioned grants thereunder.

(2) Home Guards may carry arms while carrying out prohibition raids or engaged in the detection of smuggling of liquor or illicit distillation, but they are not permitted to retain the arms when not " on duty. The arms are to be drawn from the Police Armoury by the Home Guards before proceeding on duty and returned to Armoury immediately the duty is over.

(G. R., H. D., No. S 108/27168-H, dated 10th August 1953.)

(3) The officers of Home Guards have been allowed to retain the service revolvers with themselves with the prior approval of the Commandant General, Home Guards, State of Bombay.

(G. R., H. D., No. HGS 4255/86663-H, dated 25th April 1956.)

503. Departmental punishment of Home Guards.-(1) The Commandant shall have the authority is suspend, reduce or dismiss or fine, to an amount not exceeding fifty rupees, any member of the Home Guards, under his control, if such member, without reasonable cause, on being called out for training or to discharge any of the functions or duties assigned to him, neglects or refuses to obey such order or to obey any lawful order or direction given to him for the performance of his functions and duties or is guilty of any breach of discipline or misconduct. The Commandant shall also have the authority to dismiss any member of the Home Guards on the ground of conduct which has led to his conviction on a criminal charge. The Commandant General shall have the like authority in respect of any member of the Home Guards appointed to a post under his immediate control.

(Section 4 of the Act.)

(2) The Commandant General or the State Government may at any time call for and examine the record of any order passed by the Commandant or commandant General, respectively, for the purpose of satisfying himself or itself as to the legality or propriety of such order passed by the Commandant or the Commandant General, as the case may be, and may pass such order with reference thereto as he or it thinks fit.

(Section 6B (4) of the Act.)

SECTION IV-VILLAGE DEFENCE PARTIES

504. Object underlying Village Defence Parties.-The village defence parties are chiefly meant for the defence of the villages against depredations of dacoits and other types of criminals and for the protection of persons, the security of property and the public safety in villages.

(G. Rs., H. D., No. 4047/5, dated 19th January 1948 and 21st June 1948).

505. Organization of Village Defence Parties.-(1) For each district there will be a Police officer of the rank of a Sub Inspector for the supervision of the village defence parties in the district and will be designated as the Village Defence Officer. He will be assisted by a Joint Village Defence Officer who will be a citizen willing to work in an honorary capacity under the Village Defence Officer. There will be one Assistant Village Defence Officer of the rank of a Head Constable and one Joint Assistant Village Defence Officer selected from the public for each taluka. Under these taluka officers there will be a Kotwal for each village organization. The Kotwal will be a villager appointed by the District Superintendent of Police on the recommendation of the Assistant Village Defence Officer. The Kotwal will be in charge of the village defence party, the men in the party being recommended by the Kotwal and their officers in order to become eligible for joining it.

(2) In exercise of the powers conferred by Sub-Section (8) of Section 63-B of the Bombay Police Act, 1951, the District Superintendent of Police, with the previous approval of the Government is empowered to determine the terms and conditions of service for members and officers (other than Police Officers) of Village Defence Parties, in the district, viz: -'

(a) *Educational a,-d other qualifications for the members of the (Village Defence Party.*-(i) No person shall be appointed as a member of a Village Defence Party, who has not passed the III standard of any school. Provided that the District Superintendent of Police may relax this condition if he is of the opinion that the person is otherwise capable of understanding and carrying out the duties of a member.

(ii) Only persons having civic sense should be recruited in the Village Defence Organisation.

(iii) Men of repute, wielding social influence in the villages should be selected for the posts of Kotwals.

(iv) The village people before enlisted as members of the Village Defence Party, their character and antecedents should be verified.

(b) *Application for appointment.*-A person desiring to be appointed as a member of the Village Defence Party shall make an application to the District Superintendent of Police in Form No. P. M. 223.

(c) *Village Defence Recruitment Committees.*-(i) In making appointments of members and officers of Village Defence Parties, the District Superintendent of Police shall be assisted by a Committee, consisting of the Joint District Village Defence Officer and the Joint Taluka Village Defence Officer of the taluka concerned.

(ii) The Superintendents will also consult the Village Panchayats while selecting personnel for the Village Defence Parties, as the Village Panchayats, being an elected body, will be able to instil enthusiasm in the villagers to take part in the activities of the Village Defence Parties.

(G. L., H. D., No. VDP. 1059/9716-VII dated 28th December 1959 and I. G.'s Circular Memo. No. M/6102-A-XII dated 25th January 1960.)

(d) *Certificate.*-Every person appointed to be a member of Village defence Party shall receive a certificate of appointment in Form No. PM 224.

(e) *Uniform and Equipment.*-(i) Every member and officer of the Village Defence Party shall, while on duty wear the uniform and equipment, if any, supplied to him by Government.

(ii) The District Superintendent of Police should supply rectangular aluminium badges of 2" x 1/2" to the Joint Village Defence Officers and Assistant Joint Village Defence Officers in their district as under:-

Officers	Letters on badges in regional language
(1) Joint Village Defence Officer. (ग्राम रत सहप्रमु त)	ग.र.उ.प्र.
(2) Assistant Joint Village Defence Officer, (ग्राम रत उप-प्रमु त)	ग.र.उ.प्र.

Conditions of service of Village Defence Party's Officers and members have been determined under Sub-Section (8) of Section 63 (B) of the Bombay Police Act, 19511.

(G. L., H. D., No. BAP 1554/39645-F, dated 21st June 1956.)

(f) *Permanent Traveling Allowance.*-A permanent monthly traveling allowance of Rs. 35 and Rs. 22.75 nP. is granted to the Joint Village Defence Officers and Assistant Joint Village Defence

Officers respectively to cover the expenses on journeys performed by them within their sphere of duty.

(G. L., H. D., No. 5866/6-H, dated 5th July 1951.)

506. Control over Village Defence Parties.-(1) The whole village defence organisation in the district will be subordinate to the District Superintendent of Police who, in turn, will be under the control of the District Magistrate.

(2) The District Superintendent or any officer authorised by him in this behalf may at any time by order in writing remove any member or officer of a Village Defence Party if in his opinion the continuance of such member or officer is undesirable. When the District Superintendent or the authorised officer makes such order of removal, he shall record the reasons therefore and a note of the inquiry made and no such order shall be made, unless the person concerned is given an opportunity of being heard in his defence.

507. Supply of arms to Village Defence Parties.-(1) In order to create confidence among the members of the village defence parties, a few selected villagers will be given arms licences and these men will be expected to arm themselves with such guns as they might be able to procure on their own Or with the help of the Superintendent of Police.

(2) If the members of the village defence party holding M. L. guns apply for the exchanging the M. L. guns with 12 bore guns, their requests should be considered favourably by the licensing authorities.

(I. G.'s C. M. No. 6102-A, dated 26th October 1958.)

508. Training of Village Defence Parties.-(1) The members of the village defence parties should be given instructions as to how to organise patrolling in their villages. The Kotwals should be trained at Police Head Quarters in discipline, and in mobilising the villagers, when the village faces dangers like floods, attack by robbers etc. ,

(2) The training in fire-arms may be imparted at the various centres by sending the Police Instructor from the Police Station with the necessary firearms and equipment.

(3) The members of the village defence parties residing within a radius of 5 miles may be given the training at one centre and if there are more centres of this type, the training at the second centre may commence after the training at the first centre is over.

(4) A Police vehicle may be allowed to be used to carry the necessary arms and equipment.

(5) The members of the, village defence parties should be given some work such as night patrolling, and it should be seen that they do it properly.

(6) The village defence parties should be made more effective if they get prompt information of the commission of offences. To this end, big drums should be provided to all the villages and hamlets there under so that whenever a village or hamlet is raided by dacoits a signal could be given by beat of drums to attract the attention of the members of the village defence parties. No expenditure on this account should be incurred from Government funds.

(7) A small committee should be formed out of the influential members of the Village Defence Parties with a view to collecting intelligence regarding notorious distillers, smugglers, bootleggers, I manufacturers of illicit liquor etc.

(I. G.'s No. 7487, dated 24th December 1954.)

509. Musketry training of Village Defence Parties.-In order that there should be some men who can handle firearms -in a serious emergency the District Superintendent of Police should arrange to train in musketry a few men selected by the Village Defence Officer from each village defence party. Each man selected will be expected to fire ten rounds of ammunition in the first year and five if rounds every subsequent year.

510. The legal position of Village Defence Parties.-Every member of a village defence party and every officer appointed under section 66-B of the Bombay Police Act, 1951, when called out for duty, shall have the same powers and privileges and protection as I ~ a Police officer appointed under the Bombay Police Act.

511. Accounting of expenditure on account of Village Defence Parties.-Expenses on account of village defence parties should be met from the grant placed at the disposal of the District Superintendent of Police for that purpose and should be classified under a head "29-Police-C.D.E.F.C-2 (d)-V.D.Ps."

512. Six-monthly progress report of Village Defence Parties.-District Superintendents of Police will submit to the Inspector General of Police through the Range Deputy Inspector-General of Police (endorsing copies to Government in the Home Department and to the District Magistrate) six monthly progress reports as on 31st December and 30th June by the 15th February and 15th August respectively in Form No. 29 in Appendix I. Suggestions or proposals which call for specific sanction of higher authorities should not be included in the progress reports b~ should form the subject of separate references made through the Range Deputy Inspector-General of Police.

SECTION V-POLICE WATCHMEN

513. Working of the Police Watchman system.-(1) Superintendents of Police are authorised to establish, with the previous sanction of the Inspector-Genera! of Police, the system of the Police

supply of watchmen, wherever a demand for such watchmen by private individuals shown itself as likely to exist.

(2) The system is to be worked on the following lines:-

(a) Private persons requiring the services of a Police Watch-man apply to the District Superintendent of Police.

(b) The Superintendent of Police supplies one, if he can and if he thinks fit.

(c) The men selected by the Superintendent of Police are men of whom the Police know something, often pensioners; in fact the selection by the Police of a man for service as a Police Watch-man a guarantee of his character, respectability and reliability.

(d) The amount on account of pay, etc., of the Watchman is recovered per month in advance from the employer. The employer is required to credit this sum to the Watchman Fund on receipt of advance bills submitted from the office of the Superintendent of Police.

(e) Out of the amount recovered from the employer In accordance with clause (d) above, Rs. 2.50 nP. per month are deducted on account of the cost of clothing supplied and the balance paid to the Watchman as his actual pay. The Inspector-General of Police is authorised to vary this rate in any district under his control, subject to the maximum of Rs. 30 per annum.

(f) The advantages to the employer are that he gets a night watchman of approved character and antecedents, and as the man is under the orders of the Superintendent of Police, his work is supervised by the subordinate Police, particularly at night patrols who know where Police Watchmen are employed and look them up to see if they are alert.

(g) The advantages to the Police are that for practical purposes they are assisted by an auxiliary body of men who help the Police to some extent in the duties of watch and ward at night.

(h) The men go on duty at 6 p.m. and come off at 6 a.m., and are mustered for duty in the Police section in which their employers bungalows are situated.

(i) They are paid by the Superintendent of Police direct like ordinary Police. They are entirely under the departmental control and orders of the Superintendent of Police and he alone can fine or punish them. The employers are not authorised to do so.

(j) The difficulty under the system is that of collecting pay. With some employers great difficulty is experienced in recovering the Watchman's pay punctually.

(k) In supplying watchmen, therefore, the Superintendent of Police has to be greatly influenced by the consideration as to

whether the employer is a person likely to be punctual in his payments and to pay without having to be dunned and corresponded with. .

(l) An employer is required to give a fortnight's notice in the event of his being desirous of dispensing with the services of a Police Watchman supplied to him.

(m) Credits on account of pay of Watchmen are made to the Watchmen Fund.

(3) The system is essentially a private one. Under the system, the Superintendent of Police is the agent through whom such watchmen are employed, and is vested with such powers only as vested in a master over his servant, taking this special duty upon himself in the interests of the public safety which it is his duty to secure.

(G. R., J. D., No. 5157, dated 13th August 1917, G. R., J. D., No. 3746, dated 12th June 1901, G. R., H. D., No. 2903, dated 6th January .1923 and I. G.'s No. 135, dated 29th September 1926.)

(4) The accounts of clothing and all other matters in connection with the watchmen should be kept quite distinct. The accounts will be audited by the Examiner, Local Fund Audit Department, who is entitled to charge audit fees, except for the following districts which have been exempted from the payment of such fees:-

1. Ahmedabad.
2. Broach.
3. Panch Mahals.
4. Kaira.
5. Thana.
6. Ahmednagar.
7. West Khandesh.
8. Nasik.
9. Poona.

(G. R., F. D., No. 2767/33, dated 22nd August 1939, G. R.'s H. D., No. 4425/4, dated 15th September 1941 and 27th March 1941.)

514. Uniform etc. of Police Watchmen.-(1) The uniform of Police Watchmen, should consist of the following articles which are designed to differentiate. as much as possible, between the Watch-man and the regular Policeman:-

- (a) Great coat made of black cloth to last five years.
- (b) Jersey, same as for a Policeman to last three years.
- (c) Khaki suits--'blouse and shorts two at a time and to last two years.
- (d) One ordinary folding cap of Khaki drill-to last two years.
- (e) Two pairs of blue putties-to last two years.
- (f) One pair of chappals or boots at the discretion of the District Superintendent of Police to last one year

- (g) One whistle-to last indefinitely or till it is lost or becomes unserviceable.
- (h) One lathi-to last indefinitely or till it is lost or becomes unserviceable.
- (i) One belt-to last ten years.
- (j) One haversack of blue dungri cloth-to last five years.
- (k) Dark bone buttons-to last five years. Police buttons should not be supplied to Watchmen.

(I. G.'s No. 27, dated 22nd April 1927 and Sg4, dated 12th November 1941.)

(2) Till sufficient funds accumulate to provide clothing, the watchmen must at first work without uniform and as funds allow, one or two articles at a time can be supplied.

(3) As funds accumulate, postage, stationery, and even the pay of a clerk to keep all accounts under the Police Accountant are met from the watchmen Fund.

515. Subsidiary Instructions In Connection With Police Watch-man System.-(1) Forms Nos. 30 to 35 in Appendix I should be used in the working of the system. The use of each form is self apparent. Form No. 35 is a form of notice accompanying the first pay bill for each watchman supplied. On the receipt of an application from anyone for the services of a Police watchman, if the Superintendent decides on supplying one, the applicant will be required to credit with the Police Accountant a month's wages in advance. When the Police Accountant reports the credit, a watchman is supplied.

(2) On the 15th of each month, a pay bill Form No. 34 or the wages of each watchman for the next month, in advance, is sent by post by the Police Accountant to each employer.

(3) If by the 28th of the same month or any date the Superintendent likes to fix before the 1st of the next month, the wages in advance have not been credited with the Police, Accountant by any particular employer, a warning letter, form No. 31 is sent by post to him, and if, in spite of this, the wages are still not credited by the 1st of the next month, the watchman is withdrawn and dig charged without further notice.

(4) It is most important to enforce the responsibility of employers for paying their dues punctually. The Superintendent should under-take no responsibility in this direction; all he and his Police Accountant are responsible for is to see that bills and warning letters go out in time. In proportion as the Superintendent is particular in this matter and in withdrawing watchman whose pay is not advanced will he find employers are punctual and observe the rules.

(5) If any information is required on any particular point not touched on above, the Inspector-General of Police will supply it on special reference.

(I.G.'s 110. 19a, date4 6th Jul7 1901.)

516. Supply of Watchmen to Government Departments.- (1) Government Departments should ordinarily engage watchmen through the agency of the Superintendent of police. These watchmen are not to be enrolled as members of the police Force, nor will they have the powers of Police officers. They will be under the control of the District Superintendent of Police, but their pay should be billed for by each office or department employing them.

(2) The bills should indicate separately the amounts to be disbursed to the watchmen and the amounts to be credited to the Watchman Fund. On receipt of the bills at the treasury, the Treasury Officer will pay the amounts to be credited to the Watchman Fund by transfer credit to that fund and disburse the balance to the preferring officers.

(3) The officers and departments concerned should make the necessary provision on account of these charges in their own budgets

(G. R., J. D., No. 5157, dated 13th August 1917 and G. R., H. D., No. 6451, dated 18th August 1927.).

(4) The intervention of Police authorities' in the matter of employment of night watchmen to guard Government buildings is mainly with a view to selecting suitable men -and keeping properly control over them, and proposals, if any, for an increase or decrease in the pay of these watchmen should emanate from the Departments which pay for their services.

(G. O., F. D No. 3455, dated 5th September 1918.)

517. Anti-corruption Bureau.-(1) With a view to eradicating the evil of corruption, bribery and for a more effective implementation of prohibition policy of Government, the Anti-corruption and Prohibition Intelligence Bureau, has been created under the control of the Director, Anti-Corruption and Prohibition Intelligence Bureau, and Deputy Inspector-General of police, Bombay State, Bombay. The Director has been made a Head of Department under the administrative control and supervision of the Home Department.

(2) In every district, at least one Sub-Inspector of Police of this Bureau is stationed. Corresponding to the six Ranges in the mofussil, there are six units of this Bureau with headquarters at Rajkot, Ahmedabad, Bombay, Poona, Aurangabad and Nagpur, each in charge of a Deputy Superintendent of police, The Unit for Greater -Bombay, is in charge of a Superintendent of Police.

(3) An Executive Engineer Public Works Department and a Divisional Forest Officer, designated as Deputy Directors and a Deputy Collector from the Revenue Department and a Sales Tax Officer, designated as Assistant Directors are attached to the Bureau. These officers advise the Director in matters pertaining to their respective Departments.

CHAPTER XII

INSPECTION

518. Inspection of the Officers of the Superior Inspecting Officers.-

(1) The office of the Inspector-General of Police will be inspected by the Inspector-General of Police himself, and the offices of the Deputy Inspectors-General will likewise be inspected by themselves as also by the Inspector-General of Police periodically and in any case at least once a year. For details regarding the scope of these inspections, reference should be made to Government Resolution, Judicial Department, No. 3061, dated the 9th- June 1908.

519. Inspection of a District or Railway charge or S. R. P. F. Group by the Inspector-General of Police.-(1) All officers and men present must be in uniform during inspection by the Inspector-General or Police.

(I. G.'s No. 10331-B, dated 27th August 1919.)

(2) The inspection should extend to all branches of Police work including accounts. "

(3) In order to enable the Inspector-General of Police to gauge the general situation of a District or Railway charge, when he visits the headquarters thereof, information should be supplied to him in the following graphs and statements in Forms Nos. 34 to 39 in Appendix 1:-

(I. G.'s No, 29/2219, dated 25th August 1950.)

(A) (i) Pillar graphs showing offences (1) reported (2) sent up and (3) convicted (with percentage of conviction to cases decided) for the last five years in respect of the following categories:-

- (a) Classes I to IV.
- (b) Dacoities.
- (c) Robberies.
- (d) House Breaking and Thefts.
- (e) Prohibition.
- (f) Gambling Act cases.

(ii) In the case of Railway Police instead of (b), (c) and (d) above. a graph showing thefts under different heads, viz., Running Train Thefts, Yard Thefts, Goods Shed Thefts, Platform and Parcel Thefts, Thefts by Pickpockets and other Thefts should be furnished.

(iii) A graph showing the offences decided for the last five years in respect of the categories mentioned in sub-paragraphs (i) and (ii) above.

(B) Statement showing sanctioned strength its distribution, number of quarters, etc., as per Form No. 34 in Appendix 1

(C) (a) Statement showing crime figures for the previous two years and current year up to the end of the previous month as per Form No. 35 in Appendix I.

(b) Statement showing preventive action under various heads for the previous two years and current year up to the end of the previous month, as per Form No. 36 in Appendix I.

(D) A statement showing disposal of offences under the Penal Code for the previous year and the current year as per Form No. 37 in Appendix I, with the addition of the following offences-

(i) Gambling Act.

(ii) Bombay Prohibition Act.

(iii) Sections 122, 124, 131, 131A and 142 of the Bombay Police Act, and

(iv) The cases under Sections 56 and 57 of the Bombay Police Act.

Note.-While showing the disposal of cases in statement. the classification 'Acquittal' or

'Discharge' should be amplified by the letters 'AT' 'BT' or 'CT', as the case may be, in order to give an idea as to whether case is true or false, or otherwise; for example '2 Acq. AT' ('T' means after trial). Supervising officers should take suitable action against investigating officers, if cases are classed 'B' or 'C' after trial.

(E) Statement showing information regarding Village Defence Parties and Home Guards as per Form Nos. 38 and 39 in Appendix I.

(I. G.'s C. M. Nos. 2219-II, dated 2nd November 1955 and 4th May 1956.)

(4) Similar statements should also be available at all times with the Police Station Officer for his Police Station, with the Inspector for all Police Stations in his charge, with the Sub-Divisional Police Officer for all Police Stations in his Sub-Division, with the Superintendent of Police for the whole District. or Railway charge, as the case may be, with the Range Deputy Inspector-General of Police for his range and the Deputy Inspector-General of Police, Criminal Investigation Department for the whole State, district by district. The Deputy Inspector-General of Police, Criminal Investigation Department, should prepare statement for the whole State for the year and furnish them to the Inspector-General of Police early in January each year. The statements should be renewed every year. Figures relating to the current year, which should be entered in the statements in pencil should be brought up-to-date at the end of every month.

(I. G.'s No.1, dated 5th January 1948. 13 of 2nd April 1948 and 10, dated 5th March, 1948.)

(5) The information required by Sub-Rules (3) and (4) above should be kept ready on the first day of the Inspector General

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visit, so that the Inspector-General can discuss crime matters, with the Superintendent of Police and Sub-Divisional Officers, whenever, time permits.

(6) Whenever the Inspector-General of Police visits the District or Railway Police Head-quarters, he expects to see the Police at a ceremonial parade, if time permits. The parade should be arranged on a convenient day so that maximum number of officers, i.e., Sub-Divisional Police Officers, Police Inspectors, and Sub-Inspectors, and Head Constables and Constables are present at this parade.

(7) As far as possible, the Superintendent of Police must command the whole of the ceremonial parade. If he is unable to do so, he may depute someone else to command the parade in which case he should receive the Reviewing Officer as he arrives at the parade ground.

(8) (a) After the ceremonial parade is over, the officers and men may be tested in the following items:-

I. Close Order Drill :

- (i) Company Drill.
- (ii) Rifle Exercises.
- (iii) Squad Drill.

Note.-It is not necessary to take test of Armed men in Squad Drill. as that movement will be sufficiently tested in Ceremonial Drill, unless the Armed men at the Head-quarters are found to be not upto the mark.

II. Training Items

- (i) Physical Training.
- (ii) Obstacle Course.
- (iii) Boxing.
- (iv) Ju-jit-su and Unarmed Combat..
- (v) Bayonet fighting.
- (vi) Assault Course.

III. Special Items

- (i) Use of Lathi and Baton.
- (ii) Musketry.
- (iii) Guard and Escort Duties,
- (iv) Mob Control.
- (v) Dacoit Operations.
- (vi) Elementary Field Craft.
- (vii) Recruit Training.
- (viii) Awkward Squad.

For this purpose, it is best to break up the officers and men present on the parade ground into suitable squads. The Reviewing Officer will then allot to each of such squad or squads such item from the above list as he thinks fit. All accessories required for the above items such as P. T. kit, Obstacle Course, boxing kit, mattresses, dummies, lathies, batons, bayonet training kit, Musketry training kit etc., should be kept on the parade ground for the use of the, various squads.

(b) If, in addition to the items mentioned above, a Head-quarter trains men in other items such as Gymnastics, Horse-work, Malkhamb, wrestling and other organised games, both Indian and I foreign, this feature should be considered an additional qualification and given fullest advice, help and encouragement. Such activities .are preferable to other fancy activities such as bayonet training with music, club-swinging with music, etc. The reviewing or the inspecting officer may inspect all or any of these items. Unless instructions to the contrary are given, all these items should invariably be kept ready at the time of inspection.

(9) In respect of the State Reserve Police Force Groups, all items excluding Squad Drill and Company Drill would be, inspected. A higher standard would, however, be expected of the State Reserve Police Force men in items such as Bayonet Fighting, Assault Course, Obstacle Course, Musketry, Mob Control and Dacoity Operation. In addition, the following items would also be inspected in case of the State Reserve Police Force Groups:-

(i) Use of Tommy Gun and Bren Gun.

(ii) Tactics in attack and defence.

(iii) Night Operations.

(iv) Field Craft.

(10) While inspecting the officers and men in various items of Close Order Drill including ceremonial drill, the Reviewing Officer will naturally give due weight to precision of movement, timing and bearing of the squad collectively. In inspecting men at items referred to in Sub-Rules (8) (a) (III) and (8) (b) above, he would see that tendency to regimentation is minimised and that each individual of the squad has attained individual proficiency. The tendency to perform these exercises as a form of collective drill would be put down very strongly and emphasis laid in development of individual capacity and prowess.

(11) AU officers of and above the rank of Sub-Inspectors, including officiating Sub-Inspectors of the District or Railway under inspection and officers of similar rank, stationed at the place of inspection, of the Criminal Investigation Department and the Anti-Corruption Bureau should be called in to see the Inspector-General. The service and confidential records of all officers called for interview

should be produced before the Inspector-General. When the Inspector-General holds an Orderly Room, the service sheet of each man making a complaint and any papers relating to the complaint should be produced. In addition to Police officers, not more than four leading citizens should be called to see the Inspector-General, definite time at intervals of about 10 minutes being given to each. A list showing their names with short notes about each should be furnished to the Inspector-General before their interviews. The District Superintendents of Police should also fix up a day in the afternoon for as any Police Pensioners as he could collect to meet the Inspector-General of Police.

(I. G.: sac No. 68, dated 13th October 1954.)

(12) The Inspector-General of Police will also inspect the offices of the Superintendent of Police, Motor Transport and the Superintendent of Police, Wireless.

(I. G.'s No. 670-11I, dated 28th February 1959.)

(13) The inspection notes of the Inspector-General will be sent to the Superintendent concerned direct for guidance, explanation or action, as the case may be.

520. Inspection of a district or a sub-division by the Range Deputy Inspector-General of Police.-

(1) Range Deputy Inspectors-General are expected to inspect thoroughly the headquarters of all the districts in their Ranges once a year. Every sub-division should be inspected once in two years, with special regard to the work of the Sub-Divisional Officers and Circle Inspectors. The Deputy Inspectors-General of Police should pay a second visit to the Head-quarters of every district in their Ranges during the year for a general check-up. The inspection of a district should cover that of the Headquarters, the office of the District Superintendent of Police, the town or City Police Station and one other Police Station in the district which the Deputy Inspector-General considers as important. Apart from the regular inspection, the Deputy Inspector-General of Police should carry out surprise inspections of some half a dozen Police Stations and other offices in a year.

(G. R., H. D., No. 4827, dated 17th May 1921 and I. G.'s S. O. C. No. 86-3421-11-D, dated 10th April 1958.)

(2) In order to secure that the touring of the Range Deputy Inspectors-General may be systematic and regular and to ensure the strictest economy in expenditure on traveling allowance and contingencies, they should draw up their tour programmes and send copies thereof well in advance to the Superintendents of Police in their respective ranges and also to the Inspector-General of Police. They should also draw up a local programme of inspection giving

timings and details of work in consultation with the Superintendent of Police, and furnish a copy thereof to him on the eve of the inspection and adhere to it as far as practicable.

(3) The Deputy Inspector-General of Police should spend at least a week for the inspection of the Headquarters, all Branches of the office of the District Superintendent of Police, the office of the Sub Divisional Police Officer, a town Police Station, and any other Police Station considered important by him etc. The inspecting staff should not be sent in advance but should accompany the Deputy Inspector-General of Police, except in cases where His presence is required elsewhere for some urgent and unforeseen work.

(I. G.'s Cir. Memo. No. K/3431, dated 27th January 1961.)

(4) The inspection of the Correspondence Branch and the Accounts Branch of the Superintendent of Police's office and that of the Head Quarters is properly the work of the Deputy Inspector-General's clerical staff, who, when inspecting the Superintendent's accounts office, should use the monthly statements of receipts from sources other than Government, received from the Superintendent of Police, for the purpose of checking Day Book entries with those Statements. The staff should make notes of inspection and put their up for verification and adoption by the Deputy Inspector-General. In other matters which demand the personal attention of the Deputy Inspector-General, the inspection should be directed toward discovering errors in the broad features of administration of the district as a whole and giving instruction and guidance to the Superintendents of Police on matters on which the same are found on inspection to be necessary, the discovery and correction of petty clerical errors or omissions being left to be done by inspecting officers at lower levels like the Sub-Divisional Officers.

(5) The inspection should be conducted in the following manner particular attention being paid to the items in clauses (a) to (g).

(a) *Training of officers and men (including recruits, if any).*-

(i) The first item of inspection should be a Ceremonial Parade, where it is possible. After the Ceremonial Parade, if circumstances warrant, the parade may be examined in Company Drill. The parade should then be broken up in small units and a particular unit directed to perform a particular work. The Deputy Inspector-General should pay particular attention to the standard maintained regarding P. T., bayonet fighting, assault course, obstacle course, work with lathi and baton, guards and escort of prisoners, mob control, unarmed combat, weapon training, field craft

and toughening up exercises. For testing the standard achieved at the headquarters in the above items, it is desirable for the Deputy Inspector-General himself to select a squad, from amongst

the personnel on the parade rather than see a ready-made squad put up by the headquarter Reserve Inspector or Sub-Inspector. Particular attention should also be paid to the calibre of the Head constables who are the junior commanders, the amount of knowledge they have assimilated, their ability to command the men under them and to impart instructions. If the recruits are being trained at the headquarters, particular attention should be paid to see whether the recruits are of proper type and whether their training, both outdoor and indoor is being carried out on correct lines. It should be seen whether the training of the recruits is imparted in as realistic a manner as possible. The correct methods of training as mentioned in the Drill Manual should be strictly followed. The turn out of the men and the condition of Kit as revealed by inspecting the Kit of a few men should also be noted. The Deputy Inspector-General should comment on all the above mentioned items in his inspection note.

(ii) Senior Police Officers should be tested for their ability to take parade, impart instructions and command the men under them. Whilst officer~ of the ranks of District Superintendents of Police, Assistant Superintendents of Police and directly recruited Deputy Superintendents of Police are expected to have knowledge of all forms of drill to a fairly good extent. Company drill, Musketry, etc., are not expected of a Deputy Superintendent of Police or a Police Inspector (but not Home Police Inspector or Reserve Police Inspector) and they need not be tested in these items. The same principles would apply to Sub-Inspectors from the Unarmed

Branch. The following principles are laid down in this connection:-

Rank	Items in which proficiency is expected
(1) D.S.P., A.S.P. and Direct Dy. S.P.	Ceremonial Drill, CompIny Drill, Musketry, dacoit operation, riot drill, methods of training, guards and escorts and all other important forms of .drill.
(2) Dy. S. Ps. promoted, P.I.s. and S.I.s.	Methods of training, squad drill, Fire Control, principles of dacoit operations, riot drill, etc.
(3) Home Police Inspector, Reserve Police Inspector and Reserve Sub-Inspector	Same as in case of No.1 except that the knowledge may be less thorough.

(b) *Prevention and detection of crime.*-(i) For the inspection of crime. statements similar to those prescribed by Sub-Rule (3) of Rule 519 should be submitted by the Superintendent of Police

to the Deputy Inspector-General of Police, who should for his information get more detailed figures regarding:-

- (1) Dacoities and robberies in which the property stolen is: Rs. 1,000 or more.
- (2) House breakings and thefts in which the property stolen is Rs. 1,000 or more.
- (3) Thefts in which the property stolen is Rs. 300 or more, and
- (4) Riots, their causes and the reasons why they could not be prevented.

A map of the District or Sub-Division or Police Station as the case may be, showing jurisdiction of Police Stations, beats, etc. should also be made available for reference. The Deputy Inspector General should concentrate on the crime of the district as a whole and discuss it with the Superintendent of Police. He should comment on the crime figures mentioned above, especially with reference to the cases which are not detected.

(ii) The following items should also be seen:-

- (1) Crime Registers.
 - (2) Absconders' Register, with special reference to Sections 87, 88 and 512, Indian Penal Code.
 - (3) Modus Operandi Bureau.
 - (4) Known Criminal Register.
 - (5) Village Crime Note Book. Part IV.
 - (6) How crime was supervised by Sub-Divisional Officers District Superintendents of Police.
 - (7) Surveillance register.

Superintendents, Sub Divisional Officers and Readers will be expected to know the details of every undetected case during discussion with the Deputy Inspector-General who should try to find out why the offences were not detected and should make his remarks thereon. A general picture of the previous ten years should be available, with greater details for the previous two or three years. The writing up of crime registers by the Sub Divisional Police Officers personally should receive proper attention. It should also be seen whether intelligent notes concerning crime are made and details about previous convictions, names of investigating officer, etc. are intelligently made.

(iii) Prohibition Crime should be thoroughly examined and the effect of prohibition on the general welfare of the public and on crime in particular should be commented on. The working of the Village Defence Parties in relation to the number of villages, the

efficiency of the Home Guards, the progress of the Modus Operandi Bureau and the adequacy or otherwise of the telephones, wireless sets and similar means of communication in the district should be fully examined and comments made thereon. Establishment of the Village Defence" Parties should be encouraged and enquiries made if these are not established at villages where dacoities are reported. Free issue of licences to Village Defence Parties should be encouraged and cancellation of licences at places where Village Defence Parties fail to use their weapons should be resorted to.

(iv) The Deputy Inspector-General should carry out a detailed scrutiny of enquiry papers in Chapter proceedings with a view to seeing whether the Chapter proceedings were launched judiciously and, if so, what is the percentage of infructuous cases. This should be commented upon in the inspection note.

(v) (1) During the inspection of the local town or Taluka Police Station, Crime in general and that under Classes I to V under Indian Penal Code in particular should be gone into and compared with that of the previous year, and it should be ascertained as to whether registration and detection of crime is on proper lines.

(2) Five cases registered should be gone into thoroughly. All the case papers and entries in the various registers connected with those cases should be checked. It should be ascertained from the papers whether the Sub-Divisional Officers and the District Superintendents of Police concerned initial all the statements and Panchanamas recorded and also initial case diaries received.

(3) In the case of a taluka Police Station, it should be seen whether the system of beat patrolling and village visitation laid down in Rule 81, is being properly implemented by the Superintendent of Police and properly carried out by Sub-Inspectors and beat duty Policemen. It should also be seen whether the patrol books and note books of the men are being regularly checked by the Sub-Inspector or Inspector in-charge of the Police Station.

(4) In cases of riots, it should be seen whether Part IV of the Village Crime Note Book of the village concerned was properly written up or not, and what action was taken to prevent apprehended riots.

(5) The inspection of a mofussil Police Station at a short distance from the Police Headquarters should be carried out on more or less the same lines as that of a town or City Police

Station. The Deputy Inspector-General should particularly look into the reasons for not complying with the instructions regarding the visitation of scenes of crime by Police Station Officers and satisfy himself that the Sub-Inspector has not deputed subordinates to pay such visits without valid reasons.

(c) *Maintenance of Discipline.*-(i) The Deputy Inspector-General should pay particular attention to this feature. Awarding of proper punishments, quick disposal of departmental proceedings, the D. S. P.'s personal interest in rewarding expeditiously those who have done good work are some of the points which should be looked into thoroughly. Perusal of Orderly Room Registers and punishments and rewards given as noted down in the sheets would reveal to a great extent the manner in which the officers of the district carry out their duty in this connection.

(d) *Maintenance of Record* :- (i) Proper and intelligent maintenance of record is very essential and this matter should not be left alone to be seen by the inspecting staff. The Deputy Inspector General should himself, exercise a percentage check of all important documents such as crime registers, service sheets, orderly room registers, copies of judgments, etc.

(ii) A few sheets of the recruits should be gone into to find out whether recruit rolls are kept with the sheets, whether warnings and punishments are separately entered. and whether all entries have been properly intialled.

(iii) Ten Service Sheets of Policemen should also be gone through very minutely from all points of view and with all the relevant records in support of the entries made, including entries regarding leave, rewards, punishments, etc.

(iv) Personal Files of Police officers should be examined with a view to see that all papers right from the recruitment of the person are filed together.

(e) *Buildings: Administrative and Residential.*-(i) For the well being and morale of the Police Force, it is necessary to create a congenial atmosphere for their working as well as living. The Deputy Inspector-General should pay particular attention to this aspect while carrying out inspection of the lines, the lands to be acquired or buildings to be leased, etc. In recommending construction of new buildings and additions and alterations to existing buildings, the primary needs should be borne in mind. It should be seen that the funds are utilised to the best of advantage and on no account money should be frittered away in planning or constructing show pieces.

(ii) The Deputy Inspector-General having toured most of the district in his charge and having looked personally into the needs of each district, should be in a good position to exercise his discretion as to what is needed most and he should base his recommendations from the utilitarian point of view. He should also see that the District Superintendents of Police follow the same policy as far as buildings in their charges are concerned.

(f) *Welfare activities.*-The resources of the Police Families Welfare Fund are limited. It is, therefore, necessary that utmost care is exercised in utilising the fund. Construction of spectacular and monumental structures, when under the existing conditions their utility is very limited, leads to sheer waste of money. The Deputy Inspector General should inspect the school for Policemen's

children, the mess and canteen and other amenities provided for the welfare of the men and their families, keeping in mind the above points. He should give suitable directions in this connection and also see personally that the funds put at the disposal of the officers in the districts are not misused in any manner.

(g) *Relations with the Public.*-Proper relations with the public is one of the most important aspects of the Police work. The Deputy Inspector General should pay particular attention to this and see what arrangements have been made in the districts for the prompt receipt by the Police of information or complaints made by the public and also for organizing a detective branch in the district. He should interview some of the important persons of the town and in addition should contact senior officers of the district from other Departments with a view to forming an opinion as to how the Police administration is run in the district

(h) *Miscellaneous.*-The following items should also receive attention of the Deputy Inspector General:

- (i) Examination of the Stores.
- (ii) The Armourer's shop.
- (iii) Police Motor Vehicles and garages.
- (iv) Musketry practices.
- (v) Inspection of the Sub-Jail and Police Lock-ups.
- (vi) Reorganization of the Police Force.
- (vii) Method of recruitment and promotions.
- (viii) Whether armed and unarmed Branches are regularly examined by the D.S.Ps. and the tests set intelligently with a view to improve their standard.
- (ix) Timely submission of traveling allowance and contingent bills by the Police Stations and their prompt disposal by the Superintendent of Police's office.

(i) *Conference of Police Officers and writing of confidential sheets.*-(i) All officers of the districts should be gathered together at the headquarters. almost invariably at the time of the Deputy Inspector-General's inspection, provided none of them is required elsewhere for extremely important duties. The Deputy Inspector-General should address these officers collectively. It is desirable to hold the conference towards the end of the inspection. This I would facilitate him to give directions on matters in which faults or short-comings were brought to his notice during the inspection.

He should also take up any particular aspect of the Police work which he considers important and give them a short talk on that subject.

(ii) The Deputy Inspector-General should also see each officer individually, question him about his charge and make the necessary remarks in his confidential record. He should also see qualified Head Constables and Selection Grade Clerk and make his remarks in the confidential sheets of these officers.

(6) Instructions in Sub-Rules (1) and (2) and (5) to (12) of Rule 519 also should, with the necessary changes, be observed, in so far as they may be applicable, in the cases of an inspection by the Deputy Inspector General of Police.

(I. G.'s Cir. No. 40 (3431-II-D), dated 18th March 1952, No. 52 (3431-II-D),

dated 26th November 1953 and No. G/2994, dated 6th April 1959, No. K/ I 3431, dated 17th December 1930 and No. K/3431, dated 27th January 1961, G. C.. H. D.. No. LAQ. 0158f3?83-VITI. dated 19th April 1958 and D. O. letter of even number, dated 2nd September 1958).

521. Inspection of a Police Station or an Outpost by a District Magistrate or a Sub Divisional Magistrate.-(1). It should be the duty of District Magistrates and Sub-Divisional Magistrates to examine the record of Police Stations and Outposts. Such examination shall be confined to a general examination by the inspecting officer himself of such records as relate to the regulation of crime and bad characters, the issue of summaries, the recovery of fines and the registration of property passing through the hands of the Police. The primary object of such examination is that the inspecting officer should gain an insight into the state of crime in the limits of the Police Station, satisfy himself that cases are being promptly disposed of both by the Police and by the subordinate Magistrates and generally ascertain whether the administration of the Police

Station is satisfactory.

(2) It is open to the District Magistrate to carry out a detailed inspection of the Sub-Inspector's office and records, but this should not be done except for special reasons.

(3) The books kept at Police Outposts, and the Police visit book with the Patels of villages. should form the subject of inspection by Sub-Divisional Magistrates.

(G. R., H. D.. No. 3689, dated 8th May 1'923.)

522. Inspection of District and Divisional Offices by the Com-missioner of the Division.-(1) General inspection of offices of all other Departments within the Division is a function devolving on the Commissioner of the Division. The general inspection of offices of other Departments by the Divisional Commissioner. besides dealing with all O. & M. matters. will be made specifically with a view to raising the standard of efficiency and co-ordinating the activities of different Departments in the Districts. The inspection report will be submitted by them to the Special Secretary to Government, Political and Services Department with copies to the administrative.

Department of the Secretariat and the Head of the Department concerned. The latter will initiate action on the reports and ensure compliance with them where necessary.

(G. R., P. & S. D., No. INS 1057, (O&M)-B, dated 18th April 1957.)

(2) The Collectors are authorised to pay co-ordination visits to other offices in their districts (except the Deputy Inspector-General of Police's officers) and are nominated as representatives of the Inspection and Organisation and Methods Section.

(G. C., No. CDR-1055-D, dated 27th August 1955.)

523. Inspection of Subordinate Police Offices Superintendents of Police and Sub-Divisional Police Officers.-(1) Superintendent and Sub-Divisional Officers should on joining a new district call for and carefully read over, the Inspector-General's and Deputy Inspector-General's inspection notes immediately on receiving charge of the office and see that the instructions therein given are being duly attended to.

(I. G.'s No. 1378. dated 15th February 1901.)

(2) Superintendents of Police should inspect the offices of their Sub-Divisional Police Officers once in a year, and Superintendent of Police and Sub-Divisional Police Officers will inspect Police Stations and Out-Posts in their respective charges at least once a year. As a rule out-posts under a Police Station should be inspected along with the inspection of the Police Station. Long journeys should not be undertaken solely for the purpose of inspecting an Out Post unless there are some special reasons. The inspection work should be taken up early in the year so that most of the inspection work is completed by the time rainy season sets in. During the

rainy season inspection of those units which do not require outdoor work. e.g., Offices of the Sub-Divisional Police Officers. Police Prosecutors, Head-Quarter Police Stations, etc., may be taken up. Thus the number of units remaining un inspected by the end of the monsoon will be small. The inspection of these units should, therefore, be taken up as early as possible thereafter. The Superintendents of Police in a fully sub-divided District need not inspect the Police Stations in detail, as detailed inspections are to be carried out by the Sub-Divisional Police Officers. In such cases, they should pay more close attention to the disposal of crime. training of men, relations with the public, buildings and such other important matters. It is the responsibility of inspecting officers to finish their inspection before the end of the year and this can be done if the above directions are carried out and a last minute rush avoided. The Range Deputy Inspectors-General should see that the inspections are carried out regularly and in time, by referring to the crime reviews.

(I. G.'s No. 3431. dated 13th March 1948. 19 of 3rd May 1934. 36 of 30th March 1948 and 3431. dated 5th April 1948 .and I. G.'s s. O. C. No. 65 dated 1.8tn September 1954.)

(3) (a) In the case of Police Stations at the district head-quarters towns which are in charge of a Sub-Divisional Officer, it is unnecessary for the Superintendent of Police to conduct a detailed inspection every year. It will be sufficient if the Superintendent of Police confines himself to certain items of inspection, regarding which it is necessary that he should keep himself fully informed. He should, for instance, look into any important aspects of crime which may require particular attention. Buildings should be inspected and notes made and kit inspection, parade and order!) room should also be held, unless this has already been done by the Superintendent of Police as a routine matter at intervals throughout the year. As regards sheet inspection, it is important that the Superintendent of Police should personally write up the sheets of all the Policemen.

(I. G.'s No. 3431, dated 23/25th August 1941.)

(b) A detailed inspection should be carried out by the Sub-Divisional Officer. Where there is a Sub-Divisional Officer for carrying out inspections, the Superintendents' inspection need not be very detailed. What is required is for the Superintendents of Police to ascertain how crime is managed at a Police Station, and how it is controlled by the Police Inspector and Sub-Divisional Police Officers. A few cases should be looked into by the Superintendents of Police to find out:-

- (i) if prompt information of offence was given to the Police Patel, ,
- (ii) if the Police Patel promptly sent the information in the form prescribed.
- (iii) if the Police Station Officer registered the offence at once and proceeded to the scene of offence early.
- (iv) were case diaries written from time to time.
- (v) were case diaries sent promptly.
- (vi) was previous conviction verified, and other matters relating to investigation.

(vii) if the above procedure was not complied with did the Sub Divisional Police Officer take steps against those concerned.

(I. G.'s Cir. No. 3431-II, dated 7th February 1951.)

(4) Superintendents of Police and Sub-Divisional Police Officers should see that the books and registers prescribed for the different offices have been properly and carefully maintained and that the officers concerned have attended to their duties. The commencement, continuation and conclusion of the inspection should be noted by the Superintendents of Police in their monthly crime reviews and by the Sub-Divisional Officers in their weekly diaries in accordance with Rule 528 (2).

(G. M., J. D., No. 4993, dated 18th September 1903 and G. R., H. D., No. 6169, dated 5th May 1925.)

(5) Not less than four days should be occupied by inspecting officers in the inspection of Police Stations.

(6) Sub-Divisional Officers should not pay flying visits to Out-posts for inspection. They should camp at least one night at an Outpost when inspecting it.

(I. G.'s No.6, dated 1st March 1933.)

(7) For the inspection of explosives and licensed poison shops, a reference is invited to Rules 269 and 294 respectively.

(8) The Superintendents of Police are permitted to take their Stenographers in addition to one Clerk along with them on inspection tours for dictating Crime Reviews, etc., if they so desire. They should take care to keep their tour expenditure as low as possible.

(I. G.'s Cir. Memo. No. F/3431-II, dated 30th January 1958.)

524. Object and frequency of inspection of Police Stations and Outposts.-(1) The object of inspection is not merely criticism or the correction of faults. It should be treated as an opportunity of ascertaining what is wrong and giving instruction as to better methods. In the first place the inspecting officer is responsible for the administration of his charge and he can obtain good results only by organization and by making the best possible use of the material at his disposal. Inspection is a means to this end and should not be looked upon as a routine or the satisfying of a statistical test for the purpose of his annual report.

(2) No officer can administer his charge properly until he knows his men and the conditions under which they live and work. Therefore, the sooner he inspects both the better. It is not possible to lay down any rule as to the number of times any Police Station or Outpost should be inspected in a year, or how long should be taken over each inspection. A Superintendent of Police may not be able to inspect in detail every Police Station and Outpost in his charge once a year, but a Sub-Divisional Officer or a Superintendent of Police in charge of an undivided District or Railway Charge or in charge of a Sub-Division in a partially divided District or Railway charge should inspect in detail each Police Station and Outpost in his charge at least once a year. It is advisable that in his first year a Superintendent of Police should inspect, though not necessarily in detail, his whole district as soon as possible, to get a general idea of local conditions. After that he can go more slowly and concentrate on the weak spots. The maintenance of law and order, and the prevention and detection of crimes depend largely on the efficiency of the subordinate ranks, and consequently it is necessary to see that, as far as possible, every man is in the right place. An officer is dependent for his success upon his subordinates and he cannot run all over the district, attending to every individual case himself. So, except for personal investigation of really important cases, he

should spend the touring lesson in inspection viz., correction instruction and stimulation. The more personal the inspection is the greater the benefit to all concerned, and much of the inspection can be personal.

525. Instructions as to the method of Inspection Police Stations and Outposts.-(1) The following are ordinarily, the items for inspection at a Police Station:-

(A) Crime

1. General Statistics-
 - (a) Detected cases.
 - (b) Undetected cases.
 - (c) Excluded cases. .
 - (d) Pending cases.
2. Special crime.
3. Preventive action.

(B) Personnel

1. Distribution and organization.
2. Drill, musketry and kit inspection.
3. Patrolling.
4. Catechism.
5. Orderly room.
6. Health, rewards etc.

(C) Record

(D) Buildings

(2) The following suggestions may be followed with advantage in carrying out inspections:

(A) Crime

(1) It is useful for all officers who keep Crime Registers to enter on the inside of the front cover a record of the usual crime statistics of their charges collected from Crime Registers or annual reports for the previous five or more years. In the case of Sub-Divisional Officers, the figures given would be for each Police Station, while Sub-Inspector could show figures for Out posts as well. The statistics generally useful for inspection and reference purposes could be decided by the Superintendent of Police. The figures will always be useful not only for the testing of a subordinate's work, but as a basis on which general reorganisation requirements can be determined. An intelligent scrutiny of cases should reveal who did good work, who is responsible for

failures or wrong registration, and whether activity or slackness was displayed and what methods of investigation were employed by the Sub-Inspector and his subordinates. Particular attention should be paid to delay in visiting scenes of offences and to ascertaining whether the Sub Inspector went himself or sent a Head Constable and whether he was justified in so doing. A perusal of the case papers should show how far detection depended upon confessions, in how many cases property was recovered by searches, how house-breakings were committed and how the different methods can be classified and consequently who was responsible for them. The general effect on cases by delay in Police investigations or on the part of Magistrates requires looking into. When examining cases sent for trial, particular attention should be paid to the reasons for cases ending in acquittal or discharge; a perusal of the judgment will often be found helpful. The Inspecting officer should see whether sufficient attention is being paid to the preparation of sketches of scenes of offences and the use of photography.

(2) Epidemics of special forms of crime, such as dacoities and robberies (highways or otherwise), house-breaking, riots, etc., require organized efforts directed by the Superintendent of Police or the Sub-Divisional Officer. House-breaking is a common and objectionable form of crime which specially requires collective treatment.

(3) Preventive action is most important and in this connection, special attention and efforts must be directed towards resident criminals, wandering gangs, professional criminals and receivers of stolen property. The attention paid to preventive action will be revealed by the thoroughness with which the Sub-Inspector has written up his village crime records, the uses he has made of the provisions of Chapter VIII, Criminal Procedure Code, his knowledge of the movements of notorious criminals after their release from jail and the efforts he has made to arrest absconding offenders, all of which should be tested. All inspecting officers I (including Circle Police Inspectors) should personally go through registers on criminal matters at least once a year and leave their personal remarks, especially on History Sheets, registers maintained under the Habitual Offenders Act, Notes on Crime in the Village, Absconders' Register etc. In the case of absconders, action should have been taken under Section 87, Criminal Procedure Code, within a month, under Section 88, within two months and under Section 512, within three months from the date the person is shown as absconding in the charge sheet or final report, at the case may be. The Absconders' Register should show whether this has been done. Sub-Divisional Police Officers, Superintendents of Police and also the Range Deputy Inspectors-General should take personal interest in this matter and see that Sub-

Inspectors and Head Constables are up-to-date in their own information about the absconders and known criminals in their charge.

(I. G.'s No. 33, dated 23rd October 1948.)

(B) Personnel

(1) The distribution of the Police and the number of villages under the Police Station and Outpost should be considered in the light of the current crime statistics. As times change, there is

nearly always scope for local adjustments, and unless this matter is constantly borne in mind, the Superintendent of Police will not be able to supply the Inspector-General with sound advice for the drawing up of a reorganization scheme.

(2) (i) Drill, musketry and kit inspection are tests of general discipline and supervision.

(ii) Inspecting officers should pay attention to testing the know-ledge of the Sub-Inspectors and Head Constables of the drill laid down, including fire control, physical training and the use of the lathi, before writing their sheets.

(iii) Particular attention should be paid to the condition of all fire-arms.

(iv) The men should be required to produce at inspections the articles mentioned in Appendix III to Vol. II, including those they are wearing at the time of inspection.

(v) At kit inspection, in addition to replacing immediate requirements, the inspecting officer should make a note of the general condition of the clothing and accountments, with a view to the preparation of an economical indent for the district.

(3) The system of patrols in existence in each Police Station and in big towns should be examined in detail and modified where necessary. In connection with the patrolling, inspecting officers should make a point of seeing as many Police Patels as possible.

(4) Catechism by means of question and answer from the book is particularly valueless. especially if the men are examined as a .class. Each man should be examined in conjunction with his patrol book, with a view to estimating his efficiency and fitness for promotion.

(5) Orderly room should be held at all Police Stations and Out posts, and all applications, reports and complaints dealt with on the spot. The service records of all men present should be carefully checked and written up after the men have been personally examined in general work, law and efficiency by a written test of an informal nature.

(6) Matters relating to health, comfort, local allowances, etc., should be gone into at each Police Station and Outpost. As a

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man's promotion depends largely upon remarks made in his sheet, it is absolutely essential that a Superintendent of Police should see every man in his district once a year, and if circumstances and time do not permit of a regular inspection of any Police Station or Outpost, every man from such Police Stations and Out-posts should be specially called to head-quarters or other convenient

place for the purposes of sheet inspection once a year and remarks made in his sheet after a proper drill test, indicating the man's personal smartness, ability to perform drill smartly and to command a squad on the parade ground. The Deputy Inspectors General of Police should during their inspections see, on a check of the traveling allowance bills, diaries and statements of movements etc., and of 10 per cent of the service sheets, that these orders are being carried out. It is interesting to question men who have earned rewards as to the actual work performed in earning them. Similarly the rewards statements submitted by the Sub-Inspectors require examination in conjunction with the case diaries to determine whether the right persons have been

rewarded. Sub-Inspectors have a tendency of submitting vague recommendations for rewards and this tendency can best be checked at inspection.

(7) (i) The Sub-Inspector should be carefully questioned as regards his knowledge, comprehension and observance of standing orders.

(ii) Superintendents should make it a point either themselves to see or to ask their Sub-Divisional Officers to see, during their inspections whether the officers who draw conveyance allowance actually maintain the particular kind of conveyance which is certified by them to have been kept and take suitable action in cases of default.

(I. G.'s No. 2219, dated 31st March 1948, 3431, dated 5th April 1948 and I. G.'s No. 53, dated 2nd October 1937.)

(C) Records

(a) In addition to the usual inspection of registers maintained at a Police Station, inspecting officers can best pay particular attention to the following:-

(i) Registers relating to crime-

1. First Information Book.
2. Cognizable Crime Register.
3. Non-Cognizable Crime Register.
4. Case diaries.
5. Station diaries.
6. Village crime records.
7. Other confidential records.

(ii) Books of account-

1. Day book.
2. Stock Account-
 - (i) Arms, ammunition and accoutrements.
 - (ii) Clothing articles.
 - (iii) Dead Stock Register.
3. Ammunition Deposit Register.

(b) It should be seen that registers at Nos. 1, 2, 4 and 5 mentioned under (i) have been written up by the Sub-Inspector him-self in every case or, in his absence, by the senior officer present.

(c) Property in the hands of the Police should be checked personally. It is necessary to see that property in the possession of the Police is the same as that referred to in the case papers and that there has been no diminution in number, weight, measurement etc.

(d) Particular attention should be paid to regular and prompt disbursement of pay and allowances and to the punctual submission and return of travelling allowance bills.

(e) A few travelling allowance bills should be checked with the entries in patrol books. Stress should be laid on the necessity of neatness and system in keeping accounts, filing papers and keeping dead stock.

(f) The Day Book should be examined and checked carefully. The balance of the permanent advance in hand should be noted and, as regards sums to be recouped, it should be ascertained when the expenditure was incurred and whether bills have been punctually preferred. In the case of undue delay in the payment of bills, steps should be taken to expedite payment.

(g) Arms, ammunition, articles of dead stock, strychnine powders (which should be under lock and seal), service stamps and the library register should be checked personally.

(h) The shops of licensed vendors under the Arms Act and the Explosives Act must be inspected, and their stocks and accounts checked.

(i) Pending correspondence should be disposed of; "B" records destroyed; the stock of stationery and forms examined with a view to economy, and the registers signed.

(1. G.'s No.2, dated 18th January 1930.)

(D) Buildings

(a) The register of buildings maintained by the Superintendent of Police and the Sub-Divisional Officer should be checked at

inspection and written up with a view to future requirements. Besides inspecting quarters whilst on tour, it is as well to ascertain who are actually living in the Police lines, to prevent over crowding and for the eviction of undesirable visitors. Lock-ups should be examined with respect to faulty construction facilitating escape or suicide. It should be seen whether money sanctioned for construction and repairs has been laid out to the best advantage. All new works in the course of construction should be inspected not only as regards materials and progress but also as regards method. A whole block of rooms will sometimes be kept hung up for months merely because some small detail is missing. The result is waste of house rent allowance.

(b) In order that he may be in a position to dispose of references in connection with the provision of new buildings or alternations to old ones, every Superintendent of Police should maintain a set of ground plans of the land in the possession of the Police at all Police Stations and Outposts showing the layout of the buildings. These plans should be consulted at inspection.

(3) When the clerks have drawn up their rough notes, the inspecting officer should go through them and eliminate as much as possible after explanations have been made on the spot. The final result should be an inspection note containing a summary of really important errors and a few general instructions for guidance. The inspection notes should be brought up again at the next inspection.

(1. G.'s No. 14521-B, dated 16th December 1920.)

526. Periodical audit of Head-Quarters Accounts.- The Police Accountant should invariably visit the Head-Quarters office every month and check the Day Book and make a 10 per cent audit of the Head-Quarters accounts. This audit should invariably include a check over the correctness of the composites forming the actual balance on the day of inspection.

527. Statistics as an index of efficiency-(1) Although statistics are essential to the maintenance of due control and supervision over Police work, they should be used with judgment and discrimination, not as a standard to be worked up to but as a test for indicating where defects in work is to be looked for, their chief purpose being to direct attention to particular points of working and to indicate where further enquiry is necessary. Police work should be judged not by statistical results upon the facts elicited by these enquiries. A relatively high rate of criminality or a low rate of detection does indicate that something is wrong; but it does not in itself justify the conclusion that there is undoubted administrative failure on the part of the Police. Police officers must not put pressure on their subordinates by injunctions to defect particular cases or cases generally.

2) Inspecting officers should particularly eschew any action and avoid the use of any language, which may lend colour to the impression that the work of their subordinates will be judged by an arithmetical standard and not according to merit.

(3) Officers in charge of Police Stations should also be made clearly to understand that neither pecuniary rewards nor promotion will be given in consideration of high percentages of conviction and that merit will be judged solely with reference to actual work performed by them in particular cases.

(J. D. Letter No. 3377, dated 1st May 1912.)

528. Place of camp of inspecting officers during inspection.- (1) All inspecting officers should camp within five miles of the place of inspection. Inspections of Police Station and Out Post records by Readers and Clerks, while the Superintendent of Police or Sub-Divisional Officer is camped elsewhere, are undesirable as likely to lead to abuses.

(2) Superintendents of Police should refer to their inspections in their monthly reviews, and Sub-Divisional Officers in their weekly diaries, on the lines of the following sample entries:-

Commencement	...	Commenced inspection of the office and records of ... (here State
		Police Station, Outpost or Inspector's office, as the case may
		be).
Continuation	...	Inspection continued.
Completion	...	Inspection concluded.

529. Inspection of Police Prosecutors' offices.-(1) Inspections of the offices of Police Prosecutors should be carried out periodically ". e.g., when the Police Stations at places at which such Prosecutors have their head-quarters are being inspected.

(2) The inspection should cover the Day Book, Stamp Account, Dead Stock Register, monthly Return of Cases conducted, Library Register, weekly diary, Inward and Outward Registers, circular order and Police Gazette files, A and B records, and pay, contingent and travelling allowance bill files. The object of the inspection should be to see that the office is being properly run and that the maximum of efficiency combined with economy is being attained.

530. Inspection by Circle Police Inspectors.-(1) Circle Police Inspectors should interview bad characters and inspect the records of Crime of all Police Stations in their divisions once every quarter, and should submit a copy of their inspection notes to the Superintendent of Police through the Sub-Divisional Police Officer concerned.

(I. G.'s No. 14, dated 5th April 1948.)

(2) For the inspection of explosives and licensed poison shops by Police Inspectors, reference should be made to Rules 269 and 294 respectively.

531. Inspection of Outposts by Sub-Inspectors.-(1) Sub-Inspectors should visit the Outposts within their charge from time to time, inspect kit, dead stock, etc., and after carefully examining the men and comparing and verifying the registers of the Outpost, point out irregularities to the officer in charge and record the result of their inspection in the Inspection Book (Standard Form No. P. M. 99) kept for the purpose at the Outpost. The entries in this book enable the Superintendent not only to learn how often and with what thoroughness these officers examine and test the work of their subordinates, but also to see how far the men have corrected the shortcomings found in their work.

(2) All serious irregularities coming to light in the course of a Sub-Inspector's inspection should be reported at once to the Superintendent or the Sub-Divisional Officer, so that the officer in question may take such notice of them as may appear to him to be necessary.

(I. G.'s No. 10681, dated 23rd October 1899.)

(3) For the inspection of explosives and licensed poison shops, reference is invited to Rules 269 and 294 respectively.

APPENDIX I

FORM No.1

Rule 58 (1)

Form of Requisition of troops.

To

The General Officer CommandingDistrict,

.....

or

The Officer Commanding.....

Station.....

The services of troops are required in aid of the civil power to assist in quelling a riot (or preventing an anticipated riot) in the town of (or other place specified).

They should be at (here state the place) by..... o'clock (a.m. or p.m.) On theinstant, when a Magistrate (here state the class and same, if possible) will indicate the object to be effected. The probable duration of the duty will be (here state time).

Note.-If possible the requisitioning officer should state the approximate length of streets that may need patrolling.

FORM NO.2

Rule 60(7)(d)

**Statement showing information Regarding Police Firing for Maintenance of public order for
the Period from**

Date	Place	Brief accounts of circumstances necessitating report to bring indicating (a) A party or parties responsible for the situation, (b) Preventive and other steps taken	Number of times fires had to be opened and localities, etc.	Types of weapon used	Types of ammunition used	Number of rounds fired from each weapons	Number of persons killed	Number of persons injured	Whether any Judicial Magisterial or Departmental enquiry was held and if, so what were the main findings	By whom firing was ordered	Number of Policemen or others on duty killed	Injured	Political affiliation and the Community or persons killed or	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM No.3

Rule 77

Paragraph 2 of Appendix VII

Form of instructions to be given to person ordered to notify his, residence.

To

Whereas an order has been made by the Court of/Magistrate under Section 565 (2) of the Code of Criminal Procedure, 1898, at the time of passing sentence on you, that you j shall notify your residence and any change of or absence from such residence /' for a term of from the date of your release, and whereas you have notified your desire to reside in the village of/town Police Station district , you are hereby directed to observe the following instructions:-

1. Within 48 hours of your arrival at your residence you must report yourself with this form to the officer-in-charge of the Police Station within whose jurisdiction your village is situated, viz., Police Station. The said Police officer will endorse on this form that you have given the requisite notification about taking up your residence.

2. You shall not absent yourself from your place of residence for a period longer than 24 consecutive hours without previously notifying the fact to the officer-in-charge of the said Police Station in the manner provided in the following paragraph.

3. If you desire to remain absent from your residence for a period longer, than 24 consecutive hours, you must report yourself with this form to the officer-in-charge of the said Police Station and notify to him the place or places you will visit, and the period for which you will be absent. The said Police officer will endorse on this form that you have notified, as required your intention to be absent. You must not remain absent beyond the period you have notified, and, on your return, you must again report yourself within 48 hours to the officer-in-charge of the said Police Station and obtain his endorsement on this Form.

Note.-When the period of absence does not exceed one week, the Village Police Patil is authorised to perform the functions of the officer-in-charge of the Police Station under this rule.

4. Whenever you are absent from your place of residence for a period exceeding 24 consecutive hours, you must take this form with you and you must produce it for inspection on demand by any Police officer.

5. If you desire to change your residence permanently, you must appear with this form before the officer-in-charge of the Police Station within whose jurisdiction you reside and notify to him within a reasonable time before your departure your new place of intended residence, and the date and time of

your departure. The said Police officer will make the necessary endorsement on this form to show that you have given due notice of your change of permanent residence.

6. On arrival at your new place of residence, you must report yourself to the officer-in-charge of the Police Station within whose jurisdiction your new residence is situated with 48 hours of your arrival, and present to him this form for his inspection and endorsement.

7. You shall be subject to the above rules for a period of years.

8. For any omission on your part to comply with the above rules, you will be liable to simple imprisonment for a term which may extend to six months or to fine which may extend to Rs. 1,000 or with both.

Read over and explained to the convict.

(Signed)

Magistrate.

Dated

196 .

(Signature)

Thumb impression of ex-convict.

FORM No.4

Rule 81 (7)

VILLAGE PATROLLING – STATEMENTS TO BE MAINTAINED BY THE PATROLLING POLICEMAN

(1) *Class “A” Villages*

Name and No. of Patrol Head Constable	Names of villages in beat	Police Patel's in beat	Police Patel's name	Police Patel's Signature	Names of men under surveillance
1	2	3	4	5	6
	1. 2. 3. 4. etc.				

(1) *Class “B” Villages*

Name and No. of Patrol Head Constable	Names of villages in beat	Police Patel's in beat	Police Patel's name	Police Patel's Signature	Names of men under surveillance
1	2	3	4	5	6
	1. 2. 3. 4. etc.				

(3) *Statement of undetected crime for the past two years (excluding current year)*

Crime No.	Complainant	Village	Section I.P.C	Property stolen	Property recovered	Remarks
1	2	3	4	5	6	7

Appendix 1

511

FORM NO.5

Rule 104 (1)

Statement showing cases of corruption which occurred in the Police establishment of the District during the six months ending

Serial No.	Defaulter's Name and rank	District	Charge	Result enquiry and punishment	Remarks
1	2	3	4	5	6

FORM NO.6

Rule 135 (6)

Cases investigated by directly recruited Assistant and Deputy Superintendent of Police in District.

Serial No.	Name of Assistant Superintendent or Deputy Superintendent of Police in the District during the year ending 31st December, 19 .	Charge held	The dates from and to which the charge was held	Numer of important cases investigated	Nature of each offences	Result	Remarks
1	2	3	4	5	6	7	8

FORM No.7

Rules No. 181 and 182

FORM OF COMMUNICATION REGARDING ARREST, DETENTION,
CONVICTION OR RELEASE, AS THE CASE MAY BE, OF A
M. L. A. / M. L. C. / M. P.

(See Rules 247 and 248 of the Bombay Legislative Assembly Rules and No. 223 and 224 of the Bombay Legislative Council Rules).

To

The Speaker / Chairman,
Bombay Legislative Assembly / Council / Lok Sabha / Rajya Sabha.

Bombay Delhl.

DEAR SIR,

'A'

I have the honour to inform you that I have found it my duty, in the exercise of my powers under Section _____ of the _____ (Act), to direct that Shri _____ M. L. A. / M. L. C. / M.P be –arrested _____ detained _____ for _____ (reasons for the arrest or detention, as the case may be). Shri _____, M. L. A. / M. L. C. / M. P. was accordingly arrested _____ at _____ (time) on _____ (date) and is at present lodged taken into custody in the _____ (Jail), _____ (place).

'B'

I have the honour to inform you that Shri _____ M. L. A./M. L. C./M. P. was tried at the _____ Court before me on a charge(s) of _____ (reasons for the conviction). On _____ (date) after a trial lasting for _____ days, I found him guilty of and sentenced him to imprisonment for _____ (period). (His application for leave to appeal to _____ (name of the Court) is pending consideration.

‘C’

I have the honour to inform you that Shri

M. L. A. / M. L. C. / M. P., who was *arrested or detained on
convicted

(date) for (reasons for arrest)* and imprisoned for

(period) for (reasons for conviction)

was * released on bail pending trial

* released on bail pending appeal

* released on the sentenced being set aside on appeal

* released on completion of his term of imprisonment

* discharged by the Court

* acquitted by the Court

on _____ (date)

Yours faithfully,

(* Judge/Magistrate or Executive Authority)

*Strike whichever is not applicable.

FORM No.8

Rules No. 201 (6)

IAFD 910.

Certificate in Accordance with Section 142 (6) of the Army Act

I certify that the person whose description is given below was apprehended by (or surrendered to)*

me at (place) at (hour) on the day of 19

Regimental particulars of officer or soldier referred to above

- No.....
- Rank.....
- Name.....
- Father's Name.....
- Unit.....
- Age.....
- Height.....
- Complexion.....
- Identification Marks.....
- Marks.....
- Religion.....
- Home Address.....
- Village.....
- Post Office.....
- Police Station.....
- Tehsil.....
- District.....

Description and other particulars

At the time of his apprehension (or *surrender) the person referred to above was dressed in Uniform / Civillian cloths

Signature of Officer of Police-in-charge of Police Station where the above named person was taken, or placed in custody, or apprehension or surrender.

In-Charge of

Police Station

*Strike out whichever is inapplicable

It is essential that form should be actually signed by the Police Officer-in-Charge of the Police Station otherwise it will not be admissible in evidence.

FORM No.9

Rule 212 (10) (b)

Permit for Transport of dead body

Permission is hereby granted to Shri/Shrimati

of _____ taluka

to remove the dead body of his/her

Shri/Shrimati

who died _____ in _____ on 19 _____, at

to subject to the following conditions:-

(1) That the dead body is properly covered and disinfected before it is placed in the motor lorry or any other conveyance in which it is to be carried.

(2) That no passengers except the near relatives of the deceased and such other persons as may be authorised by the Officer granting the permit are allowed to sit in the conveyance.

(3) That the said conveyance shall be properly disinfected immediately after the dead body is removed.

(4) That certificate of the cause of death is obtained from the Municipality or the Police Patel/Local Medical Officer.

(Signature of
the officer)

(Designation)

(Place)

District

To

Copy forwarded to:-

The District Magistrate, .

The District Superintendent of Police .

The Civil Surgeon, .

The President _____, Municipality

or the

Police Patil/Local Medical Officer -. _____

Appendix I

517

FORM NO.10

_____ DIVISION

Rule 227

BOMBAY, dated _____

MORNING BULLETIN

List of Crimes reported and Arrests effected during 24 hours ended 12 mid night on

Police Station and Beat No.	C.R.No	Class (Section and nature of offence)	Date	Time	Address (Scene of offence)	Nearest ain Road	Modus Operandi	Property stolen and recovered with value	Persons arrested (Names and other details)	Remarks (Brief facts in important cases) or motive

SUMMARY REPORT :

HAWKERS

BEGGERS

CATTLE

LIQUOR

GAMBLING

_____ Police Station C.R.No.175+2=177

_____ Police Station C.R.No.205+8=208

_____ Police Station C.R.No. 230+4=234

Superintendent of Police,

_____ Division, Bombay

FORM No. 12

Rule 238 (4) (b)

Sanction order under Section 6 (c) of the Prevention of Corruption Act, 1947

Prosecution of

Shri

.....

Order

Whereas in....., Shri, held the post of..... at....., and as such was a public servant removable from his office by (here insert the correct designation of the officer).

And whereas, on or about, the said Shri is alleged to have accepted for himself from one Shri Rs. as illegal gratification, other than legal remuneration, as a motive or reward for

And whereas, it appears to the (insert here the same designation as above) that the .said Shri has thereby committed an offence punishable under Section 161 of the Indian Penal Code, 1860.

Now, therefore, in exercise of the power conferred by clause (c) of Section 8 of the Prevention of Corruption Act, II of 1947, the (insert here the same designation as above) grants sanction for the prosecution of the said , for the said offence.

(Signature)

(Designation) as above.

FORM No. 13

Rule 245 (4), (7), (8)

Summoning of documents
IN THE COURT OF

Suit No..... of 19

I..... Head of Department, do hereby solemnly affirm and state as follows:-

A summons bearing Nodatedissued by the Court ofin suit Noof 19 (.....) has been received in the Department, on..... 19 of documents stated below. I as the Head of the Department, am in control of, and in charge of, its records. I have carefully considered the relevant documents and have come to the conclusion that they are unpublished official records relating to affairs of State and their disclosure will be prejudicial to public interest for the following reasons:-

List of documents summoned

I do not, therefore, give permission to any one under section 123 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

Solemnly affirmed at this day of 19 .

Head of Department.

Sworn before me.

FORM No. 14

Rule 245 (7), (9)

IN THE COURT OF

Suit No..... of 19 .

1. (Here insert the name, designation and address of the person making the affidavit),..... Do hereby solemnly affirm and state as follows :--

A summons bearing Nodated..... issued by the Court of..... in suit Noof 1996..... (.....versus.....,) has been served on me on19 . requiring production in the said Court on 19 ,of the documents stated below. I have carefully considered them and have come to the conclusion that they contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons:-

List of documents summoned

I therefore, claim privilege under section 124 of the Indian Evidence Act, 1872. Solemnly affirmed at..... thisday of..... 19

Head of Department.

Sworn before me

FORM No. 15

Rule 286

List of payments over Rs. 250 made by (Disbursing Officer) in the quarter ending month of

.....

Sr. No. 1.	Name of payee, and full address (if known). 2.	On what account payment made. 3.	Date of payment. 4.	Treasury 5.	Amount 6.

Appendix I

525

FORM No. 16

Rule 306 (5)

Statement showing thefts of telephone wires for the month of _____ in _____ Districts

Sr. No.	Place of occurrence.	Date and time of occurrence.	Date on which the incidence was reported to police.	Property stolen.	Property recovered.	Persons arrested.	Final disposal of the case.
1.	2.	3.	4.	5.	6.	7.	8.

FORM No. 17

Rule 340 (16)

Prohibition offences

1. Place and district of offence.
2. Date of offence.
3. Date of detection.
4. Date of registration (if the offence has been registered).
5. C. R. No. and Police Station registering the offence.
6. Class of offence.
7. Section of law under which punishable.
8. Name of the accused person or persons, with aliases, age, caste, occupation, address and whether arrested or not.
9. Corpus delicti.
(Substance of the offence).
10. Brief facts of the case.

Sr.No.	Kind	Quantity	Value

Note.-The quantities in column 9, above should be

- (i) Wash: Maunds and gallons.
- (ii) Liquor: Gallons and drams.
- (iii) Toddy: Gallons and drams.
- (iv) Hemp drugs: Seers, tolas and grain.
- (v) Foreign liquor : Bottles

FORM NO.18**Rule 340(17)(iii)***Police Station*

(1) Action regarding notorious distillers

Sr. No.	Name of the distiller	Previous conviction	Action taken during the month

(2) Action regarding notorious bootleggers

Sr. No.	Name of the bootlegger	Previous conviction	Action taken during the month

(3) Action regarding notorious areas of villages

Sr. No.	Name of the area or village	Total quantity of liquor attached		Name of notorious bootleggers caught
		Abortive	Successful	

FORM NO. 19**Rule 411 (10)(a)**

*Monthly return regarding the use of handcuffs by the Police under Police Station (Head Quarters
in the month of 19*

Date	Name of person handcuffed	Name and designation of Police officer using handcuffs	Reasons for believing that the person would have escaped from custody, if not handcuffed	Remarks

Appendix I**FORM NO 20****Rule No. 438 (5)****Recovery of Arms and Ammunition etc. in Greater Bombay****Arms and Ammunition lost, stolen or found**

Sr. No.	Name and address of the owner	Class of weapons (Revolver, pistol etc.) and manufacturers number	Description to include maker's name, bore number of chambers, S.B. or D.B. and distinguishing marks	Lost or stolen when and where	Brief particulars of loss or theft, it recovered to whom intimation be sent.
1	2	3	4	5	6

20(4)**Recovery of illicitly possessed or lost arms and ammunition**

Sr.No.	Name of legitimate owner, if known together with address	Class of weapon (revolver, pistol or rifle etc.) and manufacturers number	Description to include maker's name bore no. no. of chambers S.B. or D.B. and distinguishing marks	Date of recovery	Name of person from whom recovered and place at which recovered	Remarks to include, it available, information of whence illicit possessor obtained the weapon
1	2	3	4	5	6	7

FORM 21

Rule 461 (1)

Bombay State District Police Motor Transport
Requisition for a Police vehicle.

.....District.

Sr. No.

Type of Vehicle required:

- 3 Ton Personnel Carrier.
- 3 Ton Prison Van.
- 3 Ton Goods Truck.
- 15 Cwt. 4X4 Van.
- 1 Ton light Van.
- 1 Ton Station Wagon Jeep.

Date and Time of requirement:

Place where Vehicle should report:

to whom:

Approximate duration of requirement

hours.

Purpose of Journey: .

For whom required:

From (Place)

to (Place)

Date 18

(Signature and Designation or
requisitioning. Officer).

The above allotment of vehicle and mileage run of
herebr sanctioned.

Remarks:

(orders regarding'
charges, if any)

Date

19

(Signature)

District Superintendent of Police

(*Strike off whichever 1..0; not applicable),

Appendix I

531

FORM NO 23

Rules 471 (3)

Statement showing the information regarding the disposal of the condemned spare parts etc., of the Motor Transport Section for the year

Sr. No.	Name of the District	Name of the spare part / condemned article and the quantity	Upset price fixed by the Committees	Date of disposal of the spare part / condemned articles	Amount fetched in auction	Challan No. and date according the sale proceeds into the Treasury	Remarks
1	2	3	4	5	6	7	8

L-S (K)1764-34-a

FORM NO 24

Rule 481 (1) (b)

Army Message Form

(Modified for India)
 ARMY FORM C 2136
 (Small) (Pads of 100)

Reg. No. (8)

Message Form.

IN

OUT ABOVE THIS LINE FOR SIGNALS USE ONLY

FORM	Date – Time of origin.		
TO			
INFO			
THIS LINE FOR SIGNALS USE ONLY	Message Instructions.	Group Count.	
Security Classification (see NOTE below)	Originator's Number.		

Degree(s) of Priority and or Originator's Instructions.	Originator's Signature (with rank)	Date-Time of Origin			
			Time	Circuit.	Operator.
		IN			
Note: This Message will not be accepted unless a Security Classification (or Unclassified) has been inserted in the appropriate space.		OUT			

Appendix I

FORM No. 25

Rule 482 (5)

Form of application for the supply of a Police guard or escort

Name of applicant . '

Date of application

Nature of guard or escort required,
armed or unarmed.

Whether permanent or temporary...

Where to be stationed ..

Duty to be performed ..

Period for which required (if temporary).

The guard or escort will be used for
Police duty only.

Opinion of the Superintendent or Sub-Divisional Omcer.

Whether the purpose is purely a Police :
purpose'

Strength necessary

Cost which will be incurred

Whether Policemen are available for
the guard or escort.

Objection, if any

Final opinion whether the guard or
escort should be given.

Appendix I

Appendix I

FORM No. 26

Rule 500 (1)

Pledge of Service-Home Guarda

I, residing at do solemnly and sincerely declare and affirm that I will well and truly serve the Government of Bombay as a member of the "Home Guards" inwithout favour or affection, malice or ill will, or communal or political bias, and that I will, with the best of my powers, cause peace to be kept and preserved, and prevent all offences against person and property, and that, while I continue to be a member of the Home Guards, I will, to the best of my skill and knowledge discharge all the duties as such member faithfully according to law, and will not allow any communal or political bias to interfere with the duties assigned to me by Government or my superior officers.

Date.....

.....

Signature.

Taken in presence of:

Appendix I

FORM NO. 27

Rule 512

Six- Monthly progress report on the formation of village parties in the District of for the half-year ending

(a) Number of villages in the districts

Formation of village Defence Parties	Upto the end of previous six months	During six months under report	Total	Remarks (Names of villages where Village Defence parties have been formed during six months under report to be shown here)
(b) Names and number of villagers where village Defence Parties have been formed (names to be given in Columns 5)				
(c) Numbers of members enrolled in the GAVSENA under the Village Defence Party Scheme in the district.				
(d) Number of member of Joint Village Defence Officers, Joint Assistant Village Defence Officers and Kotwals appointed under the Village Defence party Scheme in the district (Nos. to be shown separately)				
(e) Number of members of Village Defence parties who are gunlicense holders in the Districts.				
(f) Number of members trained in drill and use of lathis.				

(g) Action taken by the District Superintendent of Police to train the members in masketry and the number so trained in the district.

(h) Weapons, and persons in possession of the weapons. (Numbers to be shown separately).

(i) General remarks of the District Superintendent of Police.

FORM No. 28

Rule 515 (1)

Notice

Employers of Police Watchmen are requested to note that the pay (Rs.)of their watchmen is due monthly in advance and should be paid into the office of the District Superintendent of Police punctually on the last day of each month for the following month.

Failure to credit pay of Watchmen on the appointed day will necessarily entail the withdrawal of the Watchmen without notice.

It is further requested that a fortnight's notice be given by employers, if they desire to dispense with the services of their Police Watchmen. "

Observance of the above rules will conduce greatly to the convenience of all concerned.

District Superintendent of Police

FORM 29

Rule 515 (1) (3)

Notice to Employer of Watchmen

No..... of 19 .
Office of the District Superintendent of Police.

.....

Dated.....19 .

8hri/ Shrimati,

I invite your attention to the fact that the pay of the Police Watchman/ Watchmen supplied to you for the month ofand due in advance has not been received in this office.

I, therefore, write to draw your attention to the notice below this letter and to intimate that unless the pay is credited in this office by theit will be necessary to withdraw your Watchman/Watchmen on the morning of

Yours faithfully,

District Superintendent of Police,

.....

Notice

Employers of police Watchmen are requested to note that the pay of their watchmen is due monthly in advance, and should be paid into the office of the District Superintendent of Police punctually on the last day of each month for the following month.

Failure to credit the amount on the appointed day will necessarily entail the withdrawal of the watchman without notice.

It is further requested that a fortnight's notice be given by employers, if they desire to dispense with the services of their Police Watchmen.

Observance of the above rules will conduce greatly to the convenience of all concerned.

District Superintendent of Police

.....

Dated..... 19 .

FORM NO. 30

Rule 515 (1)

Muster roll for Police Watchmen for the month of 19 .

Sr. No.	Buckle No.	Name of employee	Name of employer	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Remarks	

FORM NO. 31.

Rule 515 (1), (2)

Pay abstract of Police Watchmen of the District for the month of 19 .

Sr. NO.	Name of Buckle No. of the Watchmen.	Name of the employer.	Number of days of duty.	Amount payable				Date of disbursement.	Signature of the recipient.	Signature of the officer.
				Pay	Ho rent.	Dearness allowance.	Total			
1	2	3	4	5	6	7	8	9	10	11

FORM NO.32

Rule 515 (1)

(Payable strictly in advance.) /

Watchman Fund

Office of the District Superintendent of Police,

Bill No.....

Dated..... 19

Rs..... Dr.

To pay the following charges for Watchmen in advance;-

Rs.

Pay at Rs..... per month for..... 19 ..

Dearness allowance Rs..... per month for 19

Clothing charges at RS..... per month for19

Arrears as per bill No..... dated.....

.....

Total..

(In words) Rs.

.....

for District Superintendent of Police,

.....

N.B.-1. The whole amount of this bill should be paid into the office of the"

District Superintendent of Police and to no other person.

2. The amount should be paid before the end of this month. Other-wise the watchman will be withdrawn.

3. It is requested that a fortnight's notice be given by the employer, if he desires to dispense with the service of his watchman.

in cash

Received onRs.....

by cheque No

Police Accountant

Form No. 33

Rule 515 (1)

Account of clothing of Police Watchmen

Sr. No	Details	Great coat	Jersey	Khaki blouse	Khaki shorts.	Ordinary folding cap of khaki drills	Pair of putties	Pair of Chappals and boots	Whistle.	Lathi	Belt	Haversack.	Dar bone buttons.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM No, 34-contd.

District Superintendent of Police.		Information of Motor Vehicles	
Asst. Supt. of Police		Buses	
Dy. Supts. of Police.		Trucks	
Police Inspectors		Staff car	
Circle Police Inspectors		Ambulance car. ,	
Home Police Inspector		Motor Transport	
City Police Inspector		Armed Head Constables	
L.I.B.			
H.Q.		Armed Police Constables	
Excise Establishment		Wireless	
Sub Inspectors	....	Head wireless operator	
Head constables	....	Wireless Operators.....	
Constables	....	Radio Machanics	
Sub Inspectors			
		Armed Strength	
Sub-Division	....	
Sub- Division	....	Permanent	.....
Headquarters	....	Temporary	.....
L.I.B.	....	
C.I.B.	....	
Traffic	....	Unarmed Strength	.....
Readers	....	Permanent	.....
Reserve	....	Temporary	.....
Police Presecutors			
_____ City		Grand Total.....	

FORM No. 35.

Rule 519 (3) (c) (a)

District

Crime figures for the previous two years and the current year up to

Sr. No.	Nature of Crime	19-----	19-----	19---- up to
1.	Murder including attempt to and culpable homicide.			
2.	Dacoity			
3.	Robbery ----			
	a) Highway robberies			
	b) Other robberies			
4.	House breaking by day			
5.	House breaking by night			
6.	Cycle thefts			
7.	Cattle thefts			
8.	Thefts by pickpockets			
9.	Thefts by servants			
10.	Other thefts under Section 879, I. P. C			
11.	Other thefts under Section 880, I. P.'O			
12.	Receiving stolen property			
13.	Cheating			
14.	Criminal breach of trust			
15.	Mischief			
16.	Rioting ..			
17.	Hurt cases			
18.	Kidnapping --			
19.	Other offence ---			
	Total ...			
	Class VI			
1	I.P.C. Class VI			
2	Gambling Act			
3	Prohibition Act			
	a) Distillation of Illicit liquor			
	b) Possession of illicit liquor			
	c) Transport of illicit liquor			
	d) a e of illicit liquor			
	e) Other Cases			
4	E.S.T.P. ACT			
5	M.V. ACT.			
6	Miscellaneous			
	Total			
	Grand Total ...			

Form No. 36

Rule 519 (3) (c) (b)

District

Preventive action figures of the previous two years and the current year up to

Sr. No.	Act and Section under which action taken	19-----	19-----	19 ----- upto -----
1	2	3	4	5
1	Criminal Procedure Code-107			
2	Criminal Procedure Code-109			
3	Criminal Procedure Code-110			
4	Bombay Police Act 55 to 57.			
5	Bombay Police Act 122.			
6	Bombay Police Act 124.			
7	Bombay Habitual Offenders Act 1959.			
8	Preventive Detention Act.			
9	Bombay Prohibition Act, Section 98.			
	Total			

FORM NO. 37.

Rule 519 (3)(D)

District

Disposal of offence under the Penal Code

Sr. NO.	Offence	19.....		19.....up to	
		Total NO.	Disposal	Total No.	Disposal
1	2	3	4	5	6
1	Murder	....	..con.	.....	...Con
			Acq		Acq
			A.F		A.F.
			C.F		C.F
			P.T		P.T
			N.C		N.C
			Tran.		Tran.
			B.F		B.F
			With		With
			157(b)		157(b)
			Disch		Disch
			Comp		Comp
	P.I	P.I			
2	Dacoity				
3	Robbery				
4	H.B. and Thefts				
5	Thefts				
6	Riots				
7	Hurts				
8	Other Offence				
9	Gambling Act				
10	Bombay Prohibition Act				
11	Section 122,124,131,131A and 142 of the Bombay Police Act				
12	Cases under Sections 55 and 57 of the Bombay Police Act				
	Total				

Note – While showing the disposal of cases in the above statement, the classification ‘Acquittal’ or ‘Discharge’ should be amplified by the letters AT, ‘BT’ or ‘CT’ as the case may be, in order to give an idea as to whether the case is true, false or otherwise; for example ‘2 Acq. AT’ (‘T’ means after trial). Supervising officer should take suitable action against investigation officers, if cases are classed ‘B’ or ‘C’ after trial.

FORM No. 88

Rule 519 (3) (E)

District _____

Information regarding Village Defence Parties

- | | | | | |
|--|-------|-------|-------|-------|
| 1. Number of villages in the district | ..... | ..... | .... | ..... |
| 2. Number of beats | ..... | .... | ..... | ..... |
| 3. Number of villages where Village Defence Parties have been formed |  |  |  | ..... |
| 4. Number of members enrolled in the Village Defence Parties |  |  | ..... | ..... |
| 5. Remarks | ..... | ..... | .... | ..... |

FORM No. 59

Rule 519 (5) (E)

District _____

'Information regarding Home Guards,

<i>Sr. No.</i>	<i>Name of Centre</i>	<i>No. of Home Guards on roll</i>	<i>No. of Home guards who have completed training including training in the use of arms.</i>	<i>Number of Home guards under training</i>	<i>Average attendance</i>
	Total				

Rule 201 (5)

Regimental Centres /Units to whom deserters/absentees apprehended by or surrendered to the Civil Police are to be handed over.

Armed Corps Centre and School, AHMEDNAGAR.
Arty Centre, DEOLALI.
Madras Engr. Gp., BANGALORE,
Bengal Engr. Gp., ROORKEE.
Bombay Engr. Gp., KIRKEE.
Sig Trg. Centre, JUBBULPORE.
Punjab Regt. Centre, MEERUT.
Madras Regt. Centre, WELLINGTON.
Grenadiers Regt. Centre, NASIRABAD.
Maratha Regt. Centre, BELGAUM.
Raj Rif. Regt. Centre, DELHI CANTT.
Rajput Regt. Centre, FATEHGARH.
Jat Regt. Centre, BAREILLY.
Sikh Regt. Centre, MEERUT.
Dogra Regt. Centre, MEERUT.
Garh Rif. Regt. Centre, LANSDOWNE
Kumaon Regt. Centre, RANIKHET.
Assam Regt. Centre, SHILLONG.
Bihar Regt. Centre, DINAPORE.
Mahar Regt. Centre, SAUGOR.
11 Gorkha Rif. Regt. Centre, Glement Town, DEHRADUN
14 Gorkha Training Centre, CHAKRATA.
39 Gorkha Training Centre. DEHRADUN.
58 Gorkha Training Centre, DEHRADUN.
ASC Centre (South), BANGALORE.
ASC Centre (North), MEERUT.
RV and FC Centre and School, MEERUT
AMC Centre (South), POONA.
AMC Centre (North), LUCKNOW.
EME Centre, SECUNDERABAD (DN.).
AOC Centre, SECUNDERABAD (DN.).
L-S (K) 1764 –35-a

Central Ordinance Depot, AGRA.
INT Trg. School and Depot, POONA.
CMP Centre and School, F AIZABAD.
PNR Corps Centre and Records OFFICE NAINITAL
MDSC Centre, OLD DELHI.
AEC CENTRE and School, PACHMARHI.
4th Bn. the ASSAM Rifles.
Army Physical Training Corps and School, POONA.
HQ and Records General Service Corps, BELGAUM.
Boys Bn. (South),~BANGALORE.
Boys Bn. (North), LANDSDOWNE.
ADM Commdt., MHOW.
SSO, JAMNAGAR.
SSO, KAMPTEE.
STA HQ ARI'v1EDABAD.
Trg. Centre Border Scouts, P ALANPUR.
for deserters apprehended
in KANGRA VALLEY.
88 Comn Z Pro Unit.
51 Lt. Armed Regt. (TA).
For deserters apprehended in
PUNJAB and PEPSU.
213 Transit Camp, PATHANKOT.
For deserters apprehended in J and K
i.e. JAMMU and K;'ASHMIR.
For Greater Bombay: -A. Q. C. Poona.

Rule 1 (3)

Execution of a warrant of fine issued by a Court .

A warrant for the levy of a fine issued under clause (a) of sub-section (1) of Section 386 of the Criminal Procedure Code shall be directed to a police officer.

2. The authority issuing the warrant shall specify a time for the sale of the attached property and for the return of the warrant. The time specified for the sale shall not be less than two months from the date of the issue of the warrant.

3. The attachment of moveable property belonging to the offender shall be made by seizure: Provided that, where, in addition to or in lieu of seizure, the police officer considers that the attachment should be effected by the appointment of a receiver or by an order in writing prohibiting the delivery of the property to the offender or his representative or by both these methods, he shall obtain an order to that effect from the Court issuing the warrant.

4. Where the property to be attached consists of the share or interest of the offender in moveable property belonging to him and another. as co-owners, the attachment shall be made, after obtaining an order to that effect from the Court issuing the warrant, by a notice to the offender prohibiting him from transferring the share or interest or charging it in any way.

5. Before making the attachment, the police officer shall deliver or tender a copy of the warrant to the offender or, in his absence, to any adult member of his family. If the offender is in jail, a copy of the warrant shall also be sent to the offender through the Jailor. If a copy cannot be so delivered or tendered, the police officer shall affix a copy of the warrant at some conspicuous place where the property to be attached is found and, if the property is situated in a village, the fact of attachment should be proclaimed by beat of drum. After making the attachment, the police officer shall, in like manner, deliver, tender or affix, as the case may be, an inventory of the property, attached.

7 If no claim is preferred to any property attached, within one month from the date of the attachment, by any person other than the offender, the police officer executing the warrant shall have power to sell, within the time mentioned in the warrant and without previous reference to the Court issuing the warrant, the property or such portion thereof as may be sufficient to satisfy the amount to be levied: Provided that, if the property attached consists of livestock or is subject to speedy and natural decay, or if in the interest of the owner, the Court issuing the warrant orders its immediate sale, the police officer may sell it at once, but the proceeds of the sale shall not be appropriated towards the fine until the expiration of one month from the date of attachment or until any claim preferred has been disposed of, whichever is later .

Provided further that where any property is attached under paragraph 4, it shall not be sold without obtaining an order to that effect from the Court issuing the warrant; and where two or more persons, of whom one is a co-owner, respectively offer the same sum for such property, it shall be deemed to be the bid of the co-owner.

7. If any claim is preferred to any property attached, it will be adjudicated upon by the Court.

8. The Police officer executing the warrant shall, as soon as possible after the sale, produce the sale proceeds before the Court issuing the warrant or if the property was sold under a warrant endorsed by a District Magistrate or the Chief Presidency Magistrate under Section 387 of the Code, in the Court of such Magistrate.

9. The Police officer empowered to execute the warrant shall not be inferior in rank to a Head Constable, when the estimated value of the property to be attached exceeds Rs. 100.

Rule 13 (1)

Duties of the Police in cases of Fire

In cases of fire, the Police officer on the spot should

(a) apprise the inmates of the house and also the inmates of the adjoining houses about the fire, (b) send immediate information to the Police Station to send help and (c) also send information to the Fire Brigade Station (if there be any) or the municipality to send the fire brigade or fire fighter and until the arrival of the assistance, endeavor with the assistance of persons in the locality to extinguish the fire, rescue persons in danger and prevent loss of property.

2. On receipt of information of fire, the officer in charge of the Police Station should forthwith collect his men by sending an alarm signal. He should then divide the available men into the following parties:-

- (a) Engine or Hose Party.-To take charge of the engine or the hose and try to extinguish the fire.
- (b) Street Clearing Party.-To divert the traffic from the street and keep the street clear of crowds.
- (c) Working Party.-To be supplied with pick-axes , spades, baskets etc. in order to bring earth from the neighboring lands and use it for extinguishing the fire and to disconnect the property On fire from adjoining property.
- (d) Bucket Party.-To be supplied with pots, buckets, etc. to fetch water from neighboring wells or reservoirs and use it for putting out the fire.
- (e) Guarding Party.-To keep a watch over the property salvaged from ' the house on fire and also to take steps to prevent pick-pocketing; and
- (f) Ambulance Party.-To be supplied with a stretcher and other materials required to give first aid, to - take charge of persons injured, render, them first aid and then without delay to send or take them to the hospital T: for treatment.

3. Having thus divided his men into a number of parties, suited to the situation, the officer in charge of the Police Station should place each party ~ in charge of a Head Constable or senior Constable and instruct the men in each party regarding the duties to be performed by them. The men need not wear full uniform but should put on a belt and a cap. The parties should then be marched off to the place of fire and do the work assigned to each and put out the fire.

4. In cities or towns, where a fire brigade has been provided by the municipality, any Police officer above the rank of a Constable may:-(i) remove, or cause to be removed, any person who interferes with the work of extinguishing fire and saving life or property; (ii) close any street or passage in or near which a fire is burning; (iii) for the purpose of extinguishing fire, break into or pull down any premises used for the passage of hoses or other appliances. (iv) cause mains and pipes to be shut off ~o as to give greater pressure of water in or near the place of fire ;

- (v) call on the persons in charge of a fire engine or render assistance, as may be possible; and
- (vi) generally, take such measures as may appear necessary for the preservation of life and property.

5. In Greater Bombay fire alarms have been installed at various street points which should ordinarily be used by the Police Officers. Where, how-ever, the telephone is more readily available, the Fire brigade should be informed on phone No. 101. When street fire alarm is used the Police officer should break the glass turn the handle and wait for the arrival of the Fire Brigade.

The chief officer of the Bombay Fire Brigade has been authorized to re-quision, at his discretion, aid from LA I division. The Superintendent, LA I Division will use his discretion and detail staff in consultation with the." Superintendents LA II and III divisions with the object of providing adequate assistance without loss of time.

One of the watch duty men of the Salvage Corps belonging to the Fire Salvage Association should be taken as a third 'Pancha' although he need not be called as a witness in the court.

(Commissioner of Police's S. O. No. 50)

6. There are numerous circumstances in which arson can be suspected.

Some of them are as below:-]

- (i) Broken windows.
- (ii) Presence of combustible materials.
- (iii) Some of gasoline, kerosene or turpentine, etc.
- (iv) Several combustion points.
- (v) Open drawers and cup-boards.
- {vi} Fire extinguishing paraphernalia put out of function. We
- (vii) Presence of time fuses.
- (viii) Materials delivered just prior to closing time and not opened.
- (ix) No apparent cause and when the fire risk is low.
- (x) Fire originated in a place where the fire risk is low, but circumstances are very favorable for the fire to spread.
- (xi) The behavior of the material is unusual.
- (xii) Series of fires on the, same premises with similar features.
- (xiii) Fire occurring during trade depression and material destroyed is in excess of market demands.
- (xiv) Evidence of replacement of costly goods by cheap goods just before fire.
- (xv) Small fire destroying ledgers, cash books, insurance cards etc., but other valuable materials saved.
- (xvi) If the same person is present at several fires or the same person raises the alarm.

(xvii) Release of animals before fire.

7. Essential points for investigation in cases of fire--

a) General examination of the premises.

(b) Detailed examination of the place of fire.

(c) Detailed account of the progress of fire to be obtained.

(d) Gas meters, gas taps and fittings, oil stoves, electric fittings to be examined.

(e) Samples of any material stored in the premises.

(1) Charred fragments to be examined.

(g) Establish the occurrence of fire.

(h) Description of the building under fire and circumstances giving accurate picture of fire, be recorded.

(i) Accidental causes to be eliminated.

(j) Criminal design to be proved.

(k) Motive to be established.

(1) Responsibility for the fire must be directly connected with an individual.

(m) Negligence or carelessness is the common cause of fire. Careful probing is required.

(n) See if the electric circuits in the building were alive at the time of fire. What was the purpose?

(o) In case of delayed action methods for setting fire, suspected spots to be cut out and sent to an expert for examination.

(p) Prevent the fire damage, particularly the point of ignition from being disturbed for facilitating enquiry by an expert, and arrange for the presence of the following persons to be interrogated by the expert:

(1) The first person who saw the fire.

(2) The first fire officer present at the fire.

(3) The first Police officer present at the fire.

(4) The Investigating Officer.

(5) The Manager or foreman or any person who can give some useful information.

(q) (i) Point of ignition-Where did the fire start?

(ii) Time of ignition-When did the fire start?

(iii) Cause of ignition-How did the fire start?

(C. D. T. S. Notes on Arson & incendiarism)

Rule 65 (1)

*List of offences to be entered in the Village Crime Register and th~
Village Conviction Register*

A

(Offences to which Section 75, I. P. C. applies)

Indian Penal Code

Chapter XII-

All offences, except those punishable under Sections 241, 254 and 262.

Chapter XVII-

Sections 379 to 382-Theft of all kinds.

Sections 384, 386 to 389-Extortion of all kinds, except that under Section 385.

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

Sections 395, 396, 399, . 402-Dacoity of all kinds.

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

Section 404-Dishonest misappropriation of property belonging to a de-ceased person.

Sections 406 to 408-Criminal breach of trust.

Section 409-Griminal breach of trust by public servant.

Sections 411 to 414-Receiving stolen property.

Sections 418 to 42Q-Cheating of all kinds, except that under Section ~17.

Sections 429 to 433, 435 to 44Q-Serious mischief.

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

Sections 454 to 458-Lurking house-trespass or house-breaking, except that under Section 453.

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

Section 462-F~audulentl.1 opening a closed receptacle held in trust.

B

(Other offences)

Indian Penal Code

Sections 143 to 153, 157 to 159-Rioting and unlawful assembly.

Section 311-Being a Thug.

Sections 363 to 369-Kidnapping.

Sections 376 & 377-Sex offences.

Section 461-Dishonestly breaking open a closed receptacle.

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

Prevention of Gambling Act, IV of 1887.

Sections 4 and 5-Keeping, and being found gaming in, a common gaming-house.

Indian Railway Act, IV of 1890.

Sections 126, 127 and 128-Maliciously wrecking, or attempting to wreck, a train; maliciously hurting, or attempting to hurt, persons travelling by railway; endangering safety of persons travelling by railway by willful act or omission.

Bombay Prohibition Act, XXV of 1949.

Section 65-Illegal import etc. of intoxicant or hemp.

Section 66-Illegal cultivation and collection of hemp and other matters.

Section 67-Alteration or attempting to alter denatured spirit.

Section 68-Opening etc. of common drinking house.

Section 69-Illegal import etc. of mhowra flowers.

Section 70-Illegal import etc. of Molasses.

Section 71-Selling molasses at price exceeding fixed price.

Section 72-Failure etc. of warehousing opium.

Section 75-Inciting or encouraging certain acts frustrating provisions of the Act.

Section 81-Attempts or abetment of the above mentioned offences under Act XXV of 1949.

Section 83-Conspiracy to commit any of the above mentioned offences under Act XXV of 1949.

Section 84-Being found drunk in any drinking house.

Section 85-Being drunk and of disorderly behaviour.

C

(Criminal conspiracy)

Indian Penal Code.

Section 120B (1)-Criminal conspiracy to commit any of the offences mentioned In A, Band C above.

D

(Security proceedings) .

Criminal Procedure Code.

Section. 109 and 110-Bad livelihood.

Rule 76

Supervision over the movements of criminals and bad characters externed from Greater Bombay Externment and the arrangements by the Commissioner of Police.-The Commissioner of Police will arrange to send externees to their homes via the headquarters of the district in which they reside, as arrangements for sending them more directly through the Police Station involve various complications.

The Commissioner of Police will prepare a suspect-form for each externee, mentioning his name in full, his native place, the taluka and district in which it is situated, age, reasons for externment which will include a summary of his previous convictions, and marks of identification. The Commissioner of Police will arrange to forward one copy of this form to the District Superintendent of Police by post, one copy to the Deputy Inspector-General of Police, Criminal Investigation Department, by post, and will send one copy through the Railway Police officer, to whom the Bombay City Police point out the suspect in Bombay at the starting point.

2. Railway Police arrangements on the journey.-on receipt of the necessary information, the Railway Police at the starting point will telegraph to the Superintendent of Police of the district concerned information that an externee or a certain number of externees will arrive at the place of destination (the headquarters of the district concerned), at a certain hour. The Superintendent of Police will thereupon arrange for a Police officer to meet the train and the suspect will be allowed to proceed to his home under such surveillance as may be necessary. Superintendent of Police will also issue orders for the externee's name to be entered on the surveillance register of the Police Station in which he resides.

3. District Police arrangements on arrival at destination.-The duty of the Railway Police Constable who travels with the externee on the train will cease when he hands over the suspect-form and points out the man to the District Police Officer who meets him at the station as above. This suspect-form will be sent for record in the office of the Police Station concerned, where it should be filed separately. Copies received by the Superintendent of Police should also be kept in a special file in his office.

4. Arrangements in case of externees leaving the train before arriving at destination.-It must be borne in mind that the legal power of the Police in respect of these externees ends with their externment by the Commissioner of Police from Greater Bombay. As soon as the externment has taken place, it is merely a matter of surveillance. In the event of a suspect leaving the train before reaching his destination, the Railway Police Constable has no legal power to restrain him. In such an event it will be the duty of the Railway Police Constable to proceed to the nearest Railway Police Station, or to a District Police Station if that is nearer, and to hand over the suspect-form to the officer present at the Police Station for further action. It is not the duty of the Railway Police Constable to attempt to follow the externee in District Police limits.

5. On receipt of the suspect form as in paragraph 4 above, the officer-in-charge of the Police Station will take the following action:-

(a) If a Railway Police Station, he will inform the Sub-Inspector of the District Police Station, in whose area the suspect alighted, of the fact and will send the suspect-form to him for further disposal.

(b) He will inform the Superintendent of Police of the place of destination of the fact that the externee alighted at a certain place.

(c) He will likewise inform the Deputy Commissioner of Police, Criminal Investigation Department (Crime), Bombay.

(d) If the externee is a foreigner or a resident of another State, he will report to the Superintendent of Railway Police.

The officer-in-charge of the Police Station in which the externee is reported to have alighted will endeavour to trace the externee and will report the result to the Superintendent of Police of the place of destination and to the Deputy Commissioner of Police, Criminal Investigation Department (Crime), Bombay, sending the suspect-form to the former.

If a Railway Police Constable makes his report at a Police Station other than that in the area of which the externee alighted, the officer in-charge of the Police Station will send the papers to the proper Police Station for further action as above.

6. In the event of an externee not reaching his destination, the Superintendent of Police having received his post copy of the suspect-form will take the necessary steps to find out the whereabouts of the externee.

7. Special instructions for Railway Police.-As in these measures for enabling the Railway and the district Police to keep in touch with externees up to their destination everything depends on the Railway Police Constable deputed to accompany them by train, Superintendents of Railway Police must arrange that a sufficient number of Railway Police Constables shall be available at the starting point in Greater Bombay, who are fully acquainted with these orders and also know, as much as possible, about the location of the District Police Stations situated on the railway lines. In the event of an externee alighting before he reaches his destination, the Railway Police Constable should, if possible, point him out to the District Police on duty at or near the station or inform the Police of a District Outpost; but it is necessary that he should hand the suspect-form over with a verbal report to a Police Station either Railway or District, situated on the railway line (not to an Outpost, because copies of the necessary standing orders will only be available at Police Stations and the necessary written reports can only be prepared there).

8. Foreigners and persons residing in other States.-With regard to foreigners, or persons residing in other States, the Railway Police will be responsible for seeing whether they leave the limits of the State of Bombay and, if they alight before reaching their proper destination, the Railway Police Constable accompanying them (who will not in any case proceed beyond the limits of the State of Bombay) should hand over the suspect-form to the nearest Police Station, as in paragraph 4 above, and the Police Station Officer will send on the suspect-form with his report to the Superintendent of Railway police (instead of to the Superintendent of Police of the place of destination).

9. Action on disappearance of an externee.'--Whenever an externee dis-appears from view, the Superintendent of Railway Police or the Superintendent of Police of the district concerned, as the case may be, should report the fact to the Deputy Inspector General of Police, Criminal Investigation Department, State of Bombay, Bombay, for publication in the Police Gazette.

10. Special attention should be paid among other things, to the following items :-

(a) When an order of externment is passed, the District Superintendent of Police should prepare a suspect form for each externee mentioning therein his name, place of residence and a brief history of his criminal activities, etc. and arrange to forward one copy of this form to the Commissioner of Police or the District Superintendent of Police in whose jurisdiction he is to reside and one copy through a Policeman who would point out the externee to the Police Station Officer concerned.

(b) One recent copy of a Photograph of the externee should be sent along with the suspect form in the cases of externees who are on the M. O. B. record.

(c) On receipt of the suspect form, the District Superintendent of Police should issue orders to the Police Station Officer concerned to enter his name in the M. O. B. record for opening a main record card, etc. if the externee is a M. B. o. tY;Je criminal.

(d) The suspect form should be kept on record in the office of the Police Station where it should be filed separately. Copy received by the Superintendent should also be kept in a special file in his office.

(e) The officer-in-charge of the Police Station in which the externee is reported to have been sent should keep in touch with his whereabouts and should report to his District Superintendent of Police the place selected by him for his residence during the externment period.

*Rule 77***Rules under Section 565 (3), Criminal Procedure Code in respect of**
persons ordered to notify their residence

When a Court or Magistrate makes an order under Section 565 (1) of the Criminal Procedure Code that the sentenced person's residence and any change of or absence from such residence after his release shall be notified, such Court or Magistrate shall inform the Superintendent of the Prison in which i) the convict is or is to be confined, by attaching a copy of such order to the warrant issued under Section 383 of the Code. The Superintendent of Police of the district wherein the offence for which the offender is convicted was committed shall also be informed of the order passed by such Court or Magistrate.

2. On the release of the convict in accordance with the rules for release of prisoners made by the State Government under clause (t) of Section 60 of the Indian Prisons Act, 1894, the convict shall be taken by a Police officer authorized in this behalf in Greater Bombay by the Commissioner of Police and elsewhere by the District Superintendent of Police to the officer-in-charge of the Police Station at the headquarters of the district. The officer-in-charge of that Police Station shall thereupon produce the convict before a Magistrate authorized by the District Magistrate or the Sessions Judge as the case may be in this behalf. The Magistrate shall question the convict regarding his intended place of residence and explain to the convict the instructions which the said convict is bound to observe as well as the penalties attached to any infringement thereof. After satisfying himself that the convict understands the instructions, the Magistrate shall give the convict a copy of the instructions in Form No.3 in Appendix I duly filled in, obtain the convict's signature or thumb impression to a duplicate copy thereof and deliver the duplicate copy to the said Police officer. The convict shall then be at liberty to proceed to his intended place of residence.

3. The duplicate copy of the instructions shall be at once forwarded by the officer-in-charge of the Police Station at headquarters to the officer-in-charge of the Police Station within whose jurisdiction the convict on release has notified his intention to reside, with an intimation of the time and date of the convict's release.

4. The officer-in-charge of the Police Station within whose jurisdiction the ex-convict takes up his residence shall note, on the duplicate Form No.3 as well as on the ex-convict's copy of the form, the time and date on which the

ex-convict reports his arrival at the Police Station. The duplicate Form No.3 shall be retained on the record of the Police Station and thereafter the officer-in-charge of the Police Station within whose jurisdiction the ex-convict

resides shall enter in Form No.3, both in his own copy and that in the possession of the ex-convict, all temporary periods of absence notified by the ex-convict before the latter's departure on such journeys.

5. Every person against whom an order has been made under Section 565 of the code shall report his residence and any change of or absence for a period longer than 24 consecutive hours from such

residence after his release to the authorities in the manner and within the time prescribed in the instructions contained in Form No.3.

6. If the ex-convict notifies a permanent change of residence, the officer-in-charge of the Police Station shall enter on the Form No.3 in the possession of the ex-convict as well as on the duplicate copy on his own record the time and date of the ex-convict's departure as notified by him and shall then forward

the duplicate Form No.3 to the officer-in-charge of the Police Station within whose jurisdiction the ex-convict has notified his intention to take up his new residence.

7. In Greater Bombay the Deputy Commissioner of Police, Crime, will perform the duties which under paragraphs 1 to 6 above devolve upon the "Superintendent of Police of the district" and "the officer-in-charge of the Police Station of the head quarters of the district".

The following subsidiary instructions should be observed in this connection :-

a) When prisoners who were ordered to report their residences under Section 565, Criminal Procedure Code are released in Greater Bombay, they will be taken over from the jail by the Police Station concerned on an intimation from the Prevention of Crime Branch, C. I. D. The officer attached

to the Police Station will bring such prisoners to the Prevention of Crime Branch who will place them before a Magistrate and they will then be sent back to the Section in which they intend to reside.

(b) The name of every such man should be entered in a register to be kept solely for such purpose at each Police Station and a weekly entry made verifying his presence at the place of residence. After registering the individual the Police Station must intimate the Prevention of Crime Branch immediately the serial number under which he has been registered. The Police Station concerned should also direct the individual to report his presence regularly to the Police Station as ordered by the Magistrate. If found absent a report should be immediately submitted to the Deputy Commissioner of Police, Crime and further action will be taken by the Prevention of Crime Branch, who will also inform the Finger Print Bureau in cases of absconders wanted etc.

(c) If a 565 man wishes to change his residence, he should be sent with a memo. to the Police Station concerned and the Prevention of Crime Branch informed when this has been done. (Residence in the case of homeless men includes the footpath or open place where they sleep and absence from residence for over 24 hours is punishable under Section- 176, Indian Penal Code.) In case a restricted individual has expressed his desire before a Magistrate to reside in Greater Bombay after his release from jail but thereafter finds another place for residence outside Greater Bombay he should be directed to apply to the Chief Presidency Magistrate, Bombay, for the required transfer of his Hazri order. He should also be warned that he must continue his Hazri at the Police Station concerned till such time as he receives the modified Hazri order from the Chief Presidency Magistrate, Bombay. After the modified order has been received the Police Station concerned should communicate this fact to the Prevention of Crime

Branch and make the necessary arrangements for the transfer of the individual's Hazri. If this is not far from the local limits of Greater Bombay this procedure should be adopted. In other cases where it is not possible to have him accompanied, a copy of his photograph if available along with his F. I. Slips should be forwarded along with the memo. to the Police Station concerned and these facts must immediately be reported to the Prevention of Crime Branch. If inspite of these instructions the individual fails to report his Hazri as ordered, he should be located and prosecuted under Section 176, Indian Penal Code for breach of the Hazri order and the facts should be communicated to the Prevention of Crime Branch office while the result of the case subsequently intimated.

(d) Whenever a 565 man is arrested the Inspector in charge of Police Station concerned will submit a report to the Prevention of Crime Branch, giving the facts of the case and the time and date of arrest etc

(C.P.'sO.No.26)

Rule 127**Instructions for dealing with incidents involving Explosives**

(1) Types of explosions that commonly occur:-

- i) Explosion of a magazine at a work site.
- (ii) Explosion in a fire workshop or industrial concern.
- (iii) Explosion of military grenades, mortars, etc. lying in a scrap.
- (iv) Explosion of crude bombs, dangerous crackers as it occurs in dacoities in Cities and Villages.
- (v) Explosions to wreck bridge, culverts, railway lines, industrial plant, air-craft etc.
- (vi) Explosion by crackers at the place of sabotage or in wagons during transit.

(2) The following hints should be kept in mind in cases of explosives.

(i) The first thing is to keep the public away from the substance or the object suspected to be explosive and regard it as highly dangerous until such time as it is proved to be otherwise. The person keeping the watch should also keep himself at a reasonable distance away from it.

(ii) Report immediately to the Superintendent of Police giving the details of recovered explosive or exploded bomb.

(iii) Inform the concerned Inspector of Explosives by telegram for the examination of the scene where explosion has occurred. Explosives should never be carried without due precautions such as when explosives are to be carried by train, the Station Master and the Guard of the train should be informed, the person carrying the explosives should occupy a place in the train in a separate compartment as far as possible.

(iv) Police should not interfere with the mechanism of a bomb.

(v) Explosives should be handled with little force, and shaking or inverting should be avoided in case of bombs. If the fuse is lighted this must be extinguished with water and if it is a safety fuse it should be cut off.

(vi) Allow no smoking, lights, fire or matches in or near the premises.

(vii) If the suspected substance is in any quantity, or the floor is dusty, or if any of the substance appears to have been spilt, remove your boots or shoes before entering the premises.

(viii) Handle everything with the greatest care, slowly and deliberately.

(ix) One way to render a bomb harmless is to place it in water but bombs in which metallic sodium is used and those containing sulphuric acid might explode even when placed in water.

(x) Paraffin or light lubricating oil is a better quenching agent than water but it should be noted that the liquid contamination renders subsequent chemical analysis difficult or impossible.

(xi) Nitro-glycerine which is yellowish thick liquid, should never be touched as even simple touch is sufficient to blow up.

(xii) Gelatine crackers and detonators should be sent in a wooden box with screws duly packed in cotton wool. .

(xiii) In case of mortar bombs, inform military authorities.

(xiv) In case of grenades, the position of the safety pin should be noted. If the safety pin and liver are missing and the striker is inside the bomb, it will probably have to be destroyed on the spot.

(xv) In case of imitation of grenades, these may be rendered harmless by removing the explosive cap or tuft of gun cotton.

(xvi) Letter bombs are in the form of letters containing/explosives which are designed to explode when opened, or turned over. Don't disturb it. Seek instructions from the Inspector of Explosives in case of doubt.

(xvii) Explosive charge of crude bomb consists of mixture of arsenic sulphide and/or sulphur and potassium chlorate wrapped up in paper and firmly tied with string. Missiles like glass pieces, nails, lead shots, gramophone needles, etc. are usually embedded in the explosive charge. These are designed to explode on being dropped or thrown against any hard object or by igniting a safety fuse protruding containers such as cigarette tins, coconut shells, brass pots, etc. Wait for the arrival of the Inspector of Explosives.

(xviii) In case of bombs made in Soda water bottles, etc., these may be removed with caution in their original position and placed in hot water.

(xix) The "booby traps" may be in the form of tins, trunks, kettles, lamps, buckets, boxes, clocks etc. These are designed to explode when the Police officers are conducting raids of suspected premises for search and arrest. Such types of bombs are placed by the passage leading into the house. In case of suspected "booby trap", cautiously enter the house or room touch-~ ing nothing until each object is carefully examined. Make a loop at 'the end of a long rope and drop the loop over each object which might be a bomb without touching it. These may be tins, trunks, kettles, lamps, buckets, boxes, clocks, etc. From outside the room or house; disturb the objects' by means of the rope and do not enter the premises again for some time. Repeat the process till all the objects have been so disturbed.

(xx) In case of exploded bombs, careful collection of exhibits should be made and sent for analysis. Collaborate with the Inspector of Explosives.

(xxi) Search the scene in a radius of 30 feet for fragments Typical stain-ing is seen on stones, glasses missiles, etc. Such articles should be preserv-ed for sending them to the Expert for examination.

(xxii) All samples must be sent by hand with brief history and duly seal-ed, labelled, etc. Separate containers should be used to avoid sympathetic action.

(C. D. T. S. Notes)

(xxiii) Attention is also invited to the "Summary of lusters on explosives and Bombs" delivered by Shri K. Sankaran, Inspector of Explosives, West circle Bombay, published in a booklet form.

L- (K) 1764-36 a

Rules 129 (13) and 161 (3)*Counterfeiting of coins and forging of currency notes**(A) Counterfeiting of Coins,*

(1) For a layman to understand counterfeiting in coins, knowledge of coins that have been minted and are in circulation is necessary, but for the authorities who are to deal with counterfeiting they should have a fair knowledge, of the provisions of the Indian Coinage Act and the rules framed thereunder.

(a) "Coin" is token money stamped and issued by the authority. Each denomination is composed of a metal or alloy of definite shape, size and weight, bearing certain inscriptions or designs on its two faces.

(b) "Money" on the other hand refers to coins or promissory documents representing coins, e. g. bank notes and are accepted as a medium of exchange.

(c) "Counterfeit" Anything made to resemble a coin intending thereby to practice deception is termed "counterfeiting". Even if the imitation is not exact but deception is possible, a coin is said to be counterfeit. For the counterfeit there must be some resemblance to a genuine coin to cause deception. Even if a more superior metal/ alloy issued in the manufacture of the counterfeit, the coin so made is still a counterfeit, e. g. two-anna bit if made of silver is a counterfeit as it infringes the Coinage Act.

(d) "Legal tender". Rupee coin is a legal tender to any extent. Half-rupee or eight annas upto Rs, 10 and other denominations upto one rupee, provided the coin has not been defaced and in the case of silver coins they maintain the prescribed weight, i. e. 2 per cent for rupee and half-rupee and 12 1/2 per cent below standard weight for quarter and 1/8th rupee. In the case of Cupro-nickel, bronze or copper coin, even if the weight is decreased they are legal tender provided they bear traces of Government mintage.

(2) (a) Adoption of Pure Nickel in itself is a safeguard against counterfeiting. One of the chief advantages lies in the difficulties of production. Pure Nickel cannot readily be used for the making of small sand castings having a] a good surface finish. As the chief method of the Counterfeiter is to cast individual coins in sand or metal moulds, he must employ some alternative medium which can readily be detected, A distinctive feature of nickel is that it is magnetic and no other metal which might conceivably be considered suitable for coinage has this property. Therefore, a magnet can be used as a test of the genuineness of Pure Nickel coins. Furthermore Pure Nickel is particularly free from tarnishing, any dirt or finger marks can be wiped clean with a dry rag.

(b) The only disadvantage of pure nickel coins is that they have no ring, and for centuries Indians have been accustomed to judge the genuineness of the silver coins by listening for the clear ring of high touch silver coins, There is oft no doubt that the ringing test diminished in importance when quaternary alloy coins with 50 percent silver were introduced. These coins give a much higher

and sharper ring than their high touch predecessors. The cumbness of pure nickel coins, however is compensated for by their magnetic properties and any small boy equipped with a cheap magnet can easily distinguish a counterfeit from a genuine coin.

(3) (i) Type of Counterfeit Coins.-
(a) Cast and struck.-A cast counterfeit coin is prepared by pouring molten metal into a mould which has been previously prepared, taking the coinage impressions from genuine coins.

(b) A struck counterfeit coin is a coin which has been manufactured with the help of dies.

(c) In addition we also meet with cast and struck counterfeit coins and plated coins.

(ii) Cast counterfeits are the most easily made, and, therefore, are more usually found. The mould into which the molten metal is poured, may be made of sand, clay, powdered burnt brick, plaster of paris or similar material and the impression on the mould is taken from a genuine coin, The mould has a small hole or "gate" cut in the rim, through which the molten metal is poured. The metal which fills this hole, and solidifies with the rest of the casting, forms a projection on the rim of the cast coin, which must be cut off to enable the rim at this point to be finished and milled by hand and the security groove put in. Signs of this hand finishing can usually be detected on the rim of cast counterfeits.

(iii) Struck counterfeits are made by striking or pressing blanks between dies of hard metal, the designs of which are engraved by hand or from dies of softer metal on which the impressions can be transferred from a genuine coin. The blanks, thus struck, may have been first cast or cut from sheet metal.

(iv) *Implements and tools employed by counterfeiters:-*

(a) Small furnace with blower.

(b) Rolling machines.

(c) Improvised cutting presses. I

(d) Screw-Press Stamping Machines. i

(e) Instruments (improvised) for electroplating, grooving, milling, security edging and

(f) Instruments for die engraving, besides hammers, chisels, dividers, com-pass, scales, various kinds of files, tongs, etc.

(v) *Characteristics and methods of detection:-*

(i) Appearance.

(ii) By touch.

(iii) By checking the weight. .

(iv) Other methods such as ringing, magnetic, test, etc.

(4) *Tests conducted by the Mint in the detection of counterfeit coins:-*

(a) Visual test;

(b) By testing the weight of the coin;

- (c) Specific gravity;
- (d) Magnetic test;
- (e) Chemical test;
- (f) The Ringing Note
- (g) The method of manufacture
- (h) General execution.

(B) Forging of Currency Notes:-

(1) The forgery of notes is dealt with under Sections 489A to 489D, Indian Penal Code. From time to time patterns have been changed and multi-colours introduced to render forgery difficult.

(2) *Classification of Forged Notes*:-

a) Hand made-i. e. made by hand; involves considerable labour and the imitation cannot be good; only a few could do it.

(b) Process made-many methods of production, such as (i) Engraved Blocks; (ii) Lithography; (iii)Photography and (iv) a combination of both Lithography and Photography.

(3) *Methods of Manufacture*:-

i) Blocks:-Common form; generally three for the obverse and two for the reverse sides of the notes.

Prepared by photographic half-tone process.

(ii) Paper:-Cut to the size of notes-Quality of paper and size both differ in forged notes.

(iii) Printing Machine:-Generally, printing machines such as "Treadle" or similar ones used in Printing Presses are used for this purposes. Those who cannot afford them, use wood or similar such improvised for the job. Type figures used in Presses are used for the Series and the Number of these notes.

(iv) Water-mark:-Imitated by embossing and giving it a greasy appearance. In genuine notes this is made at the time of manufacture of paper. Any satisfactory imitation impossible. ."

(v) Security thread.-This is also given at the time of the manufacture of the paper. In forged notes, pencil lines or ordinary threads are inserted in imitation.

(4) *Material used in forging notes*:-

i) Blocks for obverse and reverse sides.

(ii) Inks of different colours.

(iii) Paper similar in texture

(iv) Printing Machine.

(v) Type figures for numbering.

(vi) Pumice powder and washing soda for cleansing and polishing the blocks.

(vii) Plaster of Paris.

- viii) Glass slabs.
 - (ix) Wooden blocks.
 - (x) Wax candles.
 - (xi) Sand papers, brush, scales, knives, scissors, screw-drivers, etc.
- (4) Photographic camera and negatives etc. from which the blocks have been made including the genuine note which was actually photographed for the purpose. This can be identified by the defect in the note, if any, which may have been reproduced on the negative, positives and the blocks.
- (6) *Detection of forged notes:-*
- i) Paper.-(a) Size;
 - (b) Thickness;
 - (c) Quality (crackle):-
 - (ii) *Design.*-(a) Size of printed design-no difference in genuine but a counterfeit will differ from the genuine.
 - (b) Defect in design.
 - (iii) Colour.-Unless prominently different, it is difficult to judge for a lay- man
 - (iv) Water Mark.-It is a sure test of a forged note. Often vary clear in ultra-violet light. .
 - (v) Quality of Printing.-A single defect or break in lines etc. is not a sure sign of forgery; but multiple breaks may be a definite sign of forgery.

{C. D. T. S. Notes.}

Rules 138 (1) (B) (vii)*Maps of the Scenes of Offences*

(1) The Investigating Officer is required to draw up the map of the scene of offence inspected where the circumstances of the case so require. The following instructions are, therefore, issued for his guidance. The materials required are a wooden board, a T-square, a compass-box, drawing papers, a pencil, a rubber and pins for fixing the drawing paper to the board.

(2) Accuracy of measurements may be laid down as a first and general in-violable rule. No one should attempt to make a drawing partly from measurements and partly from distances guessed at sight. The distances marked on the map by guess, work can neither be accurate nor correct and are likely to be misleading and the sketch when finished is hopelessly inaccurate.

(2) Before actually starting the work, a general impression of the place to be sketched should be obtained. This is very often neglected and the negligence is made apparent by the very first glance at the sketch. The work of drawing should commence in a corner and continue until the whole plan is prepared. The space should be determined before starting the drawing. A convenient scale between the paper and the ground should be found.

(4) It is necessary to ascertain the precise moment at which the sketch should be made. It should not be made till the Investigating Officer is in possession of sufficient information but it should be done soon after the visit of the officer to the scene.

(5) Investigating Officers some times leave the work of measuring distances to their subordinates. This should never be done. They should measure distances personally preferably by the measuring tape supplied to them.

(6) It should be remembered that the scene of offence should not be left before drawing the plan because it is difficult to remember details later and if one tries to complete the plan from memory, his memory fails and he draws the plan incorrectly.

(7) Nothing superfluous should be set down as it will only produce confusion and difficulty. The following points should be shown on the sketch:-

- i) The place at offence itself.
- (ii) The direction from which the guilty persons came.
- (iii) The direction in which the guilty persons went away after committing the offence.
- (iv) The exact place of entry.
- (v) The place of exit or the passage by which the criminals left the scene.
- (vi) The spots from where the witnesses have seen or could have seen the occurrence.
- (vii) If the culprits were arrested on the spot, the places where they were arrested.

(viii) All points where traces of the crime were found i. e. any articles or .weapons left behind by the culprits, stolen property discarded by them, foot prints, finger impressions, traces of blood, marks of struggle and marks of transport used by the culprits.

(ix) Reference should not be shown on the sketch itself but should be shown on a separate sheet of paper which should be attached to the sketch.

(8) Now-a-days the sketch of details of the scene of a crime is generally tarried out by what is known as cross-projection method. In this method walls , I and ceilings are shown as if on the same plane as the floor. The cross-projection method gives an especially clear impression of the scene in cases where blood stains or bullet holes are found on walls or on the ceilings. Card boards may be used in cross-projection method. Light cuts are made along the junctions of walls, floor and ceilings, so that the card-board may be bent. The folding of the card-board walls in proper relation to one another reproduces a model r '. of the interior of the room. One of the walls is left hanging to permit looking i into the room. The accompanying diagram shows how a cross-projection method is made.

(9) An accurate as well drawn sketch of the scene of crime can be used in the following manner: -

(1) It shortens the Case Diary. .

(2) It affords a better understanding of the fact in issue.

(3) It facilitates in tracing a complicated case.

(4) To draw a correct map means a correct scrutinization of the scene of the case.

(5) It helps the Jury members and the Judges in properly visualizing and understanding the case.

(6) It helps in discriminating between true and false witnesses.

(7) It prevents the Counsels from indulging in lengthy, irrelevant and use-less examination.

(8) It teaches neatness, promptness, relevancy clarity and solidarity to the Investigating Officer.

(9) It assists the Investigating Officer while giving evidence in Courts.

(10) The following additional general instructions should be borne in mind: -

a) It is not obligatory in law that the maps should be drawn by Experts only. Any person can draw a sketch of the place if he is able to do so accurately. The sketch will be admissible in evidence only when the person concerned is examined as a witness in Court. Whenever Investigating Officer draws a map, based on his personal observations and on the statements of wit-nesses, he should mention on the map only those points on which he has made personal observations. He should attach to the map a separate sheet of paper noting therein the particulars derived from various witnesses. He can show these particulars on the map by words A, B, C, etc. This would en-able the witnesses to give their evidence with the help of the map. This procedure will also apply in cases of maps prepared by the draftsman in the presence of the Investigating Officer. The statements made in the presence

of the Investigating Officer and to the Investigating Officer are hit by Section 152, Criminal Procedure Code hence it is necessary to follow this procedure.

(b) If a map is prepared by a draftsman with the help of witnesses, but in the absence of a Police Officer, he can mention the necessary particulars on the map itself by mentioning the witnesses from whom the information is derived. Statements made by witnesses to the draftsman in the absence of the Investigating Officer are not hit by the provisions of Section 162, Criminal Procedure Code. They may be admitted in evidence and hence there is no objection to mention them on the map instead of noting on a separate sheet of paper.

(c) Legally it is not necessary to show the map prepared by the Investigating Officer to the eye-witnesses after it is prepared. There is, however, no objection if it is shown to them. If it is practicable the map may be drawn in the presence of the witnesses themselves. This will enable the witnesses to explain the incident more conveniently.

(d) There is nothing illegal for the Investigating Officer to point out various places to the draftsman who will prepare the maps. If the draftsman mentions the various places on the map according to the information given by the witnesses or the Investigating Officer, it will not amount to the evidence of the facts stated therein unless the eye-witnesses and the Investigating Officer are examined in Court.

(11) When superior Police Officers visit scenes of serious offences, they should see that the plans of the scenes of offences are drawn as mentioned above correctly. They should verify the plans by rechecking the important measurements and main landscapes and important points of maps.

(B. P. G. Part II Crime, dated 11th November 1958, Pages 168-182).

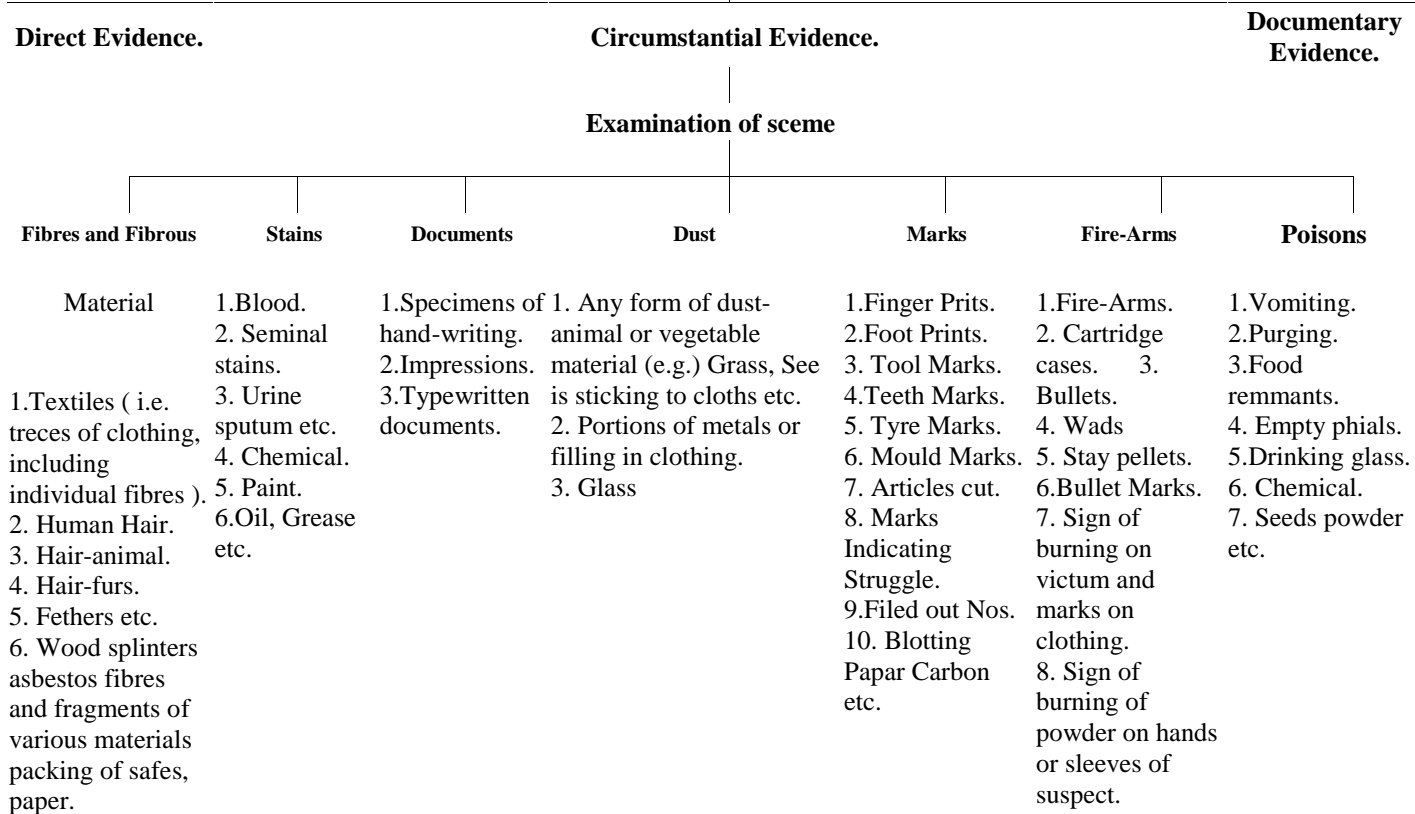
Appendix X (Contd.) vide para. (8)

EXPLANATORY NOTES

1. Dead body.
2. Pool of blood.
3. Revolver. '
4. Chair.
5. Broken Pane.
6. Door, open.
7. Door, open.
8. Blood Stained .
Foot-Print . .

APPENDIX XI

Rule 138(1)(B)(XI)
Inspection of the scene of offence

INVESTIGATION

Rule 145 (3)*Scientific Aids to Investigation*

(1) Blood.-Traces of blood are found on weapons, instruments as well as on the clothing of both injured person and assailant. It is also found on grounds, walls, furniture etc. Blood evidence may be extremely important in establishing the possibility of guilt or innocence of a person held in connection with a crime. Investigating Officer should search for bloodstains near the crime scenes and on particular objects such as table tops and corners, sinks, carpets, walls, mud, weapons, persons of victims and suspects, clothes on victims and suspects. In cases, where blood clots, drops of blood or splashes of blood drop-letsetc. are found, they should first be observed for their (a) colour, (b) conglutation and (c) shapes. Usually blood when fresh looks bright-red and when dried looks brown. It may assume any colour of the surface on which it falls.

A definite opinion can be given even from the minutest quantity of blood. " The Expert may on examination furnish the following information:-

- (i) whether the stain is that of blood or any other 'thing like paint, loctel juice etc.
- (ii) If it is blood, whether it is animal blood or human blood, or avian blood.
- (iii) In case of human blood-whether it is arterial- or veinuus.
- (iv) Age of the blood.
- (v) From what part of the body it has come i. e. whether it is nasal, menstrual, mouth, male generative organ etc. This can be said from the presence I of extraneous matters such as saliva, mucus, hair, epithelial and endermal cells, sperms, pus etc. in blood.
- (vi) What is its group and sub-group? (The groups being O. A. B. and AB and a number of sub-groups).
- (vii) The direction of flow
- (viii) Determination of non-paternity

The result of blood grouping and its forensic aspects are given below:-

- a) If a suspect has got blood stains on his clothes purporting to be the blood from the victim of a murder case and if the group of it is the same as the group of blood of the victim, itois corroborative evidence of guilt.
- (b) But the evidentiary value decreases much and becomes almost nothing if the blood of the victim and the suspect belong to the same group.
- (c) In the determination of paternity if the group of the child, the mother and the suspected father are all exactly known, it is possible to state that the suspected father could have been the actual father. Thus, it is never possible to state that he is the father but it is some times possible to state definitely that he is not.

(d) The following should be taken when sending blood for examination.

- (i) Each specimen should be sent separately and all articles should not be put in one box.
- (ii) Blood should not be sent on glass slides as the serum is absorbed and preserved for the origin. Clean cloth or good blotting paper may be used for the purpose.
- (iii) When blood is found on leather articles, only the superficial layer should be taken with care otherwise the blood will not give proper re-action.

(2) Semen.-Stains of semen may occur in rape, sex murders, sex offences of other kinds (sodomy and bestiality). The seizures of clothes must be made immediately because subsequently washing whether knowingly or unknowingly may destroy evidence. The most common parts of wearing apparel carrying such stains are under-wears, night gowns, chemises, pyjamas, saris, dhoties, salwars, kurtas, blouses, slipper, shirts, trousers, stockings, petty-coats, hand-kerchiefs etc. Besides wearing apparel search should be made for it on bed sheets, bed covers, floor carpets, towels, wash sinks etc. The genitals of victims' and assailants should, be examined by doctors with their consent.

Forensic value of semen. -(a) The detection of even one entire spermatozoa is quite sufficient to prove that a stain is semen.

(b) Even semen without sperms can also be tested in the laboratory by applying different tests.

The Investigating Officer should take the following additional precautions in packing and transport of semen stained exhibits.

- (i) Thoroughly dry the garment or other material containing semen.
- (ii) Do not fold or twist the cloth on the stain portions as otherwise, the stains being brittle the spermatozoa will lose their shapes.

(3) Saliva.-Human saliva is an important factor at times in the investigation of a crime. Experiment has shown that nearly 50 per cent of the population have in their natural secretions including the saliva, substances similar to which are known as "A and B" in the blood groups. If in a murder case some burnt ends of cigarettes are found at the scene of the offence, the saliva may be examined in the laboratory and if the blood groups present in the saliva tally with the blood groups present in the blood of the assailant he can be connected with the crime.

(4) Urine and perspiration also plays an important part in the crime detection and its laboratory examination serves a good clue for connecting the crime with the criminal. Whenever possible the stains may be preserved for the examination.

- (a) Examination of Urine.-(i) Search under U. V. light.
- (ii) Observe for yellow fluorescence colour in the U. V. light
- (iii) No 'starched' feel
- (iv) Remove a little thread and brush it over flame and typical smell of the fumes may be had.

(b) Examination of perspiration :-

(i) Observe for the stains over a rather large area on garments around (1) Armpits; (2) Torso; (3) Fly fronts of trousers; (4) collars etc.

(ii) Under U. V. light observe for a rather weak fluorescence.

(iii) Their positions on the garments are quite indicative of their origin. The best test is to remove a few threads of the cloth from the stained portion and heat it; the fumes will strongly give out the odour which is quite distinctive.

(5) Paints.-Paint chips are found in motor car accidents e. g. when the painted metal surface of the automobile comes in contact with either inanimate or animate objects like lamp-posts, other moving or stationary vehicles against animals and human beings etc. These should be carefully collected in order to

make possible a future microscopic and spectrographic comparison by an expert for colour, sequence of the layers, constituent elements of flake of paint at the scene with the control samples of the suspected vehicle. The paint flake found on the road should be preserved intact since it may be possible later to

show that the flake fit accurately with others still adhering to the vehicle or to the outlines of the area of the bare metal surface. Traces of paint on tools that have been used in forcing open doors, windows or safes may be helpful in connecting the crime with a person in whose possession the tools have been found.

(6) Similarly chemical characteristics of chemical substances, oil, grease which may be found on the scene or on the clothing may be determined to indicate connection with a particular spot.

(7) Dust, Ashes, Soil, Animal and Vegetable material i. e., roots, leaves, grass, seeds, etc.-There are different kinds of dusts at different places and so from an analysis of the elements forming the composition of dust during investigation, it is possible to find out the trade and occupation and locality of the person who might have left it there. Similarly if the same kind of dust as is found at the scene of offence is found on the garments, his visit to that place and presence there can be deduced. Thus any apparel left by the culprit at the scene of offence may provide useful clue to its owner and eventual detection of the case. Dust and dirt which are in or on the suspect's apparel, shoes, hair, under the nails or in fissures or on weapons or tools may give some clue as to where the suspect has previously been or what he has done. The possibilities of dust analysis should be sufficiently exploited by the Investigating Officers. Microscopic examination of ashes, soil, seeds etc. also provides useful data in the detection of crime. The presence of pollen grains from a certain plant may furnish corroborative proof that a person has been in a certain vicinity.

(8) Hair.- (1) Hair is so important as physical evidence that whenever and wherever possible efforts should be made to collect it. After collecting and observing the legal formalities, it should be sent to the laboratory for examination.

(2) Resistance offered by victims in violent crimes always brings out certain clues like "hairs" clutched by victims, pubic hairs found matted with semen on the genitals of the assailants and victims in rape cases, and hairs clotted and matted with blood on cutting, biting, types of weapons, etc. are frequently found at the scene of crime.

(3) The following precautions should be taken for collection, preservation and transport of hair found as clues.

(a) if hair is found clutched by the victims in murder cases-(i) describe the position of hair where found i. e. between the individuals fingers, etc. and remove it in the presence of the witnesses; (ii) it should be then put in a clean bottle free of moisture and other foreign contents, label the bottle. seal it and send to the Forensic Laboratory. .

(b) In cases of rapes, bestiality, sodomy, etc. (i) the foreign hair found on the genitals of the victims and the suspects should be removed by the medical officer examining them (with their consent) and then sent to the laboratory; (ii) Hair found struck with blood or semen or other greasy and sticky substances should never be removed by forcep. If they are on moveable and transportable articles, the articles themselves should be packed and sent to the laboratory. If, however, they are on immovable surfaces, they should be removed with great care so as to effect perfect protection against breaking them; (iii) Hair and fibres lying loosely on the surroundings of the scenes of crime can be removed by means of a vaccum cleaner; (iv) In order to obtain significant results from the Expert, the Investigating Officer should not clean the hair as the adhering dirt may indicate the unknown persons vocation.

(4) The following deductions may be drawn by the Expert from the deformations of hairs under microscopic examination.

(a) If the head of a person has been hit only once with a hatchet or an axe there are seldom deformations on the shaft of the hair in the longitudinal direction but it can very often be broken in the neighbourhood of the root. The condition of hair may disclose whether more than one blow has been struck, if so longitudinal splits can be seen in the shaft. Such splits, then are a sign of several blows.

(b) The presence of sharp bend or breaks in the middle of the hair indicate the use of blunt weapon.

(c) If both ends of hair are cut, it implies the use of sharp cutting weapon.

(d) From the length of hair, the probable part of the body may be determined if the hair is straight and of uniform diameter, it could be said that it comes from body hair.

(e) Thus deformation caused by shooting, burning and scalding may be determined in the laboratory and some times very interesting conclusions can be drawn from the results.

(8) Tooth impressions - Marks made by the teeth may be found on the skin of the victim in rape and sex murder cases. In other crimes. evidence of tooth marks may be found in food and miscellaneous articles. Traces caused by teeth, i. e., wounds caused by biting, tooth, marks on pens, pencils, cigarette ends, pipes, etc. prove of great help at times in criminal investigation. A direct plaster cast of the marks may be made by dipping the object in film plaster of parts solution and allowing it to remain there until the plaster hardens. In perishable articles of food the drying process may obliterate or distort tooth impressions. This may be prevented by keeping the substance in a , per cent

solution of formalin until a cement cast can be made. A knocked out tooth provides a corroboration to the evidence against a car lifter when it fitted the gap in his lower jaw according to medical opinion.

(10) Tool Marks.-The identification of tools marks is useful in burglary cases and the technique for bringing out microscopic evidence in such cases represents one of the most valuable aids to the Police science. The most commonly used casting method consists of pressing a piece of plastering against the trace. Before its application the plastelina should be kneaded in the hand until it becomes soft. In order to prevent plastelina from sticking to the trace it is generally moistened with water, although quart powder is recommended for this purpose.

(11) Scientific aspects of cases of accidents involving vehicles.-(a) The Police are now-a-days called upon to deal with an increasing number of automobile accidents. Science plays an important part in "hit and run" cases of accidents. A serious view of these offences is rightly being taken by the Court but there are some times considerable difficulties in proving the case owing to the fact that the onus of proof is on the Police to disprove any statement the defendant may make that some one else has committed the offence. Either a missing link is supplied or a weak link is strengthened by laboratory examination of clues in accident cases. .

(b) The following types of traces should particularly sought:--

(i) Skid-marks.-These marks are due to a thin layer of rubber deposited on the path by the heat of friction between tyre and roadway, when brakes of a moving car are forcibly applied. These lines will give an indication of the point at which the brakes were applied and they are also indicative of the speed at which the vehicle was travelling. The length of each skid mark should be measured and the distance recorded. The scene must always be sketched as it throws light on the length of skidmarks and many other important facts such as the position of the vehicles at the time of collision, their dimensions, etc.

(ii) Tyre impressions.-Tyre marks in mud, dirt, on wet roadway and on the surface of a tarred road on a hot day may give very valuable information such as the make or brand of the tyre, condition of the tyre, the size of the track of the car, the direction of approach and/or departure of a vehicle from the scene. If the tyre marks show evidence of unusual wear, defects or cuts which correspond with the condition of the traced vehicle they will contribute very valuable evidence. Tyre marks on the roadway should be

protected against rain, traffic or pedestrians until casts can be made.

(iii) Fragment of glass - Pieces of glass from the damaged head lamp, side mirror, windows or wind-screen are very often detached from the automobile by the force of impact and even in quite minor accidents the glasses of side lamps are smashed. Fragments of glass from the "scene" should be collected and carefully preserved. A note should be made of the exact spot where they are found. This information may suggest the speed and position on the road of a vehicle when the accident occurred. Every piece must be collected to enable an Expert to determine the type and make of the glass by piecing together of the fragments as in a jig-saw puzzle. In the case of fragments of glass from a head lamp, it may be possible to deter-

mine from this glass the type of lens and from this fact the year and the type of cars involved in the accident.

Fragments of glass found at the scene may have to be compared with class remaining in the windows, wind-screen or lamps of a vehicle suspected of having been involved in the accident. Such comparison some times involve the examination of the fracture; if fracture has occurred across some characteristic marking and fragments found at the scene befitted against portion still present in the suspected vehicle a strong link between the vehicle and the accident is obtained. But more often in such cases it is a matter of determining by means of physical and chemical examination, whether the fragments in question could have come from a suspected source.

All fragments of glass should be removed from the scene of accident, if necessary by sweeping, to prevent any confusion if another accident occurs at the same spot.

(vi) Blood, Hair and Tissue.-The presence of these substances at the as pieces of metal from a broken bumper bar, door handle, radiator emblem which have been detached from a damaged vehicle in collision. The re-construction of the equipment may be possible by the careful collection of , all pieces. It may thus provide a strong evidence to connect the suspected vehicle with the scene.

(v) Fabrics.-When a person has been actually run over by a vehicle, small fragments of cloth or fabrics from the material of his garments which have been torn away by the weight of the heavy wheels of the vehicle are likely to be found in the roadway usually in the path of the skidmarks. These traces should be collected for comparison with the similar material if found on the tyres in subsequent examination of the suspected car.

(vi) Blood, Hair and Tissue.-The pressure of these substances at the scene may indicate what evidence is to be expected in the future examination of a suspected vehicle. ,

(vii) Grease and Oil.-It is gathered from the body of the victim and under part of .the suspected vehicle to be compared in the laboratory.

(viii) Dirt and debris from impact.-Their agreement fixes vehicle at scene.

(ix) Paint.-Paint samples may be taken and compared under micro-scope.

(x) Cloth marks.-Much valuable evidence is some times obtained through the markings of the pattern of the fabric of the victim's clothing at the area f of the impact. These impressions should be photographed against a ruler in t oblique lighting to produce the necessary contrast. A comparison of the photograph with that of a sample of cloth taken from the victim's clothing may establish a strong link between the vehicle and the accident.

(xi) Dents and scratches.-Impressions such as dents, scratches etc., made on the body work of the vehicle as a result of the collision often yield valuable evidence in linking up the vehicle with the accident. These impressio:IS should be photographed. In cases in which cyclists have been run down by cars, impressions of different parts of the bicycles on wings of the automobile are often well defined. A careful examination should be made for scratch

mark made by the handle bar, peddal, nuts or other parts of the bicycle. Some indication may be obtained about the part of the bicycle which has caused the mark by placing the bicycle against the vehicle. The recency of scratches or dents, which is very difficult to establish, may be approximately determined by noting the extent of accumulation of dust and rust with relation to the weather condition to which the vehicle has been exposed.

The position of the dent is an important as its nature. Thus a damage to the head lamps and radiator grill may be caused by colliding with rear of a truck but a dent on the front of fender between the head lamps and the radiator is not easily explained if there is no accompanying damage of the head lamp and radiator at the same level.

- (xii) Vegetation and soil.-Very useful evidence can be the examination of traces of these types.
- (xiii) Under structure of the vehicle. The under carriage or the vehicle should be examined for any sign of contact with the body. Thus when the vehicle passes over the victim there may be a disturbance in the grease " on the under structure, caused by the contact with the victim's body and the metal portions become bright due to rubbing of grease. This maybe an evidence of such contact
- (xiv) Mechanical Examination.-If defective brakes, failure to apply brake in time or excessive speed are suggested as the cause of accident the

services of an expert mechanic should always be sought for mechanical examination. It is advisable that there should be joint consultation between the expert before final reports are submitted.

(xv) Finger Prints.-The vehicle should be examined for finger prints before any other examination if its driver is unknown.

(xvi) Examination of the injured person.-Details of the nature, position and extent of injuries should be obtained from a medical officer, & the following measures should be adopted: -"

- (a) Any foreign matter in the wound should be preserved for the ex-pert examination;
- (b) Whenever possible attending doctor should be asked to take a sample of blood and in the case of an adult a sample of urine of the injured or deceased person.
- (c) A sample of hair from the hair of the deceased person should always be taken for comparison with that found on suspected vehicle Or on the clothes of the victim.
- (d) If clothing which has been moist by rain or water from the burst radiator should be allowed to dry naturally and not dried by using heat before it is packed. 0,

(12) Application of scientific aids in cases under sections 376 and 377 Indian Penal Code.-Clues that scientific aids can gather are available from:-

A.SCENE

- (1) Outdoors-Marks of disturbance in soil and vegetation.
- (2) Indoor-Marks of struggle On the floor or / and bed.
 - (a) Take photograph of the scene and the marks of struggle.

- (b) Prepare rough sketch map of the scene.
- (c) Collect control sample of the soil for comparison later with soil on the person or wearing apparel of the accused.
- (d) Collect semen or blood if found.
- (e) Collect cigarette or bidi ends, matches that may be attributed to the accused.

B. VICTIM

- (a) Garments of victim may contain semen, blood, pubic hair' etc. and also due to struggle which must be seized and examined.
- (b) Look for scratches on the victim and exchange of hair both head and pubic.
- (c) Examine the nails for traces of blood, hair, etc.
- (d) Arrange for taking swab from the vagina of the victim and its examination in the Laboratory.
- (e) Ask doctor to examine if there is any rupture of hymen particularly if the Victim is a virgin.

C. ACCUSED-Look for-'

- (a) Scratches on his body.
 - (b) Tear in clothes.
 - (c) Exchange of hair and pubic hair.
 - (d) Presence of seminal and blood stains, dust and vegetation from the scene.
 - (e) Presence or absence of smegma.
- (13) Breaking and entering cases.-Look for the following things at the scene of crime: -I,
- (1) Foot prints, Finger Prints, Hairs, Fibres, Blood stains, used Matches Cigarette or Bidi ends, Kerchiefs, Cap, Piece of paper, and excrement where nuisance is committed and any other foreign material.
 - (2) Also determine line of approach and line of departure. Look for following things along those lines.
Tyres marks, Foot prints, Fibres, Hairs, Buttons, Bidi or Cigarette ends. Remnants of food and discarded botty etc.
 - (3) Again fix up point of entry and point of exit and Look for following things at these points:-Finger Prints, Foot Prints, Fibres, Hairs, Blood stains, Tool marks, etc.
 - (4) Examine suspected person's clothing and foot wear for the following: Soil, Brick, dust, Morter, Seeds, Plant fragments, Carpet fibres, Paint I pulty, wood splinters, glass particles, traces of stolen property, animal hairs from the scene. Also examine his body for prob2ble injury etc.
 - (5) Examine the suspected vehicle for:-Traces of stolen property, so11, vegetation, etc.
 - (6) Examine suspected tool or breaking implement for:-Paint. Wood. Brick dust, Metal particles, etc., from the scene.

(7) Control samples of any material likely to be transferred from the scene to the accused or vice versa should be collected.

(14) Places which should be examined on person and clothing for possible clues.-Cap, Nose, Ears, Nails, Collar, Sleeves, Buttons, Pockets, Pant-folds, Shoe laces, Shoe rim, Sole of Shoe, Heaps of pant and Button folds of pant.

(15) Fire-arms and Science of Ballistics.-(1) The term Fire-Arms may include not only the familiar hand weapons which includes the revolver, pistol (self loading and automatic) rifle and shot gun but also the machine gun and a whole large variety of military artillery.

(2) Important features of fire-arms (Rifled arms) from the point of view of criminal investigation:-

- a) The nature of any fouling left in the barrel.
- (b) The condition of the weapon and its calibre.
- (c) The rifling of rifled arms.
- (d) Any irregularities or imperfections in the interior of the barrel, particularly near the muzzle end.
- (e) The shape of the end of the striker, firing pin or hammer, with any irregularities on it caused either during manufacture or due to subsequent accident or wear. .
- (f) Any file marks, machine marks, or other marks (cleansing marks) on the face of the breach block (bolt head) against which the base of cartridge is forced by the gas pressure developed on firing.

(g) The extractor, if any.

(h) The ejector, if any.

(3) The important features of shot guns from the point of view of Criminal Investigation: (Smooth barrelled).

- (a) Fouling in the barrel
- (b) The condition of the weapon, its bore and irregularities and marks of damage (cleansing) in the chamber of the barrel where the cartridge rests.
- (c) Types of cartridges-Nos., weight and nature of shots that were used in such a gun.
- (d) Type of barrel-whether cylindrical or choked-Length of the barrel
- (e) Shapes of extractors and their marks on the cartridge cases.
- (f) Shapes of hammer heads – whether "hammerless" or hammer. ,

(4) Fundamentals of fire-arm examination:-

(a) Bullets.

(b) Cartridge cases.

(c) Injuries-entrance and exit wounds type or injuries, tattooing, scorching, singeing of hair etc.,

(a) Bullets:-Questions on it

(a) Did a particular firearm fire the crime bullet? Comparing the striation marks to be similar or not and these are photographed (photomicrography) in juxtaposition.

(b) What was the nature of fire-arm that fired the crime bullet? This is actually the class of weapons. This is solved by looking into the characteristic marks on the bullet. These are:-

- i) The number and dimensions of the lands and grooves
- (ii) The calibre-use of caliper vernier
- (iii) The direction of the pitch or rifling. t t
- (iv) The shape, weight, length, jacketed or soft lead etc., of the bullet and referring to the details, supplied by manufacturers.
- (v) Marks on the base of the bullet.

(b) Cartridge Case

Questions on it

(a) Did a particular fire-arm fire the evidentiary empty?

The striation marks of the breach face (bolt heads) and the firing pin marks on the cap of the case are compared with a test cartridge fired from the suspected weapon and photomicrographs are taken of those marks through the comparison microscope. If they tally when viewed in juxtaposition, it is certain that the suspected weapon was the Crime Weapon.

(b) What was the nature of firearm that fired the empty case?

This is solved by looking into the marks on the case as follows:-

- i) Length, calibre, and the composition of the metal (cardboard, metal etc.).
- (ii) Different types of extractor marks on the inside rim of the case.
- (iii) Different types of ejector marks on the head of the case.
- (iv) Whether the case has slightly raised rim or po raised rim (pis- 1 tols) and groove at the base.
- (v) Whether the case has raised rim (revolver) and no groove at the base. Bore and Calibre distinguished.-In smooth bore weapons the bore indi-cates a conventional measurement which indicates the number of spheri-cal balls of lead each exactly fitting the bore (fro]nthe muzzle end) that would, weigh on~ p,o~nd. Thus 12 bore (guage) means that 12 lead balls c' " each one fittings in the barrel would weigh one pound. 16 bore, means each shot weiihing 1 oz. exactly fits the barrel and 15 of them weigh one

lb. Thus 4, 8 bored weapons are heavy shot ~uns, whereas, 20 bore/16 bore weapons are light weapons meant for ladies. Calibre measurement is an exact measurement indicated for all types of rifled arms which is the diameter of the hole of the barrel before it was rifled, or what is the same thing, the diameter of the barrel across the lands. The portions of the original barrel surface between the grooves are termed lands and the grooves made (spiral) are called grooves. These are equal in number.

There is, however, one exception-a musket is known as .410 bore. After removing the lands of a .303 rifle, the smooth bore diameter measures .410. But as smooth bore weapons are conventionally expressed by the term bore or gauge, such a measurement though calibre in nature is conveniently expressed as .410 bore.

(c) Injuries- (medico-legal problems and their solutions in shooting cases).

Entrance wound.- (i) Lacerated.

(ii) Usually smaller in diameter than the projectile, rounded when striking at right angles and oval when striking the body obliquely.

(iii) Edges are inverted and echymosed.

(iv) Less bleeding than the exit wound.

(v) Surrounding scorched, tattooed and hair singed if fired at close proximity. .

Exit wound.- (i) Edges everted.

(ii) Bleeding more profuse than the entrance wound.

(iii) Free from scorching, tattooing or singeing.

(iv) May have more openings made by bone chips.

In all such cases the Medical Officer who examined the injured or deceased should be consulted for a correct study and description of these injuries.

(5) Distance from which shot was fired

(a) From an examination of wounds and their surroundings:-

Scorching, blackening (tattooing), singeing of hair prove close proximity. Approximately the distance can be judged as follows:-

i) Scorching, blackening, tattooing, singeing and one single injury known as "rat hole" are seen in case of shot guns, when the distance is from near contact to about 4 feet.

(ii) Scorching, blackening, tattooing, singeing in case of pistols and rifles when the distance is from near contact to about 9 feet.

(iii) Absence of tattooing, singeing, etc. but several small pellet holes in case of shot patterns when the distance is about 4 feet to 30 feet.

The distance also may be determined from the cone of dispersion.

(b) The District Medical Officers, the Forensic Experts and the Firearms Expert will be able to give valuable advice regarding the distance from which the gun was fired and whether a particular cartridge was fired from a particular weapon. Their help should always be sought for.

(6) Case of weapon and ammunition when seized on suspicion-duties of Investigating Officers

- (a) Do not touch any flat, smooth surface with bare hands-to save latent FingerPrints.
- (b) Use a wire and tie it with trigger guard or corrugated grip and carry it hanging or prepare a box where it can be kept with least contact points.
- (c) Note whether there is any smell at the muzzle its intensity and nature.
- (d) Do not introduce your finger either in the breech or in the muzzle.
- (e) See if there is fouling (metallic or residual powders) inside the barrel and note it down in the diary.
- (f) In the case of a revolver, note the condition of the chambers in the cylinder as well as the condition of the barrel.
- (g) If there be a dead body with shot marks, bullet holes, etc. note also the position of the weapon in relation to the body.

(16) Restoration of filed off numbers.-(1) It is now-a-days experienced that most of the professional criminals file the numbers off the machinery, cycles, firearms, etc. in order to keep their origin from being traced. The filed off numbers can be restored by rubbing with fine sand or emery paper and then treating the smoothed surface with one of etching fluids. The process involves three operations:-

- (i) Cleaning.-The area of the number should be carefully cleaned.
- (ii) Polishing.-The time required for polishing depends on the nature of the surface of the number. The portion should be so polished so as to have a mirrorlike surface.
- (iii) Etching-For all iron the following etching agent may be used

Hydrochloric Acid	...80 cc.
Distilled Water	...60 cc.
Ethyl alcohol	...50 cc.
Copper chloride	...10 grams

The solution should be rubbed continuously until the original number appears. The process may take several hours.

(2) Due to improvements in the technique of photography, the filed off numbers can easily be deciphered by the Experts and hence if required the assistance of the Experts may be obtained.

Rule 146 (3)

Items of work undertaken by the Forensic Science Laboratory
The Forensic Science Laboratory undertakes the work as mentioned below

- (1) Physical Examination-
 - i) Car headlights;
 - (ii) Broken windows
 - (iii) Electrical appliances;
 - (iv) Locks and Keys;
 - (v) Hair;
 - (vi) Microscopic examinations;
 - (vii) Orthe-stereoscopic examinations;
 - (viii) Physical tests-specific gravity; refractive index, hardness, etc.
 - (ix) Rope, wire, textile, fabrics and fibre;
 - (x) Tool and tyre impressions;
 - (xi) Ultra-violet light;
 - (xii) X-Ray examinations-(fluroscopic and radiographic);
 - (xiii) Etching deleted numbers.
- (2) PersonA markings for identification-
 - (i) Finger Prints;
 - (ii) Foot and shoe impressions-casting methods;
 - (iii) Laundry and dry-cleaning marks;
 - (iv) Teeth.
- (3) Documentary examinations-
 - (i) Questioned handwritings;
 - (ii) Obliterated writings;
 - (iii) Paper, ink and pencil problems.
- (4) Ballistics-
 - (i) Comparison microscope; .
 - (ii) Powder residue tests.
- (5) Photography-
 - (i) Indented writings;
 - (ii) Infra-red Photography;
 - (iii) Ultra-violet Photography;
 - (iv) Photomicrography

- (v) Copying and enlarging;
- (vi) Scenes of serious offences and accidents.

(6) Chemical Examinations

- (i) Poisons
- (ii) Liquor
- (iii) Blood
- (iv) Semen and other strains
- (v) Explosives
- (vi) Spectrographic analysis
- (vii) Unknown specimens general chemical analysis

(1. G. 's No. 6162-II, dated 17th August 1955).

Rule 148 (2)

Handling, Labeling and Packing of Materials found at the scene of Crime

- (1) Introduction.-In order to obtain successful results from the Police Laboratory, it is essential that all Investigating Officers should know the correct methods of handling, labeling and packing of materials which they come across at the scene of crime. If this is not done, valuable clues would be lost with the result that the Investigating Officer would not be in a position either to strengthen a weak link in the chain of evidence or supply a missing link that would go a long way to bring the culprit to book.
- (2) Handling.-(a) The knowledge at correct method at handling precedes the art of packing of exhibits. If handling is careless packing becomes useless. The general rule in handling an article is to do so as little as possible and to do it in such a way as to leave the article as nearly as possible in its original conditions. An article may bear fingerprints, dust, hair etc. or may contain something which will be upset or displaced due to careless handling. Besides certain other matters like the presence of a hair or dust on a garment which are of importance when found on the article, will be of no value if found elsewhere. A weapon like a gun or a dagger may have on it the finger impressions of the culprit who committed a murder and careless handling of such an article would result in the obliteration of these finger impressions. The above principles apply equally to moveable as well as immovable objects.
- (b) The temptation of picking up an article immediately on seeing it at the scene of crime should be avoided. The article should be carefully examined before touching it and it should be decided as to how best to handle it. It should be borne in mind that handling should not disturb or obliterate any trace which may subsequently prove to be of great importance.
- (c) After the preliminary examination (before moving the article) and making a record in writing of the exact spot where it was found, the article, should be handled in one of the following ways, so as to preserve finger prints or other traces thereon :-

General Rule.-Hold the article only by such parts as are unlikely to have been touched by the previous user whose finger prints may be on them.

Example.-(1) A tumbler should be lifted with one finger on the rim and the thumb under the base.

(2) A piece of broken glass should be held only by the edges.

(3) A bottle should be lifted with one hand on the rim of the neck and the other hand under the base.

(c) A knife or a fire-arm should be lifted with the fingers at the end of the blade and the handle.

(5) Pieces of paper should be lifted with forceps etc.

The above are some of the items that an Investigating Officer would ordinarily come across. The handling of articles would largely depend upon the

circumstances of each case. Each article should be given a distinctive mark by attaching a label. This mark should never be made on the article itself.

(3) Labeling-Each article or sample must be securely labeled so that it could be identified immediately. The label should contain particulars of date and time of seizure, Crime Number and section of the case and the initials or name of the officer making the seizure. These labels are attached irrespective of the seizure list which require the attestation of witnesses present during the time of seizure. The label is the history sheet that helps in establishing the continuity of evidence. In addition, precautions should be taken to tie –the labels in such a way as not to interfere with the examination of the exhibit in the laboratory.

(3) Packing.-(A) The Investigating Officer should ask himself whether the method he had chosen to pack an article would prevent:-

- (i) Loss during transit;
- (ii) Contamination from packing or outside sources;
- (iii) Mechanical damage due to jolting or crushing and
- (iv) Risk of damage due to leakage, explosion, ignition etc.

Each article should be packed separately and not allowed to come into contact with other articles. A possible Police officer should be deputed to carry it to the laboratory and he should be examined in the Court as a witness to prove the continuity of evidence. If sent by post, it should always be sent by Registered Post' and the receipt preserved for production in the Court when required.

(B) Other precautions.-Special care should be taken to avoid the following faults:-

- i) The use of wet or dirty containers, or those with distinctive smells or those having dirty or unsuitable stoppers.
- (ii) Insufficient protection of glass bottles or fragile containers during the transit. (iii) The use of thin card-board boxes which cannot be securely closed and which are liable to be crushed in transit.
- (iv) The use of ordinary envelopes for powders.
- (v) The packing of several articles insecurely in one package.
- (vi) The lavish use of sealing wax.
- (vii) Contamination of one article by contact with another

The integrity of exhibits and control samples must be safeguarded from the moment of seizure upto the completion of examination in the laboratory. This is best done by immediately packing, sealing and labeling and to prove the continuity of the integrity of the samples, the messenger or bearer will have to testify in Court that what he had received was sealed and delivered in the same condition in the laboratory. The laboratory must certify that they have compared the seals and found them to be correct. Articles should always be kept apart from one another after packing them separately and contact be scrupulously avoided in transport also.

(C) Here are some suggestions regarding suitable types of packing for typical articles:-

i) For clothing (with blood, semen, dust etc.)--If moist, they should be allowed to dry in natural heat under shade before packing. A note should be made as fluid stage or after clotting. The garments should be folded so as to place the stains as flat as possible and then wrapped in sheets of paper, each garment separately. The rule is that the Expert should receive the article as nearly as possible in the original state in which it was found.

(ii) For liquids..-Clean, dry glass bottles with narrow necks and glass stoppers should be used.

(iii) For materials from poisoning cases.-It is the duty of the Investigating Officer to request the Medical Officer conducting the Post-Mortem examination to put each organ separately in clean wide-mouthed glass containers provided with ground glass stoppers, Metal containers or lids should never be used. No disinfectant must ever be added to the organ. The stoppers must be securely sealed by the Medical Officer. In cases of suspected arsenic poisoning, cuttings from nails and hairs should be forwarded. From the scene of Crime any stains on floors or fluid in open receptacles such as tumblers should be preserved for laboratory examination, For larger samples of dry material, clean wide-mouthed bottles with good stoppers should be used.

(iv) For small samples of dry material.-Clean envelopes could be used provided they could be completely sealed to prevent leakage of contents Clean test tubes with rubber stoppers are quite useful for packing powders, dust, etc., provided proper care is taken to prevent damage during transit. For larger samples of dry material, clean wide-mouthed bottles with good stoppers should be used.

(v) For documents.-They should be enclosed between sheets of board or similar stiff material which will prevent folding. If the opinion as regards the writing on burnt paper is required, it should be collected very carefully. The burnt paper should be removed in the following manner. A glass sheet should be held in the left hand, keeping the sheet as near the paper as possible and the burnt paper should be gently blown over to the glass sheet. The burnt paper should be then moistened with fixative such as glycerin. Then with utmost precaution the burnt paper should be flattened and another glass sheet placed on the top, so that the burnt paper is pressed between the two sheets, and the whole should be placed in a wooden frame and sent to the Expert.

(vi) Sometimes the Investigating Officer may come across putrefied dead bodies or parts of a human body that may have to be transported over long distances for a Post-Mortem examination. Sprinkling of common salt freely underneath and all over the body and not exposing the body to the sun may help preventing further rapid putrefaction and decomposition, Another method is to put sufficient quantity of powdered charcoal next to it and a sheet wound round it. In the case of parts of human bodies, keeping them immersed in spirit, if available, would help to preserve them for a long time. Clean containers with air-tight lids should be used in such cases. In fine, it should be remembered that when special containers or packing materials are available at the scene of Crime, the Investigating Officer should

bear in mind the general principles explained above and use other suitable devices, readily available. Every container should show on its outside, particulars such as case No., Sections and the source and all knots and fastenings should be sealed with distinctive seals.

(D) Identification letters:-Each article or batch of articles for examination should be accompanied by an identification letter in a separate envelope which may be taken by the messenger himself or sent by post. This envelope should bear on the outside some means of connecting it with the identifying marks on the parcel containing the article to which it relates. This will facilitate work in the laboratory. The identification letter should set out the name of the Police Station, No. And Sections of the Case, sample seals used in packing, with a brief description of the case, the circumstances under which the recoveries were made and the reasons for sending the same for examination in the laboratory. This will again save much of the valuable time of the persons working in the laboratory.

(C. D. T. S. Notes)

Rule 150 (3)

Instructions for sending material to the Director. Forensic Science Laboratory and the Chemical Analyzer to Government, J. J. Hospital, Byculla, Bombay 8

It is necessary to follow uniform and proper procedure in submitting medico legal material to the Director, Forensic Science Laboratory and the Chemical Analyzer to Government, so as to avoid confusion and duplication of work and the delay in testing and reporting the cases sent there. The following instructions should be invariably followed:-

- 1) The forwarding officers should give proper and full postal address with the District on all their correspondence.
- (2) A separate forwarding letter should invariably be sent for each separate case if a separate certificate in each case is required, otherwise one certificate will be issued.
- (3) All communications addressed to the Forensic Science Laboratory should be in English.
- (4) The forwarding letter should contain full description of the articles sent including Crime number and I. P. C. Sections.
- (5) Every exhibit should be properly labeled showing clearly the out of forward number of the forwarding letter and the Crime number so as to tally with the description given in the letter.
- (6) All exhibits should be properly sealed with sealing wax and impressed with official device and not with a coin, buttons keys and other similar common device. Exhibits bearing only paper seals with or without Panchas signatures on them and those, which do not bear proper device on their seals, will not be considered as sealed samples. In addition to the Panchas paper seals, if any, there must be official seals with sealing wax.
- (7) A copy of the seal used in sealing the exhibit should invariably be sent with each forwarding letter.
- (8) Viscera, vomit, urine, they should send blood and slides which are collected by Medical Officers themselves to the Forensic Science Laboratory with a Police Constable of the Police Station concerned.
- (9) Charas, Bhang; Ganja, Opium, Liquor, Wash, Blood-stained and semen-stained articles should be sent to the Forensic Science Laboratory direct by the Police Sub-Inspectors under their own seals and forwarding letters. It is not necessary to send them through the Medical Officers, Civil Surgeons, District Superintendents of Police or the Magistrates.
- (10) Full history of the patient should be given in all poison cases as no tests can be done in poison cases without such information.
- (11) Printed form no. C. M. 24 e. II should be used for sending urine, vomit, blood, etc. and No. C. M. 23 e. I for sending viscera only. These forms supplied by the Manager, Yeravda Prison Press, Yeravda (Poona).

(12) Constables deputed to the Forensic Science Laboratory should be instructed to appear there in uniform and with proper identity. They should be given detailed instructions as to the number and nature of articles they are required to bring back with them.

(13) The Constable who brings to the Forensic Science Laboratory a Standard Viscera Box should be instructed to take it back with him. When such boxes are sent by Railway parcel the nearest Railway Station to which they are to be sent back should be stated.

(14) Exhibits are returned only when the Constable brings with him a letter of authority in which this office certificate number and date is clearly mentioned otherwise it is impossible to search out the samples. Exhibits are returned only after certificates are issued.

(15) Such exhibits as viscera, vomits, blood, urine, etc. are used up in analysis and are never returned. Other exhibits should be removed from the Forensic Science Laboratory within 15 days from the date of issue of the certificates otherwise they are destroyed. There are no facilities at the disposal of the Forensic Science Laboratory to return exhibits either by Post or Railway Parcels..

(16) Railway parcel; meant for the Forensic Science Laboratory should always be sent "Home Delivery Paid" and booked either to Bombay V. T. on Central Railway or to Grant Road on the Western Railway as the case may be.

(17) All blood-stained articles pertaining to a particular case should be sent together at one time and not in installments or piecemeal. Thus is necessary not only to avoid confusion and duplication of work but also to avoid unnecessary extra payment by Government as the Serologist at Calcutta has to be paid again the sum of RS. 25 for the left over articles.

(18) Receipts of letters and articles sent to the Forensic Science Laboratory are acknowledged only if the Constables bring with them receipts in the following form. No other receipts are issued.

Date of Letter	Outward No of	To.	No. of P.G.	Signature.
	Letter			

(19) On all letters and articles sent by post the full postal address as under should be written. The Director, Forensic Science Laboratory, State of Bombay, J. J. Hospital Compound, Byculla, Bombay-8.

Telegraphic Address: -"CRIMINALISTICS" Bombay .

Telephone No. "7076"

(G.C.H.D. FSL-1458/63052-v, dated 1st July 1958).

Rule 159 (4)

Examination of footprints

The art of identifying foot-prints is not so highly developed as to render identification a conclusive proof in Courts of Law, except where the papillary ridges are clearly marked and can be photographed and examined in the

manner as finger impressions. Nevertheless, as a practical aid in the training and identification of criminals, much use can frequently be made of properly recorded foot-prints.

(2) There are four methods of recording sunken foot-prints in common use :-

(1) in plaster; (2) in wax; (3) by tracing. on glass; and (4) by photography. Decision as to which method to employ will depend on the following conditions:--

(1) Plaster is expensive, is the hardest to use with success, but produces a permanent record.

(2) Plaster and wax can be used only if the print is on a substance soft enough to leave a sunk impression of the foot. .

(3) Wax is cheap and easy to use, and the same wax can be employed again, when the need for the record is past. Wax, however, can be used only where the weather is cool enough to allow it to harden, and it must

be preserved in a cool atmosphere.

(4) Tracing through glass is comparatively simple, but needs much care; if the tracing is made with the proper technique, it is of considerable value.

(5) It is desirable that all foot-prints should be photographed before attempting to make casts. The photography has a distinctive advantage over the preparation of casts, that the risk of accident is not present. The photographs of the footprints are taken with a camera in a vertical position above the footprints, supported by a reversible tripod. A scale graduated in inches and stained black should be placed before the foot-print and in the same level if possible. Due to the advancement in photography and the improvement of the miniature camera, foot-prints are accurate.

photographed on film of motion pictures size and subsequently enlarged on natural size.

(3) Plaster: -Plaster of Paris is the best medium for making casts of foot-prints Plaster of finest grade should be used. The Plaster is readily affected by the atmospheric conditions and as such the tins containing the Plaster

should be kept airtight. A good reproduction is obtained when the impression is clear as in damp clay, dust etc. The following procedure should be followed in making the casts:-

a) The impression should be surrounded by a narrow wooden or metal frame. The frame should be big enough to cover the whole foot-print, leaving some space on all sides. The wooden frame can be fixed with hinges and

hooks, while the metal one with jem clips. The metal frame is more preferable than the wooden one. However, clay or mud may be used for the purpose of preparing a contrivance for casting the footprint in the absence of the frame. After having selected the proper frame, the same should be placed over the footprint and properly adjusted. Then it should be pressed gently inside the surface. This serves as a precaution in not allowing the Plaster to flow out through the sides.

(b) It is always preferable to prepare the surface of the footprint before the Plaster cast is made. Now, if the footprint is in mud or snow, a thin layer of Shellac solution should be spread over by means of a sprayer. Care should be taken to keep the sprayer at a distance of about three feet, so as not to disturb the surface. The Shellac dries within a few minutes. After this a thin layer of talcum powder should be shaken over the footprint by means of a thin cloth like handkerchief etc. The process should be repeated alternatively until a surface becomes sufficiently hard enough to receive the Plaster without disturbing the originality of the footprint. If the footprint is in dust, fine sand or other similar soft material, a thin coat of shellac solution should only be used, by spraying the same for about two minutes.

(c) After the surface of the footprint is prepared as mentioned in paragraph (b) above, the mixture of Plaster of Paris should be prepared. About 20 Oz. of Plaster is generally required for one footprint. One pint of water should be taken in a trough and the Plaster should be sprinkled over the water with a big spoon or any other convenient article. The Plaster should be allowed to settle at the bottom spontaneously. Enough quantity of Plaster should be added until the water IS unable to absorb any more and a delta is formed in the center. Then the mixture should be stirred thoroughly so as to form a uniform mixture of the Plaster. Care should be taken not to make the mixture too dilute or too thick. Then the mixture should be at once poured very gently on the surface, starting from one corner with the end of the spoon. When a layer about one-third of an inch thick has been formed, the portions of twine, sticks, twings, wiregauge or similar material should be put for reinforcement. The re enforcement material should be put very carefully and without pressure so as not to obliterate the bottom of the print. If the sunken print is filled with water the Plaster powder should be directly sprinkled over the surface

Without preparing the solution. No stirring should be effected in this case. It should be remembered that one should be quick during the process as the Plaster hardens very quickly. A sure sign of hardening of Plaster is that it gets warm to touch and then it is fit for lifting. If rapid hardening is required a teaspoonful of salt should be added while preparing the mixture of the Plaster and when slow hardening is required a teaspoonful of sugar should be added at the time of mixing Plaster with water. It should be borne in mind that piecemeal preparation of the mixture of Plaster with water frustrates the object.

(d) At this stage, Crime No., Section of the offence, the date and place of the cast prepared, whether right or left foot, the initials or the signatures of the panch as and the Investigating Officer, the direction etc. should be written on the cast either by a copying pencil or with a pointed material. Then the cast print should be lifted carefully and should be cleaned under

a gentle flow of water. The cast then will be ready for examination and comparison.

(4) Wax.-The impression is first covered with a thin sprinkling of French Chalk (which, if it cannot be locally purchased, can be obtained from any motorist) and along the outline of the impression a thin line of red "Kunku", or any other coloured powder should then be sprinkled. (This last is not essential, but it will stick to the plaster and show the exact outline of the impression, which may not be quite clear in the cast). The wax is then melted either into a tin or directly into the impression, and poured into the impression gently and with great care so as not to disturb the dust or mud on which it falls, but quickly enough to let it take the exact shape before it solidifies. The whole impression should be filled, and the cast should be at least one-fourth inch thick at its thinnest. To secure this, it may be necessary (and, especially if the impression is on a slope) to build a little wall of brick or wood or other smooth substance round the impression to prevent the overflow from running off downhill. A tin frame as mentioned under "plaster cases" above can surround the impression.

When the wax has hardened, it should be removed and washed. Great care is to be taken not to alter the shape of the cast in removing it. It should be removed with the surrounding earth which is then carefully washed away from it. The cast should not be removed till the wax is quite cold and hard. Ordinarily, tallow candles may be used, two being enough for the ordinary impression by holding the flames of one under the other in turn. To enable the wax to harden, it should be shaded from the sun and, if the weather is very hot, it may be necessary to cover the impression and post-pone the recording of it till night. When the cast is taken, it should be kept in cold water, if the weather is hot; otherwise it will lose its shape. When the necessity of the cast is over, the wax should be prepared for use again.

(4) Tracing through grass.-To make comparable impression (illustration appended On page 391). it is essential to fix a base line and a perpendicular to guide the untrained eye. The true axis of the foot makes the most convenient base line, and this axis is marked by a line which passes through the centers of both the "big toe" and the "heel". This base line should, therefore, whenever possible, be taken; in imperfect impressions it may not always be possible. On this line a perpendicular has to be dropped. The best is the one which first touches the lowest edge of the "little toe".

It is further help to the eye, if the impression, when drawn, is shown on sections paper; this paper, having heavy lines to delineate the inches, and faint lines the fraction of inch, shows up the characteristic with very marked distinctness.

The impression to be traced should be covered with a glass slab in thin frames with low legs at the four corners. So arranged as to raise the under-face of the glass about half an inch above the surface of the ground. Two lines should first be painted on the underside of the glass to represent the base line and the perpendicular. In fixing the glass over the impression and before starting to sketch the impression, the base line should be placed in correct position, i.e. so as to run from the middle of the big toe to the middle of the heel and the vertical line should run so as just to touch the lower edge of the little-toe impression.

The sketching in of the profile of the foot is best done with a water colour brush (No.5 convenient size) and some dark water colour. Great care has to be taken to have the eye directly over that portion of the impression that is being pointed; otherwise, refraction comes in and an inaccurate impression is made.

The only difficulty is to watch the point of the brush, whilst the eye is on the impression. The following plan has been found satisfactory for a right handed man: -Let him keep his eye on the edge of the impression he is painting and place the brush in a sloping position, point inclined to the left, On the slate, and move it along so that the left edge of the line he makes runs directly over the edge of the impression he is tracing. When this method is adopted, it will not matter how broad the line is made, for only the left edge of it will have to be taken into account.

Having sketched the whole profile, the next thing is to paint in all creases, cracks etc. and this should be done with all the accuracy possible, once again taking care to have the eye directly over the crease that is being traced.

When the copy is complete, the slate should be kept in a vertical position and the painting traced off on the tracing paper, which can subsequently be pasted on to sectional paper, as lines painted on glasses with water colour can be easily washed off with water; This tracing, having been signed by two respectable witnesses, who should have been present throughout the operation, and by the drawer, can be sent into the headquarters office so that no question of the bona fides of the investigating officers can be subsequently raised.

As regards comparing the impression, when two impressions are being compared with each other with the object of finding out if the same foot has made both, one thing must be clearly understood. If they are impressions of the same foot, they will agree in all essential points and there will be no points for disagreement. If there are points for disagreement and these have not obviously been caused by some peculiarity or irregularity of the ground or by some accident, it should at once be admitted that the impressions are those of different feet. If the soil is soft and the walk is energetic, the probabilities are that the impression will appear slightly shorter (as well as broader) than the foot which made it, because the heel, after having dug in deep, will rise while the toes dig in deep, and the sole will present, as it were, a concave surface to the soil. The impression caused by the foot of a man standing can never look just like that of a man walking, and this is an important point to remember when the foot-print of a criminal walking towards or away from the scene of the crime has been found. If he is subsequently traced, and it is wished to compare his foot-print with that found on the scene, he must be made to walk unconsciously in much the same manner, over much the same kind of ground, which must be in the same condition. The word "unconsciously" is specially emphasized, as a man can materially change the look of his track, if he is thinking of what he is doing.

It is quite useless to try and identify a track as the impression of any particular person's foot by measuring that foot. The only practical way is to compare the impression supposed to have been made by him with one known to have been so made.

(5) Photography:-This is dealt with in paragraph 2 (5) above. Dusty feet leave excellent impressions on any smooth surface, such as polished wood, and so photographic aid is sometimes of value in crimes in well-furnished houses.

A good photograph which shows up ridges clearly is as valuable as finger impressions. It is more useful to prove identity than actually to indicate a clue.

(7) Recording of Surface Foot-Prints.-Surface foot-prints are of two types. One made with dust, ash, charcoal powder, etc., on the hard, smooth surface and the other made by removing a thin layer or dust collectE7d on floor, furniture, etc. These foot-prints can be recorded by (1) tracing on glass sheets, (2) photography, and (3) by lifting on sensitized surface of photo-films or photo printing paper.

As regards (1) and (2) above, the process given for the same for sunken footprints should be followed.

Lifting on photo printing paper-Bromide paper utilized for photo printing should be used for the purpose. White paper will be required for black or colored prints and black paper for whitish prints. Bromide paper available in the , market is generally white. It should be got developed without exposure to light for getting white paper, and for getting black paper it should be first exposed to light and then developed in the developer. This can be done by any photographer. These developed papers should be preserved for use in appropriate cases.

When a surface foot-print is found at the scene .of offence the above said developed paper of appropriate colour should be taken. It should be immersed into clean cold water, to which few drops of liquor ammonia is added for five minutes. If liquor ammonia is not available, a spoonful of Borax powder and about 8 to 10 drops of glycerin should be added to clean cold water taken into a tray of appropriate size. If this is also not available mere clean cold water will also serve the purpose. This process makes the bromide paper more sticky. Take the paper out of water after five minutes and remove

the extra moisture by fine blotting or by hanging it with a clip. Rough blotting should not be used as its fibers stick to the paper. After removing the extra moisture put that paper very gently on the print keeping sticky surface down.

Roll with a rubber roller over it in uniform movements and pressure for some time. Then raise one corner of the paper and lift it smoothly in one motion. Allow it to dry and then write C. R. No., Section, Date, Place, distance from fixed object, right or left, foot etc., on it and make initials of panchas and the

Investigating Officer, on the other side of the paper.

The whole print comes up on the paper and it will be a mirror image showing right foot as left and left as right. Use of transparent photo film can give the same image when viewed from the other side.

This process will be useful only on smooth surfaces, rexin, oil cloth or oil painted surfaces. It will be successful when there is contrast between print and surface on which it is made. I (8) The following general principles are to be noted :-

It is a waste of time to record impressions by any method unless the record is going to be of some practical use for purposes of identifying or definitely eliminating suspects.

Care is to be taken that all records are made in the presence of witnesses. It is no use having a perfect record, if its genuineness is going to be success-fully contested in Court.

In comparing the impression of a suspect with that taken at the scene of offence, it is better to take it in the same way. For instance, if the original taken in wax, the suspect's also must be taken in wax, taking great care that it is taken on exactly the same sort of ground as was the original and with the same distribution of weight on it; for example, if the impression at the scene of offence was that of a man running on his toes, it is useless to compare the cast of it with one standing flat-footed.

Photography, however, provides an exception to this rule. An ink impression of ridges taken on paper can be properly compared with a photograph which shows up ridges clearly.

Taking specimen of suspects.-(I) Take specimen foot-prints under similar conditions as those of the evidentiary foot-prints discovered.

(II) Take also inked specimen of suspects.

(i) of both feet (where necessary),

(ii) in standing position.

(iii) while walking and ,

(iv) both (ii) and (iii) with pressures on outer edges and inner edges.

(ill) Observe all legal formalities.

(IV) Do not take specimens at the places or near about the places where the involved foot-prints were discovered.

(9) Comparison of shoe prints:-

a) By measurement test.

(b) From wear and tear marks of soles.

(c) From standard commercially available soles.

(d) From the number and position of nails, their absence, wear and tear of nails, and repairs made, if any.

(10) The walking picture.-By this expression is meant the whole ensemble of foot-prints left by the walker. The principle features are the step length, the walking line, the direction line, the angle of step, the step breadth and the foot line. By drawing the walking picture of a subject from a series of foot-prints (bare foot-prints and shoe-prints), the investigating officer. can approximately deduce an unknown person.

(a) Height.

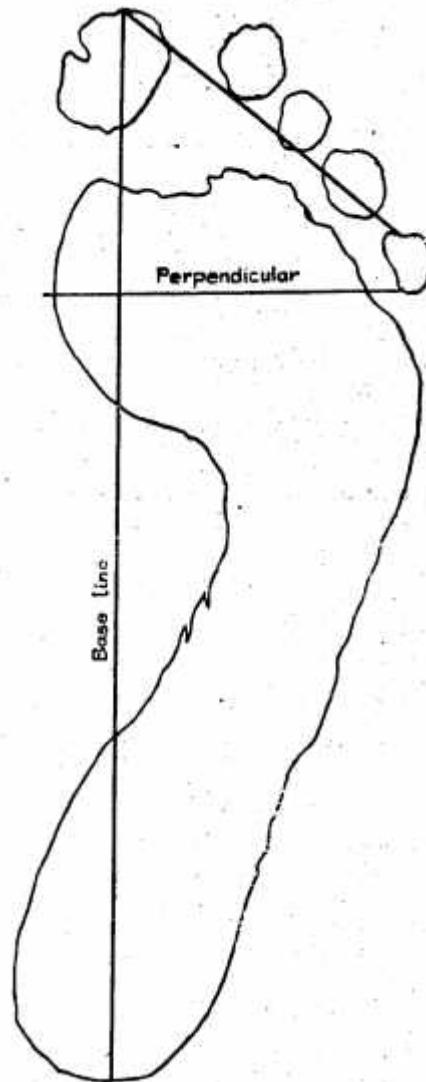
(b) Lameness.

(c) Whether walking or running.

(d) Whether carrying weight or not.

(11) In some districts of Bombay State, there is a class of professional footprint trackers and the use of them is made in tracking the foot-print. of the criminal especially in rural area!, in the detection of crime.

(12) In making use of impression of any type i.e., whether finger-impressions or foot-impressions, it must also be clearly understood that proof is necessary to show the impossibility of the impression being caused prior to or subsequent to the offence.



Accordingly, the utmost care should be exercised to preserve impressions, found near the scene of offence from being obliterated or tampered with, or confused with other impressions before examination.

Rule 163

Use of Ray" in Crime Detection

(1) Use of ultra violet rays in crime detection.-(1) The ultra violet rays are the invisible rays beyond the violet end of the visible spectrum and possesses the power of exciting a glow in many substances when exposed to them. This glow shows an individuality in intensity and colour. Substances when exposed in the path of the ultra violet rays become visible and coloured. This phenomenon is known as fluorescence. A large number of substances are fluorescent and the same can be rapidly tested under ultra violet rays.

(2) The ultra violet lamp eliminates many of the disadvantages of other methods. Unlike the chemical test, examination under the ultra violet lamp ~ does not involve any risk or damage to the articles examined. The other advantage is the rapidity and ease with which the examination is carried out.

(3) Ultra violet lamps have been installed in the offices of the Criminal Investigation Department at Poona, Bombay, Ahmedabad, Rajkot and Nagpur. It is so suspended that the burner can be tilted. to any required angle. The lamp works on any kind of electric supply for AC/DC circuits, provided a pressure of 200 volts or over is available. It can be adjusted to an electric supply ranging' from 200 to 250 volts by simply moving one milled screw. The lamp is portable and can be carried to courts for demonstration purposes.

(4) The Deputy Inspector General of Police, Criminal Investigation Department, Bombay State, may be referred to for an examination-which is carried out by the State Examiners of Documents of various articles under the ultra violet lamp in Police cases on points like the following:--

(a) Prisoners' correspondence or secret writings.-Prisoners send secret messages by incorporating in ordinary letters lines written with urine, saliva, milk, soap suds or fruit or vegetable juices. All these become visible in a few seconds under the lamp. In contrast to other unreliable methods of rendering secret writing visible, the lamp leaves no trace which might put the receipt on his guard.

(b) Inks.-All the various coloured inks which appear on bank notes etc.have characteristic appearances in ultra violet light and this is of great assistance in the detection of forgeries. Every chemical ink eradicator leaves a mark visible in the light. Many types of invisible ink become visible under the ultra violet light and photography can record results in such a form that they may be produced for reference at a moment's notice. Most red inks fluorescence and it is frequently possible to use ultra violet light to read writing which has been transferred to a.piece of blotting paper by the blotting process, even if the paper has been used a great deal and is red in colour.

(c) Finger prints.-Fingers contain small traces of organic matter, such as oils and fats and these fluorescence in ultra violet light. Records of finger prints on multi coloured backgrounds which are visible under the light are developed by the use of zinc sulphide or anthracene and photographed on Panchromatic plates.

(d) *Erasures and alterations.*-The disturbance of the surface fibres of paper is clearly visible in ultra violet light. In fact a safety paper has been prepared, impregnated with quinine or its salts, uranium salts, etc., on which erasures show up as dark patches under the light. If alterations are by a different ink, say, in a case of falsification of accounts, though the falsification appears perfect to the naked eye, it is often possible to see quite plainly the subsequent superimposition of writing under the light.

(e) *Forgeries.*-Many large banking concerns in England, especially the Bank of England, are using an ultra violet lamp to examine cheques, securities, bank Notes etc. for detecting forgeries. The paper in a forged bank draft may appear similar to be genuine one to the naked eye; but it may show different fluorescence under the lamp, if the paper base is different.

(f) *Mail thefts.*-(i) *Adhesives.*-Various adhesives show under the lamp fluorescences, which differ widely in colour. Dextrins fluorescence; but gum arabic is practically devoid of fluorescence, while the gum or mucliage used for postage stamps shows a strong bluish fluorescence. Vegetable glue appears golden yellow, while case in glue appears bluish white.

(ii) *Sealing Waxes.*-There is generally no difficulty in distinguishing different sealing waxes when their natural colours are distinct. But sealing waxes, apparently similar in colour to the naked eye, may exhibit distinct fluorescences under the light. When seal has been tampered with, the tiny particles of the substances used to make the original seal can often be detected by variations in colour or the intensity of the fluorescence under the lamp. The lamp can be used to show that stamps have been fraudulently removed from an insurance card or to detect eradicated cancellation marks.

(g) *Examination of valuables.*-Genuine diamonds fluorescence brilliantly, but the most cunning imitations are quite "dead" under the lamp. Japanese "culture" pearls differ distinctly in fluorescence from genuine pearls.

(h) *Identification of glass pieces.*-Glass pieces appearing similar to the naked eye have characteristic fluorescences. Thus for example, optical glasses .of the same type but from different manufacturers show unmistakable differences ranging over a series of colours from pale yellow to violet, blue and vivid white; in particular "protective" glasses of the Crooks type are characterised by a bright blue white colour. The fluorescence of glass is also affected by the various ingredients like manganese, and. selenium entering into its composition. If similar glass pieces are found on the scene of offence and on the person of the suspect, a valuable clue is many times obtained.

(i) *Adulteration in flour.*-Wheat flours display a bluish fluorescence whereas barely and potato flours do not show any fluorescence.

(j) *Determining whether a corpse was buried or burnt.*-Bones from a burnt corpse do not fluorescence.

(k) *Clues for the detection of crime.*-(i) Stains not visible to the naked eye or chance finger prints which cannot be seen on multicoloured grounds become visible under the ultra violet lamp.

(ii) Match sticks from boxes of different make show different fluorescences, when seen under the lamp. Match sticks found at the scene of offence and

those found with the suspect may appear alike and thus provide a useful clue.

(iii) Similarity as regards dirt, material, seams, tears, etc. between a piece of cloth found on the scene of offence and another found in the possession of the suspect, if established with the help of the lamp, may help to establish his guilt.

(2) Use of Infra-Red Rays.-(i) The importance of the Infra-red rays lies in the fact that it includes the wave lengths which are invisible to the eye but which affect photographic plates. The appearance of an object under Infra-red radiation may be quite different from its normal aspects e. g., two pieces of cloth of the same materials may appear similar in ordinary photography, yet through infra-red photography, they reveal distinct difference in tone.

(ii) Infra-red rays are useful in the following cases:-

(a) *Cloth.*-Some fibers (wool etc.) may be found stuck on the head lamp, bumper, tire, body of cars involved in accidents with human body. These fibers are often from the clothing of the victims. An Infra-red photograph of the fibers found on the car and a sample of the fibers of the victim's clothing's should be made (in addition to other tests for fibers etc.) for comparison.

(b) *Paints.*-Most colours of paints photograph white in the Infra-red. However, the types of paint (constituents) may be decided from such examination.

(c) *Stains.*-With Infra-red radiation certain stains which may not fluorescence under ultra-violet rays may show their marks in contrast if the dye used in the cloth is not too opaque to Infra-red. Gun powder stains, for example, do not fluorescence. Thus, when it is suspected that this type of stain is present on dark clothing, its pattern may be clearly revealed, if the dye of the clothing is not opaque to Infra-red photography. The photograph will give the needful contrast to the gun-powder stains because the carbon and / other compositions present are opaque to these rays.

(d) *Inks.*-In the examination of documents while determining (i) 'super-imposition; (ii) Interpolation and (iii) sequence of strokes, Infra-red photography helps.

(e) *Erasures.*-When some mechanical abrasives are used (knife, rubber, etc.), faint and very slightly visible marks of the ink or pencil may be left behind. If these traces are present in sufficient quantity to form an outline, an Infra-red photograph can render the writing visible.

(f) *Burnt documents.*-Charred documents on which the writing has been invisible because of the burning, may some times be made legible in an Infra-red photograph.

(g) *Unopened letters.*-It is some times necessary during investigation, to decipher, the contents or part of it in a sealed envelope without opening it. Infra-red photography may some times reveal the contents.

(3) *Use of X-Rays.*-(a) Examination of suspicious boxes and parcels supposed to contain explosives, arms, ammunition, secret constructions etc.

(b) True and counterfeit coins can be readily distinguished particularly when lead is used in the counterfeit since a radiograph will reveal the greater absorption by this metal.

(c) *Clothes and Fabrics.*-It is possible to compare two samples of cloth or fabric material by studying their respective weaves and detecting the presence and absence of weighing materials such as tin or lead.

(d) *Paper.*-Papers may be compared for similarities or differences in filter impurities and in the fiber structure of the paper. Hand made papers may be shown to differ from machine made.

(e) *Leather.*-It is possible to compare and distinguish between artificial and natural leather, and thereby in certain cases make comparisons of the clue materials of this type.

(f) *Gun shot wounds.*-An interesting application of these rays involves their use in the study of the distribution of lead fouling and (molten) lead particles about the entrance of a bullet hole in clothing. As the clothing will be transparent to X rays, the capacity of lead around the gun shot holes on the clothing, their distribution along with other data may enable the laboratory ballisticsian to estimate the muzzle-body distance at the time the gun was fired.

(g) *Fractures.*-All varieties of human bones can be seen through X-rays and photographs taken not only to demonstrate the nature of injury inflicted or received but also for the purpose of intricate surgery etc.

(h) *Audio-visual Aids.*-sample X-ray photographs, showing fracture of skull, ulna and radial bone of the hand, femur, sheen bone etc.

Simple X-ray photographs of simple, compound and complex fractures. X-ray photographs of hidden objects, and bullets lodged inside the body.

(4) *Use of Microscopy.*-(a) One of the great advantage of microscopical examination over chemical analysis is that there is no destruction of the evidence. In chemical analysis the expert has to adduce evidence from noted observations and from memory whereas, in case of microscopical examination, actual photographs can be produced before Courts.

(b) Microscopical examination may be made for the following types of common clues found at the scenes of offences:

(i) Documents, (ii) Hairs, (iii) Fibres, (iv) Dusts and dirt; (v) striation marks on fired bullets, cartridges cases and firing pin-dentations; (vi) Blood testing; (vii) Semen testing; (viii) In conjunction with spectroscope for viewing very minute clues like paint, debris and other organic and inorganic sub-stances; (ix) In conjunction with a camera it helps in recording enlarged photos; (x) Comparing scratch marks by tools on wood, metal and other surfaces along with the cutting or serrated edges of the suspected tools; (xi) Suspected counterfeit coins and forged notes.

(c) The Investigating Officer should keep- as far as possible an ordinary lens or a hand magnifier, with him during the course of investigation of case, where preliminary examination of clues like blood, semen, hair, dust etc. are involved.

Rule 164(4)(iv), (5)(a), (b), (7), (9) (a)(b)

Schedule 'A'

List of Documents submitted for opinion in Police Station C.R. No.
of ...u/s

QUESTIONED DOCUMENTS

Exs.

Description of the Document

... Handwriting and / or signature (encircled in red) on
.....
.....
... Do
... Do

PROVABLE DOCUMENTS:

... Specimen Handwriting and / or signatures of
.....before Panchas / Courts.
... Do
... Do

ADMITTED DOCUMENTS:

... Natural admitted handwriting / signatures of
.....
.....on* in.....
.....
... Do
... Do

QUESTIONNAIRE

1. Whether red encircled handwritings and for signatures on Exs. (Questioned Documents) are written and/ nr signed by Exs. (Prove able Documents) and Exs. (Admitted Documents).

*Here mention the probable date if the exact one is not known.

Here mention the type of document such as Register, Kird-Book, Leave applications, Other correspondence, etc.

Note.-The particular portions to be used for comparison from the Proveable and Admitted documents should be preferably encircled in blue pencil.

Appendix XVIII

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Schedule 'B'

Charges for supplying photographs of documents.

<i>Size</i>	<i>1st Copy</i>		<i>2nd Copy</i>	
	Rs.	nPs.	Rs.	nPs.
7 ¼ "X4 ½ "	.75		.50	
10"X 6H	.87.		.68	
12"X5"	1.00		.81	
12"X7 ½ "	1.13		.94	
13 ½ "X 8 ½ "	1.37		1.13	
12"X10"	1.62		1.31	
16"X10"	2.00		1.75	
20"x 8"	2.00		1.75	
12"X 15"	2.62		1.94	
20"X 16"	4.25		3.25	

Charges for taking film of the size 6 1" x 1 1/2" 0.15.

Charges for supplying specialised photographs.

<i>Type</i>	<i>Size</i>	<i>1st copy 2nd copy</i>	
		Rs. nPs.	Rs. nPs.
Photo-micrographs and transmitted light photograph ³ .	8 ½ "X6 ½ "	7.50	2.00
	10" X 12"	10.00	3.00
One Print from intra-red Exposure.	8 ½ " X 6 ½ "	15.00	2.00
	10" X 12"	20.00	2.50
Print under Ultra-violet Light ...	8 ½ "X 6 ½ "	15.00	2.00
	10" X 12"	20.00	2.50

Schedule 'C'

Rates of fees charged for the services of the Examiners of Document in the State Criminal Investigation Department.

<i>Serial No.</i>	<i>Particulars</i>	<i>Rates.</i>
1.	Opinion Fee	Rs. 50.00.
2.	Photographic charges	Rs. 25.00 to be guaranteed in the first instance, as the charges vary according to the nature of the case and the number of documents. Actual amount is informed along with the opinion.
3.	Attendance and Traveling Fees, in case of Examiner is required to give evidence concerning the opinion.	(a) Rs. 40.00 per Calendar Day spent either for giving evidence or in journey. (b) Full fees i. e. Rs. 40 to be charged if the Examiner has spent four hours on any Calendar day in Traveling. (c) Half fees i. e. Rs. 20 to be charged if the Examiner has spent less than four hours in traveling. (d) No traveling fees to be charged for the day for which Attendance fees are recovered.
4.	Travelling Allowance	As per Bombay Civil Services Rules

Note.-The opinion Fees and Photographic Charges are either to be remitted to this office along with the submission of the case or are to be guaranteed by the Court or the Public Body concerned and paid immediately on receipt of the Bill. The necessary fees for evidence (item Nos. 3 and 4 above) are to be deposited in the Court before the date of evidence and paid to the Examiner after his evidence with a Court Attendance Certificate mentioning the said payment.

INTERROGATION OF WITNESSES*Rule 168 (6)*

Interrogation.-When, where and how?:-Investigation is but a search for the truth. Naturally, the Investigator is a fact-finder. His aim, however, is not merely to find out the truth but also to bring the culprit to book by the collection of legal evidence. He must, therefore, have a fairly good knowledge of the law of evidence and the ingredients that go to constitute the offence under investigation. And as evidence in most cases has still to be obtained by the examination of witnesses, the question that naturally arises is: when, where and how should he examine the witness.

Early interrogation is desirable.-The interrogation of witnesses should be conducted early because human memory becomes fainter and fainter with the lapse of time, and ultimately a time comes when the witness forgets almost everything about the occurrence. A belated examination of witness may produce another undesirable result: often witnesses discuss things observed not only amongst themselves but also with others and as a result enrich their story with what they hear from others. Moreover, memory fades with the lapse of time, there grows a certain tendency to fill up the gaps from one's own imagination. All these, however, do not always happen as a result of a conscious process of thinking; rather, they happen most unwittingly in very many cases. Nevertheless, they show the necessity of taking up interrogation of witnesses soon after the occurrences, although it should not be undertaken before the place of occurrence has been carefully inspected, map of the scene of crime prepared, searches made and exhibits preserved.

How to revive lost memory.-In some cases it is found that due to genuine pre occupation the investigator fails to contact the witnesses within a reasonable time and by the time a contact is established, the witnesses have either forgotten all about the occurrence or forgotten a substantial portion of it. Now, what to do in such cases? Should the investigator throw up his hands and abandon all hope of unearthing the crime, or should he try to help the witness to recollect his thoughts? Obviously, he should adopt the latter course, but how? There are two different ways of achieving this purpose, namely, (i) by adopting the association method of investigation and (ii) by placing the witness amidst the surroundings in which he first made his observations.

The association method.-The association method is of great help in reviving lost memory. Generally a man associates different facts with each other and one fact remembered may stir up his memory with regard to another fact. Thus an educated man's memory, regarding date of occurrence may be revived by making a reference to an interesting or sensational political event and that of a rustic villager by recalling a village festival of about the same date.

Place the witness amidst the same surroundings.-Another method of reviving lost memory is to place the forgetful witness in the surrounding and situation in which he first made his observations. Environment helps a great deal in stirring up the memory of the witness. Even if his memory be

not revised instantaneously, it is likely to be rekindled after a certain lapse of time. For this reason, it is rather advantageous to examine all important witnesses on the spot because memory reacts better, if it has the actual place of occurrence before it. It must, however, be remembered that nothing should be suggested to the witness so as to make him testify on matters about which he has no personal knowledge. To be trustworthy the testimony must come spontaneously from the witness and not as a result of suggestions and feelers thrown at him with a view to get a particular statement,

Witnesses to be examined separately favorable witnesses to be examined first.-Each witness should be examined separately and none of the suspects or witnesses should be allowed to hear the interrogation of others. As far as possible, the important, favorable and trustworthy witness should be heard first so that the investigator may be sufficiently conversant with the facts of the case before he takes up the interrogation of the suspect or of the unfavorable witnesses. The questions should be clear and unambiguous ; they should be neither suggestive nor leading. As a rule the witness should be allowed first to give an account of his experience in his own way and only thereafter should the real interrogation begin. The investigating (officer must see that the witness does not omit any important details but he should at the same time guard against being misled by any false or inaccurate statement.

Psychology, an essential step,-The method of interrogation should vary according to the psychology of the person interrogated his age, sex, education and social status. A good investigator must, therefore, have a practical knowledge of human psychology and a good deal of fact and experience in the art of handling different classes of witnesses, Some witnesses may require a little bit of stern handling, but as a rule best results are obtained through patient and sympathetic treatment. The complainant and the inmates of the house, for example, must be made to feel that they are narrating their own tale of woes to their own kith and kin and not to a band of callous and indifferent persons. People wronged deserve kindness and sympathy. To talk to people in distress in a high handed haughty, and imperious fashion is not only indiscreet but also inhuman and unknown to any Code of civilized conduct. A word of sympathy brings witnesses much nearer to the investigator than a thousand harsh words.

Classification of witnesses.-*(1) Interested witnesses.*-Witnesses may be classified into following groups:-An interested witness is a person who stands to gain by the successful investigation of the case. The test in every case is: what interest the witness has to further the ends of investigation? The complainant and his relations, the rival Zamindar the unfriendly neighbour, the envious co-sharer, the leader of the rival faction, the jealous lover and the disgruntled employee all belong to this class. No doubt the investigator should tap these sources to the best of his ability, but he should not repose implicit faith in their statements without some sort of preliminary checking,

Their evidence requires preliminary check-up.-These witnesses are prone to exaggerate things and an intelligent investigator must be on his guard against being taken in by half-truths and falsehood by such witnesses. Interested persons might set up a story before the investigator in accordance with

a pre-conceived plan, and if he readily believes that story without any verification or without going to the root of the case, he will in some cases at least simply play into their hands unwillingly and become a party to the bringing of a false charge before a court of law.

(2) Hostile' witnesses.-They are ii class of witnesses. who stand to lose something from the result of the investigation and generally come from amongst the friends, relatives, associates, receivers or other well-wishers, of the suspect or his family. The investigators must be on his guard against this class of witnesses. They often lead the investigator to wrong path. Interested as they are in the suspect their constant endeavor would be to lead the investigator to a wrong path .and thus thwart the purpose of investigation. So, to deal with them., the investigator must at once be tactful, courteous and firm in his stand. It is almost wrenching something from unwilling hands, not by ,shear use, of superior force but by the utilization of greater intelligence, wit and resourcefulness over the forces of the hostile camp.

The investigator should not give any chance to the hostile witness to know that he proposes to examine him. It is always profitable to take him by surprise. If he gets an earlier intimation, he either absents himself or gets enough time to cook up a story to mislead a investigator. *Take him by surprise or examine him away from his own place, preferably at his place of employment*

He should be examined of a place away from his friends, associates, lawyers and relations. The place of his employment is often the most suitable place for this purpose. And if the interrogation takes place in the immediate presence of his employer, its position becomes all the more difficult. Any attempt to become evasive or shuffling is bound to produce an adverse impression in the mind of his employer. A thing which no employee wants to create to his own detriment. His attitude, therefore, becomes to tell all that he knows and get back to his work without much fuss.

(3) *Disinterested witnesses* :- This class consists of persons who have neither to gain nor to lose anything from the result of the investigation. Devoid as they are of any personal motive or consideration for manipulating things, their evidence deserves the highest credence. Such a witness, however, unless he is an extremely duty-conscious citizens, does not usually come out of his own accord to help the police.

(a) *Look to their convenience regarding the time and place of interrogation* :- Naturally, such a witness does not like to stay away from his place of business incurring an amount of personal loss simply to oblige the investigator. The convenience of such witnesses must, therefore, be taken into consideration in deciding the date and time of interrogation.

(b) *Develop common ground for conversation* :- While interviewing a disinterested witness, the investigator would do well to develop a common ground of mutual interest for the conversation instead of putting a blunt question like "what do you know about this case?" at the very bad psychological effect on the mind of the witness and he instinctively assumes a sort of unfavorable attitude towards the imperious investigator. A wrong approach at the outset acts and reacts as a colossal barrier between the investigator and

his subject much to the disadvantage of the investigator himself. So, he should be extremely cautious in dealing with a witness of this type and approach him only with utmost civility, politeness and a due sense of dignity in his undertaking. On no account should he provoke the apathy of the witness. A word of greeting or an expression of courtesy from the side of the investigator often produces a marvelous effect and the investigator at once finds his ground well prepared to start the conversation in a congenial atmosphere.

(4) *Lying witnesses.*-Lying witnesses are not necessarily hostile witnesses. Witnesses may, at times, give false information from lack of observation, in-correct observations, low intelligence, lack of education, as also due to self interest and interest in the suspect.

Motive should be discovered and question shaped accordingly -So, a good investigator must be able to find out the motive of the witness in giving false information in each case and shape his questions accordingly. Allow him to speak constant lying is not possible. As regards the person who gives false information intentionally it is always better to allow him to talk as much as he likes, as it is not possible to lie logically and consecutively for any length of time. When the witness exhausts himself, an intelligent interrogator may not take much time to discover the issues of falsehood in his statement. In most cases it would be found that the witness has contradicted himself on a number of material point.

(5) *Unwilling witnesses.*-Unwilling witnesses may come from a variety of reasons. Interestedness in the accused is, no doubt, a real cause but it is not the only cause to engender such a feeling. A witness may be unwilling to depose because of his dislike for the police, his reluctance to be drawn before a court of law or his aversion to publicity.

Causes of unwillingness should be removed. The remedy lies in discovering the cause of aversion in each case and in taking steps to remove it. Threatening or bullying the witness in such cases makes matter worse confounded. Thus, if a "pardanshin lady"⁽¹⁾ is found to be reluctant to appear in, open court and that is why she does not like to give a statement to the interrogator, she may be assured that arrangements would be made for taking her evidence on commission under the provisions of the Code of Criminal Procedure.⁽²⁾ .

(6) *Nervous witnesses.*-From the nervous witnesses the interrogator will have to pick up information slowly and gradually. The witness should be allowed to collect his thoughts and then, made to deal with the points one after another in a systematic fashion.

Examine him in his own environs by way of a conversation.-He should not be confronted with a volley of interrogatories as that invariably increases his nervousness and he may mix up things. He should, therefore, be approached in a spirit of sympathy and examine in his own surroundings. The interrogation should be in the nature of a conversation.

(7) *Child witnesses.*-Children are often good witnesses, when handled, with care. They are minute observers but being receptive to suggestions are easily influenced and terrorized. A friendly, almost a fatherly, tone should be used to give them self-confidence. They should be asked to tell about their own experiences and not what they heard. For children often confuse their own

(1) Means n lady observing &, veil
Criminal

(2) See Chapter XI of the Indian
Procedure Code (Act V of 1898).

experiences with those of others. The interrogation should be in the form of a simple conversation and must be as brief as possible. The questions should not be leading or suggestive as on account of their tender age it sometimes becomes difficult for the to give a precise narration of what they actually witnessed and when leading questions are put in their mouth, they are likely to give affirmative answers without understanding the full implications of the questions.

(8) *Female witness.*-In view of the peculiar conditions obtaining in India and other Oriental countries, it is necessary to say a few words about the examination of the female witnesses. In India, especially in the villages, the majority of the women still observe "Pardah".(3) So when women figure as witnesses, the investigator is often faced with a number of peculiar difficulties. If the female inmates of a household had witnessed an occurrence, say the commission of a "dacoity"(4) or murder, that took place in the house, they become the most natural and vital witnesses of the case and as such it is not possible to ignore their evidence. For, the presumption of law is that evidence that could be and is not produced, would, if produced, be unfavourable to the party which withhold it. In view of their "Purdah" system, low standard of education, great aversion to publicity and habits of seclusion, the females in Indian villages constitute the most nervous set the witnesses India. The examination ought to be conducted, as far as possible, at the residence of the witness, and in the presence of a relation or a guardian. A high standard of decorum and courtesy should be maintained throughout the interrogation and on no account should the interrogator lose patience or behave in a way that may look like rudeness or incivility on his part. The witness, who is not accustomed to speak at all with an unknown male, may take a long time simply to overcome the initial shyness that stands in the way of her giving a narrative of facts witnessed by her. If possible, the services of the women police should be requisitioned to help the interrogator. If no member of the women police be available, the interrogation may be conducted through the help of an elderly female, preferably a co-villager, or with the help of adult male relation of the witness with whom the witness is on a speaking term.

Application of evidence natural limitations of human testimony.-No human faculty is infallible, "To err", they say "is human", This principle is equally true in the case of witnesses. Human testimony has three stages of development, i.e., (i) preception, (ii) fixation in the mind of what is seen and (iii) expression. As these powers vary from person to person, some discrepancies are bound to crop up amongst the versions of different witnesses even regarding a particular incident. The investigator should see if the discrepancies are vital and go to the root of the case. Minor discrepancies, however, do not take away a case; rather they go to prove the genuineness of the occurrence. Dove-tail precision is only possible in concocted cases.

It is not possible for every witness to remember all the details. Some differences and discrepancies in details are generally found even in the case of honest witnesses and unless the contradictions are material they need not

(3) Means veil.

(4) Means robbery by tire or more

necessarily be "disbelieved," (5) Slight 'differences in the story of witnesses of the same even show that the witnesses are giving their own account and not a single agreed upon story.(6)

Discrepancies in the statement of the witnesses do not necessarily point to their uttering deliberate falsehood. When they do, full effect must be given to it. But in a case where the witnesses have to state a long story, after a lapse of considerable period, of a number of acts by various persons divided into parties and-at various places, discrepancy need not, necessarily point to a falsehood. Power of observation and retention and description and expression all have their own part to play, when one comes to examine the record of evidence. Therefore, mere immaterial discrepancies will not be allowed to be availed of, without regard to their actual importance in the case.(7)

It is, therefore, seen that material discrepancies on important and broad points of the case have to be given their due weight in arriving at a conclusion but mere minor discrepancies need not worry an intelligent investigator. In fact, they are often a sure test of the truth.(8)

[B. P. G. (Crime), dated 11th December, 1958 pages 239-241.]

(5) 1952, Criminal Law Journal.
page 276 (India)

(6) and (7) 953. Criminal Law Journal, page 1123 (India), 1954. Criminal Law Journal, page 132 (India)

(8) Sarkar on evidence 8th... Edn.
page 44 (Calcutta).

Rule 198 (3)

Descriptive roll

1. First the prisoner should be looked over and any deformities, deficiencies or peculiarities, such as missing eyes, ears, Nose, fingers, toes, hands, feet, arms, legs, squint, harelip, excess of fingers or toes etc., should be noted. In the case of hands feet, arms, and legs, distinction should be made between hands and arms, and between feet and legs.

2.(a) Secondly, three permanent bodily marks, if they exist, should be described. Moles and warts are not usually suitable for inclusion among the marks, as they often change in size and shape with advancing years. If possible, the marks should be on the easily visible parts of the body, face, hands, and legs. This is particularly desirable in the case of females The exact size (in inches) and shape of scars and permanent bodily marks should be given.

(b) The position of the marks on the face or body should be indicated in the following manner:-

The feature (eye, nose; mouth, ear, etc.) nearest the mark to be described should be taken as the centre of the face of a clock. The direction, from that feature; in which the mark or scar is to be found should then be indicated by giving the hour occupying a similar position in relation to the centre of a clock.

Example.-In the illustration in the margin, the outer corner of the right

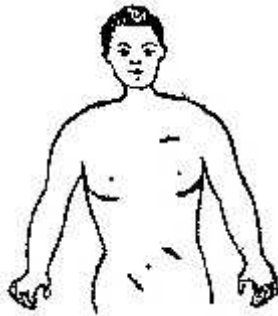


eye is taken as the centre of the clock.

The scar is then said to be at 7 o'clock, and the description and position of the mark would be noted as follows:--

“A scar $\frac{1}{4}$ inch wide, $2\frac{1}{2}$ inches long at 7 o'clock, $2\frac{1}{2}$ inches from outer corner of right eye.”

When such marks are on the body, the distance and the direction from either the naval or right or



left nipple, or the nape of the neck, or right or left buttock should, be given. In the illustration in the margin the description will be :-

i) A scar $\frac{1}{2}$ inch wide, 3 inches long at long at 12 o'clock, $3\frac{1}{2}$ inches from left nipple.

(ii) A scar $\frac{3}{4}$ inch wide, $1\frac{1}{2}$ inches long at 1 o'clock, 4 inches from naval.

(c) When giving such bearings, the centre of the mark or scar should be considered, not either end.

(d) When the mark or scar is on the arm or leg, its distance above or below elbow or knee, and whether on front or back, inside or outside, should be stated.

(e) Marks or scars on the hands or feet present no difficulty.

(f) The size of scars and marks and their distance from features should be carefully measured before entering them on the form.

3. Three such deformities, deficiencies or marks should be given, wherever possible. If a man has two deformities or deficiencies, one other mark must be given. If he has several, the fact should be briefly mentioned.

Rule 222 (A) (6), (8) & (B) (1)

Form of authentication by Magistrate "

(Here enter district within which the Magistrate exercises jurisdiction.)
State versus

a Magistrate of the First Class for and as such having

I the undersigned -, a Magistrate empowered by the Government of Bombay authority under the Indian Extradition Act 1903 _____ to exercise under the Indian Extradition Act, 1903 and as such having authority in the powers conferred on a Magistrate by the Fugitive Offenders Act, 1881, hereby certify that the written and printed matter contained in the foregoing () pages of paper is a true copy of the information of A. B., solemnly affirmed before me on the day of and of the depositions of C. D. E. F. G. H. etc., in support thereof, solemnly affirmed and taken before me on the day of for the purposes of the Fugitive Offenders Act, 1881, and of the exhibits thereto marked X, Y, Z respectively.

Given under my hand and seal at the----- Court aforesaid this
day of

Seal

J. B.,
(Magistrate).

2. *Form of Signature of Original Warrant.*

"J, B.

A Magistrate of the (First) Class for and as such having authority to issue warrants in the State of Bombay for the apprehension of persons accused of offences."

3. *Specimen telegrams,*

(a) "Arrest John Smith, paged 29, tall, thin, fair; can be identified by Moore (of) Little and Company, Hongkong; arrive (by) *Gregory Apkar*, 18th March; embezzlement between 1st January (and) 18th February, Bombay, 1,000 rupees, property (of) Crawford and Co.; warrant issued; twelve months; papers arrive 3rd April."

(b) "Arrest (name, description and means of tracing) ; failure (by) bankrupt (to) deliver books (to) trustee, September 1908, Aden; warrant issued; twelve months; papers arrive 4th January.

(c) "Arrest (name and description), British subject, left for Shanghai 2nd August; forgery, about 6th July, Lucknow, will (of) William Robinson; warrant issued; twelve months; papers (will be) sent on news (of) arrest."

Rule 225(8)

*Model Case Diary***D.A.Patil, P.S.I., Nasik Taluka****CASE DIARY**Police Station: *Nasik Taluka*District : *Nasik*

First Information Book No.70 of 1958. Case Diary No.70/1

Date and Place of occurrence :- 1st October 1958, at 3 a.m. in Satpur Village-3 miles west of the Police StationOffence under sectuib 157, 398, 395, 397, P.S. Rs.2,000.00 gold ornaments and currency
Indian Penal Code and 19(E), Indian Arm Act.

notes

P.R.Rs.400.00 ornaments

Date (with hour) on which action was taken :

Record of Investigation

1st October, 1958 at 5.30 a.m.

(a) Time at which the investigating Officer received information of the offence :

Do

(b) Time at which he began and concluded investigation :

5.40 a.m. to 10.p.m.

(c) Places visited by him Satpur and Girnare.

(1) Complainant : Yeshwantrao Sambhaji Patil of Satpur

(2) Accused :(1) Shankar Tukaram Bhil and (2) Sampat Tukaram Bhil, both of Gangapur, arrested on 1st October 1958 and five others not attested.

(3) M.O.Breaking door.

At 5.30 a.m. while in my quarters received report No.8 in the prescribed form sent by the Police Patil of Satpur Village by servant Rambhaju Sanya to the effect that seven or eight dacoits armed with a gun, an axe and sticks raided the house of complainant Yeshwantrao Sambhaji Patil of Satpur and removed property worth Rs.2,000.00 consisting of gold ornaments and currency notes from his safe and from the persons of the ladies in the house and that Jauant the brogher of the complainant, was killed, while the complainant his son Ramchandra and nephew Govind received injuries in the encounter with the dacoits.

On receipt of the above information, immediately proceeded to the Police Station, entered the information in the First Information Report book and registered the offence in the Cognisable Crime Register (Section 154, Criminal Procedure Code). Also sent First Information Report to the Judicial Magistrate, First Class, Nasik (Section 157 Criminal Procedure Code).

This being a serious offence, sent special express reports to the :-

(1) Sub-Divisional Police Officer, Nasik Rural Division

(2) Circle Police Inspector, Nasik Rural Division

(3) District Superintendent of Police, Nasik

(4) District Magistrate, Nasik

As I am proceeding to Satpur to hold an inquest over the dead body of deceased Jayant Sambhaji Patil, sent intimation to the Executive Magistrate, Nasik, (Section 174, Criminal Procedure Code)

Studied facts of the case and the *Modus Operandi*, consulted Crime Records at the Police Station and took relevant extracts.

Took necessary apparatus and materials required for the investigation.

Also sent a report to Finger Print Expert and Photographer attached to the Local Crime Branch to come to the scene immediately.

Left Nasik with the necessary staff of Policemen at 6.30 a.m. and reached Satpur at 7 a.m. Distance by road 3 miles

Visited the scene of offence, removed all superfluous persons and posted guards to protect scene of offence. Questioned Yeshwantrao Sambhaji Patil of Satpur and recorded his statement. He stated that himself, his brother of Satpur and recorded his brother Jayant son, Ranchandra, nephew Govind, wife Salubai and Jayant's wife Sonubai slept in the house on the night of 30th September 1958 after chaining the front and the rear doors from inside. At about 3 a.m. they were awakened by the barking of dogs, and he and his family heard reports of two gun shots. They immediately suspected some foul play. In the mean time they heard sounds of stones being hurled against the front door and hence he, his brother Jayant, son Ranchandra and nephew Govind got ready to face the dacoits who were threatening them from outside and also trying to force the front door open. After a while the hinges of the front door gave way and five culprits armed with an axe and with stick entered the house, while one stood in front of the house and another continued to fire shots from his gun. A fight ensued between them and the dacoits, during which he (the complainant) hit one of the culprits with a stick on his shoulder, while his brother Jayant dealt a stick blow on the head of one of the dacoits. The culprit, who was carrying an axe, dealt a severe blow with it on the head of Jayant, who immediately fell down and expired within a short time. One of the dacoits took the key of the safe from him (complainant), opened the safe and removed two gold necklaces weighing four tolas, worth Rs.400 and four gold bangles weighing eight tolas worth Rs.800 from the person of his wife and Jayant's wife. The culprits then decamped in the direction of Anandwalli village. He also gave descriptions of the ornaments and the accused persons. The complainant did not know the numbers of the notes; but, himself, his son, nephew, the ladies of the house and Ramchandra Anant Sonar of Satpur would be able to identify the ornaments. One canvas shoe, a blood stained axe and a pugree were left on the scene by the culprits. The axe was the one with which one of the dacoits killed his brother. Two culprits had received injuries in the encounter and the complainant would be able to identify at least three of them, stating that there was ample light at the time of incident. After the dacoits departed, the Police Patil and neighbours went there to find out what had happened and he (complainant) narrated the facts to them. The Police Patil, therefore, sent a report to the Police Station. The complainant prayed that action might be taken according to law.

Deputed Policemen, village servants and others for tracing the foot prints of dacoits and getting information about them.

Held an inquest over the dead body of the deceased in the presence of the panch. The deceased was a male aged about 40 years and was lying face up-wards, in the front room of the complainant's house. He had a deep incised wound 3" long and 1" broad on his head 4" above the left ear. He was lying in a pool of blood and the shirt and dhotee on his person were soaked in blood. He was identified by the complainant and other inmates of the house to be Jayant Sambhaji Patil, the brother of the complainant. He appeared to have met his death due to the injury on his head. Attached some blood-soaked earth from the scene and a blood stained shirt and a dhotee from the person of the deceased for further investigation. Also collected control sample of the clean earth from near the blood stained earth. Drew up an inquest panchanama.

In order to ascertain the exact cause of death, sent the body of the deceased to the Civil Surgeon, Nasik, for post mortem examination with Head Constable Shankar Govind, B. No. 465, with a memo, a copy of the inquest panchanama etc. Also requested the Civil Surgeon to take samples of hair and blood of the deceased which may be required for comparison at a later stage.

Questioned Ramchandra, son of Yeshwantrao, and Govind son of Jayant, both of Satpur and recorded their statements. Both of them corroborated the complainant in material particulars (Section 161, Criminal Procedure Code).

As complainant Yeshwantrao Sambhaji Patil, his Son Ramchandra and nephew Govind had sustained injuries, examined their bodies in the presence of the panch. Yeshwantrao had a contused wound on his head, his son Ramchandra had a weal mark on his left shoulder and another on his right leg, while his nephew Govind had a weal mark on his back. Drew up a panchnama of the injuries and sent all the three with a memo to the Civil Surgeon, Nasik, for medical treatment.

Examined the scene of offence in the presence of the panch, and one of the inmates. Arranged to take necessary photographs and noted the time, lighting condition, camera position, and the name of the Photographer etc. The complainant's house consisted of three rooms, the rear room being used as a Kitchen, middle room as a store room, and the front one as a sitting room in which a safe of Godrej make was kept in the north-west corner. There was a pool of blood in the centre of the front room. The safe was open and empty and the key was still in the key-hole. No finger impressions were noticed on the safe. A canvas shoe worth Re. 00.50 nP. a blood stained axe worth Rs. 2.00 with a wooden handle and with the name Sonya inscribed on it and an old torn red pugree 20 feet long, worth Re. 00.25 nP. were lying in the front room. Besides, two bamboo sticks worth Re. 00.50 nP. were also found lying in the room. Some hairs were found sticking to the blood stained axe and to one of the bamboo stick and the pugree which were collected separately and put in clean, neat and dry test tubes and sealed. No foot prints were visible outside the house as the ground was hard. Five empty cartridge cases and five weds were found lying outside the house and so noted their descriptions and collected them. The hinges of the front door had come out from the frame and the door was broken. Attached the above articles under a panchanama.

Made arrangements to draw a map of the scene of offence.

The Sub-Divisional Police Officer, Nasik Rural Division and the Circle Police Inspector, Nasik Rural Division arrived and visited the scene. Explained to them the facts of the case and the progress of the investigation.

The Policeman, village servants etc. deputed for tracing foot prints of culprits returned and reported that indistinct foot prints of seven or eight persons could be traced upto Nasik Trimbak Road. They could not be traced further owing to the hard surface of the ground.

In the mean-while, cultivator Mahadu Nana Patil of Satpur brought information that he had noticed a male person lying in nallah by the side of his field, about a mile away. The person was groaning and Mahadu noticed that he had an injury on his head. Hence recorded Mahadu's statement. Immediately went to the nallah and saw the injured person. He was in a conscious state and gave out his name as Shankar Tukaram Bhil of Gangapur. On interrogation, he disclosed that himself, his brother Sampat and Gangaram and other Bhils from Anandvalli had committed the offence and added that Sampat was injured and that all culprits including Sampat had gone to the house of a relative at Girnare village.

Arrested Shankar Tukaram Bhil at 11 a. m. in the limits of Satpur village. Examined his body in the presence of the panch. There was a contused wound 2" X 1" on his head at the centre with a coating of thick blood and with swelling around it. He stated that he had received the injury while committing the offence. He had no complaint of ill-treatment against the Police. Drew up a panchanama accordingly. Sent arrests card (Section 62, Criminal Procedure Code) to the Judicial Magistrate, First Class, Nasik.

Sent accused Shankar Tukaram Bhil of Gangapur under proper Police escort with Head Constable Kashinath Narayan to the Civil Surgeon, Nasik, for medical treatment. Instructed Head Constable Kashinath Narayan to produce him before the Judicial Magistrate, First Class, Nasik, after he was treated. As the remaining accused persons were yet to be arrested and as all the stolen property was to be recovered from them, the presence of accused Shankar was necessary in Police custody. Hence sent a report to the Judicial First Class Magistrate, Nasik, requesting him to grant seven days' remand in Police custody in the case of accused Shankar. Remand report with a copy of the case diary was sent with Head Constable Kashinath Narayan to the Judicial First Class Magistrate, Nasik (Section 167, Criminal Procedure Code).

As accused Shankar Tukaram and his two brothers, Sampat and Gangaram, are residents of Gangapur, it was necessary to search their houses for incriminating property. Recorded the grounds etc. for searching their houses and sent a copy of the same to the Judicial First Class Magistrate, Nasik, and deputed Head Constable Deshpande with a written order to Gangapur for conducting the search (Section 165, Criminal Procedure Code) and for making enquiries about the accused.

Also deputed Head Constable Pansare to Anandvalli for tracing the where abouts of the culprits.

Arrived at Girnare with the Sub-Divisional Police Officer, N. R. Division, and the Circle Police Inspector, N. R., Division, at 2 p.m. and made enquiries about the relations of accused Sampat Tukaram Bhil and others through the Head Constable Girnare Outpost. It was ascertained that Vishram Satwa Shil was a relation of Sampat. Immediately went to Vishram's house and

questioned him about the culprits. As he denied knowledge about them, decided to reach his house. Recorded the grounds for the search and sent a copy of the same to the Judicial Magistrate, First Class, Nasik, searched the, house of Vishram Satwa Bhil In the presence of the panch, but nothing incriminating was found. A panchanama was accordingly drawn up.

Continued further enquiries in Girnare village through Head Constable, Girnare and informants. Learnt that a person had arrived at Girnare in the course of the day and that he was stopping in a hut in the field of Vishram. At once went to the hut, where a person, who gave his name as Sam-pat Tukaram Bhil of Gangapur was found.

Arrested Sampat Tukaram Bhil at 7 p.m. at Girnare and searched his person in the presence of the panch. He had a contused wound 2" X 1" on his right shoulder which, he stated, he had received in the commission of the dacoity. He had no allegations to make against the Police for ill treatment. Drew up a panchnama accordingly.. Sent an arrest card to the Judicial Magistrate, First. Class, Nasik.

On being questioned, accused Sampat Tukaram admitted his complicity in the commission of the offence and offered to point out the stolen property given to him as his share. In the presence of the panch he showed a place in the field about 70 yards away from the hut. He dug a small hole and took out two gold necklaces, which has been buried there. A gold smith panch weighed the necklaces and it was found that they weighed four tolas and were worth Rs.400. Attached them under a panchanama.

Accused Sampat further disclosed that four culprits had gone to Bhima Bhil at Mhasrul.

Sent accused Sampat Tukaram Bhil under proper escort with a memo to the Civil Surgeon, Nasik for medical treatment. As the remaining accused were still to be traced and stolen property was to be recovered, the presence of accused Sampat Tukaram Bhil was necessary in Police custody. Hence sent a report to the Judicial First Class Magistrate, Nasik, with a copy of the case diary with Head Constable Girnare Out Post requesting that the accused be remanded to police custody for seven days; Head Constable Girnare Out Post, was instructed to produce the accused before the Judicial First Class Magistrate Nasik, after he was medically treated.

Also made arrangements to make entries in the Arrest Register and Muddemal Register

As it is late at night, proceeding to Mhasrul early tomorrow morning. Investigation in progress.

Copies submitted to the Sub-Divisional Police Officer, Nasik Rural Division, and Circle Police Inspector, Nasik Rural Division, on 2nd October 1958.

CAMP GIRNARE:

(Sd.) * * *

P. S. I., Nasik Taluka

2nd October, 1958

70/2

(b) 6 a.m. to 10 a.m.	(1) Complainant :- Yeshwantrao Sambhaji Patil Satpur			
				Rs. nP.
(c) Mhasrul Nasik	(2) Property Stolen	...	2000.00	
Satpur	(3) Property recovered	...	400.00	
	attached on 1-10-58			
	attached to day	...	1600.00	
				<hr/>
	Total		2000.00	
	(4) Accused :- Shankar Tukaram Bhil, and			
	(2) Sampat Tukaram Bhil, both of Gangapur on ramand in			
	Police custody for seven days from 2-10-1958			
	(3) Bhikya Gebdya Bhil			
	(4) Somya Gendya Bhil	All of Anandvalli		
	(5) Nanya Chendya Bhil	and }	arrested on 2-10-58	
	(6) Deoji Chendya Bhil	at Mhasrul		

Left Finance village with the Sub-Divisional Police Officer, Nasik Rural Division, and Circle Police Inspector, Nasik Rural Division, and arrived at Mhasrul at 6 a.m. Immediately raided the house of Bhimya Lahnya Bhil of Mhasrul with the aid of the panch. Accused Bhikya gendya, Somya Gendya, Nanya Chendya and Devji Chendya, all Bhils of Anandvalli, were found there. On being questioned all of them admitted having committed the offence and each of them produced in the presence of the panch one gold bangle and two Government currency Notes worth Rs.800 were attached from the possession of all the four accused in the presence of the panch and a *panchanama* was drawn up.

Arrested accused (1) Bhikya Gendya, (2) Somya Gendya, (3) Nanya Chendya and (4) Devji Chendya, all Bhils of Anandavalli, at Mhasrul at 7 a.m. and sent arrest cards to the Judicial Magistrate First Class, Nasik.

Also made arrangements to make entries in the Arrest Register and *Muddemal* Register.

Searched the persons of all the four accused in the presence of the *panch*. No marks of violence were found on their bodies and they had no complaint of ill-treatment against the Police. Drew up a *panchanama* accordingly.

Collected samples of hairs of all the accused persons, with their consent in presence of panch and packed them separately in clean, neat and dry test tubes and sealed them. Drew up a panchanama accordingly.

Questioned Bhimya Lahanya Bhil of Mhasrul. He stated that accused Bhikya, Somya, Nanya and Devji came to his hut on 1st October 1958 at about 10 a.m. They disclosed to him the details of the offence and promised to give him some share of the looted property provided he allowed them to hide themselves at his place for a few days. He, therefore, arranged to give them food, etc. and kept them in his hut. Accordingly recorded his statement.

It is evident that Bhimya Lahanya Bhil of Mhasrul had harboured dacoits and action against him will be considered after the decision of this case. It is likely that he may turn hostile and hence decided to get his statement recorded under Section 164, Criminal Procedure Code. Sent Bhimya Lahanya Bhil with a memo. to the Judicial First Class Magistrate, Nasik, requesting

him to record his statement as a witness under Section 164, Criminal Procedure Code.

Arrived at Nasik at 11 a.m. with the four arrested accused. Head Constable, Kashinath Narayan produced accused Shankar Tukaram Bhil with an order of seven days' remand in Police custody granted by the Judicial First Class Magistrate, Nasik. Accused, Sampat Tukaram Bhil was also produced by the Head Constable Girnare Outpost with an order of remand to Police custody for seven days, granted by the Judicial First Class Magistrate, Nasik. Both accused (1) Shankar and (2) Sampat had been treated by the Civil Surgeon, Nasik.

Head Constable Deshpande, who returned from Gangapur, produced investigation papers with his report including search panchnamas, to the effect that the houses of accused Shankar Tukaram, Sampat Tukaram and Gangaram Tukaram were searched by him on 1st October 1958 but nothing incriminating was found and that all the three accused had left Gangapur on the evening of 30th September 1958 and never returned back. Accused Gangaram was reported to have in his possession one D. B. B. L. gun without a licence. He is still absconding.

Head Constable Pansare returned from Anandvalli and submitted a report to the effect that accused Bhikya Gendya, Somya Gendya, Nanya Chendya and Devji Chendya, all Bhils, were absent from Anandavalli since the evening of 30th September 1958.

Sent a memo to the Executive Magistrate, Nasik Taluka with a request to hold the identification parade. Also made arrangements for keeping the complainant and witnesses present for identifying the accused.

An identification parade in the case of all the arrested accused was held by the Magistrate in the presence of panch. Complainant Yeshwantrao Sambhaji Patil identified accused Shankar Tukaram Bhil, Sampat Tukaram Bhil and Devji Chendya Bhil, saying that they were amongst persons who raided and looted his house. Complainant's son Ramchandra and nephew Govind could not identify any of the accused. Received a copy of a panchnama accordingly.

Accused Gangaram Tukaram Bhil is yet to be arrested. The arrested accused are to be confronted with each other and the gun used for the commission of the offence is to be recovered. For these reasons, the presence of the accused Bhikya Gendya, Somya Gendya, Nanya Chendya and Devji Chendya, is necessary. Hence sent them under proper escort within 24 hours of arrest to the Judicial First Class Magistrate, Nasik, with a report alongwith a copy of the case diary, for remand of the accused to Police custody for seven days from 2nd October 1958.

Arrived at Satpur at 7 p.m. The attached property (gold ornaments, Government Currency Notes, etc.) was shown to the complainant, his son Ramchandra, nephew Govind, Salubai w/o Yeshwantrao Sonubai w/o Jayant and goldsmith Ramkrishna Anant Sonar. All of them identified the ornaments as belonging to the complainant.

Recorded supplementary statements of complainant Yeshwantrao Sambhaji Patil, his son Ramchandra and nephew Govind as regards the identification of the accused and the property. All of them identified the property and, stated that the two bamboo sticks attached from their house belonged to them.

Recorded statements of Salubai w/o Yeshwantrao, Sonubai w/o Jayant and Ramkrishna Anant Sonar. All of them corroborated the complainant in material particulars. Ramkrishna Anant Sonar identified the gold ornaments as made by him and as belonging to the complainant.

Recorded statements of Raghoji Anaji, Police Patil of Satpur, Arjun Nan. Patil, Pundlik Baburao Patil and Eknath Devji Patil, all of Satpur. They reported the story given out to them by the complainant after the culprits had departed.

Questioned Rambhaji Sonya, a village servant of Satpur, and recorded his statement. He corroborated the Police Patil of Satpur in his statement and stated that the report of the offence which was given to him by the Police Patil was handed over by him to the Police Sub-Inspector at 5-30 am. on 1st October 1958.

Sent requisite crime forms duly filled in to Modus Operandi Bureau. Head Constable Shankar Govind, B. No. 465, returned from the Civil Hospital with the post mortem notes, certificates of injuries sustained by the complainant, his son Ramchandra, nephew Govind and accused Shankar and Sampat, and with the control samples of hairs collected from the deceased. The injuries in the certificates tallied with the injuries mentioned in the panchnama concerned. In the post mortem notes the Civil Surgeon, Nasik, had opined that the death of deceased Jayant was "due to haemorrhage and a fracture of the skull as " result of an injury On the head."

Obtained sanction from the Sub-Divisional Police Officer, Nasik Rural Division, for sending the bloodstained articles and clothes to the Chemical Analyser, Bombay, and hairs and cartridge cases to the Forensic Laboratory, Bombay, for examination.

Received an order from the Judicial First Class Magistrate, Nasik, granting seven days' remand in Police custody in the case of accused Bhikya Gendya and three others, who had been sent to him.

In all property worth Rs. 2,000 has been recovered, including property worth Rs. 400 attached on 1st October 1958. So far six accused have been arrested, including the two arrested on 1st October 1958. One culprit named Gangaram Tukaram Bhil is still to be arrested.

Investigation in progress.

Copies submitted to the Sub-Divisional Police Officer, Nasik Rural Division, and Circle Police-Inspector, Nasik Rural Division, on 3rd October 1958.

CAMP SATPUR.

(Sd.) * * *
P. S. I., Nasik Talulka,

3rd October, 1958

70/8

- (b) 6 a.m. to 6 a.m... (1) Complainant :- Yeshwantrao Sambhaji Patil of Satpur
(c) Satpur, Anandvalli, Girnare (2) P.S. : Rs.2000.00- gold ornaments and C.N.
Nasik. P.R.: Rs.2000- gold ornaments and C.N.
(3) Accused :- Shankar Tukaram Bhil and five others on 7 days
remand in Police Custody from 2nd October, 1958.

Closely questioned accused (1) Shankar Tukaram Bhil (2) Sampat Tukaram Bhil, (3) Bhikya Gendya Bhil (4) Sonya Gendya Bhil (5) Nanya Chendya Bhil and (6) Devji Chendya Bhil, and confronted them with one another. All Bhil of Gangapur, taluka Nasik, who was absconding with a D.B.B.L gun. They stated that his whereabouts were not known to them. Shankar Tukaram Bhil further disclosed that the canvas shoe and pugree found on the scene belonged to him. He offered to point out the other canvas shoe which was buried by him in the nallah adjoining Mahady Nana Patil's field. Recorded the statements of all the accused.

In the presence of the *panch* Shankar Tukaram Bhil showed a place in the nallah adjoining Mahadu Nana Patil's field and took out one canvas shoe which was buried by him in the sand. It was found to be one of a pair with the canvas shoe attached from the scene of offence. The canvas shoe worth Re.0.50 nP, produced by Shankar was, therefore, attached under a *panchanama*.

Deputed Policemen in search of absconding accused Gangaram Tukaram Bhil to Gangapur and surrounding villages.

Sent all the arrested accused under proper escort to the Police Station and went to Anandvalli with the attached pair of canvas shoes, the pugree and the blood-stained axe.

Showed the attached property to Vyankat Tulsiram, Police Patil of Anandvalli and village servant Pundlik Maruti Koli of Anandvalli. Both of them identified the blood-stained axe as belonging to accused Somya Gendya Bhil of Anandvalli and stated that it was made by fronsmith Pandu Ganapat Lohar,

who identified it as belonging to accused Somya Gendya Bhil of Anandvalli and stated that the same was made by him two years back at Somya's instance. Accordingly recorded statements of (1) Vyankat Tulshiram, Police Patil, 2) Pundlik Maruti Koli and (3) Pandu Ganpat Lohar, all of Anandvalli.

As there was a likelihood of finding the D. B. B. L. gun used in the commission of the offence in one of the houses of the accused Bhikya Gendya, Somya Gendya, Nanya Chendya and Devji Chendya, Bhils of Anandvalli, recorded the grounds for searching their houses and sent a copy of the same to the Judicial First Class Magistrate, Nasik. Searched the houses of the above four accused in the presence of the panch, out nothing incriminating was found. Drew up panchnamas accordingly.

Immediately proceeded to Gangapur and continued inquiries about the absconding accused Gangaram Tukaram Bhil of Gangapur. He was, however, not traced in Gangapur. Obtained his description.

In the inquiries it transpired that accused Shankar Tukaram Bhil was working as a servant with one Harchand Totaram Patil of Gangapur. Hence called Harchand Totaram Patil and showed him the attached pair of canvas shoes and the pugree. He identified both the articles as belonging to his servant Shankar Tukaram Bhil and stated that he had disappeared from the village on the evening of 30th September 1958. Recorded his statement.

Arrived at Nasik and arranged to take finger impression slips of all the arrested accused. As all of them are willing to make confessions about the commission of the offence, sent them to the Judicial First Class Magistrate, Nasik, with a report requesting him to record their confessions (Section 164. Criminal Procedure Code).

Sent letters to the Police Sub-Inspectors of neighboring Police Stations for tracing the absconding accused Gangaram Tukaram Bhil of Gangapur.

Investigation in progress.

Copies submitted to the Sub-Divisional Police Officer, Nasik Rural Division, and Circle Police Inspector, Nasik Rural Division, on 4th October 1958.

CAMP NASIK:

(Sd.) * * *

P. S. I., Nasik Taluka.

6th October 1958

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b) 8 a.m. to 11 a.m. ...

(1) Complainant: Yeshwantrao Sambhaji Patil of Satpur.

(c) Nasik ...

(2) P.S.: Rs. 2,000. gold ornaments and Currency Notes.

P. R.: Rs. 2,000-00-gold. ornaments and Currency Notes.

(3) Shankar Tukaram Bhil and five others I on seven days remand in Police custody from 2nd October 1958 and returned to Magisterial custody from 3rd 1 October 1958.

L-S(K)1764-40

The Policemen deputed to Gangapur and surrounding villages returned and reported that absconding accused Gangaram Tukaram Bhil of Gangapur was not traced and that his whereabouts were not known.

It was learnt that all the six accused who had been forwarded to the Judicial First Class Magistrate, Nasik, on 3rd October 1958 had made their confessions on 5th October 1958. Obtained copies of confessions.

As there was sufficient evidence against accused (1) Shankar Tukaram Bhil, (2) Sampat Tukaram Bhil, (3) Bhikya Gendya Bhil, (4) Somya Gendya Bhil, (5) Nanya Chendya Bhil and (6) Devji Chendya Bhil, sent a charge-sheet against them to the Judicial First Class Magistrate, Nasik, within the remand period (Section 170, Criminal Procedure Code). Descriptive rolls of the accused persons were attached to the charge-sheets.

Supplied copies of all documents including that of charge-sheet for the use of each accused separately and sent one set of copies to the trying Court.

Gave intimation to the complainant in the prescribed form about the disposal of the case [Section 173 (1) (b), Criminal Procedure Code].

Made arrangements to send the blood-stained clothes and articles to the Chemical Analyser, Bombay and hairs and cartridge cases to the Forensic Laboratory, Bombay, for examination.

Accused Gangaram Tukaram Bhil of Gangapur has been shown as absconding in the charge-sheet. Enquiries to trace him are being continued vigorously.

A supplementary charge-sheet will be sent against him in case he is traced.

Submitted a report to the District Superintendent of Police, Nasik, with a request to make arrangements for publishing the description of absconding accused Gangaram Tukaram Bhil of Gangapur in the Bombay Police Gazette and the District Police Gazette. The absconder's name has been noted in the Police Station Absconders' Register. A note has been taken for taking action against him under Sections 87, 88 and 512, Criminal Procedure Code, in case, he is not traced.

Head Constable Girnare Outpost, has done good work in the investigation of the case. Copies submitted to the Sub-Divisional Police Officer, Nasik Rural Division and Circle Police Inspector, Nasik Rural Division, on 7th October 1958.

CAMP NASIK:

(Sd.) * * *
P.S.I.Nasik Taluka.

20th October 1958

- (a) 4 to 5 p.m. ... (1) Complaint: Yeshwantrao Sambhaji Patil of Satpur.
- (b) Nasik ... (2) P. S.: Rs. 2,000-- gold ornaments and Currency Notes, P.R.: Rs. 2,000 -- gold ornaments and Currency Notes.
- (3) Accused: Shankar Tukaram Bhil and five others already sent up on 6th, October 1958.

Received a certificate from the Chemical Analyser Bombay, with the report of the Serologist, in connection with the blood-stained articles sent to him for examination, to the effect that human blood was detected on the dhoti, the shirt, the axe and the earth, and that the blood on all the articles belonged to the same group as that of the deceased. . Also received certificate from the Forensic Laboratory in connection with hairs to the effect that the hairs attached from the axe tallied with those attached from the deceased and the hairs attached from the bamboo sticks and the pugree tallied with those attached from accused Shankar Tukaram, and that the cartridge cases were fired from a 12 bore D. B, B. L. gun.

The articles sent to the Chemical Analyser and Forensic Laboratory, Bombay, have been received back.

Inquiries about the absconding accused Gangaram Tukaram Bhil of Gangapur were continued through subordinates Policemen and the Police Sub-Inspector of neighboring Police Stations but to no effect. Inquiries about him through informants are in progress.

Copies submitted to the Sub-Divisional Police Officer, Nasik Rural Division, and Circle Police Inspector, Nasik Rural Division, on 21st October 1958.

CAMP NASIK:

(Sd.)* * *
P. S. I., Nasik Taluka.

L-S(K)1764-40-a

Rule 256.(1)

Advisory Board to revise the sentences of long-term prisoners

Introductory

The Indian Jails Committee, in paragraphs 452 to 454 in Chapter XVI of their report, made proposals for the introduction of a system of periodical re-vision of long-term sentences. Both the Government of India and the state Government accepted the proposals. The principle underlying the proposals was that whilst a serious offence must call for a severe sentence, the trying Courts have insufficient means at their command for nicely judging the import of their own sentences. The real severity of a sentence must largely depend upon the idiosyncrasy of a prisoner or his nature and antecedents. The ultimate effect of the sentence is a matter only to be judged by experience. Modern penology recognizes that imprisonment should be not merely an instrument for exacting the retribution demanded by society, but should also be used for the reformation of the convict, and, this reformative element may manifest, itself in some cases more speedily and plainly than in others. Here there is scope for an Advisory Committee who on the records of the man's behavior in jail and, if 'necessary, on his demeanor before them, supplemented by the record of the crime for which he has been imprisoned and by such enquiries as may be necessary into his antecedents before his conviction, can assess the actual severity of the sentence and judge how far it has a salutary and reformative influence. The convict's old age, infirmity or any serious ailment can also be taken into consideration by the Advisory Committee.

Constitution of Advisory Committees

2. An Advisory Committee is set up at the headquarters of every district in which long-term convicts are imprisoned. It consists of the District Magistrate, Sessions Judge, District Superintendent of Police and two nominated local members, subject to the proviso that when either the Deputy Inspector-General of Police of the Range or the Deputy Inspector-General of Police, Criminal Investigation Department, can arrange to attend, he shall be a member of the Committee instead of the District Superintendent of Police. The appointments of the two nominated local members shall be made for a period not exceeding three years. The President shall be the District Magistrate or the Sessions Judge, according to seniority.

3. In Greater Bombay, the Advisory Committee consists of the Chief Presidency Magistrate as President, the Commissioner of Police, Bombay, and two nominated local members whose appointments shall be made for a period not exceeding three years.

Arrangements for the revision of sentences

4. The Advisory Committee will meet every six months to review the sentences of all convicts. The cases of all non-habitual prisoners should be brought before the Committee on completion of half of their sentences (i.e. after 7 years in case of life convicts of years) including remission,

and, in no case later, than five years. The, cases of habitual criminals should come up for review before the Committee when they have undergone two thirds of their sentences including remission. If the Committee recommends the premature release of a prisoner, the case of the prisoner shall be submitted by the Inspector General of Prisons for the orders of Government. If it decides not to make a recommendation for the immediate release of a prisoner, it shall order that the case of the prisoner should be submitted to it for consideration after an appropriate Period, which must not exceed three years.

Working and procedure of the Advisory Committee

5. Tri order that the necessary information may be laid before the Advisory Committee, the following procedure should be adopted. On the 15th February and the 14th August, the Superintendent of the Prison should make out a statement of all convicts whose sentences have fallen due for review according to the instructions contained in paragraph 4 above, since the last meeting of the Committee. The Advisory Committee will assemble as soon as possible agter the 28th February and 31st August, so that the meetings shall be held regularly in March and September. The Committee will consider with regard to each convict, except in the case of habitual prisoners, the information laid before them. The period of imprisonment undergone should include jail remission actually earned by the convict for work, conduct or special services, and the sentences should also include those in lieu of payment of fine.

7. At the time of admission to jail of a convict, excluding juveniles confined in the Yervada Central Prison, Ahmedbad Central Prison, and Yervada Female Jail, whose case will be eligible for review, the Superintendent should obtain a statement of his character and antecedents from District Superintendent should obtain a statement of his character and antecedents from the District Superintendent of Police concerned or in the case of Greater Bombay, from the Commissioner of Police, Bombay, and a copy of the judgment or heads charge to the jury from the convicting Court. When neither judgment nor heads of charge have been recorded in the case of the depositions in the Committing Magistrate's Court should be called for from the Clerk of the Court as soon as the sentence becomes ripe for revision.

8. When the sentllce is ready for review, the Superintendent of the Prison should obtain a definite recommendation for or against the release of the convict from the Commissioner of Police, Bombay, in the case of Greater Bombay, or from the District Magistrate of the district of which the convict is native, as well as from the District Magistrate of the district in which he, was convicted. Special reasons should be furnished by the Committee, if, it, recommends the release (a) of a convict in opposition to the opinion of the District Magistrate or of the Commissioner of Police, Bombay, or (b) of a

habitual convict. The recommendations of the Committee together with the documents of the prisoners recommended for release should be submitted to Government through the Inspector General of Prisons.

9. The Committee should not, as a rule, interview the prisoners, unless they have special reasons for wishing to see them (e.g., when release is pro-posed on the grounds of age or infirmity), or to ask them questions. The meeting of the Committee should be held in the Superintendent's office, and not in one of the jail barracks, and prisoners need not be informed, until the orders of Government are received, that their cases have been under consideration.

10. To enable the Criminal Investigation Department to supplement by means of their record and through the Finger Print Bureau the information contained in the reports furnished by the District Magistrates of convicts to be placed before the Advisory Committee, a duplicate copy of the statement referred to in paragraph 7 above should be furnished to the Chief Operator attached to the jail as early as possible before the date the Committee assembles.

11. The date of each meeting of the Advisory Committee when fixed should be intimated by the Superintendent of the Jail to the Inspector-General of Prisons, the Inspector-General of Police, the Deputy Inspector-General of Police, Criminal Investigation Department, the Superintendent of Police of the district and the Deputy Inspector-General of Police, Range, in which the jail is situated. In the case of jails in Greater Bombay the intimation should be sent to the Inspector-General of Prisons only.

12. While making references to the Police regarding the character and antecedents of long-term prisoners to be placed before the Advisory Committee, copies of finger impressions should invariably be furnished to the Police in all cases in which convicts are not sentenced under Chapter XII or XVII of the Indian Penal Code or for any of the offences for which finger impressions are usually taken.

Instructions to officers and Advisory Committee

13. In order to avoid a lack of uniformity in their recommendations, Government officers and members of Advisory Committees should study carefully the underlying principles of the system of premature release, embodied in the introductory remarks in paragraph 1 above.

14. The Advisory Committee and the District Magistrate supplying the information will recognize that action under these rules must be in no sense mechanical and that they must treat the question of release with the same seriousness with which they would treat the question of imposing a sentence. They must look to the nature of the original offence and to the propensities of the convict as displayed by it, to see whether even exemplary conduct in jail is a sufficient guarantee of continued good conduct outside of it. Offences which displayed cold-blooded deliberation and convictions imposed after a long career of crime will prima facie induce in the minds of the Committee a greater degree of caution than offences committed without premeditation or first convictions. While it is recognized that there is no class of crime in which it is impossible to distinguish degree of heinousness, it is not intended under any particular crimes from the review of the Advisory Committee,

but it will require a very strong case to induce Government to consider the release of persons convicted of systematic or organized crime or specially serious offences. The Committee will also be expected to consider whether, looking to the nature of the offence, the public conscience is likely to be shocked by any display of clemency in any particular case. Generally they will endeavour to strike a just balance between the proper demand of the public conscience for the punishment of the guilty and the undesirability of keeping truly repentant criminals who may on release be useful citizens a day in jail after that proper demand has been satisfied. In making the recommendations, the Committee will state whether in their opinion the release should be unconditional and, if not, what conditions they would recommend in each particular case.

15. The District Magistrates and District Superintendents of Police concerned are in a position to advise the Committee as to whether the release of any particular convict is objectionable from the district point of view. The details of the offence, the previous character of the convict and conditions in his home are before them and they can estimate whether his premature release is likely to be dangerous to the community or to shock the public conscience. It must be emphasized, however, that after the lapse of several years, local impressions gathered by subordinate officials from a new generation of men or from old enemies may not be an important and reliable guide. District officials must, therefore, investigate carefully the grounds on which they form their opinions and set them out fully. The Advisory Committees should carefully consider the opinions of the district officers and the grounds on which they are based.

16. But even if there is no local objection, it remains for the Committee to consider the idiosyncrasy of the convict, the nature and circumstances of his offence, the conduct of the convict while in prison, the reformatory influence of jail life on him and his age or physical condition and the reasonable probability or the reverse of the convict's becoming a peaceful and law-abiding citizen. In particular, the Committee will also take special note of those circumstances which were not within the knowledge of the Court when the sentence was awarded. While considering all these factors, the Committee should also bear in mind that Government will be reluctant to sanction the premature release of persons convicted of systematic or organized crime or specially serious offences.

Rule 256 (2)

Submission to Government of cases of life convicts and convicts sentenced to 15 years or more

The sentence of a life convict is considered to be 15 years actual imprisonment.

2. All life convicts and all convicts who have been given a total sentence of 15 years or more are released on completion of 15 years actual imprisonment except in the following cases:-

(a) Cases of prisoners whose conduct in Jail is considered as unsatisfactory for having committed serious assaults on fellow prisoners or prison, officials, etc.

(b) Cases of prisoners who have been prosecuted and convicted for an offence committed after admission to Jail under the Prisons Act or under the sections enumerated in Rule 781, Bombay Jail Manual.

(c) Cases of prisoners who are sentenced by Military Courts or by Courts outside the State of Bombay.

Cases of convicts referred to in (a), (b) and (c) not having been previously released on the recommendation of Advisory Committees, are referred direct to Government by the Inspector-General of Prisons at least 3 months before the completion of 15 year.

3. The principles followed by Government in ordering the release of life convicts are as follows:- A convict who has served for 15 years should normally be regarded as having expiated his offence and should be entitled to release. There are, however, two factors which must influence the final decision:-

a) Release must not be prejudicial to the safety or welfare of the public or individuals.

(b) Release must not be such as to impair jail discipline.

It will be noted that the nature or details of the offence are not per se relevant. After the convict has spent 15 years in jail, strong reasons must exist why the convict should not be released even conditionally, i.e. on a bond of good behavior, with or without sureties. The criterion is whether any danger to the public which may arise from the convict's release is so serious as to war-rant

his detention beyond the full normal period. In assessing this issue, local officers will be guided in making their recommendations by any special local circumstances which may have attended the crime and which may suggest a possibility of further serious crime, if the convict is released. If such a possibility exists, the suitability of conditional release should be considered when conditions are suggested, they should not be prohibitive so as to make it impossible for the convict to fulfill them. It is enough if they are calculated to deter the convict from committing any further crime.

4. When a local officer is opposed to release or recommends conditional release, a clear and concise statement of the facts should be submitted. In the main, conduct in jail will be relevant only in so far as it provides an index to the conduct of a convict on release. Misconduct in jail is punished under the jail rules and release will not be withheld on this account, unless the jail conduct of a prisoner is (a) so outrageous as to render any sympathetic consideration out of the question in the interests of jail discipline, or (b) Such as to indicate that the convict on release will be a danger to the public.

Rule 259 (1)

Extract from the Indian Aircraft Rules, 1920

10. General safety conditions -(1) No pilot shall fly an aircraft, and no person in charge of any aircraft shall allow it to be flown, over any city or town except at such altitude as will enable the aircraft to land outside the city or town in the event of the means of propulsion failing through mechanical break down or other cause;

Provided that this prohibition shall not apply within a distance of one mile from an approved aerodrome or a Government or Indian Air Force aerodrome.

(2) No person in any aircraft shall-

(a) carry out any trick flying or exhibition flying over any city, town area, or village site; or

(b) carry out any trick flying or exhibition flying over any regatta, race meeting or meeting for public games or sports or other public assembly, except where a request in writing for such flying has been received by such person from the promoters of any such assembly; or

(c) carry out any flying which, by reason of low altitude or proximity to persons or dwellings, is dangerous to public safety; or

(d) drop or cause or permit to be dropped from the aircraft any article except-

(i) ballast, the dropping of which is not prohibited by the provisions of sub-rule (13) of rule 49 of the Indian Aircraft Rules, 1920.

(ii) mails as may be authorized by the Director-General of Posts and Telegraphs, and

(iii) any other article the dropping of which may be permitted by general or special order of the President of India or an officer authorized by him by order in writing in that behalf;

Provided that separate sheets of paper containing printed matter only may be dropped in any place, if the written permission of the District Magistrate, or, in a Presidency town, of the Commissioner of Police be first obtained in each case.

49. *General rules-* (1) * * * * *

(13) The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

67. *General power to exempt.*-The President of India may by general or special order in writing exempt any aircraft or class of aircraft or any person or class of persons from the operation of these rules either wholly or partially, subject to such conditions, if any, as may be specified in such order.

Rule 260

Rules under Section 15 of the Ancient Monuments Preservation Act, VII of 1904, for admission to the Protected Archaeological Monuments

(1) No conferences, meetings, receptions, poetical symposia and other functions of a like nature are allowed within the protected area except with the written permission of the Government of India.

(2) No articles of food or drink are permitted to be brought inside the protected area except where certain portions have been earmarked for purposes of picnic.

(3) The cooking of meals within any part of the protected area is prohibited.

(4) Throwing cigarette and bid! ends, papers, leavings or any other rubbish in any part of the protected area, except in dust-bins, is prohibited.

(5) Fire-arms should not be discharged within the protected area.

(6) Music and Unseemly and noisy behaviour within the Protected area are prohibited.

(7) Plucking of flowers and spitting within the protected area are strictly prohibited.

(8) Dogs or any other animals are not allowed within the protected area.

(9) Trade of any description, save under licence and touting on behalf of shops or firms are prohibited within the protected area. The display of advertisement in any form is also prohibited.

(10) Writing, carving, colouring, discolouring, disfiguring and writing or inscribing on any part of the monuments are strictly prohibited.

(11) Motor-Cars and other vehicles including cycles are not allowed to enter within the protected area, except in portions reserved for the purpose.

(12) The staff on duty are paid servants of the Government and are responsible for the due observance of these rules. These are prohibited from demanding or taking any fee or gratuity from visitors.

(13) The Government of India, may, by special notification in the Gazette of India, impose fees for the entry within the protected areas and regulate the hours of the opening and closing thereof.

(14) Any person breaking these rules will be liable to punishment under the provisions of the Ancient Monuments Preservation Act, VII of 1904.

Rule 285

Rules under Section 8 of the Identification of Prisoners Act, XXXIII of 1920

- (1) *Short title*- These rules may be called the Bombay Identification of Prisoners Rules, 1936.
- (2) *Defination* – In these rules, unless there be anuthing repugnant in the subject or context:
 - (a) “Act” means the Identification of Prisoners Act, 1920.
 - (b) “Section” means a section of the Act, and
 - (c) words and expressions defined in tha Act shall have the meaning assigned to them in the Act.
- (3) *Taking of photographs or measurements*-Every person required to allow his photograph or measurements to be taken under SSection 3 or Section 4, shall allow them to be taken under the directions of a Police Officer.
- (4) *Place at which measurements and photographs can be taken*-(i) Measurements and photographs may be taken-
 - (a) in Jail, if the person whose photograph or measurements are to be taken is in jail;
 - (b) at a Police Station or at any other place at which the Police Officer may direct the taking of the measurements or photograph, if the person whose photograph or measurements are to be taken is in Police custody.
 - (ii) If the person whose photograph or measurements are to be taken has been released from jail before his measurements or photographs have or has been taken or is not in police custody, he shall, on receipt of an order in writing from an officer-in-charge of a Police Station, attend at such place as may be specified in such order, on the date and at the time stated therein, for the purpose of having his measurements or photograph taken.
- (5) *Restrictions on the taking of photographs*-(i) The taking of photographs under Section 3 shall ordinarily be restricted to persons having at least two convictions for an offence of the nature referred to in clause (a) of Section 3; but a person convicted of counterfeiting coins or currency notes, or of cheating, robbery or dacoity, or a person who has exhibited considered preparation or unusual skill in the commission of his first offence may be photograped after the first conviction.
 - (ii) Photographs under clauses (b), (c) and (d) of Section 4 shall ordinarily be taken only with the permission of the Commissioner of Police in Greater Bombay and of the Suprerintendent of Police elsewhere.
- (6) *Restrictions on the service of an order under Rule 4 for taking measurements and photographs again* – No person whose photograph or measurements have been once taken under Section 3 or 4 shall be required under Sub-Rule (2) of Rule 4 to attend at a Police Station or other place, to have such photograph or measurements taken again, unless such person again becomes liable under Section 3 or 4 to have his photograph or measurements taken or unless the photographs or measurements last taken are, in the opinion of the Deputy Inspector-General of Police, Criminal Investigation Department, the Commissioner of Police, Bombay, the officer-in-charge of the Finger Print Bureau, or of any other local Police officer, defective.

(7) Measurements how to be taken,-(i) Measurements of the whole or of any part of the body may be taken.

(ii) The measurements of a woman shall be taken by another woman with strict regard to decency.

(8) Method of taking measurements and photographs and their copies.- (i) As many copies of finger print impressions may be taken as are required in accordance with the departmental rules for the time being in force and as many copies of foot-print impressions may be taken as may, in the opinion of the Police officer taking them, be necessary for the identification of the person concerned.

(ii) Finger impressions shall be taken by applying printer's ink to the palmer surfaces of the fingers and thumbs above the first joint. and then applying the surfaces so inked to a paper form prepared so as to show the impressions of each finger or thumb in the space provided for it.

(iii) Foot-print impressions shall ordinarily be taken by applying printer's ink to the sole of the foot and then applying the inked surface to a sheet of paper and/or by tracing the outline of the foot, with or without shoes or boots, on a sheet of paper.

(iv) Photographs may be taken full face; side face, head, bust or full length.

(v) The person to be photographed, shall, when he is not in jail, be first identified by two reliable witnesses. He shall wear his ordinary clothes and shall be bare-headed or shall wear head gear, as required by the Police officer under whose direction the photograph is being taken. Such person may also be required to allow himself to be photographed wearing any other kind of clothes, if there is reason to suspect that he has worn such clothes for the commission of any offence.

(9) *Custody and disposal of photographs and/or measurements taken under section 5.*-When a Magistrate of the first Class or , Presidency Magistrate directs under Section 5 that any person shall allow his measurements or photographs to be taken, the measurements or photograph together with the negative and all copies thereof shall be handed over to the Magistrate giving such direction and shall remain the property of the Court, to be filed with the records of the Court or otherwise used as the Court may deem fit, and shall subject to the provisions of Section 7, be disposed of finally as the , Court may order.

(10) *Custody and disposal of photographs and /or measurements taken under Section 3.*- Photographs and measurements taken under Section 3, together with negatives and all copies thereof, shall be recorded and kept in safe custody in Greater Bombay by the Commissioner of Police, and elsewhere by the Deputy Inspector-General of Police Criminal Investigation Department, State of Bombay.

Spare copies of such measurements or photographs may be supplied to any Superintendent of Police or his subordinates within whose jurisdiction there is reason to believe that the person to whom the said measurements, or photographs relate has committed an offence.

(11) *Custody and disposal of further photographs and/or measurements:*-(i) Photographs and measurements taken under Section 4, together with all negatives and copies thereof, shall remain in the custody of the Police until

the completion of the investigation or until the case is finally decided and thereafter shall, subject to the provisions of Section 7, be disposed of as prescribed in sub-rule (ii).

(ii) The photographs and measurements-

(a) may, If the person to whom they relate is subsequently convicted, be retained by any of the following officers, names, the Deputy Inspector-General of Police, Criminal Investigation Department, State of Bombay, the Commissioner of Police, Bombay, the District Superintendent of Police or any of his subordinates within whose jurisdiction the person was either convicted or arrested, or is suspected to have committed an offence;

(b) shall be retained by any of the officers mentioned in clause (a), if proceedings of the nature mentioned in clause (a) and (b) of Section 4 have been taken against the person to whom they relate or if such person has been arrested under Section 55 of the Criminal Procedure Code or in connection with any offence specified in the schedule annexed to these rules and if the trying Court or, where the person is released without trial, in Greater Bombay the Commissioner of Police and elsewhere the District Magistrate so direct, for reasons recorded in writing;

(c) shall, if they are not retained under clause (a) or clause (b), be destroyed.

(12) *Reproduction of photographs and measurements in "Police Gazette", etc.*:-The Deputy-Inspector General of Police, Criminal Investigation Department, 'State of Bombay, or the Commissioner of Police, Bombay, may in his discretion, order the reproduction in the Police Gazette of photographs or measurements taken under these rules. All photozinc blocks prepared in connection with such publication shall remain in charge of the Deputy Inspector-General of Police, Criminal Investigation Department, State of Bombay.

(13) (a) A clerk in each Magistrate's Court should carefully take on a finger print slip a clear rolled thumb-impression of all persons convicted of offences under the Sections of the Indian Penal Code and other Acts mentioned in the Schedule and sentenced to imprisonment. The slip should show in a clear legible hand writing the exact details of conviction, date, Court, etc., and it should be duly attested by the Magistrate himself or a responsible officer of the Court. The slip should be then securely attached to the committal warrant and sent along with it to the Jail. The Jail authorities should enter the Jail admission number on the slip and hand it over to the Chief Operator on his visit to the jail.

(b) The Chief Operator should check the entry in the Jail Register with it and after taking; the convict's impressions as at present attach the slip to the finger impressions slip and send both to the Finger Print Bureau where the 'thumb-impression and details of conviction on the Magistrate's slip will be tallied with those on the Chief Operator's slip to see that no error has occurred.

SCHEDULE

PART I

Schedule of Finger Print Bureau Sections under which Finger Impression Slips are recorded in the Central Finger Print Bureau of the Government of India and in the Finger Print Bureaux of Bombay State.

(1) All persons convicted of offences under Chapters XII and XVII, Indian Penal Code which are punishable with rigorous imprisonment, for a term of one year or more.

(2) All persons convicted of any offence under Chapter VI, Indian Penal Code, or of sabotage and subversive activities against State.

(3) All persons convicted of offences under Sections 170, 302 and 304 (Murder for gain), 328, 338, 465 to 477-A, 489-A to 489-D, Indian Penal Code.

(4) All persons convicted under the Arms, Opium and State Excise Acts who are suspected to be smugglers in Arms, Opium or Dangerous drugs as defined in the Dangerous Drugs Act (Act II of 1930) or entailing enhanced punishment on reconviction (viz. Sections 65, 66, 68, 69 and 85 of the Bombay Prohibition Act of 1949).

(5) All persons convicted of smuggling gold, currency and valuable articles under Foreign Exchange Regulation Act VII of 1941.

(6) All persons ordered to execute bonds under Sections 109 and 110, Criminal Procedure Code. (For offences against property only).

(7) All traffickers in women and children who are convicted under Sections 363 to 373, Indian Penal Code.

(8) All persons convicted under Section 5 of Act LXXIV of 1950 for unlawful possession of telegraph wires.

(9) All persons convicted under Sections 3 of ordinance XIX of 1944 for unlawful possession of Railway Stores.

(10) All professional criminals and persons of dangerous character externed from any area under any State Act (Sections 55, 56 and 57 of Bombay Police Act, 1951).

(11) All foreigners externed under Foreigners Act, XXXI of 1946.

(12) All approvers in gang, dacoity and criminal conspiracy cases.

(13) All persons suspected of being professional important criminals and persons of notoriously criminal reputation who habitually absent themselves from their homes and are believed to travel to other States for the purpose of committing crime and who have been arrested by Police and whose Finger Prints have been taken even if they are acquitted provided that in case of acquittal permission for record for Finger Prints is obtained from the Court under Section 7 of Act XXXII of 1920.

(14) All persons convicted for attempt or abetment (Section 511 or 109/114, Indian Police Code) and criminal conspiracy (Section 120-B, Indian Penal Code,) for offences mentioned in this Schedule.

(15) All Indian Nationals convicted outside India of any offence for which Finger Prints have been received at the State Bureau from those countries.

(16) All international criminals and absconders whose Finger Prints are sent to the State Bureau from countries outside India.

(17) All persons convicted under explosive Substances Act (Act VI of 1908).

(18) All persons convicted under the Official Secrets Act (Act XIX of 1923).

(19) All persons / convicted under Sections 101, 126 and 128 of the Indian Railways Act (Act IX of 1890).

(20) Any other persons whose finger prints are ordered to be maintained by the Government of India from time to time subject to the provisions of the Identification of Prisoner's Act (Act XXXIII of 1920).

PART II

Schedule of Finger Print Bureau Sections under which Finger Impression Slips are recorded in the Finger Print Bureaux of the Bombay State only

Indian Penal Code

CHAPTER VIII

Section: 147

CHAPTER XVI

Sections: -307, 308, 311, 324, 325, 326, 327, 329, 332, 333, 342, 343, 344, 345, 346, 347, 348, 353, 356, 357, 376 and 377.

Criminal Procedure Code

Sections:-108, 562 and 563.

Act XXXI of 1946

(1) Orders passed against all foreigners under India Act XXXI of 1946.

(2) *Foreigners' Act 1946.*

Sections 3 and 4 of the above Act.

Indian Arms Act

Sections 19 and 20.

Bombay Prevention of Gambling Act.....

Sections: -4, 5 and 12. (If the offence consists of wagering or betting)

Regulation Act, XII of 1827,

Section: -27.

The Beggars Act, XXIII of 1945

Sections: -4 (For search only), 5(5), 6 and 9.

The Suppression of Immoral Traffic in Women and Girl's Act, C. IV of 1956

Sections: -3, 4, 5, 6, 8 and 9.

The Bombay Police Act, XXII of 1951.

Sections :-118(1), 122, 135(i), (ii) and (iii).

Bombay Habitual Offenders Act, of 1959

Sections:-18, 19 and 20.

Finger Impression Slips of all members restricted under the Habitual Offenders Act should be sent to the Finger Print Bureau record.

Untouchability Offences Act, 1955

Sections:-3, 4, 5,,6 and 1.

Bombay Prohibition Act, XXV of 1949

Sections: -67, 72, 83, 93, 95 and 97.

Dangerous Drugs Act, II of 1930

CHAPTER III

(3) It is ordinarily not necessary to take identification marks of persons belonging to non-criminal categories for instance persons concerned in offences relating to "Satyagraha" or such movements. It is not possible to define with precision the categories-criminals and non-criminals and as such in cases of doubt specific instructions of Government should be obtained.

Finger impression slips of persons convicted of an offence under section 135(iii) of the Bombay Police Act 1951 and 118(1) of the said Act.

APPENDIX XXVIII

Rule 292 (20)

THE EIGHTH SCHEDULE

*(See Section 71).***Limits of Speed for motor vehicles**

Class of Vehicle	Maximum Speed per hour miles.
(1) If all the wheels of the vehicle are with pneumatic tyres and the vehicle is not drawing a trailer-	
(a) if the vehicle is a light motor vehicle or a motor cycle.	No limit.
(b) if the vehicle is a medium motor vehicle.	35
(c) if the vehicle is a heavy motor vehicle and a public service vehicle.	30
(d) if the vehicle is a heavy motor vehicle but not public service vehicle.	25
(2) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of the drawing vehicle and the trailer are fitted with pneumatic tyres-	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 1,700 pounds avoirdupois.	35
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 1,700 pounds avoirdupois.	30
(c) if the vehicle is a medium motor vehicle	25
(d) if the vehicle is a heavy motor vehicle	20
(3) Any case not covered by entry (1) or (2).	15

COMMON TRAFFIC OFFENCES
Under Motor Vehicle Act, 1939 and Bombay Motor Vehicle Rules 1959

Nature of offence	Section of the Act or Rules applicable
<i>(1) Over-loading.</i>	
(a) Over-loading of Goods Trucks.	Section 72 (3)/124 Motor Vehicle Act.
(b) Carriage of more passengers than specified in the permit in a contract carriage, i. e., taxies.	Rule 26 (20)/Section 112.
(c) Carriage of excess passengers than the seating capacity in public service vehicles i.e., passenger bus.	Rule 36 (viii)/Section 112.
<i>(2) Speeding.</i>	
(a) Exceeding & the maximum speed limit provided in the Eighth Schedule for motor vehicles.	Section 71(1)/115 Motor Vehicle Act.
(b) Exceeding the speed limit imposed by District Magistrate on certain roads or on portion of such roads.	Section 71 (2) 115 Motor Vehicle Act.
<i>(3) Motor Driving Licences</i>	
(a) Without motor driving licence or with expired motor driving licence or without a licence applicable to the vehicle.	Section 3/112 Motor Vehicle Act.
(b) Driving with expired temporary licence.	Rule 15 (2)/Section 112.
(c) Non-production of Motor Driving licence for examination by any Police Officer in uniform.	Section 86 (1)/112 Motor Vehicle Act.
(d) Allowing a licence to be used by another person.	Section 6 (2)/112, Motor Vehicle Act.
(e) Driving when, disqualified.	Section 18/112 Motor Vehicle Act.
<i>(4) Insurance and Fitness Certificates</i>	
(a) Without insurance certificate or with expired insurance certificate.	Section 94/125 Motor Vehicle Act.
(b) Non-production of insurance certificate on being so required by a Police officer in uniform.	Section 105/112 Motor Vehicle Act.
(c) Without certificate of fitness of transport vehicle.	Section 38/112 Motor Vehicle Act.

Nature of offence	Section of the Act or Rules applicable
<i>(5) Registration Certificate</i>	
(a) Driving an unregistered vehicle	... Section 22/123 Motor Vehicle Act.
(b) Non-production of certificate of registration on demand by Police Officer in uniform.	Section 86(1)/112 Motor Vehicle Act.
<i>(6) Permits</i>	
(a) Without a permit authorising the use of a motor vehicle (transport vehicle) in any public place.	Section 42/123 Motor Vehicle Act.
(b) Driving a vehicle in contravention of this conditions of" permit.	Section 42/123 Motor Vehicle Act.
(c) Carrying fare-paying passengers in a private motor vehicle without a permit.	Section 42/123 Motor Vehicle Act.
(d) Carrying excess unauthorised persons in Goods vehicles than permitted.	Rule 118(1)/Section 112.
(e) Carrying excess persons in a delivery van.	Rule 118(1)/Section 112.
(f) Carrying more animals than prescribed in a transport vehicle. (2 sq. ft. for each goat, sheep, dear or pig and 21 sq. ft. for per head of cattle and speed 15 M.P.H.).	Rule 91/Section 112.
<i>(7) Defects in Construction, equipment of a motor vehicle.</i>	
(a) Using a vehicle in unsafe condition in any public place.	Section 121/112 Motor Vehicle Act.
(b) Using defective vehicle in any public place.	Section 121/Section 112 Motor Vehicle Act and Rule 145/Section 112 Motor Vehicle Act.
(c) Driving a vehicle without proper lights in front and in the rear as prescribed during night time.	Rule 146/Section 112.
(d) A motor vehicle not fitted with proper brakes as prescribed.	Rule 147/Section 112
(e) a motor vehicle, other than a motor cycle, without power of reversing.	Rule 148/Section 112
(f) driving a motor vehicle without a horn as prescribed.	Rule 149(1)/Section 112
(g) fitted with a horn living, an unduly harsh and shrill noise.	Rule 149(2)/Section 112.
(h) without a bulb horn for a transport vehicle.	Rule 149(4)/Section 112.

Nature of offence	Section of the Act or Rules applicable
(i) driving a motor vehicle with noisy silencer.	Rule 150/Section 112
(j) a private motor vehicle without a mirror fitted internally or externally.	Rule 151/Section 112
(k) a transport vehicle without a mirror fitted externally.	Rule 151/Section 112
(l) undue noise caused by a transport vehicle when in motion.	Rule 153/Section 112
(m) Glasses of the front wind-screen side and rear windows not clear.	Rule 155/Section 112
(n) Wind screen wiper not clear.	Rule 156/Section 112
(o) Pneumatic tyres of a vehicle not in good and sound condition.	Rule 158/Section 112
(p) No partition by the side of the driver's seat for transport vehicles and public service vehicles. respectively.	Rule 211(1)/Section 112 Rule 183(2)/Section 112
(q) Damaged body of the Goods vehicle.	Rule 209/Section 112
(r) without wooden chokes for goods vehicles.	Rule 210/Section 112
(s) Non-exhibition of particulars on a transport vehicle as prescribed. ,	Rule 49/Section 112
(t) non-exhibition of registration marks i.e., number plates, clearly and legibly.	Rule 47(2)/Section 112
 (8) <i>Other Breaches of Regulations.</i>	
(a) acting as a conductor or a stage carriage without a conductor's licence.	Section 21-A / Section 112
(b) refusal by the driver of a goods vehicle to take the vehicle on a weigh bridge.	Section 73/Section 112 or Rule 260(2)/Section 112.
(c) wrong parking of motor vehicles in any public place.	Section 76/Section 112.
(d) not driving in confirmity with "mandatory traffic signs" included in Part A of the Tenth Schedule of the Motor Vehicle Act.	Section 78/Section 112.
(e) committing breach of "Driving Regulations" set forth in the Tenth Schedule of the Motor Vehicles Act.	Section 78/Section 112.

Some of the common offences are as below:-

- (i) Driving through the centre of the road and not keeping to the left.
- (ii) overtaking a vehicle in front in a dangerous manner thereby causing danger to other traffic.

Nature of offence	Section of the Act or Rules applicable
iii) overtaking a vehicle in front on a curve or corner or on a hill or at road junctions.	
(iv) increasing the speed of vehicle when being overtaken by another vehicle and thereby preventing to be over-taken and causing danger to other traffic.	
(v) not decreasing the speed of the vehicle at road intersections, road junctions or road corners thereby causing danger to the other traffic.	
(vi) not giving way to traffic on right on approaching road inter-section or if the road entered upon is a main road, not giving way to all traffic thereon.	
(f) not showing proper and correct signals set forth in the Eleventh Schedule of the Motor Vehicles Act.	Section 79/Section 112.
(g) any motor vehicle with left hand steering control not equipped with mechanical or electrical device.	Section 80/Section 112.
(h) Leaving a vehicle in a dangerous position on any road.	Section 81/Section 113.
(i) riding on running board of a vehicle	...
(j) Stationary vehicles in any public place without an attendant.	Section 82/Section 112. Section 84/Section 112.
(k) carrying a person on the petrol tank of a two wheeled motor cycle or carrying more than one pillion' person.	Section 85/Section 112.
(l) refusing or failing to produce a licence not stopping the vehicle when required to do so by the police officer in uniform.	Section 87/Section 112
<i>or</i>	
when required to do so by any person in, charge of an animal if such person apprehends that the animal is or being alarmed by the vehicle.	Section 87/Section 112.
<i>or</i>	
when Involved In an accident to a person, animal, vehicle or to a property etc.	Section 87(1) (c)/Section 118-A.

Nature of offence	Section of the Act or Rules applicable
(m) not securing medical attention or not giving information to the Police in case of accident.	Section 89/Section 118 A.
(n) obtaining or applying for a licence without giving particulars of endorsements,	Section 114
(o) driving at excessive speed.	Section 115.
(p) driving while under the influence of drink or drugs.	Section 117(COG.).
(q) driving when mentally or physically unfit to drive.	Section 118.
(r) taking part in unauthorised race or trial of speed.	Section 120.
(s) Taking away vehicle without authority.	Section 126(COG).
(t) Carrying on a person in goods vehicles upon the goods at a height exceeding ten ft. from the surface upon which the vehicle rests.	Rule 118(4)/Section 111.
(u) more than one person by the side of the driver's seat in goods vehicle.	Rule 83/Section 112.
(v) dangerous projection of load in any motor vehicle exceeding four ft. beyond the rear most part of the vehicle. In case of poles, six feet. height exceeding from eleven ft. from the surface upon which the vehicle rests.	Rule 266/Section 112.
(w) carrying a person or load on a cabin of a vehicle.	Rule 118 (4)/Section 112.
(x) excessive sounding of horns or other device fitted to a motor vehicle.	Rule 268 (1)/Section 112.
(y) causing danger or inconvenience due to dazzling lights of the motor vehicle.	Rule 272/Section 112.

APPENDIX XXIX

Rule 341 (1)

Model provisional notification under the Public Conveyances Act

A (1) No. _____ Whereas it is proposed to extend the provisions of the Bombay Public Conveyances Act, VII of 1920, to _____ ; _____ And whereas it is proposed to appoint the District Superintendent of Police, to perform the duties by the said Act assigned to the Commissioner of Police;

Now, therefore, the following draft of certain tables of fares, list of stands and subsidiary rules made by the District Superintendent of Police, is published for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the _____ day of _____ 19

Table of Fares by distance

* * * * *

Table of Fares by time

* * * * *

List of Stands

* * * * *

Subsidiary Rules

1. In these rules-

(a) "Public Conveyance" means _____ ; and

(b) "Day" means the period from sunrise to sunset.

2. No pony shall be used in a licensed conveyance, if below 12.2 hands in height.

3. The number of passengers excluding the driver and the weight of the luggage allowed to be carried in addition to the full number of passengers shall not exceed the limit laid down below:-

Description of Vehicle	Number of passengers excluding the driver	Weight of luggage allowed to be carried in addition to the full number of passengers.	Remarks
1	2	3	4

In reckoning the maximum number of passengers, children in arms shall not counted Two children, not being children in arms but each bei11i under the age of 12, shall count as "one passenger.

4. The fares shown in the table are for the Use of the conveyance, whether the full number of passengers is carried or not.

5. The fares shown in the table are for the single journey. For a return journey the fare shall be half that for the single journey, provided that the period of detention at the end of the outward journey does not exceed half an hour. If it exceeds half an hour, the driver shall be entitled to charge annas extra for every hour or part of an hour of detention, in addition to the half fare for the return journey.

6. If a public conveyance engaged for the day be retained after sunset, the rates per hour for every hour of such retention shall be payable in addition to the rate for the day.

7. In any case in which the public conveyance is called from a stand or the owner's stable to any place distant more than half a mile from such stand or stable, the driver shall be entitled to charge annas in addition to the prescribed fare. The driver is also entitled, in addition to the prescribed fare, to a fare of annas for each quarter of an hour of detention by the hirer at the commencement or end of a journey beyond the time necessary for the journey.

8. The driver is not bound to carry in his conveyance any goods other than, personal luggage.

9. The horses or ponies used in a licensed conveyance shall be changed at each of the stages specified below: -

* * * * *

10. An interview of at least four hours shall be allowed to elapse before horses or ponies which have been driven one stage are used again.

11. All tolls shall be payable by * * *

12. All conveyances shall be supplied with two clear burning lights during the period between half an hour after sunset and half an hour before sunrise.

13. Licensees of public conveyances shall, when the yearly licenses and numbers are renewed, bring their conveyances and horses or ponies to the office of the District Superintendent of Police or to anyone authorized by him in this behalf for inspection, and shall satisfy him that the conveyances, horses, ponies and harness are in all respects in sufficiently good order and otherwise fit for the purpose intended, and that the drivers are clean, steady and capable.

14. Every driver shall, when engaged in his occupation, be cleanly and decently clothed.

B (1) No _____Whereas it is proposed to extend the provisions of the Bombay Public Conveyances Act, VII of 1920, to-_____;

Now, therefore, the following draft of a revised table of fees for licenses under the said Act in_____ is published for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the_____day of _____19 .

Table of fees for licenses to be issued under Act VII of 1920

Kind of Conveyance *	*	*	*	*	*	*
Rate of fee *	*	*	*	*	*	*

Rs. nP.

APPENDIX XXX**Rule 450****PART I-CRIME AND METHOD INDEX OR THE MODUS OPERANDI SYSTEM.**

1. Some officers are now trained at the Modus Operandi Bureau, Bombay, and some districts have adopted systems of Modus Operandi Bureau which they consider suitable. It must be remembered, however, that there is only one underlying principle in the system which is to have a proper index of criminals for ready reference, and the difference lies only in details. Though conditions may vary slightly in the countryside and the cities, a uniform system is both feasible and necessary in the interests of easy working and co-operation between different units of the Police Force. The following orders are, therefore, issued :-

2. The basis of all Crime Indexing will be the Main Record Card, white coloured and 13 X 8 inches in size as per accompaniment 'A'. It will have photographs of criminals where available in the middle, front and profile. Where photos are not available, the space will be left blank. All particulars regarding the criminal will be filled in the columns provided in clear block letters or typewritten. The cards should be sufficiently thin to allow their being mounted on a typewriter. This card, containing as it does all the essential information about a criminal, will constitute a complete record of the activities of the person to whom it relates. This form of card will be adopted at Police Stations, District Modus Operandi Bureau, C. I. D. M. O. B. and in Bombay City. If the space provided for any heading is insufficient for any of the entries, they should be made on plain paper of the same size as the Main Card and attached to it by a string tag. The number of the headings in the Main Card should only be written and the entry continued. Finger prints or single finger prints where available should also be similarly attached to the Cards. The card should be placed in a brown paper cover to prevent its wearing out early and the name, reference number of Police Station and District M. O. B. No. should be written on the outside cover.

3. Crime Index at a Police Station in urban areas;-

There are the following Crime Records at a Police Station at present :-

1. Police Station Conviction Register.
2. Known Criminals Register.
3. Surveillance Register.
4. Absconders' Register.
5. History Sheets.

In practice, it is found that the same information is some times duplicated in these registers. With a view to simplify the writing work at Police Stations and also make all the information readily available, It is proposed to introduced the writing of the Main Record Card as mentioned above at Police Stations. The Village Crime Note-books, Parts I to IV and the Police Station Conviction Register will continue to be maintained as at present. Numbers 2 to 5 above will be replaced by the Crime Record Index consisting of Crime .

Record Cards. The Officer-In-charge of the Police Station will be responsible for preparing Main Crime Record Cards of all criminals residing within the Police Station having two or more convictions for theft and one conviction for any other offence of the class mentioned below. The cards will be numbered serially as they are prepared and maintained in that order, Cards of Surveillees and Absconders being, however, kept in separate groups but in the order of serial numbers. All the names including aliases will be indexed by smaller name Index Cards as at Appendix C-1, containing information regarding age, height, birth place, classification, aliases, etc. The reference number of the Main Record Card. will also be mentioned. Criminals of the following categories will figure on the Crime Index: -

1. Thieves.
2. House breakers.
3. Robbers.
4. Dacoits.
5. Receivers.
6. Cheats.
7. Persons committing criminal breach of trust.
8. Counterfeiters and utterers of coins and currency notes.
9. Surveillees.
10. Absconders.

Persons having technical convictions for any of the above offences should not and a place in the record, if there is no over-riding criminal intention in the commission of the crime like removing property in the furtherance of a civil claim. Traveling criminals who are active in the Police Station should be included in the Index. As soon as an absconder is traced and convicted, his Card should be transferred to the appropriate place in the General Index. Similarly, if any of the criminals from the General Index absconds, his Card should be transferred to the absconders' group till he is traced. If any of the criminals leaves the Police Station to reside permanently at another place, his Card should be transferred to the Police Station of his new place of residence. The surveillance group should include persons, who, though they may have no convictions, require to be watched, like persons who are subjected to orders under sections 565 and 401 Criminal Procedure Code, persons bound over under the Security sections of the Criminal Procedure Code, persons who have been approvers in any case, and all others who require in the opinion of the Police Station Officer a close watch. The responsibility for maintaining the Crime Index will rest entirely on the Police Station Officer and no orders of any superior officer will be necessary to enter or delete any names in the Index. The actual entries can be made by any Police Officer. Superior Police Officers are expected to take interest in the maintenance of the Index and to see that they are properly maintained by a reference to the Crime

Registers. They should make no entries, however, on the Crime Records as at present like "Requires" watching, "Shows no improvement", etc. which are largely without point and mostly routine. Actually, the system of surveillance as it exists at present is without legal authority and more grandiose than real and useful.

The Police are in duty bound, and in the interest of efficient detection of crime, to keep their eyes on all anti-social elements and the classification 'surveillee' is only Intended to mark out the more active of the criminals. The serial number and the District and C. I. D. M. O. B. No. if any, should be mentioned in the card and in the remarks column of the Police Station Conviction Register.

4. District, State C. I. D. and Bombay City M. O. B. The Local, Crime Branch or the Bombay C. I. D. and the State C. I. D. will each maintain a Card Index and M. O. B. System in the same manner and for the same types of criminals as for a Police Station as described above covering the area under their charge. It follows from the foregoing that the District M. O. Bs. will have the duplicates of all Cards maintained at Police Stations. With a view to trace criminals by a reference to their Modus Operandi, name or other peculiarities, these Bureau will, in addition, maintain the following indexes:

1. Name Index.
2. Modus Operandi Index.
3. Style and Trade Mark Index.
4. Marks and Peculiarities Index.
5. Transport Index.

A sub-classification for these indexes which is sufficient to meet all needs 1. attached at Appendix 'B'. If there is further need of a sub-classification, the Officer In charge of the Bureau can exercise his discretion. These cards should be about 5 X 2.6 inches. They may be conveniently printed in perforated strips of five so that the cards required for indexing the particulars of any one person may be typed in sets of five in one operation, the several cards being then separated and inserted in the respective indexes. Specimens of these cards are attached at Appendix 'C'. Name Record Cards should be arranged in alphabetical order, surnames first, then proper names. If there are several cards of the same name, they should be arranged according to ages and height.

The other cards should be filed according to the headings and in each heading according to age and height. The main record cards of habitual criminals will have a white tag-with a 'H' on it in red to distinguish them.

5. The State C. I. D. will maintain a Card Index of only inter District and Inter-State criminals of the categories enumerated above for Police Stations, except surveillances and absconders. In place of these two categories, the State C. I. D. will have two separate groups of habitual criminals in the State and a miscellaneous group consisting of:

1. Professional poisoners.
2. Persons engaged in arms smuggling.
3. International and Inter-State. Smugglers.
4. International and Inter State Crook.; engaged in the traffic of Women and Children.

The C. I. D. should serve as a clearing house of information for Inter-District and Inter-State criminals.

6. District C. I. D. and Bombay City M. o. BI. should in addition to the above maintain :-

1. A Jail Release Register.
2. An Undetected Case. Register

3. Index of Wanted Persons.
4. Index of Indentifiable Property.
5. A Photographic Collection or Rogues' Gallery.

The Jail Release Register should have the following columns:- .

1. S. No.
2. Name.
3. Residence.
4. Particulars of conviction, C. R. No. and Police Station.
5. Date of release.
6. Remarks.

The Undetected Case Register should have different sections according to the offences included in the Crime Index Groups separately for thefts, robberies, dacoities, etc. and each section should have the following columns:-1.

1. S. No.
2. Police Station, C. R. No. and Section.
3. Property lost.
4. Accused persons.
5. Modus Operandi, peculiarities, dress, etc.
6. Remarks.

The Wanted Persons Index should contain the following information:-

1. Name.
2. Residence.
3. Age.
4. Height.
5. Dress, and other peculiarities.
6. Particulars of offence, C. R. No. Section and Police Station.
7. Modus Operandi Bureau.
8. Remarks.

These cards should be of the size of M. O. Cards and arranged alphabetically. The cards should be eliminated when an arrest is effected or when a Main Record Card is prepared or when no longer required. The Index of Identifiable Property should be indexed under the different headings as given in Appendix

'D' the C. R. No. and Police Station in which it is lost should also be mentioned and a remark to be made if it is lost, recovered, etc. The entry to be scored out when the property is traced to the owner. As this Index has a tendency to increase rapidly, entries more than five years old should be removed from the

Index

The Photographic collection or Rogues' Gallery should be formed from duplicates of photographs attached to the Main Record Card and will be pasted in an album by the classification of offences and modus Operandi. This will facilitate reference and identification by Police officers and witnesses. If the resources of a Police Station permit, it, is advisable to maintain the above Registers and Indexes of selected offences and persons to facilitate crime Investigation. Section houses and out posts could also have such indexes and

Photographic albums wherever possible, and if sufficient enthusiasm and energy is forthcoming in the staff.

7. The Police Stations should prepare in duplicate their Main Record Cards from information available from their present Crime Record and furnish a copy to the- District M. O. B. The Dist. M. O. Bs. will send information required by the C. I. D. M. O. B. The C. I. D. will prepare its cards from information available in the C. I. D. Crime Record, Habitual Offenders' Branch and from Information supplied by Dists. As successful working of the scheme depends on the fullest co-operation of the different units, information should be readily supplied at either end. As the lowest unit to supply the information for the building up of the system, the Police Stn. Officer shall supply information in the form as at Appendix 'E' to the Dist. M. O. Bs. immediately a case of one of the Crime Index categories is registered, together with any additional clues that may be obtained about the accused and property and the final result of the case. The M. O. B. will also obtain the finger print classification from either the Police Stn. or the Finger Print Bureau and

enter it on the Main Record Cards. If the information supplied is defective or any further particulars are desired, the M. O. B. should obtain them from the Police Station concerned.

8. The above is a short outline of the scheme. There is nothing mysterious or esoteric in the M. O. B. system. It is simply formation properly indexed and arranged so as to be easily available for enabling Police' officers "to catch thieves on paper". The principle on which such a record is framed is that it should serve a definite purpose and should not absorb more than a limited amount of the time of the Police staff. Any tendency to magnify the importance or utility of the scheme is to be avoided if it is to be useful. Care should be taken to avoid any tendency to increase the size of indexes unnecessarily by including unsuitable matter. Cards which are not of practical service in this Branch of record work are not merely superfluous, but a definite hindrance, and the larger the Index, the greater the need to avoid loading it with matter which is not likely to be of any practical use. Systematic weeding out of all cards which have ceased to be useful is quite necessary. Cards should usually be removed on the death of an individual or when he reaches an age or condition of health which definitely precludes any criminal activity. Care should be taken to obtain accurate photographs which should be replaced at intervals or when there is a marked change in the appearance of the individual. The C. I. D. and District M. O. B. Centers should act as clearing houses of information and perform a form of intelligence work by which it is possible to anticipate the movements of criminals and to warn the districts and Police Stations and to put them on guard. To study and correlate the reported particulars of offences committed in different districts and to trace them to individual criminal by a close check on their movements. These clearing houses are not intended merely to serve as Record Offices and should not accumulate any material merely for the purpose of maintaining a complete record irrespective

of any value the information may have as a means of enabling the clearing house to assist the forces in the detection of their crime. For the system to be successful, alertness, resourcefulness and ingenuity in the use of the record necessary. Not every search can result in identification, and only patience and Persistence can return dividends.

Specimen Crime Record Card From

.....Police or Police Station

Accompaniment 'A'

1. Name. 2. Alias 3. F.P. Classification	4. Born at 5. Height 6. Complexion 7. Build. 8. Eyes 9. Hair 10. Occupation 11. Marks and peculiarities 12. Race and Caste 13. Education and accomplishment	14. Reference No. of Police Station 15. District M.O.B. No. 16. C.I.D. No.
17. Addresses. 1. 2. 3. 20. Movement and other information	18. <i>Photograph</i> (This space to leave room for Photograph 5 ½" X 3") Date of photograph.	19. Frequents or stays at.
21. Police officers who can identify	22. Summary of convictions ____ S. No. P.S. Crime No. Sentence Section Date	23. Relatives and friends 24. Father 25. Wife 26. Associates crime with their M.O.B. No. 27. Receivers.

Specimen crime record Card from -----contd.

28. Classification	29. General particulars
Theft in hotels. Cheating – posing as officer.	Poses as an officer of Government and obtains lodging at Hotels. He stated that he was a C.I.D. Officer and borrowed Rs.500 from Lokapriya Hotel.
30. Dress.	
31. Habits and vices.	
32. Sphere of activity.	<p style="text-align: center;"><i>33. Antecedents.</i></p> <p>He is unmarried and lives alone in his village. He attended the Primary School till he was 14 years of age and worked in a Grocery Shop. Ran away at 18 years of age and joined the Army. On discharge, he returned to his village for a short time and took cheating. He does not agree with his parents or other relations who disown him.</p>

*Sub-Classification of Indexes***THEFTS**

Banks (from).
Bicycles and Bicycle accessories (of)
Birds (of)
Building under construction and unattended premises (from)
Carts (from)
Cattles (of)
Cheques (of)
Children (from).
Copper wires (of) Telephone.
Clothes-dhobi (s) (of).
Drugging.
Dwelling houses (from).
Fairs (from).
Goods unattended (of).
Hardware, paints, etc. (of).
Hostels, Hotels, boarding and houses (from).
Clubs and Rest houses.
Musical Instruments (of).
Offices (from).
Passengers' luggage (dock Thieves).
Photographic goods (of).
Pickpockets, ordinary.
Pickpockets, cutting
Pickpockets, fairs.
Pickpockets, places of worship.
Pickpockets, Trains and Buses.
Pickpockets, Race Course.
Pickpockets, Places of amusement.
Pickpockets, Railway.
Place of worship (from).
Post Office including pillar boxes (from)
Prostitute's houses (from).
Schools (from).
Servants (by) Hindu Dwelling Houses.
Servants (by) Muslim Dwelling Houses.

Servants (by) Christian, European, Farsi Dwelling Houses
 Servants (by) Hotel, Tea Shops.
 Servants (by) Shops.
 Servants (by) Miscellaneous.
 Shops, Jewellery (from).
 Shops Ordinary (from).
 Sleeping person (from).
 Snatching (by).
 Telephone Apparatus (of).
 Tiffin Carriers (of):
 Tools (of)
 Trick (by).
 Typewriters-other office appliance (of).
 Unwieldy articles. trunks.
 Unwieldy articles, clocks;
 Unwieldy articles, Miscellaneous.
 Washing places and bathing ghats (from).
 Ware houses, shed, and godown (from).
 Window inserting hand or stick (by).
 Vessels (of).
 Miscellaneous.

STYLE INDEX TYPES

Note- Cards should be kept according to year of birth and height with those of younger and shorter in the front. (2) Any additions on approval by Manager,(3) Female cards should be kept last under each heading, (4) Styles in brackets are not to be indexed.

Acquaintance.
 Actor.
 Agent.
 Alchemist.
 Applicant for job.
 Army man.
 Army Officer.
 Air Force man.
 Air Force Officer.
 Architect.
 (Artison) See Workmen.

Aryasamajist.
 Astrologer (See also palmist).
 Auditor.
 Aviator.
 Ayah.
 Bakeryman
 Banker.
 Barber.
 Bearer.
 Begger.
 Benevolent person,

STYLE INDEX TYPES- contd.

Bereaved	Dealer in (see also merchant).
Bhagat.	Dentist.
Bicycle repairer.	Destitute.
Bidi maker.	Devotee.
Bill collector.	Disciple.
Black-smith.	Dock Labourer (see workman).
Boarder.	Doctor.
Brahmin.	Drunken person.
Bridegroom.	Dyer.
Broker (with sub-headings).	Ear-cleaner.
Bully.	Electrician.
Businessman.	Eudcationalist.
Butler	Embroiderer.
Canvasser	Engineer.
Cameraman (see Photographer).	Evacuee.
Captain (see Army Officer).	Excise employee.
Carpenter.	Ex-servant.
Champiwalla (see Massager).	Fakir.
Cart driver.	Family man.
Cashier.	Finance'-ee'.
C. I. D. Officer.	Film Employee.
Cinema Operator.	Film extra.
Clerk.	Food Inspector.
Clearing agent.	Foreman.
Cobbler.	Fountain pen repairer.
Commission agent.	Friend (of).
Compositor.	Fund collector.
Compounder.	Gambler.
Contractor.	Gardner.
Convert (from-to---).	Glazier.
Cook.	Goldsmith.
Coolie.	Government servant (see public servant).
Co-villager.	Gold caddy.
Co-worker.	Guest (see also wedding guest and visitor).
Cameraman(see workman)	Guide.
Customer (bogus)	Hat maker.
Customs Officer	Haj pilgrim.
Customs Peon.	Hawker.
Deaf and Dumb	Hotel-keeper

STYLE INDEX TYPES

Income-Tax Officer.	Mysteryman.
Influential person.	Naval Officer.
Informant.	Nawab.
Inspector.	Neighbour.
Inspector-Civil Supplies.	Newspaper vendor.
Inspector-Educational.	Nurse.
Insane.	Orphan.
Ironer.	Owner (of a room).
Jaripuranwalla.	Packer.
Jeweller.	Palmist (see also Astrologer)
Jewellery polisher.	Paramour.
Jobber-Mills.	Passenger (Victoria).
Journalist.	Passenger Agent.
Lamp lighter.	Patient.
Land-lord.	Patroit.
Liftman.	Pensioner
Liquor seller.	Peon.
Locksmith.	Petitioner.
Lunatic (see insane).	Photographer.
Magician.	Physical Instructor.
Major (see Army Officer).	Pimp.
Manager.	Play mate.
Manager-Hotel.	Pleader.
Maker.	Pledger.
Mason.	Plumber.
Massager.	Poet.
Mastan.	Policeman.
Mechanic (with sub-headings).	Police Officer.
Members (of).	Polisher (Furniture).
Merchant'.	Porter.
Mesmerist.	Port Trust Peon.
Messenger.	Postal employee.
Military Officer (vide Army Officer).	Postman.
Milkman.	Priest.
Mill-hand.	Printer
Mill-owner.	Prisoner.
	Prize Winner.
Mistry.	Professor.
Money lender.	Prostitute.
Motor cleaner.	Prostitute goer.
Motor driver.	Proprietor.
	Public servant (see also Government servant)
Municipal employee	Publisher.
Musician.	

- Race Book seller.
 Race goer.
 (Radio mechanic) (see also mechanic.)
 Railway servant.
 Railway Passenger.
 Rana (of).
 Redeemer of pledged articles (see pledger)
 Referee.
 Refugee.
 Relation (of).
 Rent collector.
 Repairer.
 Representative.
 Resident. (of).
 Rice grinder,
 Riding boy.
 Room mate.
 Recruitor- Military (see Military Officer).
 Sadhu.
 Salesman (see canvasser).
 Satta forecaster
 School board member
 Scholar.
 Scout.
 Seaman.
 Secretary.
 Seller (of) (See also dealer in).
 Servant (domestic).
 Servant (Rajasaheb).
 Service securing agent.
 Sewing machine repairer.
 Shoe black.
 Shoe-maker.
 Shoe-keeper.
 (Shroff) (See money-lender)
- Silver-smith.
 Sodomist.
 Student.
 Supervisor (Schools).
 Sweeper, Syce.
 Stable boy.
 Tailor.
 Teacher.
 Tea planter.
 Telephone Co.'s representative.
 Tiffin carrier.
 Tindel.
 Tin-smith (Kalaiwalla Tinner).
 Tipster, Title holder.
 Trustee.
 Tramway employee.
 Tutor.
 Typist
 Umbrella-repairer.
 Upholsterer.
 Unemployed.
 Vacator.
 Victoria Driver.
 (Visitor) (see guest).
 Voluteer.
 Washerman.
 Watchman.
 Watch repairer.
 Water carrier.
 Wealthy person.
 (Wedding guest)(see also guest)
 Workman,
 Yogi.

PHYSICAL PECULIARITY INDEXES

Note:--Cards should be kept according to year of birth-and height with those of younger and shorter in the front. Additions on approval by Manager. Female cards should be kept last under each headings.

Arm.	5. Miscellaneous (see also Cat's eyes).
Beard.	Eyebrows.
Bald head.	Eyelids.
Birth mark, cheek.	Face.
Chin.	Features-Chinese Negroid.
forehead.	Female Traits (see also Eunuch)
neck.	Fingers left or right (see also thumb).
Bow legged.	Foot.
Build-stooping.	Forearm.
Very stout	Forehead..
Very thin.	Gait.
Bully.	Gesture (Gesticulates).
Cat's eyes (chest-nut also).	Habits.
Cheeks.	Hair-tuft.
Cheek bones.	Hairy-chest-stomach.
Chest.	Hands left or right.
Chin.	Hare lip.
Complexion-black (very).	Head.
Convert.	Height-dwarf-tall (very)
Deaf.	Hernia.
Dumb.	Hunch back.
Epileptic.	Hydrocele.
Ears-burned (big or upper) (Left or right)	Insane.
Elbow.	Inches.
Elephantiasis.	Jaw.
Eunuch (see also Prostitute).	Knee.
Eyes left or right.	
1.Squint, 2. Cataract, 3. Blind, Lame4.Odd	

Leprosy.	Speech.
Leg-deformity.	Stammerer.
Leucederma..	Tattoo-cheeks.
Lips.	Chest.
Mannerism.	Chin.
Mole-molewar.	Forearm.
(big) Adam's apple.	Forehead.
Cheek-left and right.	Hands-left or right.
Chin.	Palms-left and tight.
Eyebrows.	Shoulder-left and right.
Forehead.	Thumbs-left and right.
Jaw-left or right.	Upper arms.
Nose.	Teeth.
Temple-left or right.	Thumb (see also fingers).
Moustaches.	Toes-left and right. ,
Mouth	Tumour.
Neck.	Varcose veins.
Nose.	Voice.
Paralysis.	Wart-see mole.
Pimpled face.	Wears-beads.
Picpricked face.	disguise.
Pockmarks face.	earrings.
Scar-cheeks.	glasses.
Eyebrows.	iron bangles.
Forearm.	ring iron.
Forehead.	sadha dress.
Hand.	taviz.
Lips. turban.	
Neck (including scrofula).	wrist watch.
Nose.	Whiskers.
Temple-left or right.	Wrist.
Shoulders.	

HOUSE BREAKING

A. joining premises entry including Lock broken (front door). partition walls.	
Bar bending or removing.	Lock broken (back door).
Crawling under or between doors.	Pipe climbing and other climbings.
Cutting (including bar cutting, filling and sawing).	Roof hole rafters.
Door breaking (back).	Roof hole tiles.
Door breaking (front).	Safe breaking-ordinary.
Dwelling Houses.	Safe breaking-Chemicals.
False key.	Scaffolding.
Garage (from).	Shop including dispensaries, Jewellery and Marwari.
Gimlet hole in doors, or window pannels.	Slipping inner latch or bolt.
Glass breaking.	Through servant. -Go-
down, shed, warehouses (from).	Ventilator or skylight entry.
Hasp or staple broken (front door).	Wall hold (brick removing).
Hasp or staple broken (back door).	Unweildy articles, trunks.
Hostels.	Unweildy articles, clocks.
Mills.	Unweildy articles, miscellaneous.
Offices (schools & public Buildings, clubs).	Miscellaneous.

CHEATING

Begus C. I. D. or Police Officer of other Confidence Trick public servant.	
Bogus Concerns.	Forgery cheques.
Bogus Bearers.	Forgery Hundi.
Bogus Claimants (including ex-employees).	Forgery Money Orders.
Bogus Employment.	Forgery Railway Tickets.
Bogus Find of unclaimed valuables.	Forgery Race Course Tickets.
Bogus High personage.	Forgery Miscellaneous.
Bogus Messa£e.	Note duplicating trick.
Bogus Purchase.	Spurious jewellery.
Bogus Security.	Miscellaneous, goods not delivered goods as not represented.
Borrowwings.	Miscellaneous.

CRIMINAL BEACH OF TRUST

Coolie. Cycles (in respect of)
 Labour Car drivers and lorry drivers.

Robbery

Robbery from brothels.	Robbery by knives.
Robbery from children.	Robbery from money changers.
Robbery by enticement.	Robbery with motor car.
Robbery firearms.	Robbery from Sea shore.
Robbery by gagging.	Robbery from women.
Robbery on Highway.	Robbery Miscellaneous;

Dacoity

Dacoity with arms.	Dacoity Miscellaneous.
Dacoity Highway.	

COUNTERFEITING

Counterfeit coins-Dies.	Counterfeit notes-Printing.
Counterfeit coins Moulds.	Counterfeit notes-Transfer.
Counterfeit coins Uttering.	Counterfeit notes- Wood block.
Counterfeit coins Miscellaneous.	Counterfeit notes -Uttering.
Counterfeit notes--Alteration.	Counterfeit notes-Miscellaneous.
Counterfeit notes-Hand.	
Counterfeit notes Photo zinco process.	

RECEIVERS

Receivers shop.	Receivers precious stones and valauables, etc
Receivers street.	Miscellaneous.

TRANSPORT

Note-- Cards should be kept according to Modus Operandi. Any additions on approval by Manager. Female cards should be kept last under each heading.

Basket .	Hand bag.
Boat.	Motor car (Taxi, lorry, jeep).
Bicycle.	Motor cycle.
Bus.	Pillow case.
Cart (Bullock, Hand, Labour).	Railway.
Cloth bag.	Tram.
Coolie-basket.	Tonga.
Gunny bag.	Victoria.

TRADE MARK INDEX (INCLUDING PECULIARITIES).

Note: - Cards should be kept according to year of birth and height with those of younger and shorter in the front. Any additions on approval by Manager. Female cards should be kept last under each heading.

Acid (throwing).	Giving particulars (name and address etc. to create confidence).
Accomplice-boy or women or both.	Hockey stick (moving with).
Articles-disturbed.	Itching powder (throwing).
Articles-not disturbed.	Knife (showing).
Badget-Brass (showing).	Left (behind).
Bolted inside.	Lights put off.
Blood (trick).	Lights put on. .
Burnt (candle etc.).	Lock smith (engaged).
Child carrying.	Naked.
Changed clothes.	Nuisance committed.
Changed shoes or chappals.	Obstacles (bolting neighbour's doors or working under obstacle put for cover).
Changed tyres.	Offering.
Chit (producing).	Over-hearing.
Chilli powder (throwing).	Relocked (now lock or lock replaced).
Clock tampered with for time.	Sari using as string.
Concealing (in out of way places, jemmy stolen purse, etc.).	Sending an errand.
Consumed food etc.	Snuff (throwing in eyes).
Diverting attention.	Sounding.
(Pushing hat off etc.)	Speaks of (Purse left behind Ancestral property etc).
Dog silenced.	Swallowing.
Dropping coins.	Taviz (offering).
Drugging.	Telephoning.
Eaves dropping.	Violence displayed.
(See over-hearing).	Visiting Card (presenting).
Electric Current (Tampering).	Watch {keeping).
Enquiry-person job, etc.	Wears (mask, etc.)
Firearm-used.	
Gagging.	

1	2	3	4	5
Patil Rama Govind Aliases : Ramsing Govind Hari Born 1897 at Chalisgaon Height 5'6" Canvasser Theft – House Nose, Broken, M.O.B.No. Ref. No.	Theft-House Names : Patil Rama Govind Ramsing Govind Hari Born 1897 at Chalisgaon Height 5'6" Cheating – Food and lodging Drawers forced Cannasser for Dalmia Biscuits Son of Pleader Ex-Army man, Nose, Broken, Mole, left cheek, Drawl in talk, M.O.B. No. Ref.No.	Canvasser. Names:Patil Rama Govind Ramsing Govind Hari Born 1897 at Chalisgaon Height 5'6" Cheating – Hotels. Theft --- House Drawers forced. Canvasser for Dalmia biscuits. Son of Pleader. Nose, Broken. Mole, left cheek. Drawl in talk. M.O.B. No. Ref. No.	Drawers Forced. Names:Patil Rama Govind Ramsing Govind Hari Born 1897 at Chalisgaon Height 5'6" Cheating – Hotels. Canvasser for Dalmia biscuits. Son of Pleader. Ex-Army man. Nose, Broken. Mole, left cheek. Drawl in talk. M.O.B. No. Ref. No.	Nose Broken. Names: Patil Rama Govind Ramsing Govind Hari Born 1897 at Chalisgaon Height 5'6" Cheating – Hotels. Theft --- House. Drawers forced. Canvasser for Dalmia biscuits. Son of Pleader. Ex-Army man. Nose, Broken. Mole, left cheek. Drawl in talk. M.O.B. No. Ref. No.

NameIndexCard

Method Index Card

“Style and Tale” Index Card

“Trademark “ Index Card.

Marks and Peculiarities
Index Card

APPENDIX 'D'

*Identifiable Stolen Property**INDEX-TYPES*

Note:-- Only those articles which are readily identifiable i.e. bear distinguishing features such as marks, inscriptions, numbers, colour, shape, etc. are indexed.

The following are the main general articles that are usually subject to theft or loss:-

Bicycles -Number, make, kind of breaks, saddle.

Books.-Name of the book, subject-matter, religious, historical, scientific.

Cheques -Name of the bank, number of the cheques, person who issued the cheque and the name of the drawee.

Clothes.-Initials or other marks, such as dhobi marks, nature of the clothing, material- style, size, colour maker's name, value, Fur, name of the articles, colour, kind, size.

Currency.-Coins, foreign-notes, foreign, Indian of higher denominations:

Hundred and over, number. (valuable) Bonds, share's, share certificates, etc.

Electrical Accessories.-Name of the article., maker's name and number.

Fire-arms.-Nature of the fire-arm, i.e. gun, pistol, revolver, etc., maker's name and number and bore.

Fountain pens and pencils -Maker's name, inscriptions, of owner, pattern, colour, value, etc.

Jewellery.-(1) Chains: kind of metal, lady's or gent's length, weight, kind of link, style, value.

(2) Ear-rings, kind of metal, style, number, kind, size and studs, size of stones, value.

(3) Rings: Kind of metal, lady's or gent's style, setting, kind and number of stones, weight, initials, marks, and value.

(4) Miscellaneous: Nature of article, kind of metal (gold, silver, platinum)design, initials, inscriptions or monograms and value.

Musical instruments.-Nature of the article, number, description, value.

Motor vehicles.-Make, year of models, kind of body, whether rebuilt body, number or trademarks, motor number, factory number, colour, Horse power, steering wheel, right or left side.

Motor cycles.-Make, year of model, manufacturer's number, with sidecar or without side car, colour, horse 90wer.

Photographic goods.-Cameras, ordinary or cinematographic, maker's nameand number.

Radios.-Manufacturer's name and number, model, number of values.

Sewing machines.-Maker and number.

Silver articles.

Sporting goods.

Typewriters.-Kind: Portable or ordinary, maker's name, serial number and Model number.

Vessels ---Kind of vessel, kind of metal, name.

Watches,-Pocket : make, number, metal.

Wrist: Gentleman's or lady's make, number, monograms, or inscriptions, kind of metal, description of case, hunting case or open case.

Wall clocks and clocks.

Time-pieces.

Name Index,-Miscellaneous articles not included in the above headings bearing names be indexed.

Number Index.-Miscellaneous articles not included in the' above headings bearing numbers any be indexed.

Miscellaneous articles.-Not bearing neither name or numbers such as Badges, bag; glasses, purses, surgical instruments, etc.

APPENDIX 'E'

INFORMATION TO BE FURNISHED TO THE MODUS OPERANDI BUREAU.

1. Case No. and Police Station.
2. Complainant.
3. Town or village etc. of occurrence.
4. Date of offence.
5. Section of offence.
6. Value of property stolen.
7. Value of property recovered (from whom and where recovered)
8. Class of person or property attacked (i.e. Railway passengers, pleader, doctor, hawker, money lender, etc., Hindu dwelling house, tailor's shop, temple; washer man's clothes, poultry, grazing cattle, etc. etc.).
9. Means of approach to place, (i.e., by rope; staircase, tree, adjoining house, water pipe etc. etc.)
10. Mode of entry into place (i. e. window, door, roof, hole in the wall as a customer, guest, beggar, electrician, etc. etc.)
11. Means employed in committing the offence (i.e. jemmy duplicate keys, screw driver, poison, by jostling, razor blade forgery, clay moulds, etc. etc.)
12. Time of day (i.e., office hours, market time, dance night, cinema time, etc.)
13. Companions (i.e. number that joined in committing the offence with full names and particulars of those known)
14. Carriage (i.e. kind of conveyance used, and how used in committing the offence).
15. Trade mark (i.e. poisoning of dog, obeying call of nature, eating or drinking on premises, leaving missiles on the scene etc. etc.).
16. Style (i.e., Preacher, Haji, Police Officer, Doctor, Merchant, Relative of, some high personage, Yogi, etc. etc.).
17. Tale (Representations made in committing the offence).
18. Brief facts of the case.

PART II

WORKING OF THE 'MODUS OPERANDI SYSTEM IN GREATER BOMBAY

- (1) *Type of offences* :-The Modus Operandi Bureau will deal with the following types of offences :-
- (a) Cheating;
 - (b) Criminal Breach of Trust (in all respects).
 - (c) Counterfeiting, uttering or possession of counterfeit currency, (paper or metal)
 - (d)Dacoity**

- (e) Robbery.
- (1) Housebreaking.
- (y) Receiving or disposing of stolen property.

(h) Theft.

(2) *Reports to be submitted to the M. O. B. in detected and undetected cases:*

a) Whenever a case (detected) of the types referred to in para. 1 above, is registered, the following should be sent to the M. O. B., C. I. D., without any delay through the Divisional Superintendent:-

i) A copy of the First Crime Report.

(ii) A copy of First Informaiton.

(iii) Copies of descriptive rolls of the arrested persons and circumstances of arrest.

(b) The First Crime Report should contain the fullest possible information in respect of the various headings in the form. When the case is finally closed, a Final Report (in the prescribed form) should be sent to the M. O. B. giving all further particulars obtained; since sending the copy of the First Crime Report. In cases in which the accused is convicted, a copy of his statement should be sent with the final report. The report should contain information about circum-stances under which the accused took to crime. Similar procedure should be followed when a closed case is reopened. Specific attention should be paid to the method adopted by each accused in the commission of the crime, and to .the following points:--

i) Method adopted by each accused in disposing of stolen property

(ii) The information on which each accused, his associate or receiver was arrested and stolen property recovered.

(iii) The disposal of every person arrested. If any such person is externed, deported, dealt with under Chapter VIII, Civil Procedure Code or is concerned in any other case, this should be mentioned.

Note.-If any individual charged with a certain type of offence (i.e., House-breaking and theft), is convicted for a different offence (i.e., receiving stolen property), or is acquitted or discharged for want of evidence, but the Officer In charge the section has reason to believe that the individual did commit the offence referred to in the original charge, this should be mentioned in the report. (For details of information required see the accompaniment to this appendix).

(c) Whenever a case (undetected) of the types referred to in para. 1 above is .registered, a copy of the First Crime Report with the copy of the First Information should be sent to the Police Inspector, in charge M. O. B. without delay through the Divisional Superintendent. If any case has been detected or re-opened subsequent to the sending of the First Information and Crime Reports to M. O. B., i.e., the culprit or the culprits have been arrested or the stolen property has been recovered, immediate information should be furnished to the VI. o. B. with all the detailed particulars, such as :-

i) Descriptive roll of the accused, associate!, receivers, etc.,

(ii) Circumstances of arrest, particulars regarding disposal of the property by each accused and recovery thereof.

(iii) Means employed or implements used in the commission of offence and part played by each accused in the commission of the offence.

(d) A monthly statement of cases finally closed and classified as 'A', 'B' and 'c' should be sent to M. O. B. before the 15th of the following month with information and disposal of person or persons arrested, if any, on suspicion etc., and particulars of property recovered and its disposal subsequent to sending of the

First Information and First Crime Report to M. O. B.

Note.-When a 'transfer' case of the types referred to in para. 1 above is registered by any Police Station, three copies of the First Information would be required, one for the Police Station investigating the case, one for the Police Station actually having jurisdiction, and the third

for the M. O. B. In such cases, the ORIGINAL First Information should be retained by the Investigating Officer (the duplicate sent to the Police Station having the jurisdiction through the Divisional Superintendent), and a copy (typed on cyclostyled forms which may be obtained from the office) should be sent together with a 'duplicate' of the First Crime Report to the M. O. B. for record. This would be exclusive of the copy now being sent to the Magistrate.

(3) Persons to be sent to M. O. B.-(a) All persons except juveniles, arrested for M. O. type offences, except theft, should be sent to the M. O. B. with copy of the previous conviction slip statement, and Finger -Prints (within one week of their arrest).

(b) In. case of persons having no previous convictions it should be clearly stated whether a Conviction is a certainty.

(4) Persons arrested on suspicion or for offence of non-M. O. type to be sent to M. O. B.-(a) Persons arrested on suspicion or for offences of non-M. O. type, but having two convictions for theft or one or more conviction for other M. O. type offences, should be sent to the M. O. B.

(b) Persons arrested for theft should be sent to the M. O. B., if he has one or more previous convictions for M. O. type offences. In cases of persons having one previous conviction, they should be sent to the M. O. B. provided, conviction in the present case is a certainty.

(5) Exceptional case to be registered -If for any reason it is desired that any person not coming within the purview of paras. (3) and (4) above should be registered in the M. O. B., the permission of the Deputy Commissioner of Police, Crime, previously obtained should be sent to the Bureau with all papers.

(6) How persons are to be sent to the M. O. B.-(a) While sending the persons to the M. O. B. copies of their P. C. slips, statements and Finger Print Slip should be invariably sent to the M. O. B.

(b) Persons sent to M. O. B. for registration, or for being photographed, should, as far as possible, be sent in the same dress and appearance as they were found at the time of the commission of the offence. Under no circumstances, criminals with beard obviously grown while in the Police lock-up Should be sent to the M. O. B. Office.

{7) Co-ordination between M. O. B. and F. P. B.-(a) Every person registered in the M. O. B. will be given a serial number (such as M; O. B. No. 13) and this number will be communicated by the Bureau to the Finger Print Bureau, Bombay. who will note the number on the record slip of the individual and furnish the M.O.B. with his F. P. classification. The F.P.B.

Bombay, should inform the M. O. B. of every subsequent trace of any of the registries, either on account of his arrest or otherwise, by the Greater Bombay Police or his arrest or conviction elsewhere. The F. P. B. will also notify to the M.O. B. any changes made in the sentences on the record slips, or the elimination of any slip etc.

(b) Whenever chance prints are developed at scenes of offences in M; O. type offences a copy of the report hitherto sent by F. P. B. to section concerned regarding result of comparison of the prints shall also be supplied to P. I.M.O.B.

(c) In cases of unidentified chance prints it should be specifically stated whether the prints are of finger, palm or foot or of juveniles.

(8) The Inspector of Police, M.. O. B., may use his discretion in registering criminals in M. O. B. taking into consideration the potentiality of the criminals and likely use of their records for subsequent detection or prevention of crime and not merely to satisfy the condition detailed in the foregoing paragraphs.

(9) Complaints or identifying witnesses should be sent along with a Police Constable and a memo giving therein brief facts of the case with special reference to Modus Operandi and particulars such as, name, N/P and description of the wanted accused, if any.

(10) Registers etc., maintained by M. O. B.-The M. O. B. will maintain the following indices and registers in respect of persons and cases registered. Inspector in charge Police Station should utilize the information whenever required, and should communicate to the Bureau any information regarding

registered criminals useful for insertion in their histories.

(i) Name and alias index.

(ii) M. O. Index (arranged territorially).

(iii) physical peculiarities index (Scars, Brands, moles, gait, speech etc.,).

(iv) Style, trade mark and transport index.

(v) Histories. .

(vi) Jail Release Date, register.

(vii) Photo -albums according to M. O.

(viii) Undetected cases Day Book, according to M. O., containing description, physical peculiarities, style etc., of persons wanted..

(ix) Wanted persons index, according to name, physical peculiarities, style etc.

(x) Identifiable stolen property index. (This index will contain details of property which is readily identifiable by reason of some definite distinguishing feature such as marks, including numbers and inscriptions, shape, colour etc. Property of which the description is vague and of more or less general applicability to articles of the same type will not be included in this Index).

(11) M. O. Cards ---Orders regarding the introductions of M. O. B. registree cards at the Police Station are contained in the accompaniment 'B' to this appendix.

(12) Office hours --The M. O. B. is kept open for 24 hours and will attend to urgent work only (viz., attending to identifying witnesses or investigating officers requiring information etc).

(13) Records and Registers.-Crime records, indices, crime reports and registers should be maintained and eliminated as detailed below:-

Crime Records

1. Histories, name and other indices, photographs in albums.

Crime record should be destroyed on death of the criminal or on his/her reaching 70 years of age or condition of health incapacitating further criminal activities or as under:-

A class-Important and dangerous 30 years after last trace.

B class-Confirmed and adopting a particular type crime and humane-15 years after last trace.

C class-Petty criminal. having no specific Modus Operandi-10 years after last trace.

2. Working papers ...Two

(2) years.

Crime Records

1. Undetected

'S' class short duration- unimportant-One year.

'M' class-medium important-Five years.

'L' class-Long duration-important-Ten years.

Note.-Elimination of indices of wanted persons and of identifiable stolen property should be on the same principle.

2. Detected

(i) Culprits, convicted and on M. O. B. record-- Ten years.

(ii) Acquitted and discharged but culprits not in M. O. B. record-Two years. .

Registers

1. M. O. B. Registers ...

60 years.

2. Crime Report Registers ...

10 years.

3. Day Book of undetected case ...

10 years

4. Tail Release Date Registers ...

2 years after last use.

L-S(K)1764-43

Accompaniment "A" to Part II

The classification of each information in the M. O. B. depends upon the points given in the First Crime Report. It is, therefore, absolutely necessary] that in compiling this information the officer i /c of the case should understand what points are required, and in making his enquiry should satisfy himself by exhaustive tests that no possible detail is omitted.

The following notes will be useful in filling in the First Crime Report for the M. O. B.

1. Class of person or property attacked.-Particular criminals generally operating, attack only particular types of persons or properties and this type should be given in detail. General types are not sufficient. For instance, 'stolen from a person', 'house' or 'shop' does not convey what kind of person, house or shop was attacked. But, a beggar woman', 'Parsi bungalow detached, ' 'goldsmith's shop' are more evident terms of identity. In the case of receivers, the class of property attacked will be gold, silver, jewellery, precious

stones, motor accessories etc.; in the case of counterfeiters the class of property attacked will be ten rupee note, ten naye paise nickel coin etc.,

2. Entry.-In the case of attacks on buildings the actual point of entry into the property e.g., concealment in the 10ft of the kitchen, from adjoining vacant premises, door (front, rear, kitchen etc.), fan-light, roof, window, etc. In this case of attacks on persons the place where the offence is committed (e.g. secluded spot in public garden, race course ticket window, Hindu Restaurant etc.); in the case of receivers, receiving on road or in pawn-shop etc.and in the case of counterfeiters and utterers, location of place where uttered etc.

3. Means.-How property was approached (e.g., pipe climbing, slipping latch of window through space in ventilator, ventilator" shutter, bar bending, breaking hasp of front door). How the person was approached,. (e.g., accosted with a request for matches, followed or attacked from behind, enticement by a bogus message etc.). Nature of violence or force used, description of weapon used also to be given (e.g., jemmy thick, attacked with an ordinary bamboo stick 4 feet long and 2 inches thick, grasping throat, tripping and pick-pocketing, snatching from behind etc.). How the victim was induced to part with property e.g., forged cheque, bogus employment etc. In the case of receivers, how received and from whom received etc. In the case of counterfeiters, dies moulds, alterations process, transfer etc.

4. Object.-The stolen property or whatever was the motive. The property stolen should be clearly subdivided into that which can be identified by reader of the information and that which can be identified by the loser of the property only. Receiving stolen property, counterfeiting and uttering are also objects.

5. Time.-This must not be limited to the period of time which elapsed between the property being last seen and the time it was missed, but should also be expressed in conjunction with the opportunity given for or taken by the culprit to act. (Away on long leave, Sunday Church time, Wages day etc.).

6. Style.-It is either the actual or pretended occupation of the criminal at the time of, or immediately prior to the commission of the offence, and does not refer to the method of committing crime. It must not be confused

with the trade or calling adopted by the criminal before he engaged in the crime.. Sometimes, the style and actual occupation may be identical, such as a labour cart driver absconding with property entrusted with him. Some-times a criminal when accosted by a third person or when disposing of stolen property to a dealer, pawn-broker or casual acquaintance will state his alleged particular trade or profession in order to inspire confidence and allay suspicion. This is always to be regarded as Style, even though he was not seen at the time the offence was committed, as in the case of house-breaking etc. In the cases of theft and offences against persons or by 'receivers or utterers, what the criminal represents himself as (e.g., glassware-hawker, building contractor) is to be regarded as style.

7. Tale.-The statement made by the criminal, often prepared beforehand, to cover up his tracks, to meet or avoid suspicion and to endeavor to impress people with his bona fides etc., generally supports his style as the most important part of his make-up for the purpose of committing the offence. It is very important that the tale should be obtained from the persons victimized or persons from the neighbourhood and no part of the tale should be considered too insignificant to be recorded.

8. Pal.-Some criminals invariably work alone, others with companions. Confederates frequently covered the movements of a pick-pocket and receive the stolen property immediately it has been taken from the victim. Full investigation will frequently reveal the activities of accomplices and this point is an important factor in the subsequent detection of offenders who work in company and may narrow down the search.

9. Transport.-Every endeavor should be made to ascertain how the thief reached and left the scene of crime. Seek for traces of vehicles in the neighbourhood (If the property which was broken into, as bicycles, victorias, motor cars etc., may have been used leaving marks. Enquiry may reveal no ordinary reason for their presence.

10. Trade Mark.-Expert criminals are frequently known to commit certain extraordinary acts not associated with the object of crime, such as disturbing beds by resting in them, consuming food, committing nuisance, poisoning dogs etc.

11. Description of wanted or attested persons.-So much depends on a 'good' description that no pains should be spared to get all details, especially regarding size, -shape and position of visible marks, marked peculiarities If figure, facial expression, general appearance, gait, manner, speech, deformities, detailed description of dress etc. and to test it by the version of two or more persons if possible. Similar attention should be paid to general description such as caste, birth place, residence, occupation, last employment, associates --not necessarily in crime, relatives, resorts etc., as on this information, the success of tracing him again, if wanted, will depend. Officers, beyond merely copying down the particulars furnished by the complainant or arrested persons, should make every endeavor to ascertain the true particulars. Many officers may remember valuable information regarding criminals and may know where and how to look out for them etc., but, as the object of the Bureau is to keep on record all such information disclosed in the course of their investigation, even the minutest details should be furnished in the form submitted

to the Bureau. The following details of description which are recorded in the M. O. B. will give an idea as to the nature of information required in respect of such persons:-

Age:-

Height:

Build:

Thin, stout, erect, stooping, broad etc.,

Hair:-colour, bald, cut, curly, style etc.

Eye-brows:-thick, thin, arched, straight, meeting.

Forehead:-high, low, upright, sloping, broad, narrow.

Eyes: -large, small, wide-set, close-set, colour of iris, squint, old-eyed, cats-eye, defects etc.

Sight: -long, short, wearing glasses, etc.

Nose: -large, small, hooked, snub, thick, thin, bored, inclined right or left.etc.

Cheek: -prominent cheek bones etc.

Mouth: -close, shut, large, small, showing teeth etc.

Lips: -thick, thin, protruding, hare-lip, long or short upper lip, etc.

Teeth: -Small, large, protruding, discoloured, irregular, gaps, missing, false, filled, etc.

Fingers: -long, short, stub, pointed, deformed.

Chin: -receding, protruding, square, pointed, long, short, bilobed, double etc. '

Jaw:-square etc.

Ears: -large, small, protruding, long lobes, pierced upper or lower, set high set low, deaf etc.

Face: -long, round, smiling , scowling, wrinkled, etc

Complexion:-fair, wheat, sallow, brown, black.

Beard: - Colour, long short, style etc.

Moustaches:-Colour, long, clipped, turned up, drooping etc..

Scars, pock-marks, moles, warts, brands, tattoos, birth marks, tumours, , pimples, scars etc. on head, forehead, temples, eyebrows, eyelids, cheeks, nose, ears, lips, chin, Adams apple, neck, lower arms, wrists, palms, hands, fingers, feet etc., missing or deformed portion of the body such as maimed, hunch-back, bow-legged, knock-kneed, diseases such as leucoderma, leprosy, elephantitis, varicose veins, paralysis; peculiarities of speech such as nasal accent, stammer, soft, harsh, fast, slow, loud or dumb peculiarities of manner such as gesticulation, twitching of eyebrows, mouth etc.; left handed etc. peculiarities of gait such as upright, stopping, slovenly, fast, slow, limping etc.; accomplishments and literacy, habits and miscellaneous such as female traits, eunuchs, rings, tavis, etc. etc., Places of residence and period, haunts, relatives and friends, associates, those he is likely to visit, how arrested, methods of disposing of stolen property and the receivers, by whom harbored, description . of stolen property etc., etc.

Accompaniment 'B' to Part II

When a person registered in M. O. B. is suitable for preventive action at a Police Station where he has operated or resides, a photograph of the individual, with a card giving brief particulars about him, will be forwarded to the Police Station concerned with a memo. The memo. should be filed according to M. O. B. number in a separate file.

3. On receipt of same, the card should be entered in the main M. O. type Index and kept according to the M. O. B. number after the index in the M. O. Card Index Box.

Note I.-The following are the meanings of the classifications in the column 'Class of criminal in the main M. O. type index:

A-Dangerous.

B-Externee.

C-Residential (in case of externees, if any close relatives, he is likely to visit, are in Bombay).

2. Jail release date is approximate and Mould be written in pencil. The main M. O. type should be written in pencil on the back of the photo and the photo should be exhibited in the cabinet under that type.

3. The photograph of a person who is in jail should be removed from the cabinet, clipped to his card by a paper clip and kept behind the dividing partition in the index box according to M. O. B. number till he comes out, when the card and photo should be replaced at the proper places.

4. Information regarding subsequent activities of the criminal will be furnished by the M. O. B. and should be noted on the registree's card.

5. The photos and cards should be checked when taking over (harge. Cards of residential criminals should be checked once a quarter for their activities, and M. O. B. informed (when they (in the case of externees, their close relatives) change to the jurisdiction of another Police Station.

6. The cards should be checked at least once a year, when cards considered having outlived their importance at the Police Station should be returned to the M. O. B. with the original forwarding memo. stating reasons and corresponding entries in the main M. O. type indices struck off. The main M. O. type indices should be revised once a year.

7. Information should be given to M. ~ B. of any noticed change in residence or occupation of any M. O. B. registree whose card is at the Police Station.

8. The Deputy Inspector or the Selection Grade Sub-Inspector, ns the case may be, of the Police Station, or, where there are two Deputies (or two Selection Grade Sub-Inspectors), the Deputy Inspector or the Selection Grade Sub-Inspector in charge crime will be responsible for the proper maintenance of these records.

No.	of 19
From The Inspector of Police Police Station	To The Manager Modus Operandi Bureau, C.I.D., Bombay.

Memorandum

Bombay, dated.

Subject – Persons arrested on suspicion or for non-M.O.type offences who have one or more P.C. for robbery, dacoity or counterfeiting, or 2 or more P.Cs for other M.O. type offences who are not an M.O.B. Register.

I send herewith

arrested on suspicion in C.R.

L.A.

No. _____ of _____ u/s _____
certified copy of his P.C. slip is also attached.

Copy of S.D.E. is attached. A

Inspector of Police
Police Station

No.	of 19
From The Inspector of Police Police Station	To The Manager Modus Operandi Bureau, C.I.D., Bombay.

Memorandum

Bombay, dated.

Subject – Persons arrested on suspicion or for non-M.O.type offences who have one or more P.C. for robbery, dacoity or counterfeiting, or 2 or more P.Cs for other M.O. type offences who are not an M.O.B. Register.

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L.A.

No. _____ of _____ u/s _____
certified copy of his P.C. slip is also attached.

Copy of S.D.E. is attached. A

Inspector of Police
Police Station

PART III
POLICE PHOTOGRAPHER

1. Address --The Police Photographer and Assistant Photographer are attached to the M. O. B. In the C. I. D. Office, and are available there during office hours. When the office is closed, one photographer will remain available at his residence for emergency calls. The name and address of this photographer will be notified in P. N. each week and should be written on the Crime Statistics Board in each Police Station, underneath the names of the M. V. Expert and the F. P. Expert.

2. Duties.-,The Police Photographer shall take photographs of the following :

- (i) All M. O. B. Registrars.
- (ii) All Deportees, Extremes and Registered C. T. Members.
- (iii) Government servants applying for identity cards.
- (iv) H. V. Drivers, Labour Cart drivers and professional Motor Drivers.
- (v) Unidentified dead bodies. (When called upon by Divisional Inspectors).
- (vi) Scenes of offences and accidents, including finger impressions found there. (When called on). .
- (vii) Reproductions of photographs for Police Gazettes. .
- (viii) Special Branch suspects.
- (ix) Other work ordered by the D. C. P., Crime Branch I.

Photos of non-Police personnel under item (iii) reproductions made at the request of private persons under item (vii) and of all persons under item (iv) will be charged for. Other work will be done free unless otherwise ordered.

3. Scenes Police Inspectors (and in their absence, Deputy Inspectors) are empowered to call the Police Photographer to take photographs scenes r of offences and accidents. Since scenes vary so greatly wide discretion is left to those officers in exercising this power, but the following are instances in which the photographer should normally be called:-

- i) Cases of murder where the offence has occurred inside a building, particularly if there are signs of a struggle. In such cases the body should not be moved before the photographer arrives.
- (ii) Important cases of house-breaking or safe breaking where an unusual or interesting Modus Operandi has been used.
- (iii) Counterfeiting cases.
- (iv) Serious traffic accidents, provided the photographer can be obtained before it comes necessary to move the vehicles.
- (v) Cases in which very clear foot-prints are found in a retentive substance such as damp earth.

4. Finger Impressions.-Whenever the F. P. B. Expert develops finger Impressions at a scene of offence which he considers should be photographed, he will inform the Investigating Officer, who will arrange to send the articles to the Photographic Studio if they are portable, or to call the Photographer if they are immovable. Such a call should specifically state that it is for Finger Impressions, and if possible, the number' and kind of impressions.

5. Other Crime Photographs.-Photographs can also be of use to Investigating Officers in the following instances:-

i) Where it is necessary to send an important and irreplaceable documents in a case to a distant place for comparison or verification, it will usually be better to send a photographic copy instead and retain the original

(ii) For detailed examination by microphotography of very small articles such as bullets, edges of weapons, shells, keys etc., and of suspected forgeries.

(iii) For a long-distance photograph by telephoto lens of a trap laid for a criminal provided the offence is of sufficient importance to justify the time spent by the photographer. Previous notice is required in this case to arrange for a telephoto lens.

6. General Instructions.-(a) The Police Photographer should not be called to a scene if it is possible to send the article requiring to be photographed to the Studio.

(b) The Photographer will proceed immediately to the scene of offence on receiving a call. He shall ordinarily travel by bus, hack victorias or Police lorry, but may, in cases of real urgency, take a taxi.

(c) Although photography is simpler by day, flash-light photographs can be taken by night in cases of urgency and importance.

(d) In addition to photographs of important details of finger impressions at a scene of offence, at least one general photograph of the whole scene should be taken.

(e) Whenever the Police Photographer or the Finger Print Expert is required during periods of disturbances or riots to attend scenes of crime in the disturbed area, the Police Station requisitioning the services of these experts should arrange to send transport and a Police escort to the M. O. B. or the

F. P. B. As the case may be, for the purpose of conveying the expert or the photographer to the scene of crime. They should similarly be conveyed back to their offices on the conclusion of the work. This arrangement should be carried out on working days; and on all holidays when M. O. B. and F. P. B. offices are closed the transport and escort should be sent to the residence of the expert or photographer

on duty, particulars of which are published periodically in Police Notices.

7. Photographic Record.-Photographic records shall be maintained separately in the following categories and destroyed as under:-

1) Photographs of M. O. B. Registrees ...	10 years (or destruction of M. O. B. record whichever is earlier).
(2) Photographs for Externees other than M.O. B. registrees ...	Ten years.
(3) Photographs of C. T. members ...	Ten years (or cancellation of Registration whichever is earlier).
(4) Photographs of deportees ...	Ten years.
(5) Photographs of Identity card holders.	One year.

- | | |
|--|-------------|
| (6) Photographs of H. V. and Motor drivers. | One year. |
| (7) Photographs of Crimes and accidents. | Five years. |
| (8) Photographs of unidentifiable dead bodies. | Five years. |
| (9) Photographs for Police Gazettees . | One year. |
| (10) Other photographs | One year. |

In each case the period to be counted from the last day of the year in which the photograph was taken. The photographic records of Finger Impressions will be maintained in tile F. P. B.

A photographic album of the most interesting photographs arranged by rections will be maintained permanently.

APPENDIX XXXI

RULE 451

Scale for Police Motor vehicles required in the Districts

and State Reserve Police Force Groups

I-For Districts

The actual personnel strength of a District is taken as the basis for fixing the scale for vehicles. Accordingly the minimum present requirement of vehicles is based on the yard-stick-1 Vehicle per every 60 men armed and unarmed, of a District Strength.

The special requirements for example, Mobile Wireless Vans, State Criminal Investigation Department, State Traffic, State Prohibition and Excise Vehicles and Staff Cars etc. would be extra depending upon the special requirements of a District.

Additional requirements of Vehicles at Range Headquarters

At each Range Headquarters, the following additional Vehicles are required to be provided for Piloting, escort, protective duties etc. for V. I. Ps and M. Cs. for piloting and outriders. These will be stationed at Headquarters of the Range and attached to the District Motor Transport Section for garaging and maintenance. These will be used throughout the Range whenever required.

(1) Dodge Sedan Cars	...	2
(2) Willy's Station Wagon	...	1
(3) Motor Cycles	...	4

II-For State Reserve Police Force Groups

In the case of State Reserve Police Force Groups, however, the required number of Vehicles for full mobility would be obtained on the basis of-

- a) 1 vehicle for every unit of 25 men for transporting men;
- (b) Half the total number of such vehicles (a) for carrymg goods and equipment;
- (c) An equal number required for goods and equipment i. e. (b) would be needed for Headquarters work and as Reserves;
- (d) Two vehicles for the Motor Transport Mobile Workshop.

Thus for example, for a Group having a strength 1,000 men, the total number of vehicles required should be calculated thus:-

(a) For transporting 1,000 men	$\frac{1000}{25} =$	40
(b) For transporting goods and equipment.	$\frac{40}{2} =$	20
(c) For Headquarters duties and Reserve (10) ...		20
(d) For Workshop (Mobile & Wrecker)		<u>2</u>
	Total	<u>82</u>

APPENDIX XXXII

RULE 458 (8)

Average normal life expectancy of motor spare parts etc.

(1) Battery	...	1 1/2 to 2 years.
(2) Tyres new	...	25,000 miles. } Depending on
Tyres retreaded	...	18,000 miles. state of Roads.
(3) Spark Plugs	...	10,000 miles. .
(4) C. B. Points	...	8,000 miles.
(5) Condensor	...	8,000 miles, dependent on resistance to moisture.
(6) Distributor Cap	...	10,000 to 12,000 miles.
(7) Rotor	...	10,000 miles.
(8) Oil-filter Cartridge	...	Change after 5,000 miles.
(9) Fanbelt	...	5,000 miles.
(10) Tie rod ends .	...	10,000 mile
(11) King Pins	....	10,000 miles.
(12) Brake linings	...	15,000 miles.
Brake Hoses	...	20,000 miles.
(13) Master cylinder and Wheel cylinder kits.	...	10,000 miles.
(14) A. C. Pump diaphragm kit, Old type. ;		1,000miles.
Air tex.	...	10,000 miles.
(15) Carburettor repair kit,	...	10,000 miles.
(16) Needle pin assembly	....	10,000 miles.
(17) Petrol flexible pipe	...	15,000 miles.
(18) Water Pump repair ki	...	15,000 miles, depends on condition 01 water.
(19) Water Hosepipes	...	10,000 miles.
(20) Universal joint bearings	...	25,000 miles.
(21)Cylinder .Head Gasket	...	10,100 miles.
(22) Piston Ring Set 0/5	...	25,000 miles.
(23) Connection Rod bearings	...	25,000 miles.
(24) Engine Valves	...	25,000 miles.
(25) Brake Lining Set	...	15,000 miles.
(26) Wheel Cylinder Repair Kit ...		10,000 miles.

Front.

(27) Wheel Cylinder repair Kit Rear.	...	10,000 miles.
(28) Master Cylinder Repair Kit	...	10,000 miles.
(29) Sealed Beam Units	...	2 years.
(30) Brake Hoses front and rear	...	10,000 miles.
(31) Wheel Bearing Front	...	25,000 miles.
(32) Wheel Bearing Rear	...	25,000 miles.
(33) Wheel Oil Seal Front	...	10,000 miles.
(34) Wheel Oil Seal rear	...	10,000 miles.
(35) Tail Lights	...	3 years.
(36) Trafficators and Windscreen wipers.	...	3 years.
(37) Horns Electric	...	3 years.
(38) Horn Bulb Rubber	...	2 years.

PAINTS

(39) Body paint complete	...	2 years.
(40) Body paint touch up	...	6 months.
(41) Chassis and Wheel rim paint	...	6 months.
(42) Body: Wooden or Wood- metal (Trucks and Vans).	...	8 years.
(43) Upholstery	...	3 years.
(44) Curtains	...	2 years.

LUBRICANTS

Engine Oil (complete change)	...	2,000 to,2,500 miles, generally North Gujarat Districts. 1,500 miles.
1 Gear Box Oil	...	10,000 miles. Drain (Flush, clean filter and refill). Top up if required, at monthly inspection.
Differential	...	15,000 miles, Drain (Flush, filter re-fill).
Brake Fluid	...	As required for topping or bleeding, every weekly inspection.
Bulbs-Lighting; Tail and Dashboard.	...	1,000 lighting hours.
Horn Bulb	...	1 year Of: as required.

Note.-The above spans cannot be strictly laid-down as their-replacements also depend upon factors like road conditions, moisture in air, dust, exposure to Sun and rain, etc. Broken parts will have to be replaced as required.

Appendix XXXIII

RULE 493 (6)

Duties of different classes of inferior village servants

1. Duties of Mahars, Dheds, Vethias, Bangis and Madhavis:-

- 1) To carry Government remittances to the sub-treasury.
- (2) To call the villagers to the chavdi to pay Government dues.
- 3) To carry the village daftar to and from the taluka kacheri.
- (4) To keep a watch on Government money and office records at the village and on property attached for recovery of Government dues.
- (5) To take Government tapal to and from the taluka office and officers on tour, where there are no facilities for transport.
- (6) To accompany village officers and touring officers during crop and boundary marks inspection, and to guide officers and other travellers.
- (7) To report births and deaths to village officers.
- (8) To carry distrained moveable property to the village chavdi.
- (9) To summons persons On whom notices etc. are to be served and to assist the Police Patel in serving summonses issued by Magistrates, the Police etc.
- (10) To accompany the Police Patel and the Police during night round where there are no jaglyas appointed to do the work.
- (11) To publish Government orders in the village by beat of drum.
- (12) To take impounded cattle to the kacheri for auction, when necessary.
- (13) To assist the vaccinator in collecting children for vaccination.
- (14) To help in the disposal of unclaimed dead bodies found in the village and to help the Police in the removal of dead bodies for post mortem examination, wherever called upon by the Police to do so.
- (15) To help the Police Patel in case of accidental deaths and fires and outbreaks of epidemics and epizootics.
- (16) To report movements of restricted persons and habitual criminals, and to assist the Police in investigation and prevention of crime.
- (17) To guard prisoners in the Police Patel's
- (18) To set up camp offices in the village.
- (19) To accompany the Talati for review of properties and for fixing and locating theodolite stores.

2. Duties of Ramoshis or Ravantias and Vartanias:-

- 1) To be present at the chavdi during the collection of land revenue.
- (2) To accompany mahars or dheds carrying remittance to the taluka head-quarters.
- (3) To render assistance to Government officers on duty in the village for Government work.
- 4) To watch property attached for recovery of Government dues.

- (5) To call villagers, when necessary, in the collection season.
- (6) To go round at night and help the Police in night patrolling, in the arrest of criminals, in the detection of crime and during inquests.
- (7) To assist in the prevention of thefts and other offences.
- (8) To report the movements of restricted persons and notorious criminals and the occurrence of offences, and accidents etc., to the Police Patel.
- (9) To carry the dafter of the village officers.
- (10) To assist the village officers in the recovery of land revenue.
- (11) To accompany the village" officers during crop inspection.
- (12) To guard persons in the custody of the Police, Patel.

3. *Duties of Chaugulas and Naikwadis:-*

- 1) To carry the daftar of the village officers.
- (2) To assist the village officers in the recovery of land revenue.
- (3) To accompany the village officers during crop inspection.
- (4) To keep the village chavdi clean and light the lamps there.

4. *Duties of Jaglyasa*

- 1) To keep watch at night, to find out all arrivals and departures, to observe strangers and to report, all suspicious persons to the Police Patel.
- (2) To trace a thief by foot-prints.
- (3) To assist the Police in the investigation of crime.
- (4) To accompany remittances from the village to the taluka.
- (5) To accompany village officers during crop and boundary marks inspection.

5. *Duties of Talbades and Kolis:-*

- 1) To clean the chavdi by sweeping and cowdunging it and to light a lamp in it.
- (2) To assist village officers in the work of crop and boundary-marks inspection.
- (3) To make bandobast when Government officers camp in the village, so far as the public duties of these officers require it.

6. *Duties of Sanadis or Walikars, Talwars, Kolkars and Ugranis:-*

- 1) To help the village officers in the collection of Government revenue.
- (2) To help the Police Patel in serving summonses etc., issued by Magistrates and the Police.
- (3) To keep a watch over the village records and public money or muddemal when necessary at the village.
- (4) To escort remittances of treasure or money to the taluka or mahal sub-treasury .
- (5) To carry the post of the village and touring officers from place to place .where there are no other facilities for its transport.
- (6) To do night patrol in the village.

- (7) To guard prisoners in the Police Patel's custody.
 - (8) To guide touring officers from village to village where there are no roads, at walking pace, to the minimum extent necessary to give adequate directions.
 - (9) To report births and deaths to the Police Patel.
 - (10) To call villagers to the village chavdi, when they are required for Government work.
 - (11) To accompany village officers and other officers on field inspection.
 - (12) To assist vaccinators in collecting children for vaccination.
 - (13) To carry village records from the village to taluka headquarters and vice versa.
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